

DISCLAIMER

Decision route to be decided by nominated members on Monday 15th June 2009. For further information see

<http://www.camden.gov.uk/ccm/navigation/environment/planning-and-built-environment/planning-applications/development-control-members-briefing/>

Delegated Report		Analysis sheet	Expiry Date:	29/05/2009
		N/A / attached	Consultation Expiry Date:	05/05/2009
Officer		Application Number(s)		
Jonathan Markwell		2009/0266/P		
Application Address		Drawing Numbers		
116A Fortess Road London NW5 2HL		Please see decision notice		
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature	
Proposal(s)				
Retention of front part of ground floor as a retail unit (Class A1); Change of use and works of conversion from a single residential unit (Class C3) at rear ground, first, second and third floor levels to a Sui Generis House in Multiple Occupation (HMO), comprising 8 bedsits with shared bathroom facilities; erection of a two-storey rear extension with roof terrace and railings at second floor level, rear dormer roof extension and associated alterations to windows and rooflights.				
Recommendation(s):	Grant Planning Permission subject to S106 Legal Agreement (carfree housing)			
Application Type:	Full Planning Permission			
Conditions or Reasons for Refusal:	Refer to Draft Decision Notice			
Informatives:				

Consultations

Adjoining Occupiers:	No. notified	20	No. of responses	01	No. of objections	01
Summary of consultation responses:	<p>One objection has been received from the occupier of Flat 5, 114 Fortress Road. A summary of the issues raised by this objection are as follows:</p> <ul style="list-style-type: none"> - Noise, disturbance and loss of privacy during the construction stage of the works. Works have already taken place and occur early in the morning. - First floor rear extension would be a safety and security risk, as access would be possible to Flat 5, 114 Fortress Road. <p>Officer response: Regarding noise and disturbance during construction, this is not a planning consideration; an informative will however be added regarding noise during construction. Please see paragraph 5.5 of the assessment part of this report regarding safety/security.</p>					
CAAC/Local groups* comments: <small>*Please Specify</small>	None.					

Site Description

The application site comprises a mid terrace four-storey building (ground, first, second and third floor level within the existing roofspace) located on the east side of Fortress Road, in-between the junctions with Cottfried Mews (to the north-east) and Raveley Street (to the south-west). Cottfried Mews also runs to the rear of the application site (to the south-east).

The building includes an original part single storey, part three storey rear wing on the south-west side of the building. Part of the ground floor level of the building is a vacant retail unit, formerly 'An Angel At My Table' retail furniture shop (Class A1). To the rear of the ground floor and at first, second and third floor level is residential accommodation. The applicant has denoted on the existing floor plans that the existing internal layout of the building is set out as a House in Multiple Occupation (HMO). The applicant has denoted that when they recently purchased the property, it had previously been operated as an HMO.

During the site visit undertaken on 05/05/2009, it was established that the proposed internal alterations were in the process of taking place and the outline internal layout of the property was as shown on the originally proposed floor plans at ground, first and second floor level. As such, the existing floor plans submitted were not as seen during the site visit. The Council's Environmental Health Residential team have confirmed that the property does not have an HMO licence. As such, if there were an HMO at the property previously this use was unauthorised. Moreover, Council tax records indicate a single residential unit (maisonette at first, second and third floor level) at the property. The applicant was asked to provide evidence to support the view shown on the existing plans submitted that the lawful use of the building was an HMO. However, this was not able to be provided owing to the property recently being purchased by the applicant. Given the lack of evidence

to the contrary, it is therefore considered that the lawful use of the building (barring the retail unit at ground floor level) is a single residential maisonette (Class C3).

The application site does not include a listed building, nor is it located within a conservation area. It is however located within a designated neighbourhood centre.

Relevant History

None.

Relevant policies

London Borough of Camden Replacement Unitary Development Plan 2006

- S1/2 – Sustainable development
- SD1 – Quality of life
- SD2 – Planning obligations
- SD6 – Amenity for occupiers and neighbours
- H3 – Protecting existing housing
- H8 – Mix of units
- B1 – General design principles
- B3 – Alterations and extensions
- R7 – Protection of shopping frontages and local shops
- R8a – Upper floors and shopfronts
- T3 – Pedestrians and cycling
- T8 – Car free housing and car capped housing
- T9 – Impact of parking
- T12 – Works affecting highways

Camden Planning Guidance 2006

London Borough of Camden Environmental Health and Planning Services

Minimum HMO Standards for Bedsits, Studios, Shared Houses and Shared Flats - Housing Act 2004.
Effective November 2008.

Assessment

1. Introduction

1.1 Planning permission is sought for the retention of the front part of the ground floor level as a retail unit (Class A1). The only alteration to the retail unit is the replacement of a set of double doors on the rear elevation with a single window. Internally, a store room and toilet area will be provided at the rear part of the retail unit. The shop does not include these features and includes merely retail floorspace on the existing plans submitted.

1.2 In light of the lawful use of the building being treated as a single residential unit (Class C3), as outlined in the site description section above, the proposals also include the change of use and works of conversion at rear ground floor, first, second and third floor levels to provide non self-contained residential accommodation, in the form of 8 rooms that will constitute an HMO (Sui Generis). To facilitate these works, a two-storey rear extension at ground and first floor level is proposed, following the demolition of the existing single storey rear extension at this point of the building. The proposed extension will also include a roof terrace at second floor level, including the installation of railings. A rear dormer roof extension is also proposed to increase the existing space at third floor roof level. As such, the existing rooflights on the rear roofslope will be replaced by the proposed dormer. Associated alterations are also proposed, including a number of fenestration changes on the side elevation of the rear return and the rear elevation and the relocation of two rooflights (and increase in size of one) on the front roofslope.

2. Principle of development – change of use

2.1 First, it is important to clarify that the proposed scheme seeks the retention of the retail unit (Class A1) in the front part of the ground floor level. As such, the proposals will not impinge on the character, function, vitality and viability of the neighbourhood centre. The proposal is therefore consistent with Policy R7.

2.2 Given that the existing lawful use of the building has been established to be a single residential unit (Class C3), the proposal therefore involves the change of use to non-self-contained residential accommodation (Sui Generis), in the form of 8 rooms to be used as an HMO. There is no specific policy within the UDP in relation to conversions from self-contained residential units to an HMO. However, there is a broad encouragement for the provision of low-cost housing in the borough, which the proposed scheme would provide. Policy R8a notes that the Council will grant planning permission for the development above ground floor level for residential uses including HMO's. Furthermore policy H3, regarding protecting existing housing, importantly makes reference to the loss of residential floorspace rather than the loss of units. The supporting text to this policy, at paragraph 2.30, includes HMO's when stating that the retention of residential floorspace in all uses will help provide for a range and variety of accommodation. In light of this context, the proposed change of use is therefore considered to be accepted.

2.3 In addition, it is also important to make reference to policy H8, concerning the mix of units. The existing residential unit will have been of sufficient size to be considered as a family sized unit. This however cannot be definitively confirmed owing to the lack of evidence concerning the previous layout of the property, and indeed it could have been used as a unauthorised HMO with shared use of

several bathrooms. However, given that the proposed use will secure low-cost housing as a result of the conversion, there is not considered to be sufficient grounds to warrant the refusal of the application on the basis of a loss of a family sized unit. As such, in overall terms, there are no policy concerns raised regarding the proposed change of use at the property.

3. Quality of accommodation proposed

3.1 The proposed scheme has been revised during the course of the application in order to accord with the Council's HMO standards. The proposals are consistent with these standards in terms of the size of rooms and provision of personal hygiene facilities. The proposals include provision of eight double rooms with kitchens located within each room. Each room is in excess of the 14m² minimum floorspace standard. Room 1 is located at rear ground floor level; Room 2 is at the front first floor level and would include emergency access to the flat roof area at the front of the building at this point. Room 3 is within the middle section of the first floor, with Room 4 to the rear. At second floor level Room 5 is to the front, Room 6 within the middle section and Room 7 to the rear. Room 7 also includes access to an external terrace area to the rear of the proposed room. Room 8 is located at third floor level within the roof space. Over 14m² of the floor area is above the 2m floor to ceiling height standard. Each room includes sufficient windows in order to provide sufficient natural light and ventilation to future occupiers. 4 bathrooms containing baths, washbasins and toilets are located at ground, first, second and third floor level in accordance with standards. As such, there are no issues raised regarding the quality of the accommodation proposed.

3.2 An informative is recommended to be added reminding the applicant of the need to apply for an HMO Licence once the works have been completed. In addition, it is considered that there is sufficient space within each of the rooms for the storage of waste and recyclables. Notwithstanding this, an informative is recommended stating that the applicant should provide adequate space for internal and external storage for waste and recyclables.

4. Design

4.1 In terms of design, the proposal involves a two-storey rear extension with roof terrace (following demolition of existing single storey rear extension) to match that existing on the adjoining property of no.114a, a rear dormer roof extension, amendments to the rooflights on the front roofslope and fenestration alterations on the side elevation of the rear return and rear elevation. Each element will be discussed in turn below. In overall terms, there are no design issues raised that would warrant a sustainable reason for refusal of the application.

4.2 There are no issues raised regarding the loss of the ground floor single storey rear extension on the rear-most part of the building. This provided an outdoor toilet and small room and is of little architectural merit. The replacement two-storey (ground and first floor) rear extension with terrace and railings above is identical in design, size and appearance to that which is located at the neighbouring property (114a Fortess Road). The proposed extension is a full storey below the eaves of the building, is part width, retains a reasonably sized rear amenity space and will bring a degree of uniformity with the neighbouring property at this point. It is not excessively bulky and matches other rear wings existing or recently built at nos. 114,116 and 114a. It will use matching stock bricks to the existing building and the proposed windows will be timber framed with double glazing (the lintel details found on the existing rear elevation will also be retained). The railings surrounding the proposed terrace will

be identical in style to those on the neighbouring property. Given that the building is not located within a conservation area, the proposed materials are considered to be appropriate.

4.2 Regarding the rear dormer, it is considered to be larger than those which the Council would normally allow. It will be positioned 0.5m from the eaves and ridge of the roof, but only 0.1m and 0.35m from the cheeks of the roof. As such, it is acknowledged that the appearance of the dormer will appear somewhat bulky. Although paragraph 41.26 of Camden Planning Guidance notes that neighbouring dormers will not serve as a precedent for further development of a similar kind, it is nevertheless important to note that there are larger (than that proposed) rear dormers currently located on both neighbouring properties (No. 114a Fortess Road and No. 118 Fortess Road). As a result, it is considered to be difficult to resist the proposed dormer in an appeal scenario given the context of the neighbouring properties. The choice of materials with slate tiles, brick walls and UPVC casement windows are considered to be appropriate. In addition, the applicant has reduced the width of the dormer during the course of the application in an attempt to reduce its overall bulk. Furthermore, given the property is mid-terrace and on the rear elevation, it will not be highly visible from nearby Raveley Street. On balance, the proposed dormer roof extension is considered to be adequate in design terms.

4.3 On the front elevation, the existing rooflights will be replaced with two 'conservation style' flush rooflights to provide natural light to Room 8 and a bathroom at this point. One of the rooflights is similar in size to the existing rooflights, the other is slightly wider in order to give more natural light to Room 8. Rooflights are an established feature of the front roofslopes of properties along this terrace, including both neighbouring properties. As such, no design issues are raised regarding the replacement rooflights at this point.

4.4 A number of windows are being relocated on the side elevation of the rear return and the rear elevation. This is in order to provide necessary light to each of the proposed rooms within the building. All windows will retain timber frames and also include double glazing. Again, given the site is not located within a conservation area such materials are considered appropriate.

5. Amenity

5.1 With regard to amenity, the proposed rear extension is identical to that of the neighbouring property at no.114a Fortess Road and will adjoin its flank wall. It will not extend beyond the rear building line of this property and is similar in height. As such, there will be no loss of outlook or reduction in sunlight and daylight to this property. The proposed extension also includes a roof terrace at second floor level; again identical to that at no.114a Fortess Road. It is acknowledged that there will be a degree of loss of privacy / overlooking from the proposed scheme, both to no.114a and 118 on either side, but it should be noted the extension at no.114a already causes overlooking to neighbouring properties on either side and it would be unreasonable to prevent such a terrace here which replicates this situation. It is not considered to be sufficient to warrant the refusal of the application on this basis.

5.2 In relation to the proposed rear extension and the impact on No. 118, the extension will be set away from the boundary with this property by 2.2m. Furthermore, the rear return of this property is set away from the boundary with the host building. As such, there is a sufficient gap between the properties to reduce any possible loss of outlook, sunlight and daylight or increase in overlooking

concerns raised. It is also noted that there are a number of fenestration alterations on the side elevation of the rear return facing No. 116a. However, there are existing windows on this elevation and the present situation is not considered to be exacerbated sufficiently from the alterations proposed.

5.3 With regard to the rear dormer extension, this is located at roof level. In light of its position, it is not considered to raise any amenity issues to neighbouring occupiers. In addition, there is not considered to be any loss of amenity to the small units located on Cottfried Mews from any of the proposed works. Furthermore, these are not in residential use.

5.4 It is also important to consider the amenity of future occupiers of the proposed rooms. Each is of sufficient size and regular in shape. In addition, each room includes access to natural light and ventilation through windows. The shared spaces, such as the corridors and bathrooms, are also of sufficient size for future occupiers. As such, there are no concerns raised over the future amenity of the proposed occupiers of the rooms.

5.5 It is acknowledged that an objection has been raised regarding safety/security of neighbouring properties by the flat roof design of the rear extension. However, it is important to note that the proposed extension is two-storey in height. It is considered that the proposed works will not exacerbate safety/security at the site when compared with the existing part one-storey, part three storey rear return. Moreover, it is considered to be more difficult to access the neighbouring property given that the minimum height is two storeys rather than the existing one storey at the rear most part of the building.

6. Transport

6.1 In relation to transport matters, seven of the eight units proposed will be made car-free. The London Plan Consolidated with Alterations since 2004 (February 2008) should be taken into consideration as well as the UDP. As such, 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, seven of the eight rooms proposed should be made car-free through a Section 106 Legal Agreement and this has been noted on the plans as to which rooms will be designated car-free (one room will be able to apply for a parking permit owing to the history of a single maisonette at the property). Not making the additional rooms car-free would increase demand for on-street parking in the Controlled Parking Zone (CPZ) the site is located within. This is considered unacceptable in CPZ's that are highly stressed where overnight demand exceeds 90%. The site is in East Kentish Town (CA-M) CPZ, which operates Monday to Friday 08:30-18:30. 94 parking permits have been issued for every 100 estimated parking bays within the zone, meaning that this CPZ is highly stressed in parking terms. The applicant has denoted a willingness to enter into this S106 Legal Agreement.

6.2 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 8 rooms; therefore 8 cycle storage/parking spaces are required. The applicant has not included provision for a cycle storage/parking in the proposed design. However, given the nature of the access to the proposed non self-contained accommodation through an existing hallway at ground floor level, it is considered difficult for the requirement to be adhered to. As such, this requirement is not sought in this context.

Notwithstanding this, there is considered to be scope for cycles to be stored in the space next to the staircase at ground floor level or within the rear/side garden if required.

6.3 In terms of the impact of the proposed works on the highway, the scheme is considered to involve small scale construction, with works to the rear of the property. Given the presence of Cottfried Mews at this point there is not considered to be a significant impact on the local transport network, namely Fortess Road. Consequently a construction management plan will not be required in this instance.

7. Recommendation

7.1 Grant Planning Permission subject to Section 106 Agreement for 7 rooms of the HMO to be car-free