

<b>Delegated Report</b>		<b>Analysis sheet</b>		<b>Expiry Date:</b>		22/10/2009	
		N/A		<b>Consultation Expiry Date:</b>		29/09/2009	
<b>Officer</b>				<b>Application Number</b>			
John Sheehy				2009/3752/P			
<b>Application Address</b>				<b>Drawing Numbers</b>			
Gower Mews Mansions Gower Mews London WC1E 6HR				Refer to draft decision			
<b>PO 3/4</b>	<b>Area Team Signature</b>	<b>C&amp;UD</b>	<b>Authorised Officer Signature</b>				
<b>Proposal</b>							
The erection of an extension at roof level to create a new 3rd floor providing 7 self contained residential units (2 x 1-bed, 4 x 2-bed and 1 x 3-bed) including creation of new bin and cycle store in existing garage.							
<b>Recommendations:</b>		Refuse permission					
<b>Application Type:</b>		Full Planning Permission					
<b>Conditions or Reasons for Refusal:</b>		Refer to Draft Decision Notice					
<b>Informatives:</b>							
<b>Consultations</b>							
<b>Adjoining Occupiers:</b>		No. notified	96	No. of responses No. electronic	12 5	No. of objections	12
<b>Summary of consultation responses:</b>		<p>Site notice displayed from 8/9/2009 to 29/9/2009.</p> <p>The following neighbouring occupiers wrote to object to the application: 3, 4, 9, 11, 16, 19, 20 Gower Mews Mansions; 15a Gower Mews; 28 Store Street (flat 1, 2, 3, one unspecified flat); and 7 Gower Street (Commercial occupiers). In summary, the following points were raised:</p> <ul style="list-style-type: none"> <li>As a result of the proposal one side of the street would be higher than the other and there would be a mismatch of materials;</li> <li>Proposed design is 'faux art deco' and would not preserve or enhance the Conservation Area;</li> <li>Loss of privacy to neighbouring occupiers;</li> <li>Additional noise to the detriment of existing occupiers;</li> <li>Loss of daylight/ sunlight to neighbouring properties (in particular to the properties on Store Street);</li> <li>Loss of outlook to neighbouring occupiers;</li> <li>Impact of construction on occupiers of the mews lane: noise and dirt may affect living conditions in neighbouring properties;</li> <li>Existing tenants will lose storage space;</li> <li>"Health and well-being of the residents of Store Street will be affected by the proposal".</li> <li>The mews has a "village feel".. the proposal will "alter the nature of the community in the Mews and will affect all residents"</li> <li>Infrastructure of the building will be affected: "the drainage systems work to capacity and cannot sustain any increases";</li> <li>Will the garages on the western side of the mews be accessible during the construction period?; and</li> <li>Traffic hazard with pedestrians using the same space as vehicles.</li> </ul>					

**CAAC/Local groups comments:**

Charlotte Street Association, objection: "Although not listed, this building is of architectural merit and the proposals would not enhance the qualities of the building or the mews. An additional storey would also result in a reduction in daylight to the Store Street flats, as confirmed in the Daylight and Sunlight Report. The scheme represents an over development of the site; it would be detrimental to the Mews and the Conservation Area, so should be rejected".

Bloomsbury CAAC, object - the proposal constitutes overdevelopment in an area with too little open space. The loss of sunlight and daylight to rear of Store Street buildings would be unacceptable.

**Site Description**

The site occupies the entire northern side of Gower Mews, a secluded mews lane in Bloomsbury, immediately north of Bedford Square. The application building, Gower Mews Mansions, is a long three-storey flat-roofed building containing 20 self-contained 2 bedroom flats on the upper floors with garages and entrance lobbies at ground floor level. The flat roof of Gower Mews Mansions has 6 protruding stair cores, each with a door onto the roof.

The buildings in Gower Mews, the oldest of which date from the 19<sup>th</sup> century, mostly retain a mews-style scale, although the application building has an Art Deco interwar quality of a grander nature.

Access to the mews lane is via a narrow entrance on Gower Street, wide enough for a single vehicle. Gower Mews Mansions is not listed but is located within Bloomsbury Conservation Area.

**Relevant History**

None

**Relevant policies**

**Replacement Unitary Development Plan 2006**

SD2 Planning Obligations  
SD6 Amenity for Occupiers and Neighbours  
H1 New Housing  
H7 Lifetime Homes and Wheelchair Housing  
H8 Housing Mix  
B1 General Design Principles  
B3 Alterations and Extensions  
B7 Conservation Areas  
N4 Providing public open space  
N5 Biodiversity  
T1 Sustainable Transport  
T3 Pedestrians and Cycling  
T8 Car free housing and car capped housing  
T9 Impact of Parking  
T12 Works affecting Highways

**Camden Planning Guidance 2006**

**Bloomsbury 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.*

CS6 Providing quality homes  
DP2 Making full use of Camden's capacity for housing  
DP5 Homes of different sizes  
DP6 Lifetime homes  
DP19 Managing the impact of parking  
DP26 Managing the impact of development on occupiers and neighbours  
DP24 Securing high quality design

## Assessment

**Proposal:** erection of an extension at roof level to create a new 3rd floor providing 7 self contained residential units (2 x 1-bed, 4 x 2-bed and 1 x 3-bed) including creation of new bin and cycle store in existing garage.

### Assessment

The principal considerations material to the determination of this application are:

- design of new built space and relationship to original building and Conservation Area;
- mix and quality of the proposed housing;
- impact on neighbour amenity;
- transport and parking; and
- planning policy issues.

### Design/ Impact on Conservation Area

As existing the application building has a flat roof with 6 protruding stair cores – these are not visible from street level within the mews or from any other streets. The proposed extension would therefore represent an entirely new floor to the building: the overall increase in height of the building as a result of the extension would be 2.85m

The proposed new floor would have a mainly flat roof however the rear of the roof would slope away steeply. The additional floor would be set back by approximately 2m from the front of the building, behind balconies with metal railings. No solid elements would be located at the front building line:

In terms of bulk, scale and form, the additional floor would relate to the low scale and subsidiary nature of the application building and the attractive mews. The principle of an additional storey to the block is therefore considered acceptable in Conservation and Design terms.

The existing building is simply adorned with subtle detailing which adds to the character of the mews: the detailed design of the proposed roof would extend the architectural language of the existing block. The repeated south elevation with a pattern made up of areas of render, zinc cladding and fenestration responds to the rhythm and continuity of the main façade below. The fenestration pattern, with small window panes and slender mullions, would reduce the perceived bulk of the new addition and relate successfully with the windows on the lower floors. The window elements and the metal railings would help reinforce the delicate, airy, and spacious architectural style contemporary with the host building and reduce the dominance of the addition. The flank elevations of the extension would be built upwards in brick to match, with the cornice line continuing around the corner by 1.25m and the metal railing continuing around to terminate the balcony at either end.

The detailed design including materials is sympathetic to the character and appearance of the original building and the surrounding area and is considered to preserve the character and appearance of the Conservation Area.

### Mix and quality of the proposed housing

The proposed development is compliant with Camden Planning Guidance with regard to overall size of flats. The smallest of the 3 bedrooms within flat 4 would fall marginally short of the required floor area, however given that the flat as a whole would achieve the required floorspace standard and would include a large balcony, the marginal failure of this bedroom to reach the required standard is not considered to result in a substandard residential unit.

The flats would all benefit from a south-facing aspect with large windows and balconies and would therefore have good outlook and daylight levels. Cross-ventilation would be ensured via high-level rooflights within the rear roofslope.

The proposed residential units are considered to provide a good standard of residential accommodation in terms of layout, room sizes, sunlight, daylight, ventilation and outlook. The proposal is consistent with UDP Policy H1 and the Residential Development Standards contained in Camden Planning Guidance.

### *Mix of units*

The proposal involves the creation of 7 self contained units, 2 x 1-bed units, 4 x 2-bed units and 1 x 3-bed units. The UDP has identified Bloomsbury as a ward which has a relatively low proportion of larger units. In this context a mix containing more than one 3-bed unit would be welcomed, however, on balance, the proposed mix

of units is considered acceptable in this instance.

#### *Affordable Housing*

The redevelopment scheme proposes 8 units, which is just below the 10-unit/ 1000m<sup>2</sup> threshold for affordable housing. The combined floor space across all the units in the development is 417m<sup>2</sup>: it is not considered that the applicants have artificially kept the number of units below the affordable housing threshold.

#### *Lifetime Homes*

All new homes should comply with Lifetime Homes criteria as far as possible. The applicants have submitted a Lifetime Homes assessment which addresses some of the 16 points of the criteria. The constraints of the scheme are such that not all of the criteria can be met, but the measures proposed are considered acceptable in this instance.

#### Impact on neighbour amenity

The principal consideration in terms of neighbour amenity is the impact on sunlight and daylight levels within the habitable rooms of neighbouring properties.

#### *Sunlight/ Daylight*

The application building is laid out in an east-west direction. The additional built space in the form of an extra floor would impact on access to sunlight and daylight of neighbouring properties, in particular those properties directly to the north on Store Street and to the south on Gower Mews.

Camden's amenity policy SD6 is aimed at protecting the amenity of residential properties that may be affected by a proposal. This policy states that *'The Council will not grant planning permission for development that it considers causes harm to the amenity of occupiers and neighbours. The factors the Council will consider include (b) sunlight and daylight levels'*. Daylight and sunlight to some non-residential uses such as school rooms and hospital wards are also protected by policies, however there are no uses of this type in the vicinity of the application site.

A Sunlight/ Daylight Report has been prepared by CC Vision Consultants in respect of this application. This report analyses the impact of the proposal on all affected properties on Store Street and Gower Mews. The report assesses the proposal against the guidance contained in the Building Research Establishment publication "Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice" by P.J. Littlefair. The report assessed the impact on neighbouring first floor windows in terms of the reduction of access to daylight (Vertical Sky Component), direct sunlight and daylight distribution. The findings of the report are discussed below.

It is recognized that the site is within a high-density city centre location where the existing situations are, in some cases, below those recommended in the BRE guidance and a certain amount of discretion should be exercised in assessing the impact of new development.

In assessing the application officers conducted a site visit and gained access to a sample of properties on Store Street in order to establish the existing sunlight and daylight conditions within these rooms. Officers gained access to rooms at first floor level within the following properties: 30, 31, 39 and 42 Store Street. These are considered to offer a good sample of the range of impacts of the proposal.

It is recognised that not all of the windows surveyed in the report serve residential properties. It would appear that the first floor of 39 Store St is used as an office and the windows to 30-31 Store Street serve a hostel.

#### *Vertical Sky Component (VSC)*

BRE guidance states that a significant loss of daylight would occur to a window if the VSC was reduced by a development to less than 27% or 0.8 times its former value. This would result in a noticeable deterioration in daylight conditions within the room.

Even if a development results in a reduction in daylight to a window by less than 20% the Council may still find the proposal unacceptable. This may occur in the following cases:

- existing VSC is significantly below 27%; or
- several consecutive developments reduce the daylight to a window by between 15% and 20%. Each

development may, in itself comply with the 80% guideline, however at some point the impact would become significant enough for a noticeable reduction in daylight to occur to the detriment of the amenity of residents.

<b>VSC test</b>	<b>Properties affected</b>
As existing the VSC is already below 27% and would be further reduced, in some cases, substantially.	28; 29; 30; 36; 41 and 42 Store St
VSC brought to below 27%, i.e. from a position of "compliance" to "non-compliance"	31, 32, 33, 37, 38 and 39 Store St
VSC brought to below 0.8 of existing	28, 29 (1/3), 31, 32, 33, 36 and 37 Store Street

The VSC for a large number of windows would be reduced as a result of the proposal. While, in many cases this would be a marginal failure when measured against the 0.8 guideline (the largest failure in VSC terms is 0.76 to one of the windows to 29 Store Street), many of the windows which would be affected have an existing VSC well below 27% therefore already receive a reduced amount of daylight. In particular officers are concerned about those properties which have a VSC below 27% and which the proposal would further substantially reduce, i.e. windows within 28, 29, 30, 36, 41 and 42 Store St.

### *Sunlight*

In terms of Available Sunlight Hours BRE Guidance states that 25% of Annual Probable Sunlight hours should be achieved (and 5% in Winter).

<b>Sunlight test</b>	<b>Properties affected</b>
With regard to Available Sunlight, the following properties already fall below the 25% - 5% guideline and access to sunlight would be further reduced, again in some case substantially.	28; 29(W6); 30; Store Street.
Reduction in Available Sunlight from a position of "compliance" to a position of "non-compliance" with BRE guidelines	29 (W2,3,4 + 5); 31; 33; 36; 40 Store Street

The reduction in available sunlight is substantial. In particular officers have concerns about the impact on windows within 28, 29, 30 and 31 Store St.

### *Daylight Distribution*

In terms of Daylight Distribution the properties which officers have concerns about are: 31 Store St (substantial loss to a kitchen (to 41% of original)), 38 Store St (substantial loss to a living room (to 50% of original)) and 39 Store St (substantial loss to an office (to 46% of original)). Officers also have concerns about the impact on properties on Gower Mews where many of the living rooms would experience a reduction to just over 60% of the original.

### *Sunlight/ daylight conclusions*

The various analyses undertaken indicate that different windows are affected by the proposal in different ways and some properties are less affected than others. Only 1 property fails to comply with the guidance in relation to all 3 of the key tests, 31 Store St, and this only fails to comply by 2% in relation to VSC. Nos. 28, 29 and 30 Store St are substantially affected in terms of both VSC and Sunlight. Many windows are affected in respect of one of the 3 tests.

As is demonstrated in the Daylight/ Sunlight Report and has been observed during the course of a site visit, the proposal would have a considerable range and scope of impacts on habitable rooms within neighbouring properties. The proposal would have a noticeable impact on the sunlight/ daylight conditions within living rooms; kitchens, which should have sufficient natural light during daylight hours to enable normal domestic tasks to be carried out without eyestrain; and bedrooms which are often also used as studies. It is considered

to be necessary to safeguard reasonable daylight and sunlight to these rooms in order to preserve the residential amenity of occupiers. It is the view of officers that the impact of the proposal on all affected properties would “*cause harm to the amenity of neighbours*”. The harm would be significant and noticeable in many of the properties. For these reasons the proposal is not considered to comply with policy SD6 and planning permission is refused on this basis.

#### *Privacy*

Views from the windows and balconies of the additional floor towards the southern side of the Mews would replicate views from existing residential windows on the floors below and are not considered to add materially to overlooking of neighbouring properties.

The rear roof slope would have roof lights of a modest size (0.35m X 0.30m) positioned above eye level within the rear roof slope: these would be obscure-glazed. It is considered that there would be no loss of privacy to occupiers of properties on Store Street as a result of these roof lights.

This use of the terraces at either end of the property could open up views into surrounding properties: if the application was to be recommended for approval any potential loss of privacy in views towards properties on the east or the west could be dealt with by a condition to require the installation of privacy screens. As a result it is considered to be unreasonable to refuse the application on absence of privacy screens at either end.

#### *Outlook*

Neighbouring rear windows overlook the roof and the rear elevation of the application building. Given the existing outlook from these windows and the separation distance from the proposed extension the addition of an extra storey to the application building is not considered to result in a loss of outlook or an increased sense of enclosure within neighbouring properties.

#### Transport

Gower Mews has a very narrow entrance and a relatively narrow carriageway. Construction vehicles would therefore find it difficult to access the site.

Given that the proposal involves the construction of an additional floor it is likely that there will be a significant number of construction vehicle movements to and from the site to bring in building materials (and possibly to remove materials from the site following demolition). These movements are likely to cause disruption to the road network surrounding Gower Mews, which is exacerbated further by the site being located within central London. A draft Construction Management plan has been submitted, but this falls short of the level of detail required to be acceptable. In the absence of a S106 to secure a detailed Construction Management Plan the proposals would be likely to result in an unacceptable impact on the local transport system, contrary to policies T1 and T12.

As nearby roads suffer from parking stress, due to demand exceeding supply of on-street parking permits, it would be necessary to remove on-street parking rights to the occupiers of the proposed units to prevent possible overspill of parking onto the surrounding public highway network. If it was recommended that permission be granted, car-free housing would be required via a S106 legal agreement. In the absence of a S106 to secure car free housing at the site the proposals would be likely to result in an unacceptable impact on the local transport system, contrary to policies T8 and T9.

Covered, secure cycle parking for one cycle space per residential unit is required under policy T3. The applicant has set aside a garage at the western end of the site as a cycle store for the development. This would provide 8 covered, secure cycle parking spaces. While the method of securing the cycles has not been provided and the cycles have not been separated by a minimum of 1.0m as recommended, it is considered that the space which has been set aside can readily provide cycle parking for the required number cycles in a layout which would comply with Camden's cycle parking standards. If the application was to be recommended for approval a condition would be attached to the decision notice requiring submission of cycle parking details for the Council's consideration.

#### Planning policy issues

The principle of new residential use in this location is broadly acceptable in the context of Policy H1.

#### *Resources and Energy - Code for Sustainable Homes*

The applicants have submitted a Code for Sustainable Homes pre-assessment which indicates that the development can meet the minimum Level 3 score as required by the UDP and CPG. The proposal meets the relevant criteria in the sub-categories of Energy and Water; however, it does fall short in the Materials section.

### *Open space*

Policy N4 requires the provision of 9 sq m of open space per person for residential developments providing 5 or more additional dwellings. Open Space provision will initially be expected to be provided on site. Where a site cannot provide open space provision on site the preferred option would be to provide suitable open space off-site, but at a maximum of 400m from the development. If either of the above are not practical a financial contribution to open space will be acceptable. A financial contribution is based on a proportion of the capital cost of providing new open space, which amounts to £55 per square metre.

In this case the proposed development would result in 13 bedspaces being created. This equates to a requirement of 117sqm (13 x 9sqm) open space provision. As a financial contribution this would amount to £9770. This figure would need to be revisited in the event that the number of bedspaces changed as part of a scheme that meets the Council's residential space standards.

### *Education*

All residential developments involving a net increase of 5 or more units will normally be expected to provide a contribution towards education provision in the Borough. The contribution sought is proportionate to the size of dwellings proposed, and is not sought for single-bed units, as these are unlikely to house children. On the basis of the submitted unit mix a contribution of £20,164 should be sought. In the absence of a S106 to secure such a contribution the proposals would be likely to result in an unacceptable impact on local educational resources, contrary to policy SD2. This figure would need to be revisited in the event that the number of bedspaces changed as part of a scheme that meets the Council's residential space standards.

### *Biodiversity*

Policy N5 seeks to ensure that new development conserves and enhances wildlife habitats by greening the environment. At pre-app stage we discussed the possibility of a brown roof on site, but as no aggregates will be created as a result of this extension, a green roof is acceptable. The applicants have indicated that the roof has been designed to ensure that it could accommodate such a roof, although it appears one has not been proposed. If the application was to be recommended for approval, a condition would be attached to the decision notice to ensure that a green roof be installed to the flat-roofed area at roof level.

### Other issues

#### *Refuse storage*

The garage which the applicant has set aside as a cycle storage would also be partially given over to refuse storage for the development. The area set aside is considered to be large enough to accommodate storage of non-recyclable and mixed recyclable bags before they are deposited for collection on the public highway. This arrangement is unlikely to be detrimental to the residential amenity of occupiers or neighbours. The refuse and recycling storage space is considered to be capable of exceeding the Council's minimum standards and no further details are required by condition.

#### *Concerns of nearby occupants*

Objectors to the proposal stated that the proposal would result in extra noise which would disturb the living conditions of neighbouring occupiers. However, since the proposed use of the additional accommodation would be residential, the proposal is not considered to have the potential for increased noise disturbance.

Matters noise and disruption caused by building works, structural implications of development, access to utilities and party walls issues are all covered by separate building control, environmental health and other legislation. As a result, these issues can be given very little weight by local authorities and by the Planning Inspectorate when making planning decisions. While the concerns raised by neighbouring occupiers have been taken into consideration by officers in the assessment of this application, it is not considered to be reasonable to refuse the application on the basis of any of the specific concerns raised.

### Conclusion

It is recommended that planning permission be refused on the basis of the range and seriousness of the sunlight/ daylight impacts on neighbouring habitable rooms.

Apart from this the proposal is considered to be acceptable in terms of the impact on the character and appearance of the Conservation Area and to provide an acceptable standard of accommodation and mix of unit sizes. If it was recommended that planning permission be granted, any potential impact on neighbour privacy is

considered to be capable of being made acceptable through planning conditions. If the application was generally acceptable further requirements would be secured via a S106 legal agreement.

**Recommendation:** Refuse.

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