DISCLAIMER

Decision route to be decided by nominated members on Monday 21st April 2008. For further information see
http://www.camden.gov.uk/ccm/navigation/environment/planning-and-built-environment/planning-applications/development-control-members-briefing/

Delegated Report (Members Briefing)	**Analysis sheet**	**Expiry Date:**	**17/04/2008**
	N/A / attached	**Consultation Expiry Date:**	13/3/2008

Officer	**Application Number(s)**
Hugh Miller	2008/0577/P
Application Address	**Drawing Numbers**
153 Highgate Road London NW5 1LJ	Please see draft decision notice

PO 3/4	**Area Team Signature**	**C&UD**	**Authorised Officer Signature**

Proposal(s)

Change of use of rear store to provide additional residential accommodation to existing one-bedroom unit and studio.

Recommendation(s):	**Grant**
Application Type:	**Full Planning Permission**

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	**08**	No. of responses No. Electronic	**02** **00**	No. of objections	**01**
Summary of consultation responses:	Flat 2, 153 Highgate Road – comments We have 5 concerns: 1. We need to be assured that a safe access will be maintained to Flat 2 for normal use and in case of fire. 2. Hours when the work takes place need to be reasonable i.e. should not start before 08.30 and finish before 18.00. 3. How long will this work take, will this be a few weeks? Or will it be for several months? 4. Will there be any disruption to services such as water, gas and electricity? 5. Internet access is important to us as students. Please ensure the cable is not damaged during the work. No. 151 Highgate Rd- object. Concern about impact on daylight; concern that the no. of occupiers will increase, which will cause noise nuisance. **Officers comments**: No. 151 lies due south east of the application site and windows orientated due northwest. The application building would project forward of the building line of no.151 by approx. 4.0m about the same depth as the existing storage extension. Notwithstanding this, it is considered that the gable roof extension is unlikely to cause harm through loss of daylight/sunlight. An informative would be attached to any permission granted providing guidance on hours of works on development site inter alia; "*You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays*". The substantive comments raised are not material consideration to the determination of the proposal.					

CAAC/Local groups* comments: *Please Specify	Dartmouth Park CAAC. No response.

Site Description

The application site is located on the south-western side of Highgate Road, some 30 metres from the junction with Gordon House Road to the north-east. The retail unit fronts Highgate Road. It is located with in the designated Neighbourhood Centre. The site is located within the existing rear yard area and is accessed form a service road off Gordon House Road.

The application property is at the rear of an existing three-storey terraced building forming part of a local shopping parade. The site is located within the Dartmouth Park Conservation Area. The rear of the site is characterised by a variety of single and two-storey rear extensions displaying differing levels of visual merit.

Relevant History

PEX0000032 – LDC Granted 07/03/2000 – Self-contained studio flat.

2004/4711/P – P.P. Refused 07/01/2005 - Erection of a cantilevered second floor extension to rear to create a one-bedroom flat.

2005/4428/P – PP Refused 15/12/2005 - Remodelling of the existing rear single-storey self-contained studio flat with the erection of an additional storey to create a two-storey 2 x bedroom self-contained dwelling unit

2006/1135/P - PP refused 28./4/2006 - Remodelling of the existing rear single-storey self-contained studio flat at ground floor level change of use from ancillary retail storage (Class A1) use to residential (Class C3) use, with the erection of an additional storey to create a two-storey 2 x bedroom self-contained dwelling unit on grounds:

> *The proposal, by reason of its size and siting would be an incongruous and over dominant addition to the host property, resulting in unacceptable harm to its visual amenity. In this respect, the proposal fails to preserve or enhance the architectural integrity of the host property, or the character and appearance of the conservation area in which it lies. The proposal is therefore contrary to policies EN1 (General environmental protection and improvement), EN13 (Design of new development), EN22 (Extensions to existing buildings) and EN31 (Character and appearance of Conservation Areas) of the London Borough of Camden Unitary Development Plan 2000 and policies B1 (General design principles), B3 (Alterations and extensions) and B7 (Conservation areas) of the Revised Deposit Draft as amended by the Proposed Modifications agreed by the Council's Executive on 11th January 2006..*
>
> *The proposal, by reason of its height and proximity to the window serving the habitable accommodation within the adjacent first floor flat of the host building, would be likely to give rise to an unreasonable sense of enclosure and overbearing impact, and would be likely to result in overlooking and a loss of privacy to the detriment to the occupiers of that flat. The proposal is therefore contrary to policy EN1 (General environmental protection and improvement) and EN19 (Amenity for occupiers and neighbours) of the London Borough of Camden Unitary Development Plan 2000 and policy SD6 (Amenity for occupiers and neighbours) of the Revised Deposit Draft as amended by the Proposed Modifications agreed by the Council's Executive on 11th January 2006.*

June 2006 Appeal lodge to Inspectorate.

December 2006 the Inspectorate dismissed the appeal on grounds as follows:

"…. the appeal proposal would not be harmful to the character and appearance of the Dartmouth Park Conservation Area. As such it would accord with the main thrust and or relevant criteria of UDP policies B1 and B7. However, and again for the above reasons, ….the appeal proposal would be harmful to the level of residential amenity enjoyed by adjacent residents. Consequently, the scheme … is at odds with UDP Policy SD6; it is for this reason the appeal fails".

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.

RUDP: 2006

SD6 - Amenity for neighbours and occupiers
B1 – General design principles
B3 –Alterations & extensions
R7B –Neighbourhood centres
B7 –Conservation areas

CPG 2006:

Section 19: – Alterations, extensions and conservatories

Dartmouth Park Conservation Area Statement

Assessment

Background

In December 2005, an identical proposal was refused on similar grounds by the Council. No appeal made.

In April 2006 the Council refused planning permission for "Remodelling of the existing rear single-storey self-contained studio flat at ground floor level change of use from ancillary retail storage (Class A1) use to residential (Class C3) use, with the erection of an additional storey to create a two-storey 2 x bedroom self-contained dwelling unit" inter alia the proposals "*…size and siting would be an incongruous and over dominant addition to the host property, resulting in unacceptable harm to its visual amenity"; and "… its height and proximity to the window serving the habitable accommodation within the adjacent first floor flat of the host building, would be likely to give rise to an unreasonable sense of enclosure and overbearing impact, and would be likely to result in overlooking and a loss of privacy to the detriment to the occupiers of that flat"*. See history section above.

Current proposal

- Change of use of rear store to provide additional residential accommodation for the studio flat and erection of a first floor rear extension to provide additional bedroom accommodation for the ground floor

studio flat and the existing first floor flat.

With some changes **a**) removal of 1st floor terrace, **b**) gable roof replacing flat roof, **c**) bathroom replacing bedroom in main host building, and bedroom located in the 2-storey closet wing of new extension **d**) 1 x bedroom maisonette replaces 2 x bed s/c flat; this application is similar to the refused proposal.

Land use

Loss of retail floorspace.

The site lies within the Highgate Road neighbourhood centre and is within its defined shopping frontage. The relevant policy in this instance would be policy R7 B. It states "At ground floor level in Neighbour Centres, the Council:

a) will only grant planning permission for development that it considers will not cause harm to the character, function, vitality and viability of the centre; and
b) will not grant planning permission for development that would prevent the centre from being capable of providing a range of convenience shopping.

Moreover, reasoned justification, paragraph 6.48 states inter alia "… *Proposals for residential use of underused and redundant premises and land will be positively considered, particularly for upper floors of centres, under policy R8A and policy H1…* "

The single-storey rear extension is ancillary to the A1 use ground floor unit and used for storage purposes. Therefore the prime retail floorspace (ground level) is retained and it is not considered that the retail character, function, vitality & viability of the area would be affected. The proposed loss of the rear storage floorspace would not prejudice the retail function of the centre, reduce variety of uses or disrupt the retail character of the area. The proposal is in accordance with policy R7 B and is satisfactory.

The retail storage is surplus to requirements, the site is under used and the proposal to provide larger residential uses.

The proposed extension measures approx. 62.5sqm. The net floor area of the proposed maisonette measures approx. 46.16sqm. The net floor area of Flat 2, within the main host building measures approx. 47.0sqm. These floor sizes comply with CPG space and room size guidelines and are considered acceptable. The proposed self contained units would comply with CPG guidance on internal arrangements. The internal headroom height would be satisfactory.

Design

The rear of the buildings within this terrace comprise of a variety of building heights. No. 157 Highgate Road has an existing part two storey and part three storey rear extension. A previous scheme which proposed a two storey flat roof rear extension was refused by the Council. This decision was appealed. The Appeal Inspector stated that the proposed extensions would not harm the character and appearance of the host building or wider Conservation Area. The Inspector noted that the rear of the host and adjacent properties are of no particular architectural merit. He stated that the appeal scheme would replace the unsightly clutter of outbuildings giving order and visually co-ordinated development. (see pars. 7 & 8). This application has reduced the bulk and

massing of the proposed extension since the Inspectors decision by including a pitched roof. It is considered that the amended scheme has improved the appearance of the proposed extensions and would preserve the character and appearance of the Conservation Area. The materials proposed for the construction of the proposal are matching facing brickwork, which are considered acceptable.

The design, height and footprint of the current proposal have been altered since the previous scheme. The current scheme now comprises a recessed middle section between the new 2-storey extension and the rear of the main host building. A mono-pitched glazed canopy would be erected between first and ground floor to form a semi-enclosed patio area and gable roof would replace the previously flat roof. It is noticeable that, the height of the gable roof has reduced the overall height and massing of the current extension results in it being less visually dominant and therefore more subordinate in its appearance to the host building. It is considered that the current proposal would be more in keeping with the historic built pattern of development. The proposal would not harm the architectural integrity of the property, neither would it cause harm to the character and appearance of conservation area.

The current scheme retains the previous fenestration details with flat gauged window lintols & glazing bars to match the host building. The proposed elevations would have brick finish matching the host building. In terms of design, materials and execution the proposed extension is satisfactory and is in compliance with policies B1, B3, B7 and CPG rear extension guideline.

Neighbour amenity

The previous appeal decision was dismissed regarding concerns of overlooking from a balcony on the flank elevation and that the proposed extension would cut across an existing bedroom window. The applicant has deleted this 1st floor balcony and relocated the rear bedroom within the proposed rear extension. These amendments have overcome the considerations of the Appeal Inspector. The bathroom would be obscure glazed and the proposed extensions would not screen the existing rear window. The first floor balcony has been removed. This would ensure that no direct impacts of overlooking would occur upon the neighbouring property. The proposed bedroom windows would face the adjacent property, however it is not considered that this would result in such significant impacts of overlooking that would warrant refusal. The application site is in a built up area and is subject to existing windows facing the application site. In addition the Appeal Inspector only took objection to the proposed balcony not the principle of having windows on this flank elevation. Therefore it is considered that the proposal is acceptable and would not result in significant impacts upon neighbours amenity in terms of overlooking and or loss of privacy neither would it impact upon outlook.

Approval is recommended.