

<b>Delegated Report</b>		<b>Analysis sheet</b>	<b>Expiry Date:</b>	28/12/2009
		N/A	<b>Consultation Expiry Date:</b>	09/12/2009
<b>Officer</b>			<b>Application Numbers</b>	
John Sheehy			2009/2260/P	
<b>Application Address</b>			<b>Drawing Numbers</b>	
Site between 1 Mornington Street and 33 Arlington Road London NW1 7QD			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>				
Erection of three storey residential dwelling including basement and roof terrace following the demolition of the existing single storey garage.				
<b>Recommendation:</b>	Refuse permission			
<b>Application Type:</b>	Full Planning Permission			

<b>Conditions or Reasons for Refusal:</b>	<b>Refer to Draft Decision Notice</b>					
<b>Informatives:</b>						
<b>Consultations</b>						
<b>Adjoining Occupiers:</b>	No. notified	<b>19</b>	No. of responses	<b>9</b>	No. of objections	<b>9</b>
<b>Summary of consultation responses:</b>	<p>Site notice displayed from 18<sup>th</sup> November to 9<sup>th</sup> December.</p> <p>The occupiers of the following properties wrote to object to the proposal: 5 Nash House, Park Village East; 33 Arlington Road (top flat), (2 unspecified flats); 35 Arlington Road; 39 Arlington Road; 37 Mornington Terrace; 1 Mornington Street. In summary, the following points were raised:</p> <ul style="list-style-type: none"> <li>• Overdevelopment of the site;</li> <li>• Excessive bulk;</li> <li>• Excessive height;</li> <li>• Overlooking of neighbouring properties;</li> <li>• Overbearing effect on neighbouring properties;</li> <li>• Loss of sunlight/ daylight to neighbouring habitable rooms;</li> <li>• Loss of sunlight/ daylight to rear garden of 35 Arlington Road, with significant resultant impact on biodiversity;</li> <li>• Poor quality of design in terms of materials and composition – “enormous” blank side and rear elevations;</li> <li>• Harm to the character of the Conservation Area – loss of an important building gap/ inappropriate roofline proposed;</li> <li>• Impact on trees;</li> <li>• Inaccurate drawings;</li> <li>• Proposal is not compliant with Lifetime Homes Standards;</li> <li>• Disruption caused by construction; and</li> <li>• No refuse/ recycling storage facilities incorporated into the proposal.</li> </ul>					
<b>CAAC/Local groups comments:</b>	<p>Camden Town CAAC, objection on the grounds of overdevelopment, obstruction of sunlight/ daylight to the garden of 35 Arlington Road and harm to the character and appearance of the Conservation Area.</p> <p>Camden Civic Society, objection on the grounds of overlooking, obstruction of sunlight/ daylight to nearby properties, harm to the character of the Conservation Area and design.</p>					

## Site Description

A brick built single storey garage fronting Mornington Street adjacent to 1 Mornington Street. The garage is built upon the original rear part of the garden of no. 33 Arlington Road. Number 39 Arlington Road and the properties consecutively northwards along Arlington Road are grade II listed.

The site is located within Camden Town Conservation Area. The building on the site is not listed.

## Relevant History

**September 1970** Planning permission granted for provision of a means of access to the highway to the existing garages at the rear of 33 Arlington Road (fronting Mornington Street), ref. CTP/K12/7/A//8933.

**July 1986** Application for erection of a new building to provide basement store ground floor shop and one-bedroom maisonette above refused, ref. 8600973.

*Three reasons for refusal, one of which was impact on sunlight/ daylight of neighbours. The other reasons for refusal were on the grounds of plot ratio and inappropriate density for the area.*

**November 1988** Application for erection of an extension on top of existing single storey garage to provide residential accommodation and the formation of a basement at lower ground refused ref. 8802264.

*Two reasons for refusal, one of which was impact on sunlight/ daylight of neighbours. The other reason for refusal was on the grounds of inappropriate plot ratio.*

**June 1992** Application for erection of a 2-storey house with integral garage refused , ref.9100941.  
*One reasons for refusal - impact on sunlight/ daylight of neighbours.*

## Relevant policies

### Unitary Development Plan 2006

SD6 Amenity for Occupiers and Neighbours

H1 New Housing

H7 Lifetime Homes and Wheelchair Housing

B1 General Design Principles

B3 Alterations and Extensions

B7 Conservation Areas

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

E2 Retention of existing business use

### Camden Planning Guidance 2006

### Camden Town Conservation Area Statement

### Camden Town Conservation Area Appraisal and Management Strategy

## Assessment

**Proposal:** erection of a three storey residential dwelling including basement and roof terrace following the demolition of the existing single storey garage.

### Assessment

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

- Land Use/ Principle of Development;
- Design/ Impact on Conservation Area;
- Impact on Amenity of Neighbouring Occupiers;
- Quality of Proposed Housing;
- Transport; and
- Impact on trees.

#### Land Use/ Principle of Development

The evidence gathered during the officer's site visit indicates that the premises are currently in use as a breakdown garage/ storage space in association with a motorcycle retailer which operates at a separate location in London. The established use of the site is considered to fall within Class B8 Storage. The site history and the information provided by the applicant confirm this is the established use of the site.

Policy E2 has a general presumption in favour of protecting employment uses and states that permission for development that involves loss of employment use will not be granted where there is potential for that use to continue. In particular, this policy seeks to protect floorspace that is capable of being used flexibly within Class B1c/B8 use. Paragraph 7.19 of the UDP states that "Where a non-business use is proposed, the applicant should ... demonstrate that the site no longer has potential for alternative business use. To show that there is no realistic prospect of demand to use the site for employment uses, the applicant would need to submit evidence of a thorough marketing exercise, sustained over at least 2 years, with the property marketed at realistic prices and including consideration of alternative business uses and layouts".

It is noted that policy E2 and the supporting text is principally concerned with the protection of larger employment sites of 1000m<sup>2</sup> or more. However, flexible employment floorspace can also include smaller properties, particularly mews buildings and studio spaces that have traditionally been used as employment sites. It would appear that this site in particular retains some of the features which typify flexible employment floorspace: the property is located at ground floor level and retains 2 large doors and a crossover to the street allowing direct servicing by vehicles. These features mean that the property may be suitable for continued business use. The premises could be suited to use as a small workshop space, of which there is an identified need, particularly in and around Camden Town.

It is acknowledged that the use of the site is ancillary to a retail premises in another location with no staff permanently employed on the site. It is therefore not currently intensively used for employment purposes. Nevertheless no justification for the loss of the employment use on the site has been provided by the applicant in the form of a marketing exercise, nor have any site constraints which could limit its use as an employment premises in the future been identified. The application is refused on the basis that, in the absence of evidence to the contrary, there would appear to be potential for the future use of the site for employment and the loss of the space to residential use is not considered to be consistent with policy E2.

#### Design/ Impact on Conservation Area

This part of the Camden Town Conservation Area is largely homogenous in scale and character, having been laid out within a period of three decades spanning the years 1820-1850. The western part of the Conservation Area comprises long residential terraces running in a north-south direction on a planned rectilinear grid pattern - streets of terraced houses within garden plots (Mornington Terrace,

Albert Street and Arlington Road) intersected by shorter terraces (Delancey Street and Mornington Street).

The western end of Mornington Street has a variety of architectural styles including 20th century public housing. However this site is considered to fall firmly within the late-Georgian grid.

#### *Inaccurate drawings*

The proposed drawings are inaccurate and contradict the Design and Access statement as well as the annotations on the drawings. In this regard the application cannot be properly assessed and the true impact on the character and appearance of the Conservation Area cannot be properly determined.

#### *Inaccuracies:*

##### 1. Extent of the application site

The Design and Access Statement states “The [proposed] house occupies 100% of the site and continues the building line established by the adjacent building. The height is also taken from the same.”

However the site is 6.9m in width and the size of the proposed dwelling only 6.7m. This is contradictory. Either the house would be built wider – affecting the proportions and potentially neighbour amenity, or the Design and Access Statement is inaccurate and need amendments.

##### 2. Height of the development

The height of no.1 Mornington Street which adjoins the development site is shown taller by approximately 250mm on the proposed elevations than the existing elevations. This makes the proposed development taller than shown and importantly makes the height fail to line through with the eaves line on the adjoining site in contradiction of the D&A statement.

##### 3. Depth of the development

Evidence gathered in the course of the officer’s site visit indicates that the depth of the adjoining building, 1 Mornington Street, is less than shown. Officers have measured the depth of the site as 4.4m and not 4.75m as shown on the drawings. Furthermore the roof pitch of the adjoining property shown on the existing drawing does not appear to have been drawn correctly. It appears shallower than drawn. This would result in the proposed pitch of the roof not matching the adjoining property as shown.

Notwithstanding the above, the merits of the scheme have been assessed below.

The garages have little architectural merit and do not contribute positively to the street and their demolition is considered acceptable subject to an appropriate replacement. The garages measure less than 115m<sup>3</sup> therefore Conservation Area Consent is not required for their demolition.

For the reasons stated below the proposed scheme is considered to harm the character and appearance of the Conservation Area.

#### *Height and bulk*

The site is formed upon the original rear part of the garden to 33 Arlington Road. The single storey garage has the same scale and presence as part of the boundary wall of the garden and affords views of the important corridor of openness formed by the rear gardens of Arlington Road and Albert Street.

This is considered to be a notable gap site, typical of those formed when the rear garden of a junction plot runs parallel to an adjoining road. Such plots are fairly common in the area and represent important established features of openness in an otherwise relatively densely developed environment, where the buildings are generally arranged in terraces 3 or more storeys in height.

This is confirmed in the recently adopted Conservation Area statement (dated 4th October 2007) which states that, "There is a greater sense of open space in the residential portions of the Conservation Area...the result of wide tree-lined streets and private front and back gardens....Views of back gardens are retained, especially where development has been kept single-storey or where gaps have been preserved. Gaps also occur at the end of terraces; these allow views to back gardens over high garden walls, introducing a welcome respite to an otherwise very urban environment and making a major contribution to the visual amenity and the character of the area."

This section of Mornington Street itself is described as, "Mornington Street, low-rise development of one to two storeys has infilled former garden space. An interesting example is the low-lying interior design showroom at No 70, a modern low-key infill behind one of the Albert Street terraces. "

Importantly the Conservation Area Statement confirms that, "The view from Mornington Street looking northwards along the rear of the houses on the west side of Arlington Road is important in enabling the characteristic roof form of the Arlington Road houses to be seen, along with glimpses of trees in the rear gardens providing a sense of openness which has been lost in other parts of the residential area through infilling. "

In this regard the height and subsequent bulk is contrary to the Conservation Area Statement and Policy B1 of the replacement UDP which requires the Council, amongst other things, to consider the form, proportions and character of a proposal relative to its setting, including the garden. The site is considered to make a valuable contribution to the character and appearance of the Conservation Area: the proposed scheme would occupy the entire air space and harm the sense of openness, compromising the character, views and balance between built and unbuilt space typical of these plots.

The overall height, scale and mass of the proposed building fronting Mornington Street results in the proposed building failing to be fully sympathetic with its context; that of the neighbouring buildings; and the established pattern of development. It is considered that the proposal would be detrimental to the original, established pattern of development in the surrounding area. Any development of the height which is proposed here is considered unacceptable in Urban Design terms.

#### *Detailed design and fenestration*

The dwelling has been designed in two distinct elements. The design and access statement states, "The elevation is therefore a meeting of two existing influences, the Georgian and the Garden".

Officers are of the view that the design fails to appreciate its context fully and thus results in an unusually narrow (3m wide) terrace frontage, finished in brick, with inaccurate classical proportions and detailing as well as a more modern panelled element which is not considered to respond to the proportions or style predominant in building design in the area.

#### *Brick element*

The position of the windows between the two elements do not line up. Within the brick element, the fenestration pattern has a lowered window head and blank window section above to conceal the floor plate. This results in the floor plates cutting across the upper part of the brick-element windows. This feature is not considered to be acceptable in design terms for a new building and is considered to result in an ill-conceived design. The building is considered to be of insufficient quality and detailing, and is not considered to preserve or enhance the character and appearance of the Conservation Area.

The proposed pseudo-classical canopy with 'built in gutter' fails to relate to the design of supposed Georgian elements of adjoining properties and is made of Glass Reinforced Plastic.

The ground floor elevation of the brick element fails to include a window and the covered glazed front lightwell and railings are considered to be an atypical feature of the street and the surrounding area.

### *Panelled element*

The design, form, proportions, hierarchy and scale of this element are ill-conceived and this element has no relationship with the function of the proposed building, nor with the rhythm, detailing or grain of adjoining buildings or the wider neighbourhood.

It should be noted that there are a variety of architectural styles at the western end of Mornington Street including 20th century public housing, however this site is considered to fall firmly with the section of late Georgian development which evolved within a grid pattern - streets of terraced houses within garden plots.

This part of the Conservation Area is predominantly made up of London stock brick, natural Welsh slate, decorative stucco elements, shallow pitched roofs set behind parapets and timber sash windows. The proposed material palette includes facing brickwork, white panelling and metal-framed openings. The proposal height, design and proportions of the development, including the flat roof, are not considered to be informed by, or to respect the adjoining buildings. The result is an ill-defined building at odds with the prevailing style of its immediate neighbours.

### *Design Conclusion*

The scheme has not addressed the particular characteristics identified in the Conservation Area Appraisal.

The cumulative impact of the inaccurate drawings, the height and bulk of the three storey development, the reduction in the physical size of the important building gap, the awkward fenestration pattern and the materials result in the proposed house being a prominent and disruptive feature. These characteristics are considered to disorder the form and rhythm of the established pattern of development. The proposal is considered to harm the setting, character and appearance of the site and the Conservation Area.

### Impact on Amenity of Neighbouring Occupiers

#### *Sunlight/ Daylight*

As noted in the Relevant History section above, three applications for development of the site were refused in the 1980s and 1990s due to the impact on access to sunlight and daylight to neighbouring properties. Given this site history, the impact on access to daylight and sunlight of neighbouring properties is considered to be a significant factor when considering the acceptability, in planning terms, of the current proposal.

Number 33 Arlington Road has residential accommodation at all levels, including basement: there are rear windows to the habitable rooms at basement level and to the habitable rooms on the upper floors. The eastern flank wall of the proposed house would be 9m in height (approx) and would be 8.5m (approx) away from the habitable rooms at basement level of 33 Arlington Road. The proposed building would therefore breach an angle of 25° taken from the centre of the basement and ground floor windows to the rear of 33 Arlington Road. As a result, it is considered that the proposal could have an impact on the access to daylight of occupiers of this property in excess of the standards set out in the BRE Guidelines. In the absence of supporting information demonstrating compliance with BRE Guidelines, the applicant has failed to demonstrate that the application would safeguard access of occupiers of 33 Arlington Road to daylight in line with BRE guidelines. It is considered that, due to the layout of the properties, the adjacent terraced property 35 Arlington Road, which has basement accommodation, could also be detrimentally impacted by the proposal in terms of loss of sunlight and daylight. The application is refused on the basis that the applicant has failed to demonstrate that the proposal would safeguard access to daylight to all properties potentially affected by the proposal.

It is also considered that the proposed building would be of a height, width and location as to seriously reduce the access to sunlight and daylight to approximately half of the rear garden of 35 Arlington

Road. This garden is a valuable amenity space to occupiers of this property and, as there are no buildings above ground floor level on its southern side, it currently enjoys generous access to sunlight and daylight. The impact of development on sunlight and daylight to habitable rooms is a key consideration in assessing the acceptability of a planning application: the impact of development on access of sunlight and daylight to rear gardens is, in most cases, of less importance. Nevertheless, the impact of the proposal on this rear garden space is considered to be significant enough to be unacceptable in planning terms. The applicant has failed to demonstrate that the proposal would safeguard access to daylight to the rear garden of this property. The application is refused on the basis of this potentially significant impact.

### *Privacy*

The flat eastern portion of the roof of the proposed building would be utilised as a roof terrace. This would be separated from the habitable rooms of the rear of 33 and 35 Arlington Road by a distance ranging from of 6.5m to 11m (approx). This separation distance is not considered to be adequate to safeguard the visual privacy of occupiers of the adjacent properties (a minimum 18m separation distance between facing windows is recommended within Camden Planning Guidance). The proposal use of the flat-roofed area is considered to result in a material loss of privacy to occupiers of both 33 and 35 Arlington Road and is refused on this basis.

### *Overbearing*

The proposed extension would result in a form 9m in height (approx) to the western side of 33 and 35 Arlington Road. As a result of the proposal, the rear garden area of both properties would be enclosed by the proposed house as well as the existing buildings on the surrounding sites to the rear. The cumulative impact of the proposed house, due to its scale and siting, in addition to the existing buildings, would result in an increased sense of enclosure to the rear garden area and residential windows on the rear elevation of 33 and 35 Arlington Road to the detriment of the residential amenity of occupiers of this property.

It is considered that there are no further impacts on the amenity of neighbouring occupiers.

### Landscape

An Arboricultural report has been provided. However the report identifies a multi stemmed Birch (T3) variety in the rear garden of 33 Arlington Road as being circa 2.0m from the existing garage wall and 2.3m from the boundary wall with No.35. These measurements are incorrect. The tree is in fact 1.3m from the garage wall and 1.1 m from the boundary wall.

The trunk diameter of the tree is shown as being 127mm. This is a multi stemmed tree therefore the diameter of the tree is measured just above the root flare at the base (reference BS 5837:2005). The diameter of the tree using this measurement is 320mm. The linear root protection zone is 3.8m rather than 1.23m identified in the report.

The crown spread of the tree is shown as being circa 1.5m towards the garage. Its actual spread towards the garages is circa 2.7m of which 1.5m over sails the garage's roof.

The Birch is an attractive multi stemmed specimen circa 10m in height and 15 years old. The tree is visible from Mornington Street. As such it is considered to contribute to the character and appearance of the Conservation Area. The tree has the potential to increase in size and its prominence will increase over time. Trees of the same species have been planted close by in the pavement. As these trees grow together there is the potential for an attractive grouping of trees to develop providing a positive feature within the Conservation Area.

The Birch also provides a useful habitat within the area.

In order that the tree is not harmed by the proposals any excavations should be outside the root



protection zone of the tree i.e. 3.8m from its base. No above ground construction should be closer than this distance in order to prevent damage to the crown, provide a sufficient separation between the building and the crown and also working space for any construction. The application fails to achieve both of these separation distances.

The application is refused on the basis that adequate separation distance between the proposed building and both the root protection zone and the crown of the Birch tree in the rear garden of 33 Arlington Road has not been provided. This is likely to have a detrimental impact on this important tree and the character and appearance of the Conservation Area.

#### Quality of proposed housing

The accommodation proposed has generous space standards and is consistent with the Residential Development Standards contained in Camden Planning Guidance.

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 measures proposed are considered acceptable in this instance.

The proposed glazed floor at street level serving the proposed basement would allow a reduced amount of light to the habitable rooms at the front of the basement. This may be inadequate if the basement was to provide main habitable rooms or independent residential accommodation as there would be insufficient daylight/sunlight penetrating to these rooms. However, the habitable accommodation located in the basement would be attached to a large house which complies with Camden's Residential Development Standards; therefore it is of lesser importance that the front basement rooms meet these standards.

#### Transport

Camden's Parking Standards for cycles (Appendix 6 of the Unitary Development Plan) state that 1 storage or parking space is required per residential unit. The applicant has not included provision for the required amount of cycle storage/parking within the scheme, however, it is considered that, given the size of the proposed building, a cycle can be stored within the property if required, and no further information is required in relation to cycle parking.

The site has a Public Transport Accessibility Level of (PTAL) of 6a (excellent) and is within Camden Town South Controlled Parking Zone. The site is also within the designated town-centre of Camden Town. One hundred and sixteen parking permits have been issued for every 100 estimated parking bays within the Camden Town South (CA-F(s)) CPZ. This means that this CPZ is highly stressed. If the application was to be recommended for approval a S106 Agreement would be required for car-free housing. The absence of a Section 106 Agreement to secure this requirement is considered to constitute a reason for refusal of the application.

A financial contribution would be required to repave the footway adjacent to the site and to remove the redundant vehicular crossover. Level plans demonstrating interface levels between development thresholds and the Public Highway would need to be submitted to and approved by the Highway Authority prior to implementation. The absence of a Section 106 Agreement to secure these requirements is considered to constitute a reason for refusal of the application.

Given the scale of the development and its close proximity to Camden Town, there will be a significant impact on the local road network which would need to be managed. If planning permission was to be granted a Construction Management Plan would need to be submitted and approved before any works start on site. The absence of a Section 106 Agreement to secure these requirements is considered to constitute a reason for refusal of the application.

#### Other issues

Objectors to the proposal state that the proposal would result in extra noise which would disturb the living conditions of neighbouring occupiers. However, since the proposed use would be residential, the proposal is not considered to have the potential for increased noise disturbance. The impact of construction noise on nearby residents is not a material planning consideration and is not covered by planning legislation but is subject to control under Environmental Health legislation, namely the Control of Pollution Act 1974 which sets out the approved hours of construction for works that can be heard at the boundary of a site. As this issue is not a material planning consideration it cannot be used to justify refusal of a planning application or the imposition of conditions on a planning permission limiting the hours of construction.

**Recommendation:** refuse permission.

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