

Delegated Report		Analysis sheet	Expiry Date:	07/05/2010
		N/A / attached	Consultation Expiry Date:	21/04/2010
Officer			Application Number(s)	
Jonathan Markwell			2010/1361/P	
Application Address			Drawing Numbers	
143 &145 Highgate Road London NW5 1LJ			Please see decision notice	
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature	
Proposal(s)				
Revisions to planning permission 2005/1556/P, dated 13/06/2005, for extension and alteration of rears of 143 and 145 Highgate Road to create an additional dwelling, and separation of existing residential maisonettes on the upper floors from shop and restaurant units on ground and basement floors. Revisions include enlarged first and second floor rear extension (replacing approved second floor rear terrace) and increase in height on front elevation to 145, enlarged rear elevation at first floor level of additional dwelling (replacing approved first floor rear terrace) and associated alterations including revisions to the roof design of the additional dwelling fronting onto Wesleyan Place.				
Recommendation(s):		Refuse Planning Permission		
Application Type:		Full Planning Permission		

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	06	No. of responses	01	No. of objections	01
			No. electronic	01		
Summary of consultation responses:	<p>A site notice was erected on 31/03/2010, expiring on 21/04/2010. One objection has been received from an occupier of 7 Wesleyan Place. A summary of the issues raised are as follows:</p> <ul style="list-style-type: none"> - Design of the proposed new dwellinghouse undermines/adds nothing to the appearance of the Georgian terrace along Wesleyan Place; instead it is suggested that a modern landmark building would be more appropriate as "this beautiful street deserves no less"; - Suggestion for the proposed building to be more clearly separated from the listed terrace, either by way of being set back or clearly attached from the neighbouring building. - Loss of privacy caused by overlooking from proposed dwellinghouse to No. 7 Wesleyan Place; - Noise during construction; - Noise, smells and potential litter and anti-social behaviour from proposed unspecified restaurant; - Unspecified opening hours of proposed restaurant; - Impact of proposed development on parking as "there aren't enough spaces for the people who live here already"; impact on local residents and for customers of proposed uses at No. 143 and 145; - Query over the exact neighbours consulted and call for all residents along Wesleyan Place to be formally consulted; the site notice was not seen for this application. 					
CAAC/Local groups* comments: <small>*Please Specify</small>	<p>Dartmouth Park CAAC comments that the application "probably enhances what is a very messy corner, and the removal of terraces from the application in favour of increasing the size of the interior rooms, which is an improvement". However, comments also made that careful monitoring of the implementation of the proposed development is required. This is in respect of waste removal, impact on pedestrians and amount of vehicles. Moreover, it is vital that the granite sets in Wesleyan Place are not damaged during construction.</p>					
Site Description						

The application site comprises two separate buildings (No. 143 and 145) on the west side of Highgate Road, with No. 143 being on the junction with Wesleyan Place (to the south). No. 143 is a three-storey and basement end of terrace building, comprising a currently vacant Class A3 restaurant at basement and ground floor level and residential unit above. There are two separate entrances on the Wesleyan Place and corner of Highgate Road/Wesleyan Place. There is a single storey storage room at the rear of the building, fronting onto Wesleyan Place and up to the boundary with 1a Wesleyan Place. No. 145 is a three-storey terraced building with vacant Class A1 retail unit at ground floor level (previously a wet fish shop) with residential accommodation above (accessed through the ground floor retail unit).

The site is located within the Dartmouth Park Conservation Area. Within the conservation area statement it is noted that No's 143, 145 and 147 are early 19th century buildings, of one build, but with differing alterations. The site is also within a designated shopping frontage within the Highgate Road neighbourhood centre. The parade of shops includes 10 units (No's 139-157). On the east side of Highgate Road opposite the application site is a petrol station, although the predominant character of the area is a mix of residential and retail uses.

Wesleyan Place is a residential in character and comprises two or three-storey dwellings, leading into Mortimer Terrace. Nos. 1a, 1, 2 and 3 adjoin the application site and are grade II listed. They comprise an early 19th century terrace of stuccoed two-storey houses with decorative features including pilasters, cast iron balconies at first floor windows and fanlights. The remainder of the north side, although unlisted, relates in scale to the listed terrace. The south side of Wesleyan Place comprises two three-storey dwellings dating from the mid 19th century. It is considered that the two and three-storey buildings sit comfortably together, with the unlisted buildings considered to make a positive contribution to the character and appearance of the conservation area. In addition, the granite setts of the street have been retained.

Relevant History

2003/1572/P - Change of use, extension and alteration of numbers 143 and 145 from A1 retail, A3 takeaway and C3 residential to A3 restaurant & takeaway on the ground floor and basement, 2 residential maisonettes on the upper floors, and the erection of a 2-storey house to the rear. Refused 22/01/2004.

Reasons for refusal:

1. The proposed change of use would result in the loss of an A1 (retail) unit in favour of an A3 (food and drink) unit, and thereby be detrimental to the retail character, function, vitality and viability of the neighbourhood centre, and cause an unreasonably high concentration of A3 uses.
2. The proposed development would provide for a sub-standard level of accommodation, specifically in relation to the level of natural lighting provided, contrary to Policies HG18, HG19 (Mix of units in conversions) and HG20 (Mix of units in conversions: potential exceptions) of the London Borough of Camden Unitary Development Plan (UDP) 2000.

Appeal (APP/X5210/A/04/1156430) dismissed 23/02/2005.

In dismissing the appeal the Inspector did however comment on the effect on car parking, despite it not being specified as a reason for refusal:

"In my opinion, the more substantial part of this proposal is aimed at securing an improvement to existing residential accommodation and whilst this may increase the intensity of the residential use, I do not consider it would justify special restrictions relating to the availability of parking permits".

2004/1745/P - Extension and alteration of rears of 143 and 145 Highgate Road to create an additional dwelling, and separation of existing residential maisonettes on the upper floors from shop and restaurant units on ground and basement floors. Refused 05/11/2004.

Reason for refusal: The development would result in additional demand for off-street parking in a road

identified as a heavily parked street in the London Borough of Camden Unitary Development Plan (UDP) 2000 and would therefore be detrimental to the free and safe flow of traffic, contrary to Policy TR17 of the London Borough of Camden Unitary Development Plan (UDP) 2000.

2005/1556/P - Extension and alteration of rears of 143 and 145 Highgate Road to create an additional dwelling, and separation of existing residential maisonettes on the upper floors from shop and restaurant units on ground and basement floors. Granted 13/06/2005.

2009/5824/P - Extension and alteration of rears of 143 and 145 Highgate Road to create an additional dwelling house, and separation of existing residential maisonettes on the upper floors from shop and restaurant units on ground and basement floors, as amendments to permission dated 13/06/2005 (2005/1556/P). Withdrawn 23/02/2010.

Relevant policies

Replacement Unitary Development Plan 2006

SD1 – Quality of life
SD2 – Planning obligations
SD6 – Amenity for occupiers and neighbours
H1 – New Housing
H7 – Lifetime homes and wheelchair housing
H8 – Mix of units
B1 – General design principles
B3 – Alterations and extensions
B4 – Shopfronts, advertisements and signs
B6 – Listed buildings
B7 – Conservation areas
T1 – Sustainable transport space
T3 – Pedestrians and cycling
T7 – Off-Street Parking, city car clubs and city bike schemes
T8 – Car free housing and car capped housing
T9 – Impact of parking
T12 – Impact of parking

Camden Planning Guidance 2006

Dartmouth Park Conservation Area Appraisal and Management Statement

London Plan Consolidated with Alterations since 2004 (February 2008)

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
CS6 – Providing quality homes
CS11 – Promoting sustainable and efficient travel
CS14 – Promoting high quality places and conserving our heritage
CS19 – Delivering and monitoring the Core Strategy

Draft Development Policies

DP2 – Making full use of Camden's capacity for housing
DP5 – Housing size mix
DP6 – Lifetime homes and wheelchair homes
DP17 – Walking, cycling and public transport
DP18 – Parking standards and the availability of car parking
DP19 – Managing the impact of parking

DP20 – Movement of goods and materials
DP21- Development connecting to the highway network
DP24 – Securing high quality design
DP25 – Conserving Camden's heritage
DP26 – Managing the impact of development on occupiers and neighbours

Assessment

Introduction

Planning permission is sought for amendments to an unimplemented 2005 permission at the site. To clarify, permission 2005/1556/P was granted on 13/06/2005 for:

Extension and alteration of rears of 143 and 145 Highgate Road to create an additional dwelling, and separation of existing residential maisonettes on the upper floors from shop and restaurant units on ground and basement floors.

The following amendments are now sought to the extant permission:

- Removal of approved 1st floor terrace at new residential unit and provision of additional residential floorspace at this point with associated fenestration and provision of new rooflight alterations;
- Provision of internal lightwell at ground and first floor level within the new residential unit on the boundary with 1a Wesleyan Place;
- Revision to the approved pitch and design of the roof of the new residential unit proposed;
- Less detailed plans than those previously approved with regards to design of, for example, windows, lintels/soldier courses above windows, new external doors at 143, 145 and the additional unit proposed fronting onto Wesleyan Place;
- Infilling of approved space at first and second floor level (including approved roof terrace at second floor level) of No. 145 to provide additional residential accommodation, with brickwork to match the existing, adjustments to levels, associated fenestration alterations at second floor level and new rooflights.
- Increase in height of front elevation at No. 145 by 0.57m in order to allow adjust floor to ceiling heights.

A number of internal alterations are also proposed within the proposed residential units.

It is important to note that since the time of the 2005/1556/P permission the Council has adopted the Replacement Unitary Development Plan (RUDP) 2006 and Camden Planning Guidance 2006. Although the thrust of many policies, such as with regard to design, conservation and amenity issues for example, have not changed between the RUDP and previous Unitary Development Plan 2000 (which permission 2005/1556/P was assessed against), some policies have been updated, such as in relation to transport matters for example. This is subsequently the context in which this application is assessed against.

Principle of development

The existing Class A1 and Class A3 uses and the Class C3 residential uses on the upper floors of these buildings are as existing and are not proposed to be changed. The provision of an additional residential unit is considered to be appropriate. Housing is the priority land use of the RUDP 2006 and the development will help to meet and exceed the strategic housing target for the Borough, in accordance with policy H1. This is on the proviso of the accommodation being of an acceptable standard (please see the quality of accommodation section below).

Quality of residential accommodation

No alterations are proposed regarding the number of bedrooms proposed within the residential units. The revisions proposed will increase the overall unit size of 143 (from 74m² to 82.2m) and 145 (from 50m to 64.5m), both of which comply with CPG guidance. The third bedroom size within 143 is slightly (6.3m instead of 6.5m) below the minimum standard but not by such an amount to warrant a sustainable reason for the refusal of the application. All other bedroom sizes within these units comply with CPG. The overall unit size of the additional unit proposed fronting onto Wesleyan Place reduces from 68m to 67m, still within the CPG minimum requirements. Both bedrooms are also adequately sized. Moreover, all rooms are considered to be regular in size and shape and contain sufficient outlook and ventilation for future occupiers. In terms of lifetime home standards, it is acknowledged in developments of this nature that it is difficult for the existing units to comply with all standards. However, it is considered that the proposed layouts will allow a number of the standards to be adhered to. With regard to the additional unit proposed, the proposals are considered to be capable of complying with the majority of the standards.

Design

With regard to design matters, the majority of the proposed works remain unaltered from the approved 2005/1566/P permission at the site. Although the Council's policies have changed in the intervening period, the thrust of design and conservation policies have not altered significantly; thus the majority of the proposed changes are not required to be considered in this application.

The proposed alterations (outlined above in comparison with the extant permission) to the rear of the existing buildings are considered to be appropriate in design terms, with the brickwork and windows proposed on the upper floors replicating the existing design on the rear elevation. Therefore no design issues are raised in relation to the increase in internal floorspace proposed, which will revise the 2005/1556/P permission which approved a roof terrace at this point of No. 145. On the front elevation there is a slight increase in the height of the elevation, in order to allow floor to ceiling heights to comply with the necessary building control regulations. Again, the design intention is to replicate the existing design and thus this is considered appropriate. The proposed rooflight on the roofslope of No. 145 is unlikely to be visible from the public realm and hence no design issues are raised on this element.

With regard to the additional residential unit proposed to front onto Wesleyan Place, the majority of the alterations (outlined above in comparison with the extant permission) are to the rear elevation. The main revision is the removal of a roof terrace area and replacement with additional residential accommodation unto the boundary with the rear of No. 147 Highgate Road. Again the brickwork will complement that already approved and the additional windows will be obscure glazed and appropriately sized. As a result of these changes the roof profile of the new dwelling will be altered to form a more conventional flat roof design and pitched roof on the Wesleyan Place frontage. Such alterations are considered to be appropriate in design terms and are not considered to cause harm to the character and appearance of the conservation area or the setting of the terrace of listed buildings in Wesleyan Place. The listed buildings will retain a degree of independence from the proposed dwelling, which would be clearly subordinate to the listed terrace.

On the Wesleyan Place and Highgate Road frontages of the building, the proposed plans do not show as great a level of detail as the approved plans from the 2005/1566/P permission. The applicant has denoted that the design will seek to match the existing established character, but there is a lack of detail in the plans submitted to illustrate this. This is not considered to be a sufficient reason for the refusal of application on this basis alone, for this matter could be dealt with by condition. Any condition would seek further details in relation to the following: brick sample panel and pointing; lintels/soldier courses above windows; elevations and sections through windows (including reveals) and new external doors; samples of roof slate. All these details are considered to be necessary in order to ensure that the development secures an appropriate appearance, which would preserve and enhance the character and appearance of the conservation area at this point.

Amenity

In relation to amenity impacts, it is not considered that the proposed revisions would exacerbate existing levels of amenity for neighbouring occupiers when compared with the existing and approved situation at the site. In terms of outlook/sense of enclosure, the proposed extensions in place of the approved terrace areas to the rear of the site are not considered to impinge on the occupiers at No. 147/149 Highgate Road or 1a Wesleyan Place. In relation to sunlight/daylight matters, the proposed revisions are not considered to worsen the approved situation significantly and thus no substantial adverse implications are envisaged. With regard to loss of privacy/overlooking issues, the provision of additional floorspace instead of the approved roof terraces are considered to reduce opportunities for overlooking at this point. In addition, the windows shown at first floor level on the rear elevation of the additional unit proposed are indicated as obscure glazed, reducing overlooking opportunities at this point. The removal of the approved terrace area will also reduce impacts of noise and disturbance on neighbouring occupiers.

Transport

In terms of cycle parking, no dedicated spaces are provided in the proposed scheme. However, given the existing context at the site (two residential units with no dedicated spaces and the one additional unit has ground floor access with a cycle being able to be stored internally if required) it is not considered appropriate to insist on cycle parking to be provided.

With regard to car-free housing, it is acknowledged that car-free housing was not sought in the 2005/1556/P permission at the site on 13/06/2005 owing to comments within an appeal decision at the site on 23/02/2005 (in relation to application 2003/1572/P – see relevant history section above) stating that car-free housing was not appropriate at the site.

However, since this point in time local circumstances have changes and the application site area is now located within a controlled parking zone (CPZ). Owing to The London Plan Consolidated with Alterations since 2004 (February 2008) and RUDP policies (policies T1, T8 and T9) adopted in 2006, both after the 2005/1556/P permission at the site, car-free should not only be sought for housing but also for developments in general and should be ensured by Boroughs in areas of high public transport accessibility. Therefore, it is considered that within this context and by virtue of the development not yet being implemented, this provides sufficient justification to warrant the additional dwellinghouse proposed being made a car-free unit. This is required to be secured through a Section 106 legal agreement for the following reasons:

- The site has a Public Transport Accessibility Level of (PTAL) of 4 (good) and is within a Controlled Parking Zone.
- Not making the additional residential unit proposed car-free would increase demand for on-street parking in the CPZ the site is within. This is considered unacceptable in CPZ's that are highly stressed where overnight demand exceeds 90%. East Kentish Town (CA-M) CPZ operates Mon-Fri 08:30-18:30, and 94 parking permits have been issued for every 100 estimated parking bays within the zone. This means that this CPZ is highly stressed.

For car free and car capped development, the Council will:

- not issue on-street parking permits;
- use planning obligations to ensure that future occupants are aware they are not entitled to on-street parking permits; and
- not grant planning permission for development that incorporates car parking spaces, other than spaces designated for people with disabilities, and a limited number of spaces for car capped housing in accordance with Council's Parking Standards.

The evidence of parking stress comes from a survey of parking zone stress in Camden's Parking Enforcement Plan 2006 (data updated in 2007 annual review and will be updated again later in 2010). To clarify, car-free housing is not sought for the two residential units on the upper floors of No. 143 and 145 Highgate Road, owing to these residential units existing at present; car-free housing is only sought for the additional residential unit proposed.

The applicant has indicated in writing during the course of the application an unwillingness to enter into the S106 Legal Agreement on this basis. This unwillingness to enter into car-free housing, for the additional residential unit proposed fronting onto Wesleyan Place, constitutes a reason for refusal of the application, in line with policies T1, T8 and T9 of the RUDP 2006.

Turning to construction matters, Construction Management Plans (CMPs) have only been introduced by the Council in recent years and, importantly, only after the 2005/1556/P permission on 13/06/2005 at the site. In the intervening period since the 2005 permission the Council has changed the way it deals with construction impacts and are now much more acutely aware of the potential impacts and how to manage them. Camden Planning Guidance 2006 (adopted after the 2005 permission at the site) specifies at paragraph 11.16 that sites within a conservation area and/or are accessed from a narrow carriageway may require a Construction Management Plan. This feeds into RUDP 2006 policy T12, which seeks to protect the safety and operation of the highway network. For some development this may require control over how the development is implemented (including demolition and construction) through a CMP.

Highgate Road, which runs in front of the site, is a busy road carrying large volumes of traffic including several bus routes. There are double yellow lines here and no provision for stopping or loading for construction vehicles. The adjacent side street, Wesleyan Place is very narrow. For the section in front of the application site, the road is approximately 5.5 metres wide and for part of this section there is also a residents' parking bay on the south side, which reduces the road width further to 4 metres, preventing two vehicles from passing each other in opposite directions. In addition, there is not an additional outlet from Wesleyan Place, as it turns into the dead-ended Mortimer Terrace. It would therefore be difficult for any construction vehicles to both enter and exit Wesleyan Place in a forward-facing manner without running up on the footways. Therefore it is considered that anything that restricts traffic or pedestrian flow further should be carefully managed to protect the operation and safety of the public highway. Thus the restricted access to this site, the scale of development, and the likely method of construction means that a CMP is considered to be required in order to mitigate any adverse impacts.

The applicant has submitted a CMP as part of this application and indicated a willingness to enter into a S106 Legal Agreement regarding this element of the scheme. The Council do not require an agreed CMP before permission is granted because the construction difficulties at this site are not so acute to warrant such an approach. This element is required to be secured via S106 as many of the details take place outside of the red line of the application site and thereby cannot be dealt with by condition. Although the applicant has indicated a willingness to enter into a CMP obligation, given that the scheme is considered to be unacceptable in other aspects, this constitutes a further reason for refusal.

Finally in transport terms it is considered that a number of highways works not covered by the 2005 permission at the site should be secured as part of any amended permission at the site. These are considered to be required owing to policies T3 and T12 of the RUDP 2006, adopted after the 2005 permission at the site. The proposed works comprise converting the existing vehicular crossover to footway and removing the small gray bollard on the south-eastern edge of the site. This will tie the development into the surrounding urban environment (both elements are no longer required), secured by a financial contribution via a S106 Legal Agreement. This is required to be secured via S106 owing to these works taking place within the highway reservation and outside of the red line of the application site, thereby not being able to be secured via condition. Although the applicant has indicated that they are willing to enter into this element of the S106 Legal Agreement, given that the scheme is considered to be unacceptable in other aspects, this constitutes a further reason for refusal.

Recommendation: Refuse Planning Permission

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