

<b>Delegated Report</b>		<b>Analysis sheet</b>	<b>Expiry Date:</b>	16/10/2007
		N/A / attached	<b>Consultation Expiry Date:</b>	27/8/2007
<b>Officer</b>			<b>Application Number(s)</b>	
Hugh Miller			2007/3507/P	
<b>Application Address</b>			<b>Drawing Numbers</b>	
81-91 Fortess Road London NW5 1AG			P01- P34.	
<b>PO 3/4</b>	<b>Area Team Signature</b>	<b>C&amp;UD</b>	<b>Authorised Officer Signature</b>	
<b>Proposal(s)</b>				
Conversion and change of use from education (Class D1) at part ground, first and second floors, new third floor extension, extensions at rear and formation of 14 self-contained flats.				
<b>Recommendation(s):</b>		Refuse		
<b>Application Type:</b>		Full Planning Permission		

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
<b>Consultations</b>						
Adjoining Occupiers:	No. notified	<b>70</b>	No. of responses	<b>03</b>	No. of objections	<b>03</b>
			No. electronic	<b>02</b>		
Summary of consultation responses:	<p><u>No.93 (Flat 4)</u> The height of the proposed roof extension would reduce the amount of sunlight into the courtyard at 93 Fortress Road. Therefore I will contest any work that is submitted to the buildings surrounding ours.</p> <p>Concern that none of the occupiers of the 12 self-contained flats were consulted.</p> <p><u>Cotton House (Flat 10)</u> Concern that occupiers of Cotton House were not consulted about the proposal. Non-consultation should be a consideration for refusal of this application.</p> <p>In terms of other objections, here are my points: -</p> <p>Concern that the Site Notice wasn't easy to view from the lamppost and it looks like it is just a flyer.</p> <ul style="list-style-type: none"> <li>- increasing the height of the building would cause a loss of light into my kitchen window as well as affecting the line of the street on Fortress Road.</li> <li>- the proposed materials would impact on the external appearance of the building,</li> <li>- the proposal would cause loss of daylight, sunlight and privacy, noise nuisance,</li> <li>- the proposed would impact on traffic and parking issues - with an increase of residential dwellings, there will be an increase of permanent traffic and also visiting traffic.</li> </ul> <p><u>5 Lady Somerset Rd</u> The application should be refused for similar reasons as the previous refused scheme 2007/3265/P.</p>					
CAAC/Local groups* comments: *Please Specify	N/A.					

## Site Description

The application site comprises a basement plus 3-storey semi-detached building located on the west side of Fortress Road at the junction with Bellina Mews. The building is in mixed use with retail at ground floor/basement and community use (education) on the two upper floors. To the west is no.93 Fortress Road, (The Cotton House) a 4-storey building comprising office and residential uses and no.79, a basement plus 3-storey building comprising office use.

The site is not within a conservation area and the existing building is not listed. Opposite the site, to the east, is the Grade II listed terrace at Nos. 44-98 Fortress Road. The existing building and those directly south of the site (nos. 47-61 and 63-75) hence a consistent height, form, collective parapet line and unaltered roof profiles. Collectively, these buildings are considered to form a cohesive group.

The application site lies within a non-designated retail parade and is due north of the Kentish Town Centre.

## Relevant History

February 2006, an application for planning permission was **withdrawn** for the conversion and change of use from education (Class D1) at first and second floors, new third floor extension, extensions at rear and formation of 14 self-contained flats, retention of retail (Class A1 and A5) at ground and basement floors, ref. 2006/1020/P.

October 2006, a revised application for planning permission was **withdrawn** for conversion and change of use from education (Class D1) at first and second floors, new third floor extension, extensions at rear and formation of 14 self-contained flats, retention of retail (Class A1 and A5) at ground and basement floors, following officer advice inter alia, relating to the incongruous roof extension design, lifetime homes and sustainability issues, ref. 2006/3265/P.

May 2007, planning permission **refused** for the conversion and change of use from education (Class D1) at first and second floors, new third floor extension, extensions at rear and formation of 14 self-contained flats, retention of retail (Class A1 and A5) at ground and basement floors, (2007/0056/P) for the following reasons:

- 1. The proposed roof extension, by reason of its bulk, design and location would be an unduly prominent and discordant feature, which would detract from the character and appearance of the host building and the integrity of the substantially unaltered roofline of the terrace, contrary to policies, B1 (General design principles) and B3 (Alterations and extensions) of the Replacement London Borough of Camden Replacement Unitary Development Plan adopted 2006 and Camden Planning Guidance 2006.*
- 2. The proposed development, in the absence of a legal agreement for car-free housing, would be likely to contribute unacceptably to parking stress and congestion in the surrounding area to the detriment of highway and pedestrian safety contrary to policies T2 (Capacity of transport provision), T7 (Off street parking, city car clubs and bike schemes), T9 (Impact of parking), T8 (Car free housing and car capped housing), and SD2 (Planning obligations) of the London Borough of Camden Replacement Unitary Development Plan 2006 and Camden Planning Guidance 2006.*
- 3. The proposed development, in the absence of a legal agreement for an education contribution, would be likely to contribute to pressure and demand on the Borough's educational provision contrary to policy SD2 (Planning obligations) of the London Borough of Camden Replacement Unitary Development Plan 2006 and Camden Planning Guidance 2006.*
- 4. The proposed development, in the absence of a legal agreement to secure a contribution towards open space improvements, would be likely to contribute unacceptably to pressure on open space in the locality contrary to policies N4 (Providing public open space) and SD2 (Planning obligations) of the London Borough of Camden*

5. *The proposed development, would fail to adequately conserve energy and resources contrary to policy SD9 (Energy and resources) of the London Borough of Camden Replacement Unitary Development Plan 2006 and Camden Planning Guidance 2006.*

## **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 2007:**

SD1C - Access for all  
SD2 - Planning obligations  
SD6 - Amenity for neighbours and occupiers  
SD7B - Noise / vibration pollution  
SD9 –Energy and resources  
H1 - New housing  
H2 - Affordable housing  
H7 - Lifetimes homes and wheelchair housing  
H8 - Mix of units  
B1 - General design principles  
B3 - Alterations and extensions  
N4 - Providing public open space  
N5 - Biodiversity  
C2 - Protecting community uses  
T3 - Pedestrians and cycling  
T4 - Public transport  
T7 - Off street parking, city car clubs and bike schemes  
T8 - Car free housing and car capped housing  
T9 - Impact of parking  
T12 - Works affecting highways

### **Camden Planning Guidance 2006:**

Section - Extensions, alterations and conservatories  
Section – Residential development standards  
Section – Lifetimes homes and wheelchair housing  
Section – Cycle parking and storage  
Section – Car free and car capped housing  
Section – Public open space  
Section – Planning obligations  
Section – Overlooking and privacy  
Section – Sustainable buildings  
Section – Transport assessment  
Section –Waste and recyclables  
Section -Design  
Section - Parking stress  
Section –Renewable energy onsite facilities  
Section –Energy

## Assessment

The principal considerations material to the determination of this application are summarised as follows:

- the proposed loss of community use and the principle of the replacement residential use.
- the impact of the proposed roof extension on the appearance of the building, the wider streetscene context – which is one of an unbroken roofscape.
- Impact of the rear extensions
- Impact on residential amenity
- Quality of new residential units
- Traffic and parking Servicing, Cycling Parking and Refuse Storage
- Other matters/ Section 106 legal agreement

### **Background to proposal**

A number of pre-application discussions have been held between officers and the architects. Two previous planning applications (ref: 2006/1020/P and 2006/3265/P) were withdrawn following officers concerns **a)** regarding the incongruous relationship that the originally proposed roof extension would have on the existing building, **b)** the impact that the roof extension would have in the wider streetscene context – which is one of a consistent/unbroken roofscape, **c)** lack of details regarding the loss of community use [education], **d)** insufficient information as related to lifetime homes and wheelchair housing and **e)** sustainable design issues.

In May 2007, planning application 2007/0056/P was refused for the conversion and change of use from education (Class D1) at first and second floors, new third floor extension, extensions at rear and formation of 14 self-contained flats and the retention of retail (Class A1 and A5) at ground and basement floors, (see history section above).

The proposal involves returning unit no. 85 ground (and possibly basement) to retail and the conversion of unit no. 87 to form access to the residential units above at first and second floor levels (plus storage in association with no. 89). No significant change to the level of retail provision on the ground floor frontage is proposed.

### **Land Use – Loss of community use and principle of residential use**

This proposal would create additional housing units, which would be in accordance with RUDP policies H1 (new housing) and HG8 (mix of units). The scheme provides 14 units, which are below the minimum figure of 1500m<sup>2</sup> which the Council considers is capable of providing 15 units. Therefore, the provision of affordable housing is not required.

The principle of the loss of community use and formation of new residential floorspace would be in compliance with policy C2 (*Protecting community uses*) such as the current occupier, Unity College, is a private education service, which currently occupies the 1<sup>st</sup> and 2<sup>nd</sup> floors of the application building. It provides business educational services to domestic and foreign students and does not provide a local community service. The applicant has submitted written information (letter dated 22/11/2006) to confirm that the Unity College would be provided with an alternative site in at the Millmead Business Centre, located in London Borough of Haringey.

### **Intensification of the use of the site**

To satisfy the Borough's strategic housing provision, officers have considered the availability and suitability of the application site for the provision of new housing. A College is in occupation of the two existing upper floors of the building and by mutual consent with the applicant has agreed to relocate to Haringey. Given this position, the principle of new housing would appear to be satisfactory. Therefore, the proposal would represent a net gain of the borough's housing stock through the redevelopment and conversion of existing buildings. This is encouraged by RUDP and central government policy. Whilst the proposal has evolved to provide a greater number of units at the site, each unit comfortably meets CPG guidance in terms of the minimum floorspace standards, achieves adequate natural light and is not considered to have a detrimental impact on neighbour amenity. Amenity garden space is absent from the proposal, owing to lack of space and only seven of the units would have access to a

roof terrace. Moreover, PPG3 advises local authorities to be flexible in this respect, with the need for housing having greater weight.

### **Quality of new residential units**

14 new residential units are proposed as follows:

#### Current application ref. 2007/3507/P

2 x one bed units

10 x two bed units

2 x three bed units

#### Refused application ref. 2007/0056/P

4 x one bed units

8 x two bed units

2 x three bed units.

A comparison between the current and refused proposal has shown that the proposed mix of units have been revised but the proposed mix remains satisfactory in policy terms. The proposed mix would provide family and non-family sized units. The proposal complies with policy H8, which requires development to provide an appropriate mix of unit sizes and those best suited to site conditions.

The larger units all reflect the Camden Planning Guidance (CPG) minimum floorspace standards, which range between 66 to 89sqm and from 3 to 5 occupiers. Storage for individual units is proposed and communal storage for refuse and bicycles at the ground and basement floors. Seven of the flats, (5, 6, 10, 11, 12, 13 and 14) would have access to amenity space in the form of roof terraces. This includes the two family units and the one and two bed units whilst the remaining two bed units would not have access to amenity space. However, given the size of the proposed units together with the site constraints it is considered that in this instance the limited access to amenity space is considered acceptable. Notwithstanding this, the general layout of the units would be in compliance with CPG internal space standards.

The proposal would not fully address all the 16 Lifetime Homes standards in keeping with Policy H7 (Lifetimes homes and wheelchair housing) and the CPG. However, from the drawings and documents submitted, it appears as though some of the issues have been addressed (door width, hallway width and access level switches and sockets controls). The applicant has indicated that all the flats except flats 1, 2, 6 & 7 are Lifetime Homes compliant. Apparently, these flats would follow the existing change in floor level but could be made compliant by the installation of internal ramp.

Notwithstanding, the proposed flats are all accessible via the lift on each floor and wide entrance door widths vary from 800mm to 900mm. Most of the proposed flats have narrow internal door widths (650mm, 700mm, 750mm and 800mm) to bedrooms, bathrooms and kitchen/ living rooms, which would hinder access. Within the flats the internal doors and required circulation spaces are poorly organised, so too are bathroom layouts. The proposal would not reflect the flexible and adoptable requirements, which policy H7 encourages. Whilst it is recognised that this is a conversion rather than a new build, officers consider that it is not unreasonable to expect the applicant to provide the minimum standards without such provision being prohibitive.

Flats no.3 and 8 are 2 x 2bed units. The applicant states that they are designed to be fully wheelchair compliant and would comply with the 10% wheelchair-housing requirement. The flats have wide entrance door widths (900mm) but variable internal door widths resulting in adequate internal circulation space within the bedrooms and they would not be in compliance with policy H7. Flats 3 and 8 in terms of their floorspace layout and circulation space would be unacceptable but for the reasons outlined above, no objection is raised to this.

### **Urban design and impact on the appearance of the building**

#### Roof profile & building heights

The current scheme has *reduced* the previously proposed 1.6m – 2.1m setbacks from the front parapet and 2.5m – 3.1m setback from the side elevations, to 1.7m and 1.2m respectively. This by no means satisfactorily concentrates the bulk of the roof extension at the rear of the upper level (despite the changes to the proposed roof profile and fenestration detailing), so as to be less visually dominant from the street. If anything, the accompanying increase in building height (by 0.2m – thus on par with

the existing chimney height of 58.96m), coupled with the reduction in setbacks, draws attention to the prominence of the proposed roof extension. Therefore, when comparisons are made between the recently refused scheme (refer application 2007/0056/P) and the current application, it is unclear how the present proposal represents an improvement, particularly given the significant reductions of the setbacks from the parapet at the front and side elevation. In this regards, the proposed roof extension would not be in keeping with policy B3 (f), which states the Council will consider -“the architectural integrity of the existing building is preserved’.

In the context of the streetscene (south of the site), which is characterised by a consistent building height, form, parapet line and unaltered roof profiles, it is considered that the proposed loss of the existing pitched roof form and chimneys, is unacceptable. Similarly, it is considered that the proposal to build up the parapet of the existing building challenges the prominence of the existing pediment, which is considered to be a key feature of the existing building. The roof extension by virtue of its height, overtly flat roof profile, footprint, bulk, mass and contemporary detailing, remains incongruous with the existing building and as such is unacceptable. Cumulatively, it is considered that the various elements of the proposal will compromise the architectural integrity of the existing building.

The justification to policy B3A states, para.3.31 *“Alterations and extensions can allow buildings to be enlarged, adapted and used more flexible. However, ...poorly designed alterations and extensions can cause harm to the appearance of a building and the character of the surrounding area. Development should not undermine any existing uniformity of a street.” Past alterations or extensions to surrounding properties should not necessarily be regarded as a precedent for subsequent proposals for alterations or extensions”.*

*Paragraph 3.32, states, ....“Overly large extensions can disfigure a building and upset its proportions”. Paragraph 3.33 states “The loss of architectural features, such as chimneys, can alter the scale and proportions of a building”. Paragraph 3.34 further acknowledges “Roof alterations and extensions, including terraces, can have a significant effect on the appearance of the existing building and its surroundings. Special care is needed in their siting, design, size proportions and materials, particularly in areas where roofs are plainly visible over a wide area, .... There will be situations which are particularly sensitive to alterations and extensions to individual roofs, such as ... “where the topography or alignment of the streets allow views of the rooflines, rooftops, projecting party walls ....or .....”where streets retain the original roofline of their buildings, it is important that these are preserved in an unaltered form”.*

On the basis of the above the proposed roof extension would have a detrimental impact and is unacceptable because **a)** collectively, these buildings and the host building, are characterised by a consistent and unbroken roofscape, which is visible prominent in long and short views both north and south along Fortress Road and **b)** the existing building is more ‘exposed’ when viewed from Fortress Road, in that it is separated from No.75 Fortress Road, by Bellina Mews to the south and by sitting forward of No. 95 to the north, revealing views of three elevations, resulting in an unacceptable bulky obtrusive roof extension.

#### Rear extension

Small infill extensions are proposed to provide staircase between basement and the upper floors. Additionally, the building would be extended at the rear at second floor level. The total floor area to the rear of the application building measures approx. 187.65sqm. The extensions would follow the footprint of the host building and would not detract from the appearance of the building. Moreover, on the east side, the application building abut no.78, a basement +3-storey office building. The proposed extensions at the rear would be screen by both nos. 78 due west and no.93 due northwest and would not be visible from the public domain. In terms of design, location and siting the proposed rear extension is satisfactory.

#### **Amenity for neighbours and occupiers**

The proposed roof and rear extensions would not have any adverse effect on adjoining occupiers. No.93 (The Cotton House), comprising offices at ground floor and residential above, is located to the

rear (west) of the application site and the oblique angles would prevent overlooking or loss of privacy to the residential occupiers. No.79 Fortress Road, immediately rear, is used as office on all its floors and the proposal would have no impact on amenity. Neither would it impact on residents in Bellina Mews, which lies further south, given the distance of the buildings. For these reasons, the proposal is unlikely to impact on sunlight or daylight of the neighbouring habitable rooms of residential buildings. The proposal would be in compliance with policy SD6.

#### Traffic and parking Servicing, Cycling Parking and Refuse Storage

Replacement UDP policy T8 states that the Council will grant permission subject to car free housing in areas of on-street parking control. The development is located within a controlled parking zone and is easily accessed by public transport and is located close to a wide range of amenities. Moreover, the introduction of residential use would have the potential to impact on available on-street car parking.

In this instance, the site is located close to Kentish Town Centre, which is served by excellent public transport. It is approximately 5-minute walk to the Tufnell Park station and Kentish Town Road station served by the North London line and Northern line Underground train. The site is considered to be suitable for car-free housing. The principle of a car free agreement has been agreed by the applicant and would be subject to a legal agreement, which must be signed and sealed before any permission can be issued.

The proposal includes the provision of 21 cycle parking spaces, which would be located in the rear yard at basement level. Fourteen of the spaces would be associated with the residential use and 4 the commercial uses at the ground level all in accordance with policy T3. This provision is acceptable in principle and were the overall proposal considered acceptable, a condition would have been attached for details of the cycle stands and their permanent retention.

The refuse storage bins would be located in a separate enclosure at ground floor level within the communal entrance hall area. These are considered to be of sufficient size to accommodate general waste and recyclables in accordance with policy SD6. Whilst this is not ideal in terms of its collection, in the absence of accessible storage space, refuse would have to be placed out weekly for collection.

#### Other matters/ Section 106 legal agreement

**Education Contribution-** An education contribution is required for the 10 x two bedroom units. The unit cost is (10 x £4,339 = £43,390.00). The contribution for the 2 x 3 bedroom units are (2 x £9,278.00 = £18, 556.00). The total financial contributions amount to £61, 946.00. This amount is required to mitigate against increased pressure on the boroughs education provision.

**Open space contribution –** The open space contribution would be £21,042.00 (no. of bedrooms x 9 x £83.50, i.e. 26 x 9 x 83.50).

The applicant has accepted the principle of the car free housing, financial contribution to education, open space contribution and payment of the Council's legal fees.

#### BREEAM and EcoHomes assessments

The applicant submitted report scored a “very good rating”. (i.e. ‘developments pushing the boundaries of environmental performance will achieve this’). However, a number of areas of this report require significant improvement to achieve the rating. Notwithstanding this, a further legal agreement would need to secure post-construction review and in absence of a legal agreement this is considered unacceptable and would form a reason for refusal.

**Energy:** The applicants have provided very limited information in order to demonstrate how they would meet the 10% energy requirement on site:

- the applicant needs to specify what measures will be put in place to reduce the CO2 emissions rate in order to justify their 10% target,
- the applicant doesn't appear to have made a commitment to any renewable technology and therefore, details of which technology they are going to implement, e.g. size of the system to ensure they meet the 10%, to be shown on the drawings with space requirements, (e.g. biomass boiler need plant and storage room and may result in the loss



of habitable space if not already included), the design and location and suitability of solar panels or wind turbines on the roof, and the location of the renewable technology needs to be shown on the drawings,

- depending on which technology chosen by the applicant, additional information will be required to comply with CPG guidelines to comply with 100% of summer hot water needs where possible.

In the absence of the above information, the proposal is considered unacceptable.

Recommendation: Refuse planning permission.