

<b>Delegated Report</b>		<b>Analysis sheet</b>	<b>Expiry Date:</b>	<b>31/08/2010</b>
<b>(Members Briefing)</b>		N/A / attached	<b>Consultation Expiry Date:</b>	<b>06/08/2010</b>
<b>Officer</b>			<b>Application Number(s)</b>	
Ben Le Mare			2010/3554/P	
<b>Application Address</b>			<b>Drawing Numbers</b>	
99 Heath Street London NW3 6SS			993/S03 03A; 993/AP3 03c	
<b>PO 3/4</b>	<b>Area Team Signature</b>	<b>C&amp;UD</b>	<b>Authorised Officer Signature</b>	
<b>Proposal(s)</b>				
Retrospective application for installation of windows on rear ground floor level extension within courtyard (north elevation) and associated alterations to existing building (Class A2); along with reinstatement of timber garage doors on street elevation as previously approved under planning permission reference 2007/3874/P.				
<b>Recommendation(s):</b>		Grant conditional planning permission		
<b>Application Type:</b>		Full Planning Permission		

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
<b>Consultations</b>						
Adjoining Occupiers:	No. notified	12	No. of responses	01	No. of objections	01
			No. Electronic	00		
Summary of consultation responses:	<p>A site notice was displayed from 09/07/2010, expiring on 30/07/2010. A total of one objection have been received, from <b>18 The Mount Management Ltd</b>, an occupier of Flat 1 and on behalf of Flat 1, Flat 2, Flat 3, Flat 4 and Flat 5 18 The Mount. A summary of the issues raised are as follows:</p> <p>(a) Works carried out in relation to the 2007 permission were not in accordance with the approved plans – for example three glass windows (the upper panes of each window are obscurely glazed) and a clear glazed door (which all look directly into the bedroom at Flat 1, 18 The Mount) – Thus a loss of privacy to neighbouring occupiers (especially if the room is used for residential purposes in the future).</p> <p>(b) If the application is granted there will be “nothing to prevent the extension being used for office parties” – thus a noise and disturbance impact on neighbouring occupiers.</p> <p>(c) Noise from the implemented electronically controlled doors is unbearable each time the pedestrians buzz the single door (40-50 times a day) for office access and the mechanical door rises and lowers to accommodate office vehicles – thus noise and disturbance has a detrimental impact on the amenity of neighbouring occupiers.</p> <p>(d) The rear of the application site building (fronting The Mount) has become a “constant entrance” since the building has been used for commercial purposes, with an associated “non-stop stream of large commercial vehicles entering and exiting the off-street parking space” causing a safety hazard for passing pedestrians. Suggestion that the entrance should be no wider than the original this would overcome part of the issue by being too narrow for “sizeable commercial vehicles” to access the site. Impact of noise and disturbance (including pollution from exhaust fumes) in addition to safety concerns.</p> <p>(e) The value of neighbouring properties would decrease if this application were approved “Obviously I would hold Camden Council responsible for any financial loss to me”.</p> <p><i>Officer response: (a) Please see paragraphs 3.2 and 3.3; (b) and (c) Please see paragraphs 3.5-3.8; (d) Please see section 4; (e) a loss in property value is not a material planning consideration.</i></p>					
CAAC/Local groups* comments: *Please Specify	Hampstead CAAC has no objection to the proposed works					

## Site Description

The application site is located on the west side of Heath Street, opposite the junction with Elm Row (to the east). The existing building comprises basement, ground and two upper floors and was previously a public house (Class A4) with ancillary residential accommodation above. At present the building is considered to be in Class A2 (Financial and professional services) use, although permission has been granted to change the use to a single dwellinghouse (Class C3), which could be implemented in the future.

Although the building fronts onto Heath Street, to the rear (west elevation) is a lower level courtyard and former outbuildings (now being used as an off-street open car parking space) which front onto The Mount. The present parking area is actually set to the rear of 97/97a Heath Street and is located adjacent to 93 Heath Street (to the south); a Grade II listed building in residential use. Also adjoining the boundary of the application site to the rear is 18 The Mount, which is also in residential use (as five self-contained flats).

The application site building is located within Hampstead town centre, Hampstead Conservation Area and also an archaeological priority area. Within the conservation area statement the application site building is identified as being one which is considered to make a positive contribution to the special character and appearance of the conservation area.

## Relevant History

### Relevant Planning applications

2007/0365/P - Change of use including works of conversion from public house (Class A4) to a single dwellinghouse (Class C3), and alterations and extension to the original building including the erection of a third floor roof extension, and alterations to windows. Withdrawn 29/03/2007.

2007/1849/P - Erection of extension at rear ground floor level within courtyard (north elevation), formation of terrace over at first floor level with glass balustrading, extension at ground floor level to western end of courtyard, creation of off-street open car parking space and minor elevational changes to The Mount elevation all in connection with change of use of public house (Class A4) to a single dwellinghouse (Class C3). Granted following the completion of a S106 Legal Agreement 18/06/2007.

2007/3874/P - Change of use from offices (A2) to single family dwelling (C3), the erection of extension at rear ground floor level within courtyard and formation of a terrace over, extension at ground floor level to western end of courtyard, creation of off-street open car parking space and minor elevational changes to The Mount elevation. Granted following the completion of a S106 Legal Agreement 06/12/2007.

2010/2055/P - Retrospective application for the erection of rear ground floor level extension within courtyard (north elevation) and installation of garage door and entrance gates to Mount Street elevation of existing building (Class A2 - Financial and Professional Services). Withdrawn 23/06/2010.

### Relevant Enforcement history

EN07/0291 - Building works being undertaken without PP. Converting to SFD, ripping plaster off walls, taken off pub features. No formal action taken and case closed.

EN09/0842 - Unauthorised air conditioning unit and other unauthorised works. Currently pending investigation.

## Relevant policies

### **Replacement Unitary Development Plan 2006**

SD1 – Quality of life

SD6 – Amenity for occupiers and neighbours

B1 – General design principles

B3 – Alterations and extensions

B6 – Listed buildings

B7 – Conservation areas

T7 – Off-street parking, city car clubs and city bike schemes

T9 – Impact of parking

Appendix 6 – Parking standards

**Camden Planning Guidance 2006  
Hampstead Conservation Area Statement**

**LDF Core Strategy and Development Policies**

*As the draft LDF Core Strategy and Development Policies documents have now been published, they are material planning considerations. However, as a matter of law, limited weight should be attached to them at this stage*

**Draft LDF Core Strategy**

CS1 – Distribution of growth

CS5 – Managing the impact of growth and development

CS11 – Promoting sustainable and efficient travel

CS14 – Promoting high quality places and conserving our heritage

**Draft Development Policies**

DP19 – Managing the impact of parking

DP24 – Securing high quality design

DP25 – Conserving Camden's heritage

DP26 – Managing the impact of development on occupiers and neighbours

DP29 – Improving access

## Assessment

### 1. Introduction

1.1 As means of context, planning permission was granted in 2007 for a change of use from offices (Class A2) to a single family dwellinghouse, together with alterations towards the rear of the application site (fronting onto The Mount), including the creation of an off-street open car parking space and minor elevational changes to The Mount elevation. Previously the building's lawful use was as a Public House (Class A4) but at the time of permission 2007/3874/P internal alterations had started for a Class A2 use. The officer report denotes at this time that the applicant wished to use the premises for Class A2 purposes before implementing the change of use to residential. A change from Class A4 to Class A2 is allowed to occur under permitted development.

1.2 It appears that this permission was only partly implemented (the change of use has not been implemented) and some elements have not been implemented in accordance with the approved plans from 2007. Following initial investigations by the Council's Compliance and Enforcement team, this application therefore seeks to regularise the situation.

1.3 Provided below is an assessment of the application and associated planning issues, having regard to planning policy and all other material considerations.

### 2. Design

2.1 The minor alterations to the size and scale of rear extensions and the garage door surround, approved under application 2007/3874/P, are considered to be de-minimums and don't represent an incongruous feature on the property or harm the character and appearance of the Hampstead Conservation Area.

2.2 The windows on the rear side elevation are considered to be appropriate in design terms, in relation to their size, materials and detail. The proposal to remove the mechanical roller shutter and replace them with timber garage doors (as approved under application 2007/3874/P) is considered to be a welcomed alteration in design terms. The proposed design and materials of the garage doors will preserve the character and appearance of the street scene and the conservation area.

### 3. Amenity

3.1 The main issues which relate to the amenity of the occupiers of neighbouring properties are that of a loss of privacy and noise disturbance. Both these issues are addressed below:

3.2 Loss of privacy - The court yard area at the rear of the property has always been used in connection with a commercial premises (either Class A4 or A2 use). The bedroom window within the court yard (serving no.18 The Mont) has therefore always had the potential for overlooking by employees or customers using this court yard. However, that being said, the revisions to planning permission 2007/3874/P do propose the retention of three windows along the side elevation of the rear extension. All of these windows serve a kitchen which is used in connection with the Class A2 and provide an outlook from the breakfast bar.

3.3 On viewing the bedroom window of No. 18 The Mont from the proposed windows (as carried out during a site visit) whilst stood up within the extension there would be no overlooking from a person of average height. However, whilst sitting at the breakfast bar in the kitchen, a case could be made that the un-obscured glazing panes on windows through being sited approximately 3-4 metres from the bedroom window are resulting in a loss of privacy. A condition is therefore recommended to be added requiring all four window panes in each of the three windows to be obscurely glazed, ensuring that the privacy of the occupiers of neighbouring properties is retained. This goes beyond what is shown on the proposed plans, which indicate the applicant is willing to obscure glaze the top two panes of each window.

3.4 No other elements of the proposal are considered to result in a loss of privacy to the occupiers of neighbouring properties.

3.5 Noise - The main noise objections to the proposal centres on the use of the property - people accessing the site at 7am and leaving late into the evening, vehicle movements, and an electronic buzzer on the pedestrian gate at the rear of the property.

3.6 Given that the property previously had a Class A4 (public house) use, the level of noise and disturbance throughout the daytime and into the evening/night time resulting from the current Class A2 use is considered to be minimal by comparison. In addition, the extensions that have been constructed are not considered to result in any additional noise issues for the owners of the neighbouring property.

3.7 When planning permission was granted to demolish the garage at the rear of the site and replace it with an open parking space no conditions were added which restricted its use. Should the residential element of the consent have been implemented then the future occupier could have used the parking area as frequently as they liked. Given that the parking space can only accommodate a standard size motor vehicle and possibly a motorcycle, the area can not accommodate large commercial vehicles as suggested by the complainant. Therefore, the use of the area during business hours is not considered to significantly harm the living conditions of neighbouring residents by way of noise and disturbance.

3.8 The electronic buzzer on the rear gate access into the court yard does not require planning permission and is therefore any noise disturbance it makes is not a consideration of this application.

#### **4. Transport**

4.1 The main objections to the proposal received from neighbouring residents in respect of transport issues are centred on vehicle movements and highway safety resulting from the use of the open air parking space at the rear of the site.

4.2 Permission was granted under application 2007/3874/P for the demolition of a garage and the provision of an open parking area at the rear of the site. Concerns have been raised that this parking area was going to be used by the future residential occupier and not a commercial operator. Although the parking area is likely to be used more by the current occupier than a family, the number of movements and the resulting noise and disturbance is considered to be minimal given its limited size.

4.3 As there was an established garage on the rear of the site, vehicles have always accessed this area in connection with a commercial use. Although this garage has now been removed it is considered not to have made this situation any worse or resulted in a loss of highway safety.

#### **5. Recommendation**

5.1 Conditional planning consent should be granted for the proposed minor alterations to planning permission 2007/3874/P and the reinstatement of the timber doors on the parking area at the rear of the site as they are considered to preserve the character and appearance of the conservation area, do not result in a loss of residential amenity and are acceptable on highway grounds. The proposal is therefore in accordance with planning policy on a local and national level and all other material considerations.

5.2 An informative is recommended to be appended to the decision notice requiring for the roller shutter doors to be completely and permanently removed within 3 months of planning permission being granted to avoid an enforcement notice being served.

#### **DISCLAIMER**

**Decision route to be decided by nominated members on Monday 23<sup>rd</sup> August 2010. For further information see**

<http://www.camden.gov.uk/ccm/navigation/environment/planning-and-built-environment/planning-applications/development-control-members-briefing/>