

<b>Delegated Report</b>		<b>Analysis sheet</b>		<b>Expiry Date:</b>		<b>18/08/2009</b>	
		N/A / attached		<b>Consultation Expiry Date:</b>		<b>14/08/2009</b>	
<b>Officer</b>				<b>Application Number(s)</b>			
Elizabeth Beaumont				2009/0126/P			
<b>Application Address</b>				<b>Drawing Numbers</b>			
47 Rosslyn Hill London NW3 5UH				Please refer to decision notice			
<b>PO 3/4</b>	<b>Area Team Signature</b>	<b>C&amp;UD</b>	<b>Authorised Officer Signature</b>				
<b>Proposal(s)</b>							
Change of use of the basement from dental surgery (Class D1) to a 2 bed self-contained flat.							
<b>Recommendation(s):</b>		Grant subject to S106 Agreement (car free housing)					
<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	<b>13</b>	No. of responses	<b>01</b>	No. of objections	<b>00</b>	
			No. electronic	<b>00</b>			
<b>Summary of consultation responses:</b>		<p>Site notice expired on 14/08/2009 – 1 letter of support received.</p> <p><u>49 Rosslyn Hill</u> – it will not affect me in any way, except I won't have to listen to the drill anymore. The communal wall is high enough to give me privacy without loss of light. My new neighbours have had the good manners to consult me about their proposals.</p> <p><u>Officer's comment</u> –no wall is proposed as part of this application.</p>					
<b>Local groups comments:</b>		N/A					

## Site Description

The site is located on the south west side of Rosslyn Hill in between Thurlow Road and Shepherd's Walk. The site comprises a four storey mid-terraced building including lower ground level in use as a maisonette on the raised ground, first and second floor level. The lower ground floor level is currently unoccupied and was last used as a dentist surgery (Class D1).

The building is located in the Fitzjohns/Netherhall Conservation Area but is not listed.

## Relevant History

28/04/2008 – p.p. **withdrawn** (2008/1031/P) for change of use from dental surgery (D1) to create a 2-bed flat (C3) at basement level.

15/04/2008 – p.p. **granted** (2008/1034/P) for erection of a full width basement and ground floor level rear extension with roof terrace at ground floor level, and erection of a part width first and second floor level rear extension, to provide additional accommodation to the basement level dentist surgery (Class D1) and ground to third floor residential dwelling (Class C3).

09/09/2008 – p.p. **granted** (2008/3632/P) for installation of a timber framed double glazed window at second floor level to the rear elevation of the existing residential unit (Class C3).

## Relevant policies

Set out below are the UDP policies that the proposals have primarily been assessed against, together with officers' view as to whether or not each policy listed has been complied with. However it should be noted that recommendations are based on assessment of the proposals against the development plan taken as a whole together with other material considerations.

### Adopted Unitary Development Plan 2006

SD6 (Amenity for occupiers and neighbours)

H1 (New Housing)

T3 (Pedestrians and Cycling)

T8 (Car Free Housing)

T9 (Impact of Parking)

C2 (Protecting community uses)

### Camden Planning Guidance 2006

## Assessment

**Proposal** - Permission is sought for the change of use of the basement from a dentist surgery (Class D1) to a two bedroom flat with open plan lounge/kitchen, bathroom, en-suite and rear patio. There are no external alterations proposed.

**Principle of development (Change of use)** - The applicant has submitted a range of information to support the loss of the D1 (community use) use on the site. The following reasons have been presented;

- The location of the unit away from transport links
- The location of unit at basement level and associated issues of access
- The basement level was last used as a dentist 6 years ago
- The nearest alternative dentist is located 10m away at No. 36 Rosslyn Hill
- The nearest doctor is 30m away at 1B Downshire Hill.
- There are 15 dental practices and 11 GP practices within 1 mile radius.

Policy C2 states that the Council will not grant planning permission for development that results in the loss of a community use unless it is demonstrated adequate replacement facilities will be provided in a location accessible to the users of the facility. It must be shown that the existing use is no longer required and that there is no demand for another suitable community use of the site.

The dental use was reduced from two surgeries to one in 2000 and has not been used as a dentist

since 2004 and since this time it is considered all existing patients would have found alternative dentists. It is considered that there are more than adequate replacement facilities for the loss of the dentist practice at this site. The applicant has shown that there are numerous replacement dental practices within close proximity to the site.

The unit is positioned within a residential terrace at basement level and accessed via steep steps. It is therefore considered impractical to provide disabled access to this unit, required for most other D1 uses. It is considered the location of the unit within a residential terrace makes the units unsuitable for most other D1 uses due to issues of harm to residential amenity. It is therefore considered that given the restrictions to the unit it would be unlikely to be suitable for other community uses and the loss of this community use is considered acceptable.

The UDP states that the Council will seek to ensure that sites which no longer meet a need for community facilities contribute towards meeting the shortfall of affordable housing in the event of their release in order to keep their land value down and increase the likelihood of them continuing as a community use. It is considered that in this example given the unsuitability of the unit for alternative uses within the D1 use class and the wide provision of similar D1 uses within the locality it is acceptable that affordable housing is not sought.

**New Housing** - Policy H1 (New Housing) states that the Council will grant planning permission for development that increases the amount of land and floorspace in residential use. It is considered that given the size of the unit the mix is acceptable and best suited to the site conditions.

The proposed unit includes two double bedrooms. The minimum floorspace for a 4 person unit is 75m. The proposed basement flat will measure 74.2m<sup>2</sup>, slightly below the minimum standard. However, both double bedrooms are in accordance with the guidance for the minimum first/double room size of 11m. It is therefore considered that although the figure is slightly below it provides an acceptable overall unit.

**Amenity** - It is not considered that the proposed change of use would have a detrimental impact on the amenity of neighbouring occupiers or residents compared to the existing situation.

**Transport** - 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. The proposal is for 1 residential unit; therefore 1 cycle storage/parking spaces is required. The applicant has not included provision for the required amount of cycle storage/parking in the proposed design.

However, only minor alterations are proposed and access to the new residential unit in the basement is via existing stairs. Therefore, it would be inappropriate and overly onerous to insist that cycle parking be included with the design and Camden's parking standards for cycles should be waived in this case.

The proposal will result in the increase of one residential unit. This unit will not have access to off-street car parking. It is considered that the residential unit should be designated car free to prevent any significant increase in on-street parking. The site has a Public Transport Accessibility Level of (PTAL) of 3 (moderate) and is within a Controlled Parking Zone. It is considered that no making the development car-free would increase demand for on-street parking in the Controlled Parking Zone (CPZ) the site is within. This is considered unacceptable in areas that are highly stressed where overnight demand exceeds 90%. Hampstead (CA-H) CPZ operates Mon-Sat 09:00-20:00 (free parking in pay-and-display bays after 18:00), and 122 parking permits have been issued for every 100 estimated parking bays within the zone. It considered the unit should be designated car free.

**Recommendation:** Grant planning permission subject to a S106.

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