

**DISCLAIMER**

Decision route to be decided by nominated members on Tuesday 25<sup>th</sup> March 2008. For further information see <http://www.camden.gov.uk/ccm/navigation/environment/planning-and-built-environment/planning-applications/development-control-members-briefing/>

<b>Delegated Report</b> Members' Briefing		<b>Analysis sheet</b>	<b>Expiry Date:</b>	<b>27/03/2008</b>
		N/A	<b>Consultation Expiry Date:</b>	<b>10/03/2008</b>
<b>Officer</b>			<b>Application Number(s)</b>	
Jenny Fisher			2008/0311/P	
<b>Application Address</b>			<b>Drawing Numbers</b>	
35 Tottenham Street London W1T 4RT			Refer to draft 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 rear part of ground floor to form an extension to the existing retail unit (Class A1) and an access area for the upper floors; change of use of the first, second and third floors from part non self-contained residential accommodation and ancillary retail to 3 x self-contained flats (one per floor), erection of mansard roof extension to provide additional floorspace to the third floor front and replacement of windows on front, side and rear elevations.				
<b>Recommendation(s):</b>		Grant conditional permission		
<b>Application Type:</b>		Full Planning Permission		

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	21	No. of responses	00	No. of objections	00
			No. electronic	00		
Summary of consultation responses:	A site notice was displayed from 18/02/08 to 10/03/08.  <b>Adjoining owners/occupiers</b> No reply to date.					
CAAC/Local groups comments:	<b>Charlotte Street CAAC</b> <ul style="list-style-type: none"><li>It would unacceptably alter the existing proportions of the front elevation and the configuration of the windows unacceptably.</li><li>Replacement of the existing 12 – right Georgian windows on the second floor with 6 – light windows would also be wrong.</li><li>The mansard would be too intrusive and again the proportions wrong. The windows would be too wide in relation to the others.</li></ul> <b>Charlotte Street Association</b> <ul style="list-style-type: none"><li>The proposed mansard will be extremely overbearing in the context of the terrace and detrimental to the Conservation Area. It is unfortunate that a mansard, albeit significantly smaller, was allowed at no. 37. The setback roof extensions at Nos. 29&amp;31, which retain the views of the parapet line against the sky and are barely visible from the street should be regarded as the template for the terrace, rather than No. 37.</li><li>The dropped ceiling at first floor level would be clearly visible from the street and damaging to the quality of this building, identified as being of merit in the Conservation Area statement.</li></ul> <b>Officer comment</b> <i>Most of the concerns raised have been addressed by revision; other matters are discussed in the assessment of the report below.</i>					

## Site Description

A four storey terraced property situated on the south side of Tottenham Street. Similar properties adjoin to the east, west and south. The basement is in office use, ground floor retail with a small office to the rear (separate from the retail unit), and residential on upper floors (see assessment section re use of upper floors). The site is within the Charlotte Street Conservation Area.

## Relevant History

### 35 Tottenham Street

#### **29/08/2003 PSX0304278/P Refused**

Additions and alterations including the erection of a roof extension in connection with conversion of property from House in Multiple Occupation (HMO) to two 1-bedroom and one 3-bedroom self contained flats.

#### Reasons:

1. The proposed roof extension, by reason of its bulk, scale and design would be an overly prominent and obtrusive addition to the building, to the detriment of the appearance of the building and the character and appearance of the conservation area contrary to policies EN24 (Roof alterations and extensions) and EN31 (Character and appearance of the conservation area) of the London Borough of Camden Unitary Development Plan adopted 2000.

2. The proposed change of use of the premises would result in a reduction in supply of accommodation within multiple occupation leading to a reduction in the range of accommodation necessary to meet housing need within the borough. This would be contrary to policies HG4 (Loss of a range of residential accommodation) and HG17 (Protection of houses of multiple occupation) of the London Borough of Camden Unitary Development Plan adopted 2000.

#### **21/05/2008 2007/0088/P Refused**

The change of use of the rear part of the ground floor to form an extension to the existing retail unit (Class A1) and an access area for the upper floors; the change of use of the first, second and third floors from non self-contained residential accommodation (sui generis) and space ancillary to the retail unit (Class A1) to 3 x self-contained flats (Class C3), incorporating a roof extension behind the existing parapet and new window/openings at third floor front.

#### Reason:

The proposed change of use of the premises would result in a reduction in supply of accommodation within multiple occupation leading to a reduction in the range of accommodation necessary to meet housing need within the borough. This would be contrary to policy H6 (protection of houses of multiple occupation) of the London Borough of Camden replacement Unitary Development Plan adopted June 2006.

### 37 Tottenham Street

#### **03/02/2004 2003/2960/P Approved**

Erection of a mansard roof extension and rear roof terrace at fourth floor level.

### 31 Tottenham Street

#### **08/07/2002 PSX0204332 Approved**

Construction of third floor flat roofed rear extension and formation of roof terrace at fourth floor / roof level with balustrade and alterations to fenestration at roof level on front and rear elevations.

**Relevant policies**

**Replacement UDP** S1/S2, SD1, SD6, H1, H6, H7, H8, B1, B3, B7, T3, T9, R1 and E2.

**Camden Planning Guidance 2006**

**Charlotte Street Conservation Area Statement**

## Assessment

There has been considerable debate regarding the authorised use of the upper floors of the property. It was previously considered that the first to third floor would be classified as an HMO. Additional information submitted by the applicant in support of the application to contest this, they believe that whilst the 2 of the 3 units are not fully self-contained, i.e. their facilities are not all set behind a single door, they do operate as 3 separate units without any shared facilities and therefore could not be classified as an HMO. It is noted the property is in an extremely poor condition and floor to ceiling heights do meet modern standards. Below the manner in which the accommodation is current use is summarised, before outlining the proposed changes and considering the acceptability of these changes against current policy.

### **Premises currently comprise:**

Basement: office; Ground floor: retail with office to the rear; First floor: flat 1, kitchen (locked) on same floor for sole use of first floor flat, but on the other side of the landing. Second floor: flat 2, a one bedroom unit will all but a WC located behind their entrance door. There is also a rest room/store for the ground floor retail unit at this level. Third floor: a two bedroom self-contained flat, a door at the bottom of the stairs leading up the third floor separates the third floor flat from the rest of the building.

### **Proposed:**

Existing accommodation is accessed by a staircase in the middle of the building. The relocation of the staircase is proposed towards the rear of the building.

Basement: retain office, some internal alterations. Ground floor: Stairs leading to upper floors are currently between the retail unit and the office to the rear. The staircase would be relocated and the ground floor would comprise a retail unit only. Therefore loss of the small office space.

First floor: a 1 bedroom self-contained flat, kitchen would be included as a result of relocating the staircase from the middle to the rear of the building. Second floor: a 1 bedroom self-contained flat. A small toilet extension would be removed and two windows would be installed. Third floor/ roof extension: A 2 bedroom self-contained flat.

### **Proposed external alterations**

A mansard roof extension is proposed which would be the same size as Nos. 31 and 37 and clad with natural slate. Dormer windows are proposed to the front and rear with roof and cheeks being lead clad. The detailed design including the size of the dormer windows was amended during the course of the application to address concerns raised by consultees and the conservation and design team.

In order to comply with modern residential requirements and building control regs. floor to ceiling heights need to be increased. The roof parapet would remain as existing, but there would be an increase in the distance between third floor window heads and coping since the windows would be lowered as a result of the increased floor to ceiling height. As a consequence of the alteration of floor to ceiling heights the first floor bulk head would have been visible through windows. Revised drawings have been submitted to show the bulk head raked back, it would not be visible from the street.

The windows on the front, side and rear elevation are to be replaced. The front windows would be the same size, proportion and subdivision as existing. To the rear and in the flank wall first, second and third floor windows would reduce in height upwards, thus retaining the appropriate hierarchy. Rear dormer windows would match those at the front. The design of the windows was amended during the course of the application

to address concerns raised by consultees and the conservation and design team.

**The main issue for consideration in this case are:**

**Use and Mix:** The previous application (2007/0088) was refused on 21/05/07. The decision was based on information submitted by the applicant, including floor plans representing the existing layout. Environmental Health (residential team) responding to an observation request stated the Council's reluctance to approve the loss of non-self-contained accommodation. On the 22/05/2007 (after the application had been determined) the applicant contacted one of the Council's Environmental Health Officers and that officer contacted development Control. His advice was more specific, and followed a site visit, confirming that there is some confusion about whether or not the property is classified as an HMO and subject to UDP policy H6. His description of the internal layout is as confirmed by the more recent site visit (11/03/2008). **He has confirmed that the property has never been let as bedsits, though there is a WC on the second floor, all units have their own facilities. Flat 3 has been on the empty property list for a long time, bringing the third floor back into residential use would provide additional accommodation, therefore there would be no loss of habitable rooms.**

As well as information above, the current submission includes statutory declarations and additional evidence, including a Council Tax Valuation List (16/01/2006) not provided when the previous applications were assessed. All support the claim that upper floors comprise three flats each with their own bathroom and cooking facilities. It is clear that the layout of the existing accommodation is not as self-contained flats, but the units have been operating in the manner of individual units for sometime. Given this and the overall problems in terms of the standard of the existing accommodation the proposal is considered to be acceptable in land use terms. The proposal will improve sub-standard housing, there would in reality be no loss of shared accommodation and it would bring all of the upper floors of the property into residential use and would not result in the loss of non self -contained accommodation. The proposal would provide a mix of 1 and 2-bedroom accommodation which is considered acceptable against policy H6.

It is noted that the non self contained flat could be self-contained without requiring planning permission by the inclusion of kitchen facilities (as part of a kitchen / living room) in the same way as the other floors. (Although this would leave 'spare' rooms on the 1st and 2nd floor that would not form part of any of the flats.)

The loss of the very small office accommodation at rear ground floor is acceptable as it almost so small it is unusable and it would be better incorporated into the retail unit which existing, making it a more desirable and viable unit. Furthermore, as the ancillary retail accommodation on the upper floors would be subsumed by residential accommodation this will allow it to reprovide the storage space it currently enjoys.

**Lifetime homes:** The Council encourages, although it cannot require, all new housing development to be accessible to all and to comply with lifetime homes standards. The existing entrance would be used and cannot be widened, however a level threshold would be introduced. The existing stair case is in the middle of the building this would be moved to the rear for easier circulation, and with treads and risers to meet standards required. Wall reinforcements would be applied to allow handrails if required in future; electrical installation and window sills would meet requirements. The proposal therefore will make some improvements in terms of accessibility which is welcomed. An informative should be attached to the permission to encourage this further.

**Cycle and Car Parking:** The proposal involves formalisation of the upper floors as 3 units, rather than the provision of new residential units and therefore it is considered that it would not be reasonable to require that cycle parking be provided or the units be designated as car-free.

### **Visual impact**

The mansard has been designed to match those to properties either side. Whilst the top of the party wall to No. 37 is level, the party wall to No. 31 has a sloping profile. This has determined the profile of the mansard roof whilst maintaining a 300mm distance between the top of the wall and the new roof. This is considered preferable to raising the height to the mansard proposed above that of No. 31 which would be the alternative to following the neighbouring party wall profile. The dormers are appropriate sized and positioned and suitable materials are to be utilised.

All new windows would be timber framed sliding sash which is considered acceptable. The hierarchy of fenestration would be retained. It should be noted that windows to houses along the terrace vary in size, style and position within the front elevation. The raked bulkhead at first floor level has overcome concerns raised about visibility of the lowered ceiling level from the ground.

**Recommendation:** Grant conditional permission.