

Address:	Flat 1st And 2nd Floor 1 Elm Terrace London NW3 2LL	
Application Number:	2009/5520/P	Officer: Jennifer Walsh
Ward:	Gospel Oak	
Date Received:	20/11/2009	
Proposal: Change of use of existing first and second floors from a 6 bedroom HMO (Sui Generis) to a 3 bedroom HMO at first floor level and a self contained studio at second floor, including associated works replacing existing metal framed windows with timber framed sash windows; and the erection of new mansard roof extension to create a self contained one bedroom apartment.		
Drawing Numbers: Site Location Plan; 120-sk109; 120-sk110; 120-100; 120-101; 120-102a; 120-103; 120-105; 120-106; 120-107; 120-109; 120-110; 120-111; 120-201; 120-202; 120-203a; 120-205a; 120-206a; 120-207a; 120-208a; 120-209; 120-210a;		
RECOMMENDATION SUMMARY: Grant Subject to a Section 106 Legal Agreement		
Applicant:	Agent:	
Mr Moshin Aktar 1 Kenton Park Road Harrow Middlesex HA3 8EA	Mr Warren Howling DDWH Architects 27 Barnfield Upper Park Road Belsize Park London NW3 2UU	

ANALYSIS INFORMATION

Land Use Details:			
	Use Class	Use Description	Floorspace
Existing	HMO	(sui generis)	97.6m ²
Proposed	HMO C3	(sui generis) (dwelling house)	48.8m ² 95.0m ²

Residential Use Details:										
	Residential Type	No. of Bedrooms per Unit								
		1	2	3	4	5	6	7	8	9+
Existing	HMO						1			
Proposed	Flat / HMO	2		1						

OFFICERS' REPORT

Reason for Referral to Committee:

The application is being reported to the Committee as it entails the making of an obligation under S106 of the Town and Country Planning Act 1990 outside of the scheme of delegation [Clause 3 (vi)]

1. SITE

- 1.1 The application site forms the corner property on Constantine Road and South End Green. It is a three storey building, with newsagents (Class A1) occupying the ground floor unit. The upper floors of the property are currently laid out as a 6 bed HMO. The building is not listed, but is located within the Mansfield Conservation Area.

2. THE PROPOSAL

Original

- 2.1 The application seeks permission for additions and alterations to improve and update the existing HMO into usable accommodation. The alterations and additions include:
- Proposing a 3-4 bed HMO on the 1st floor
 - A 1 bed self contained affordable unit on the 2nd floor
 - the addition of a mansard roof extension to incorporate a 1 bed private self contained unit
 - Replacement of the metal framed windows with double glazed timber windows to all 1st and 2nd floors.
- There are no alterations proposed to the ground floor shop unit in terms of the use or alterations.

Revisions

- 2.2 Revisions have been received in relation to the roof extension. A traditional flat top mansard is now proposed, replacing the original proposal for a loft extension with velux windows inserted. The internal floor level of the roof extension has been dropped to 2.3metres in height and the overall height of the proposal has been dropped by approx. 700mm behind the existing parapet wall, and 300mm off the angle of the proposed mansard. Three traditional dormer windows are now proposed on the southern elevation, and three on the northern elevation.

3. RELEVANT HISTORY

- 3.1 None

4. CONSULTATIONS

Conservation Area Advisory Committee

- 4.1 **Mansfield CAAC have raised no objections to the proposal.**
They have commented that they do not object to this scheme based on the low impact that the proposed mansard would have, give the existing high parapet wall. This must not be considered as a precedent for major roof alterations in this Conservation Area.

Adjoining Occupiers

<i>Number of letters sent</i>	5
<i>Total number of responses received</i>	0
<i>Number of electronic responses</i>	0
<i>Number in support</i>	0
<i>Number of objections</i>	0

5. **POLICIES**

5.1 **Replacement Unitary Development Plan 2006**

SD2 Planning Obligations
SD6 Amenity for Occupiers & Neighbours
B1 General design principles
B3 Alterations and extensions
B7 Conservation Areas
H1 New Housing
H2 Affordable Housing
H6 Protection of houses in multiple occupation
H7 Lifetime Homes and wheelchair Housing
H8 Mix of Units
T3 Pedestrians and Cycling
T8 Car free housing and car capped housing

5.2 **Supplementary Planning Policies**

Camden Planning Guidance December 2006:

Conservation areas, construction and demolition, design, extensions, lifetime homes, parking stress, residential development standards, and roofs and terraces.

5.3 **Other Relevant Planning Policies**

Mansfield Conservation Area Statement

6. **ASSESSMENT**

6.1 Change of use

The property is an existing 6 bed House in Multiple Occupation (HMO). Currently, the maisonette (located to the 1st and 2nd floors above a ground floor shop) contains the following:

- 6 bedrooms let separately to 6 individual persons
- 1 kitchen-diner
- 1 bathroom with bath, Wash Hand Basin and WC
- 1 additional WC compartment.

6.2 Under part 2 of the Housing Act 2004, a HMO is required to be licensed with the Council if the building is 3 storeys in height, occupied by 5+ unrelated persons and does not consist entirely of self-contained flats. A licensed HMO must comply with Camden's HMO standards. These standards contain requirements which include minimum rooms sizes,

ratios of users to kitchens and bathrooms, and what facilities need to be provided (such as cookers, work surface, hot and cold water, power sockets etc).

Presently, this premise does not fully comply with the standards for the following reasons:

- The 1 kitchen diner should only be used by a maximum of 5 persons;
- the 1 bathroom together with the WC compartment can only be used by a maximum of 5 persons;
- 4 of the 6 rooms are undersized. The 2 remaining rooms are large enough for double occupation.

6.3 Camden's standards allow the use of undersized rooms (provided that they are not too small and on the same floor) to be paired together to form 2-room lets. In this case, it would be possible to pair together two of the undersized rooms on the 2nd floor to allow an additional 1-2 persons to occupy, but the maximum number of occupants would always be restricted to 5 persons in 3 letting units due to the number of kitchens and bathrooms. This would also leave two redundant rooms. To increase the number of letting units, wall partitions would have to be moved where possible to increase the sizes of the rooms. But occupancy could never exceed 5 unless an additional kitchen and bathroom is provided.

6.4 The layout of the building is a wedge shape type formation on a corner plot. The architect has investigated other options, however this has been considered to be the preferred option, as it makes use of all the available space. It is therefore proposed that a 3 – 4 persons HMO is refurbished on the 1st floor. Internal alterations are to be conducted to allow the rooms to be of a suitable size, each measuring from 9.9 sqm – 10.2 sqm for the two single rooms and then 14.7sq.m for the double room. A kitchen and bathroom are also to be provided. As the layout lends itself to be self contained, a condition is recommended to the permission, stating that the unit is to be used as an HMO to ensure that this unit is not rented out or sold on the private market as a self contained unit.

6.5 A self contained 1 bed affordable apartment is proposed on the second floor. Policy H6 of the UDP seeks to protect Houses in Multiple Occupation as they provide a source of low cost accommodation within the Borough. The policy states that the Council will not grant planning permission for change of use or conversion that would result in the loss of housing in multiple occupation of an acceptable standard, unless it is replaced by permanently available affordable housing. In this case, the applicants have indicated that the existing HMO falls below current HMO standards, and this is supported through correspondence from Environmental Health. Policy H6 does have scope to make exceptions to the broad presumption against loss of HMO's. In these instances the conversion of a HMO may be considered acceptable where the use is replaced by permanently available affordable housing. The conversion of part of the HMO to a self-contained flat is considered acceptable if the new units is secured as affordable, and ensure that they are not sold separately or converted into larger units in future. The applicants are willing to enter a legal agreement to state that this unit should be retained as an affordable unit through setting a maximum rental level.

6.6 This is to be 44.6sq.m in size. Although this unit and the roof extension (46.2sq.m) are slightly smaller than Camden's Residential Standards, the flats are of a reasonable size, with adequate living and circulation space, therefore the proposal is considered acceptable within this location.

6.7 Design

The proposal also includes the installation of a mansard roof to contain a self contained 1 bed unit. Revisions have been received to show a traditional mansard roof sat behind the existing parapet wall. The existing parapet wall is approx 1.7 metres in height and is a point of visual interest along South End Green. The proposed mansard would sit behind the existing parapet, and due to the height of the parapet wall, it is considered that the addition of a mansard extension would not be a dominant feature and would therefore, not have a detrimental impact on the streetscene or the wider conservation area.

- 6.8 The mansard roof extension follows the Camden Planning Guidance which states that mansard roof extensions are usually most appropriate for a Georgian or Victorian dwelling; and are often the most historically accurate solution for traditional townscapes. The design proposed respects site and setting and improves the attractiveness of the area in line with UDP policy B1. It is also in compliance with policy B3 (extensions and alterations) that requires preservation of the architectural integrity of the existing building and B7 (conservation areas) preservation/enhancement of the character and appearance of the conservation area.
- 6.9 The mansard roof also incorporates three rooflights, to provide further light to the stairwell, the bedroom, and the kitchen area. Due to the height of the building, it is not considered that this would be read from the street and therefore would not have a detrimental impact on the wider conservation area. The changes to the fenestration from metal windows to timber double glazed windows would maintain and improve the wider conservation area and the host property and such changes are welcomed. As the extension is to the roof of the property, the building lines would not project any further than the existing situation. It is therefore not considered that undue harm would be caused with regard to the amenity of the neighbouring properties in terms of access to sunlight, daylight, overlooking, visual bulk or sense of enclosure, and thus is considered to be consistent with Policy SD6 of the UDP.
- 6.10 Transport Issues
UDP policy T3 requires development to sufficiently provide for the needs of cyclists, which includes cycle parking and UDP policy T7 states development must comply with Camden Parking standards. The London Plan also adopts the Transport for London cycle parking standards.
- 6.11 Camden's Parking Standards for cycles (Appendix 6 of the Unitary Development Plan), states that 1 storage or parking space is required per residential unit, however for larger residential units (3+ beds), the London plan requires 2 cycle parking spaces per unit. The proposal is for 3 residential units; therefore 3 cycle storage/parking spaces are required. The applicant has not included provision for the required amount of cycle storage/parking in the proposed design, given the lack of additional circulation space, and the lack of any changes at ground floor level. Access to the upper floors is also via the existing staircase, and therefore on balance it is considered that it would not be entirely reasonable to insist on cycle parking to be included as part of this application.
- 6.12 The proposed scheme would result in 1 additional private unit and 1 affordable unit. The site has a Public Transport Accessibility Level of (PTAL) of 4 (good) and is within a Controlled Parking Zone. Not making the additional units car-free would increase demand for on-street parking in the Controlled Parking Zone (CPZ) the site is within. This is considered unacceptable in CPZ's that are highly stressed where overnight demand exceeds 90%. Belsize (CA-B) CPZ operates Mon-Fri 09:00-18:30, Sat 09:30-13:30 and 117 parking permits have been issued for every 100 estimated parking bays within the zone. This means that this CPZ is highly stressed and more parking permits have been issued than spaces available. Therefore as there is an increase in the number of units, it is recommended that the proposed additional units should be car-free.

7. CONCLUSION

- 7.1 The loss of HMO in favour of self-contained accommodation is normally unacceptable in the context of Policy H6. However, as it has been established that the current premises are sub-standard, the proposed conversion is considered to be acceptable on the basis that the new self-contained unit on the second floor is secured as affordable through the use of a Section 106 legal agreement.
- 7.2 It is considered that the proposed roof extension and associated alterations to windows are traditional in design and subservient to the host property, and would not have a detrimental impact on neighbouring residential amenity, the character and appearance of the host building or wider conservation area. The proposal is therefore considered appropriate in this location subject to conditions and a S106 agreement.

8. LEGAL COMMENTS

- 8.1 Members are referred to the note from the Legal Division at the start of the Agenda.

9.0 RECOMMENDATION

- 9.1 Planning Permission is recommended subject to a S106 Legal Agreement covering the following Heads of Terms:-
- Car Free Agreement for the two additional units
 - Clause to secure the second floor unit as 'affordable housing' specifically for low cost housing.