

ASK PLANNING

Chartered Town Planners

18 THE COMMON, LONDON W5 3TR

Tel: **020 3255 0099** Fax: **020 3255 0090** ask@planningtask.com

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)

Circular 01/2006: Guidance on Changes to the Development Control System

DESIGN AND ACCESS STATEMENT

by **Mr. A. S. Kassim DipTP(Dist) MSc FRTPI**

Planning application by: **Mr. F. A. Ferrari**

Site at: **153 HIGHGATE ROAD, LONDON NW5 1LJ**

Our ref: **2008/508/P**

Date: **28th January 2008**

1.0 INTRODUCTION

1.1 This statement is prepared to support and explain the planning application as well as discuss the design and access parameters for the proposals of the planning application. It is prepared in accordance with the guidelines of DCLG Circular 01/2006. The planning application proposals are for:

"The remodelling of the existing rear single storey self-contained studio flat and store together with the addition of another floor to create a self-contained flat and provide a bedroom to the first floor flat of the host building."

1.2 The application proposal follows and responds to the issues raised in the refusal of two recent application, as well as discussions with the officers and an appeal by way of a written representation, lodged on 27th June 2006 against the refusal of a planning application on 28th April 2006. The appeal reference No. APP/X5210/A/06/2020 was dismissed on 13th December 2006.

1.3 The main issues raised by the Inspector, which led to his decision to dismiss the appeal were:

- *The sense of enclosure to the existing bedroom of the first floor flat in the host building;*
- and • *The overlooking from a balcony at first floor level.*

The design of the application proposals addresses these issues by the enlargement of the existing first floor flat and the removal of the balcony

1.4 The statement describes the appeal premises in the context of its location and in relation to the variety of additions to the rear elevation of the neighbouring properties. It includes a description of the relationship of the appeal development with the surrounding area, confirming that the proposals will not be discernable to the public and will not harm the character of the Dartmouth Park Conservation Area in which the appeal site is located.

1.5 Nonetheless, the statement deals with the ethos of the proposed conversion to show that it represents a marked improvement for the area because its implementation will result in the removal of the present unsightly clutter of outbuildings. The design of the application proposal emanated from discussions with the officers as well as the analysis of the Inspector's decision letter. The application proposals consist of a smaller maisonette to the rear of a different layout from the previously refused appeal scheme and the enlargement of the existing first floor flat by the relocation of the bedroom in the proposed extension of the rear outbuildings.

1.6 The statement also deals with the relevant planning history of the appeal premises, leading to the granting of a planning permission through the appeal process for the addition of a dormer window at third floor level, and also the above discussed appeal

1.7 The appeal decision will be analysed to derive the guidelines offered by the Inspector in his decision letter. The statement concludes with a review of the main issues arising from the reasons for refusing the appeal application and from the appraisal of the related policies.

2.0 THE APPEAL PREMISES AND ITS SURROUNDINGS

2.1 The appeal premises are part of a late Victorian terrace of eight buildings, (143-157 Highgate Road), situated to the south-west of Highgate Road close to the junction with Gordon House Road. The terrace is situated on the fringe of the Dartmouth Park Conservation Area but none of the buildings are listed.

2.2 The ground floor use of the terrace is mixed but it is predominantly retail and the upper floors are in residential use. The parade of shops is designated as a 'Neighbourhood Shopping and Service Centre'. The access to the residential uses and the servicing of the shops is provided from a private road to the rear of terrace.

2.3 This part of Highgate Road is not distinguished by any particular style or feature, as it consists of a variety of architectural forms and uses, including two ecclesiastical buildings and a petrol filling station located opposite the appeal parade.

2.4 The rear of the appeal parade is characterised by a variety of single and two storey extensions displaying differing levels of visual merit.

2.5 In fact, almost the whole of the terrace have a two-storey extension to the rear, with the exception of the appeal premises and No. 151 Highgate Road. At the corner of the terrace, No. 157 Highgate Road has a fully-fledged two-storey extension.

2.6 The application premises have a commercial use on the ground floor and three upper floors consisting of a one bedroom flat on the first floor and a maisonette occupying the second and third floors. The third floor is a loft conversion, the dormer window of which was granted planning permission through the appeal process on the 4th July 2005 and has since been implemented. The first floor flat is a small one-bedroom unit with a small bedroom located at the back of the host building.

2.7 The rear of the property consists of a passageway, which links the building with the service access. It leads to a lobby, which provides the main access to the residential use above. Immediately adjacent to the service access is a store, currently used by the freeholder for purposes unrelated to the main building. To the rear of this and sandwiched between the main building and the store is an outbuilding, which has a lawful residential use. The residential use was established through the granting of a Lawful Development Certificate in 2000 for its use as a self-contained bed-sit.

3.0 PLANNING HISTORY

3.1 A lawful development certificate was granted for the use of one of the outbuildings as a self-contained studio flat (Decision Notice dated 7th July 2000; LPA reference: PEX0000032). This outbuilding forms part of the appeal proposals.

3.2 I became involved as the agent for planning matters relating to the application premises as far back as 2004, when the local authority notified the appellant regarding the unsuitability of the roller shutters to the front of the commercial part of the building. Negotiations with regard to the type of shutters ensued with the planners culminating with the submission of a planning application for the removal of the existing shutters and the installation of brick-bond style metal shutters to the shop-front on 18th January 2005. This was granted planning permission on 5th April 2005.

3.3 A planning application was submitted on 21st October 2005 for the addition of a dormer window to the rear bedroom within the loft. This was refused planning permission on 24th December 2004 (application ref. 2004/4709/P).

3.4 The decision to refuse the planning application for a dormer was appealed on 4th March 2005 by way of written representation. The appeal decision, granting a planning permission for the dormer window, was issued on 4th July 2005 (ref. no. APP/X/5210/A/05/1176105).

3.5 Proposals were prepared for the use of the vacant outbuildings to the rear of the main building. A planning application was submitted on 21st October 2004 for the development of the outbuildings to create a one bedroom flat to the rear of the premises. This was refused a planning permission on 7th January 2005 (LPA reference no. 2004/4711/P).

3.6 The applicant subsequently, acquired the lease of the bed-sit, to enable a more comprehensive remodelling of the outbuildings to the rear. Proposals were prepared and submitted for a planning permission. This in fact was the beginning of protracted negotiations with the local planning authority, which led to the refusal to grant permissions to two planning applications.

3.7 The first planning application was submitted on 17th October 2005 for the:

"Remodelling of the 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."
(Decision Notice description)

This was refused a planning permission on the 15th December 2005.

3.8 The reasons for refusing the planning application raised issues relating to details rather than the main principle for the development of these outbuildings in order to create a useful residential unit. Negotiations ensued with the case officer, resulting in introducing design changes, such as, the reduction of the width of the upper room and the introduction of different fenestrations, together with a new layout for the interior of the new maisonette.

3.9 A new planning application was submitted on 3rd March 2006 reference no. is 2006/1135/PT for proposals described as:

"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."

3.10 This application was refused a planning permission on 28th April 2006 for the following reasons:-

- "1. The proposal, by reason of its size and siting would be 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's 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.*
- 2. 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 amended by the Proposed Modifications agreed by the Council's Executive on 11th January 2006."*

3.11 An appeal was lodged on 27th June 2006 and was acknowledged and validated by the Inspectorate on 4th August 2006 (reference number APP/X5210/A/06/2020385/NWF).

The decision to dismiss the appeal was issued on 13th December 2006, fundamentally for two reasons; the first relates to the sense of enclosure to the bedroom of the first floor flat in the host building and the second is the loss of privacy owing to the introduction of a balcony at the first floor addition. The Inspector's summary of the justification of his decision is stated in paragraphs 9 and 10 of his decision letter. They are as follows:

- "9 *At first floor level, the new flank wall to the appeal proposals would be within 225 mm of an existing bedroom window within the main building. Whilst such a relationship might not result in inadequate level of levels of daylight within the affected bedroom, by virtue of its location, the new wall would significantly impinge upon the existing open aspect and vista from the window. The new wall would be unacceptably visually dominating and oppressive when viewed from the present bedroom.*
- 10 *In addition, because it would be only 5.5m from the window and notwithstanding the possible provision of what the appellant describes as glance-proof screen, use of the proposed first floor balcony would result in overlooking and potential loss of privacy of the occupiers of the existing bedroom".*

3.12 He also concluded in paragraph 11 of his decision letter that:

- "11 *For the above reasons, I do not consider that the appeal proposal would 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, I conclude that the appeal proposal would be harmful to the level of residential amenity enjoyed by adjacent residents. Consequently, the scheme before me is at odds with UDP Policy SD6; It is for this reason the appeal fails".*

(My underlining)

3.13 The Inspector provided guidelines for any future submission and he singled out that only the scheme before him, he found to be unacceptable; see my underlining above. In other words, this means that any future scheme must satisfy the criteria as set out in UDP Policy SD 6. Amongst other aims, this particular policy ensures that proposed development causes no harm to the amenity of occupiers of neighbouring buildings. The Inspector's only concern was the sense of enclosure to the bedroom window of the first floor flat of the host building

3.14 The new proposals have been prepared to take into account the Inspector's concern about the effects of the proposed redevelopment of the outbuildings on the window of the bedroom of the first floor flat. Therefore the main aim of the proposals is to remove any harm to the amenities of its neighbouring occupiers. Further the new proposals have no balcony to any of the habitable rooms.

5.0 THE PLANNING APPLICATION AND THE PROPOSALS

5.1 The planning application is submitted with the following documents;

- A set of drawings prepared by ASK Planning which include:

Drawing No.:	2008/508/P/01:	Location plan
	2008/508/P/02:	Existing floor plans
	2008/508/P/03	Existing Elevations
	2008/508/P/04:	Existing Sectional Elevations
	2008/508/P/05:	Proposed Ground and First Floor Plans
	2008/508/P/06:	Existing Elevations

- Photographs
- Statutory Planning Fee - A cheque to the value of £265

5.2 The planning application proposals envisage the demolition of the existing outbuildings and their replacement with a two-storey structure to accommodate a one bedroom flat and provide a bedroom for the first floor flat of the host building. The new accommodation is arranged as follows:

5.3 Ground Floor:

- The shop is to remain unaltered to the front of the main building.
- The passageway to provide access to the flats of the main building, leading to a lobby and the main staircase for the upper floor flats
- The entrance to the new flat from the passage-way, leading to a hallway, the staircase, a lounge, a shower-room and a kitchen.

5.4 First Floor

- To the front the existing Lounge/dining area of the first floor flat of the main building, a bathroom and a corridor leading to the bedroom in the proposed extension on the first floor.
- The stairs leading to a landing, and a bedroom for the newly created flat.

6.0 SUSTAINABLE DEVELOPMENT

6.1 The existing outbuilding has the potential for making a more efficient use by their conversion into a residential unit. In the process, it also offered the opportunity to improve the accommodation of the first floor flat by the provision of a larger bedroom.

6.2 Paragraph 27 of PPS1 advises that, to enable the delivery of sustainable development, local planning authorities should encourage the more efficient use of land through higher density, mixed use development and the use of suitably located previously developed land and buildings. It urges local planning authorities to bring vacant and underused '*previously developed land and buildings*' back into beneficial use especially when the development proposes an increase in the housing stock.

6.3 On the other hand, sustainability can best be described as improving the quality of life for all without damaging the environment. Further, good design is defined in paragraph 33 of PPS1 as that which:

"ensures attractive usable, durable and adaptable places and is a key element in achieving sustainable development. Good design is indivisible from good planning".

6.4 The proposed redevelopment of the rear outbuildings is intended to incorporate methods of construction and the provision of plant to create a sustainable development. Maintenance of the existing housing stock in a sound condition and with adequate modern facilities is a primary sustainability objective and accords with sustainable development principles, by achieving savings on the use of natural and finite resources.

6.5 The London Borough of Camden also recognises that one of the ways of continuing to increase the supply of housing is through conversion of existing houses and by making efficient use of existing resources. The proposed conversion of the outbuildings into residential accommodation is the most beneficial use. Further, the London Borough of Camden also recognises that one of the ways of continuing to increase the supply of housing is through conversion of existing houses into flats. Paragraph 6.49 concludes that:

"The Council will therefore allow the creation of more units, throughout the Borough, by allowing the conversion of houses into self-contained flats."

6.6 Insofar as the achievement of sustainable development, it is possible to be specific in this regard, but not over-prescriptive on the type of measures which could be included in the building to render it, as far as possible, sustainable. Furthermore, the process of such a development will include the preparation of a strategy explaining how the sustainability commitments/requirements will be designed into the scheme.

6.7 The following is a proposed schedule of the measures, which could be incorporated into the method of construction of the proposed structure.

- The achievement of a higher carbon-index or SAP than is specified in the Building Regulations;
- The provision of a low-energy user-control scheme;
- To include the installation of water-meters or devices for water leak detection;
- The provision of water-saving devices to reduce water demand in all sanitary fittings;
- To incorporate a limited grey-water recycling system;
- To provide samples of materials to be used for the construction of the building and these shall be submitted for approval and they shall be of comparable sustainability standards to those required by the local planning authority;
- The Construction Management Statement (CMS) to also include evidence of a Considerate Contractors Scheme registration and operation.

7.0 THE DESIGN AND ACCESS CONCEPT

7.1 The main design objectives of the proposals are twofold; firstly, to make an efficient use of existing and proposed accommodation without compromising the character of the conservation area, and, secondly, to rationalise the existing and additional space and the re-organisation of the resultant habitable space, in order to create a new self-contained one bedroom flat and to improve the accommodation of another.

7.2 The other important consideration is the state of the appeal outbuildings. The one which abuts the service road is a vacant and derelict store, shabbily built and finished in common bricks and has corrugated iron roof covering. The other outbuilding, which has been converted into bedsit, and granted an LDC, is a substandard residential unit. Its total area is only 18 square metres and the minimum standard for a self-contained bedsits, as set out by the London Borough of Camden's Supplementary Planning Guidance 2002, is 32 sq. m. (net).

7.3 The 'host building' consists of a shop on the ground floor, a one bedroom flat on the first floor and a three bedroom maisonette on the second and third floors. The flats are accessed from the rear of the premises via a lobbied staircase, similar with the appeal maisonette, which is also designed to have an entrance from the rear of the premises.

7.4 As mentioned earlier, the size and the design of the appeal proposals is the result of various submissions and also the guidelines provided by the Inspector in respect of similar but now improved scheme. The new layout converts the rear outbuilding into a living room with a hallway leading onto the stairs, a kitchen and a shower- room. The upper floors accommodate one bedroom for the new unit and another bedroom for the existing first floor flat in the host building.

7.5 It will be noted from the drawings that the proposed extension is lower than the existing outbuildings of its neighbour at No. 155 Highgate Road. Furthermore, the design and the configuration of the elevations of the proposed additions represent a marked improvement on what exists now and it will, in the process, preserve and enhance the character of the conservation area. The effect of the proposals on the character of the conservation Area was also recognised by the inspector and in this regard he stated in paragraph 11 of his decision letter the following:

"I do not consider that the appeal proposal would 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."

7.6 The proposals will not result in adverse effect on the amenities of its neighbours. The balcony has been removed and the first floor window of the main building, now belongs to a bathroom. Therefore the proposals will not result in overlooking and loss of privacy or in any sense of enclosure.

7.7 There are a number of relevant policies in the UDP, particularly in the section relating to housing and sustainable development. These policies must be considered in relation to the fact that the development proposes the conversion of an outbuilding and a substandard bedsit of an area of only 18 square metres into a self-contained maisonette which complies with the standards set by the London Borough of Camden's Supplementary Planning Guidance 2002. The area of the proposed one bedroom maisonette is 53.7 square metres which complies with the Guidance.

7.8 The Strategic Policy S4 of the UDP seeks to provide housing to meet the current shortfall within the London Borough of Camden and concludes that '*housing is the priority use of the UDP*'. Policy S6 is more emphatic and states:

"The Council will seek to secure and protect a range of housing, in terms of size and type, to meet London-wide and local needs and seek housing designs that are accessible to all, including people with mobility difficulty".

7.9 Although it is not possible in this case, to provide a dwelling unit suitable for people with mobility, the proposed maisonette adds to the range of the accommodation provided in terms of size and type. There are two flats in the host building one of which has one bedroom and the other three bedrooms. The appeal proposal adds another one bedroom unit to supplement the social mix currently provided by the host building.

7.10 Section 2 (Housing), of UDP 2006 stresses the importance of providing more housing to meet the prevailing needs of the Borough. Paragraph 2.2 states:

"Providing housing is one of the most important issues facing the Borough. The demand for housing in Camden exceeds supply, and a shortage of land, a growing population and high prices contribute to housing pressures. Therefore, housing is the priority land use of the UDP."

7.11 Policy H1 states:

"The Council will seek to meet and exceed the strategic housing target for the Borough. The Council will grant planning permission for development that increases that amount of land and floor-space in residential use and provides additional residential accommodation, provided that the accommodation reaches acceptable standards. The Council will seek to secure the fullest possible residential use of vacant and underused sites and buildings, and may require suitable sites to be developed for primarily or wholly residential use."

7.12 The application proposal will achieve the following objectives of Policy H1:

- Increase the amount of floor-space in residential use;
- Provides additional residential accommodation;
- Creates a maisonette of acceptable standards, in lieu of the existing unused store and a substandard bedsit unit;
- Secures the fullest possible residential use of vacant and underused buildings;

7.13 The proposed development should also be viewed in the context of the recommendations and the advice given in Central Government Planning Policy Statement 1 'Delivering Sustainable Development'. This particular site is an example par excellence of a 'previously developed land and buildings' and the advice of PPS1. It can be said the proposals promote the more efficient use of land by actively bringing vacant and underused previously developed land and buildings back into beneficial use to achieve the targets the government has set for development on previously developed land.

7.14 The most important aspect of the new proposals is to convert the existing sub-standard accommodation of the first floor flat, which is called Flat No. 2, and the bedsit in the outbuildings into residential accommodation complying with the space and rooms size standards of Camden's Supplementary Planning Guidance. Flat No. 2 had an existing area of 31.9 sq. m., whereas the standard for a one bedroom flat in accordance with the guidelines is 45 sq. m. As mentioned above, the minimum size for a bedsit is 30 sq. m. and the current accommodation measures only 18 sq. m. in area.

7.15 The application proposals improves the size of Flat 2 of the first floor of the host building by increasing its size from the current 31.9 sq. m. to 37.7 sq. m. (which is above the required standard). The newly created maisonette, on the other hand, is of a size of 53.7 sq. m. (which is well above the required standard for two-person accommodation).

7.16 The design ethos of the scheme, where possible, is based on the principles of Lifetime Homes Standards. The ground floor of the new maisonette is designed to be wheelchair accessible. The proposals when approved will be submitted for Building Regulation Permit under the 'Building Act 1984 and The Building Regulation 2000. Drawing No. 2008/508/P/05 shows the measures which are embedded in the scheme to render the newly created maisonette, where possible, as disabled friendly. There is a level threshold to the main entrance, the staircase could be fitted with a stairlift and there is a provision on the ground floor for converting the shower room to become accessible for the wheelchair.

7.17 The proposals include other measures to satisfy the requirements of Parts L and M, together with the preparation of SAP calculations as well as Design Emissions Rate measured in programmes of carbon. There will also be a provision for dustbin store a cycle stand to the rear of the premises.

7.18 Insofar as the provision for Lifetime Homes Standards, the following are incorporated in the scheme for not only the proposed conversion of the outbuildings but also for the existing flat on the first floor level of the main building.

- All approaches are more than 900 mm in width and the rear side access is made safe and convenient for disabled people.
- The approach to the two flats at ground level has a gentle slope.
- The entrances to the new maisonette as well as to the existing flats will be illuminated and, in the case of the former, the access to it will be level without steps.
- The stairs within the maisonette are capable of being fitted with a stair lift and both the staircase within the maisonette as well as the main staircase have easy going.
- A space is provided within the maisonette for turning a wheelchair within the sitting room as well as the kitchen.
- The ground floor sitting room within the maisonette is capable of providing a convenient bed space and has an easy access to a shower room designed for the disabled.
- The design of the maisonette is so flexible and capable of taking appliances such as handrails.
- All the living room window glazing begin at 800 mm and, in some cases less than that, and they will be fitted so that they are easy to open or operate.
- All switches and socket outlets for lighting will be located so that they are easily reachable, fitted to a height between 450 and 1200 from floor level so that they are usable for all.

7.19 The intention is to use materials for the building of the new structure to match those of the main house and the choice of fenestration for the addition reflects but does not mimic the style of the original windows. Moreover, the proposals are of a modest scale and, as such, the proposed extension will blend well with its surroundings, and will not have any adverse impact on the amenities of its neighbours.

A. S. KASSIM MSc FRTPi