



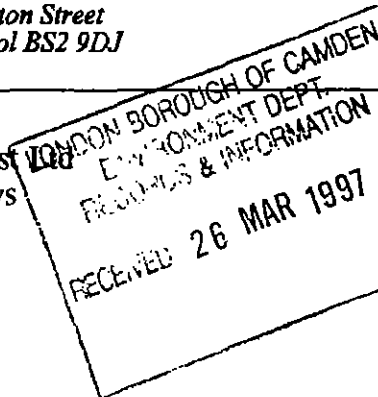
The Planning Inspectorate

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Uffindell & West Ltd
26 Wolsey Mews
LONDON
NW5 2DX



Your Ref:
10895
Our Ref:
T/APP/X5210/A/96/270200/P9

Date:

Dear Sirs

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6
APPLICATION NO: P9600707

1. I have been appointed by the Secretary of State for the Environment to determine your appeal against the failure of the Council of the London Borough of Camden to give within the prescribed period notice of its decision in respect of an application for conversion from offices and studio to residential accommodation at 26 Wolsey Mews, Kentish Town, NW5. I have considered the written representations made by you and by the Council. I inspected the site on 6 January 1997.

2. I note that your appeal was dated 1 August 1996 and was received on 5 August 1996. During that time, on 2 August 1996, the Local Planning Authority issued its decision to refuse your application. As this decision was reached and issued before your appeal was formally received, I shall treat your appeal as if it were against that refusal.

3. From my inspection of the site and its surroundings and from the written representations I consider there are two main issues in this appeal. The first is whether the existing building should be retained in commercial use to maintain the area's availability of business premises. The second is the effect of the proposal on the living conditions of occupiers of adjoining properties with particular reference to overlooking and privacy.

4. The Development Plan for the area includes the Borough Plan, adopted in 1986. Policy EM7 of this Plan indicates the Council's intention to protect existing business uses from changes of use to non business uses. The Council has also referred to the draft deposit Unitary Development Plan (UDP). Policy EC5 (modified) of this Plan is similar to policy EM7 of the Borough Plan but contains an exceptions clause to allow changes from office to residential use where residential use is acceptable against the plan's other policies and standards. I shall treat the relevant provisions of this emerging Local Plan as material considerations and attribute to them the weight advised in paragraph 48 of Planning Policy Guidance Note 1 (PPG1(Revised)), *General Policy and Principles*.

5. I have also been asked to take into account Supplementary Planning Guidance DS5 on visual privacy and overlooking. This states that extensions to residential properties should not result in unacceptable disturbance to the privacy of neighbouring habitable rooms and/or

garden space in separate occupation. I shall accord this document the weight advised in paragraph 3.19 of PPG12, *Development Plans and Regional Planning Guidance*.

6. On the first issue, the appeal building, which appears to have been designed and built for a commercial use, occupies the whole of the site. It has therefore no outdoor space for parking, loading etc, sharing a rear yard for emergency use with the adjoining commercial use to the north. I saw no other evidence at my site inspection that would lead me to the conclusion that the premises are unsuited for commercial use. I was aware however of the current availability of vacant commercial premises in the vicinity. I also note the excessive oversupply of second hand office accommodation within London as found by the LPAC Central London Capacity Study (1993), an oversupply expected to continue for several years.

7. On the first issue I conclude therefore that whilst the appeal premises appear to be suitable for commercial use, there is no overriding need for them to be retained in that use. As such I consider the exceptions clause of the more up to date Policy EC5 of the emerging UDP should apply, allowing the principle of the change of use of the building to residential use. This approach accords with the thrust of guidance in PPG3, *Housing*.

8. On the second issue, based on my site inspection I consider the proposed change of use of the appeal premises would have a material impact only on the three large semi detached residential properties to the south, Nos 2, 4 and 6 Caversham Road. Overlooking of these properties would result from two sources. The first would be the windows on the south side of the appeal property, which are some 4.5m from the rear (north) wall of Nos 2 and 4. These windows would therefore overlook both the rear windows and gardens of these properties. The second would be from the first floor rear balcony to the appeal property, which would overlook the gardens of Nos 4 and 6 and also the rear windows of No 4.

9. The distances involved in these interrelationships fall far short of currently accepted standards. The overlooking already exists however, from the use of the premises as an office/studio. With that in mind I do not consider the proposed development would result in a material additional loss of privacy to residents of Nos 2, 4 and 6 Caversham Road, particularly as the proposed development does not involve the creation of additional windows or other features which would increase overlooking. On the second issue I conclude that the appeal proposal would not result in an unacceptable additional loss of privacy to adjoining residential premises.

10. The appeal proposal would not involve changing the external appearance of the building. It would therefore preserve the appearance of this part of the Bartholomew Estate Conservation Area. Whilst the proposed change of use from offices and studio to residential would change the impact of the building's use on the area, I do not consider that change would be detrimental to the character of this part of the Conservation Area.

11. My overall conclusion is that the appeal proposal is acceptable. I shall therefore allow this appeal, subject to a condition restricting the construction of additional windows on the premises. This is to control the creation of additional fenestration which could materially increase overlooking of the adjoining residential premises.

12. For the above reasons and in exercise of powers transferred to me, I hereby allow this appeal and grant planning permission for the conversion from offices and studio to residential accommodation of 26 Wolsey Mews, Kentish Town, NW5 in accordance with the terms of the application (No P9600707) dated 4 March 1996 and the plans submitted therewith, subject to the following conditions, the second of which has been canvassed with yourselves and the Local Planning Authority:

1. the development hereby permitted shall be begun before the expiration of 5 years from the date of this letter;

2. notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order) (with or without modification), no windows/dormer windows shall be constructed.

13. This letter does not convey any approval or consent which may be required under any enactment, bye-law, order or regulation other than Section 57 of the Town and Country Planning Act 1990.

14. Your attention is drawn to the provisions of Section 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires consent to be obtained prior to the demolition of buildings in a conservation area.

Yours faithfully

A handwritten signature in black ink, appearing to read 'W.C. Cunningham', with a large, sweeping flourish extending from the end of the signature.

WM C CUNNINGHAM BSc(Hons) MA MCP MRTPI
Inspector