

Delegated Report		Analysis sheet		Expiry Date:		14/04/2010	
		N/A / attached		Consultation Expiry Date:		31.3.10	
Officer				Application Number(s)			
Charles Thuaire				2010/0971/P			
Application Address				Drawing Numbers			
4B Highgate West Hill London N6 6JS				See decision notice			
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature				
Proposal(s)							
Change of use of basement from health centre (Class D1) to residential use (Class C3) to provide a self-contained flat, and alterations to front and rear elevations including enlargement of front forecourt lightwell and railings.							
Recommendation(s):		Grant planning permission					
Application Type:		Full Planning Permission					
Conditions or Reasons for Refusal:		Refer to Draft Decision Notice					
Informatives:							
Consultations							
Adjoining Occupiers:		No. notified	14	No. of responses	00	No. of objections	00
				No. electronic	00		
Summary of consultation responses:		A site notice was erected on the 28/10/09.					
CAAC/Local groups* comments: *Please Specify		<u>Dartmouth Park CAAC:</u> no response					

Site Description

The 3 storey plus roof level and basement mid-terrace property is located on the south west side of Highgate West Hill opposite the junction with Swain's Lane. The site is within the Dartmouth Park Conservation Area and the Neighbourhood Centre. The rear gardens of the property back onto the Metropolitan Open Space of Hampstead Heath.

Relevant History

2007/1349/P

Change of use of basement from health centre (Class D1) to a 1 bedroom flat (Class C3) and replacement of concrete surface by glass bricks on the ground level above the basement front entrance. Refused 07/01/2008.

Reason for refusal: The proposal, by reason of the inadequate natural light to the habitable rooms within the basement flat, would result in substandard habitable accommodation and would be detrimental to the residential amenity of the future occupiers, contrary to policy SD6 (Amenity for occupiers and neighbours] of the London Borough of Camden Replacement Unitary Development Plan 2006 and guidance contained within the Camden Planning Guidance 2006.

An **appeal** was lodged against the refusal of permission and was **dismissed** on 25/06/2008.

2009/0721/P

Change of use of basement from health centre (Class D1) to residential use (Class C3) to provide a self-contained flat, including enlargement of existing windows.

2009/4843/P

Change of use of basement from health centre (Class D1) to residential use (Class C3) to provide a self-contained flat, and alterations to front and rear elevations

Both these applications were withdrawn following officer's advice that the levels of daylight would be inadequate.

Relevant policies

Camden Replacement Unitary Development Plan 2006 (UDP)

SD1- Quality of life
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
B7- Conservation Areas
C2- Protecting community uses
R7- Protection of shopping frontages and local shops
T3- Pedestrians and Cycling
T8 - Car free housing and car capped housing
T9 - Impact of Parking

Camden Planning Guidance 2006 (CPG)

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.

The following policies in the draft LDF Core Strategy and Development Policies documents have been taken into consideration:

CS1 - Distribution of growth
CS5 - Managing the impact of growth and development
CS6 - Providing quality homes
CS7 – promoting centres and shops
CS10- supporting community facilities
CS11 - Promoting sustainable and efficient travel
CS14 - Promoting high quality places and conserving our heritage
CS15 - Protecting and improving our parks and open spaces & encouraging biodiversity
CS16 - Improving Camden's health and well-being
CS17 - Making Camden a safer place

DP2 - Making full use of Camden's capacity for housing
DP5 - Housing size mix
DP6 - Lifetime homes and wheelchair homes
DP15- community and leisure uses
DP17 - Walking, cycling and public transport
DP18 - Parking standards and the availability of car parking
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
DP27 - basements and lightwells
DP29 - Improving access
DP30- shopfronts

Assessment

The proposal is virtually identical to the last withdrawn application for the change of use of the basement of the premises from a sauna/massage studio (D1 use class) to a one bedroom, self-contained residential flat (C3 use class). The proposed external alterations however have been revised to ensure adequate daylight is now received to both front and rear rooms; they include:

- The enlargement of an existing basement level window within the front lightwell.
- The enlargement of the front lightwell.
- The enlargement of the basement level windows to the rear.
- The excavation of the patio area and removal of the garden wall to open up the rear lightwells.

Loss of the D1 use

Policy C2 seeks to protect community uses. The previous use of the basement of the premises was as a D1 sauna/massage studio although there are no planning records establishing this use as lawful. The agent has explained that the basement of the property has been vacant for a number of years and, whilst no supporting evidence has been submitted, states that the property has been marketed by West Hill Estate agents, who operate from the ground floor of the premises, for three years without success.

The primary objective of policy C2 is to protect uses that serve the local community such as health centres, nurseries, libraries etc. The nature of the previous use seems to have been for private treatments and is not therefore considered to be providing a required community use in the sense of policy C2. The property has also been vacant for a significant period of time. In terms of policy C2 the loss of the D1 use is therefore considered to be acceptable.

The previously refused application (2007/1349) assessed the change of use then and concluded that loss of community use was acceptable here, as follows: *Change of use from D1 use would be assessed under policy C2. The previous use of the basement that is described in the application forms and on the drawings advises that the unit was operating as a sports injury massage clinic. The use would not appear to strictly fall within a traditional medical and health service use however it would provide a similar service as a masseur's clinic that falls within D1 use. Given that the basement unit is vacant, it would appear that there is no longer a demand for the sports massage clinic. A basement location with stepped access only may appear to be unsuitable for more community uses. There would therefore be no policy objection to the loss of potential community use within the basement unit.*

Residential development standards

Policy H1 welcomes the creation of new residential accommodation provided that it meets acceptable standards. It is likely that the property was originally intended for residential use and the upper parts of the building (excluding the ground floor) are residential. The proposed flat would have an internal floor area of approximately 47sq m with a headroom of 2.4m. The flat would be accessed via its own existing entrance in the front lightwell. The accommodation would comprise an entrance hall, combined living/dining space, one bedroom, bathroom (approx 11sq m), kitchenette and storage.

External amenity space would be provided in the small rear lightwell area. The flat would therefore meet the minimum space standards as outlined in the CPG.

The main issue with the previous applications for the conversion of this space into residential has been the lack of natural daylight. The proposals differ from the previous in that it is now proposed: at rear to excavate part of the patio area and to remove the garden wall to the rear to open out the lightwell, and at front to provide a new window and enlarge the existing lightwell and set forward the railings within the private forecourt- in both cases, these alterations would provide greater opportunity for natural daylight.

The simple 30 degree angle daylight test as outlined in the CPG has been applied to the proposals. According to resubmitted revised plans, the scheme now fully complies with the tests, in that the amount of glazing available above an unobstructed 30 degree angle serving a room is equivalent to 10% of its floorspace. Both bedroom and combined lounge/diner comply with these tests and are considered habitable.

Outlook to the proposed flat would be limited. The front and rear windows would face out onto enclosed lightwell/courtyard areas. This is not an ideal situation but is typical of basement level accommodation. The proposed flat has a fairly decent internal area and layout, daylight levels are considered to be acceptable and outside space (albeit of limited value) is provided. The site also has the benefit of adjoining the metropolitan open space of Hampstead Heath. It is therefore considered on balance that the proposed unit would be acceptable in terms of policy SD6.

The agent has provided a short statement in relation to lifetime homes. The statement explains that due to the restricted existing access to the proposed flat via the front lightwell steps it is unlikely that the flat would be suitable for an occupant with restricted mobility. Within the constraints of the existing building it is not considered that the proposals could be adapted to comply with the standards. The requirements of policy H7 are therefore considered to be satisfied.

Design and appearance

The proposed works would have very little impact on the external appearance of the building. The alterations to windows at the front and rear would be in the lightwell areas and would not be visible from the public realm. The minor alterations at rear would only be visible from the immediate grassed area of the private gardens and would not be visible from the heath. The front forecourt enlargement and relocation of railings is acceptable as it is contained within an existing wide private forecourt which adjoins a high boundary wall on the uphill neighbouring property and adjoins a private forecourt area with planter boxes on the downhill side. The railings would not harm the character and appearance of this parade of units, building or conservation area.

Transport

UDP policy T3 requires development to sufficiently provide for the needs of cyclists, which includes cycle parking. The proposal is for 1 residential unit; therefore 1 cycle storage/parking space is required. The applicant has not included provision for the required amount of cycle storage/parking in the proposed design. However, no alterations are proposed to the ground floor and access to the basement unit is via existing stairs. Therefore, it is considered that it would be inappropriate and overly onerous to insist that cycle parking be included with the design.

The site is located within the Highgate Controlled Parking Zone (CA-U) which is not considered to be highly stressed in terms of the ratio of available spaces to issued permits. In addition to this, the Public Transport Accessibility Level is 2 (poor). It is therefore considered that it would not be appropriate for to require the development to be car-free in this case.

Recommendation- grant permission

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