

Delegated Report		Analysis sheet		Expiry Date:		29/06/2007	
		N/A / attached		Consultation Expiry Date:		14/06/2007	
Officer				Application Number(s)			
Alex Bushell				1) 2006/5744/P; and 2) 2007/0757/L			
Application Address				Drawing Numbers			
45 Grafton Way London W1T 5DQ				Site Location Plan, Grafton/06/A/P01 - 07; Statutory Declaration dated 27th March 2007; Background Noise Level Measurement.			
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature				
Proposal(s)							
1) The conversion of first, second and third floors from a self-contained residential unit to three x 2 bedroom self-contained flats (class C3), together with the erection of a full width rear first floor extension and half width rear third floor extension, folding doors and a balustrade at first and third floor levels, and the relocation of existing extract ventilation and air-conditioning plant for the ground floor restaurant; and 2) Internal and external works associated with the conversion of first, second and third floors from a self-contained residential unit to three x 2 bedroom self-contained flats (class C3), together with the erection of a full width rear first floor extension and half width rear third floor extension, folding doors and a balustrade at first and third floor levels, and the relocation of existing extract ventilation and air-conditioning plant for the ground floor restaurant.							
Recommendation(s):		1) Refuse Planning Permission; and 2) Refuse Listed Building Consent					
Application Type:		1) Full Planning Permission; and 2) Listed Building Consent					
Conditions or Reasons for Refusal:		Refer to Draft Decision Notice					
Informatives:							
Consultations							
Adjoining Occupiers:		No. notified	23	No. of responses	00	No. of objections	00
				No. electronic	00		
Summary of consultation responses:		S/N displayed 24/5 - no responses received. English Heritage objects on grounds of excessive loss of important fabric and inappropriate subdivision of principal front rooms and the resulting negative impact on the special architectural and historic significance of the building.					
CAAC/Local groups* comments: *Please Specify		The Bloomsbury CAAC objects on the following grounds: that the rear extension would be full width and dominate the existing rear elevation; loss of chimney breast is unacceptable; subdivision of the first floor is unacceptable.					

Site Description

Mid terrace late 18th century 4 storeys with restaurant on ground (and basement) and residential above. Building forms part of a terrace of 5 similar buildings all Grade II listed. Site is also within the Bloomsbury CA.

Relevant History

Date	Description of Development	Decision
29/01/1970	The change of use of the basement, ground and first floors from electrical wholesalers to a restaurant, at No. 45 Grafton Way, Camden.	Grant PP
13/05/1970	The erection of a single storey rear extension, to be used for restaurant purposes	Grant PP
19/08/1970	Installation of new shop front	Grant PP
19/11/1970	Building listed	
20/04/1972	The display of three semi-circular illuminated signs set within existing canopy, with VOIGA RESTAURANT, AND INDIAN in red letters and FULLY LICENSED in blue letters on white panels. Dimensions Sign A: Length 3'10 5/16 (1.17m) Maximum height 1'5" '' (0.46m) Overall height 10'5" '' (3.2m) Sign B: Length 3'7" '' (1.12m) Maximum height 1'6" (0.46m) Overall height 10'6" (3.2m) Sign C: Length 4'8"1/2(0.46m) Maximum height 1'5" 5/16" (0.46m) Overall height 10'5" 5/16" (3.2m)	Grant EAC
16/02/1983	Internal works of alteration to connect both buildings at basement and ground floors.	Grant LBC
01/08/1984	Removal of cellar flaps and erection of balustrade and gateway for existing restaurant use.	Grant PP/LBC
24/06/1987	The erection of rear extensions at first second and third floor levels for residential use	Grant PP/LBC
17/10/1996	The continued display of three externally illuminated fascia signs on canopy	Grant EAC/LBC
05/09/2000	Alterations to shopfront involving new doors and the replacement of the existing fixed canopy with retractable canopy	Grant PP/LBC

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.

Sustainable development:

SD1, SD4, SD6, SD7, SD8 and SD9

Housing:

H1, H7 and H8,

Built environment:

B1, B3, B6 and B7

Natural environment:

N4 and N5

Transport:

T1, T3, T8, T9

Assessment

The application proposes the conversion of the first, second and third floors from a single s/c resi unit to 3x 2-bed flats - 1 per floor - involving the following works of extension and conversion:

- The extension of the first and second floors - effectively widening the existing (1987) extension to be the full width of the rear elevation of the property - the depth remains the same;
- The formation of a roof terrace on top of the extension described above and the replacement of the existing timber sash windows with 'patio' type doors;
- The consequential resiting of plant - a/c unit and extract ventilation chimney - to a different position on the flat roof of the ground floor restaurant and a new route to eaves, respectively.
- Internal alterations to form partitions/self-containment including the removal or substantial removal of the existing stair and chimney breasts, and the alteration of floor levels in the 1987 extension (currently half-landing level).

The material considerations are as follows:

- *Special historic and architectural interest of the building* - the applications have no regard for the existing historic fabric and the spatial quality of each floor - in particular, the drawings show the removal of chimney breasts, the adaptation of the stair (involving substantial demolition and modification works), the effective demolition of the entire remaining rear elevation and excessive and inappropriate subdivision of principle front rooms. Consequently, the application would have a detrimental impact on the building and devalue its historic significance;
- *Impact on the appearance of the listed building and the character and appearance of the Conservation Area* - the rear of the building is largely concealed from public view, being surrounded by the rear elevation of buildings facing Grafton Way/Whitfield Street/Midford Place. Nonetheless, as the building is listed and the site within the CA, visual/design harm would result on grounds that the extension is full-width and would dominate the rear of the building (rather than achieve subservience in form as set out in SPG) and the window design (grey aluminium sliding doors) would be inappropriate in relation to the design and style of building. Consequently the extensions would detract from the appearance of the listed building and would fail to either preserve or enhance the character and appearance of the conservation area;
- *Impact on neighbour amenity (light/privacy/outlook)* - there are a number of residential windows at right angles to the rear elevation of the application property; however, the extension would merely bring existing wall (with similar extent of fenestration) closer and would not obscure or block light to the neighbour. The closer relationship would result in the angle of view being more oblique and no loss of privacy would result. Moreover, it should be noted that the windows concerned are non habitable (ie bathrooms);
- *Impact on neighbour amenity (noise/fumes)* - the extension of the building at the rear would necessitate the redesign of the extract ventilation chimney and the relocation of an existing A/C unit on the ground floor roof of the restaurant. The applicant has submitted a stat dec stating that the existing duct has been in place for well over 4 years and it may therefore be exempt from planning control. However, the fact that a redesigned duct is proposed and the a/c unit resited means it can be reassessed in its entirety including the impact of noise/smells. The discharge is at the appropriate level (at least 1m above eaves) and would be unlikely to give rise to smell nuisance. In terms of noise, there are various problems with the information submitted to demonstrate that there will not be loss of amenity in particular it is unclear whether the data relates to the entire period the equipment is in use and whether the noise levels are only acceptable in the context of a loud a/c unit on the adjoining restaurant that may be operating at an unacceptable level anyway. It is therefore recommended that the refusal be drafted in terms of, "In the absence of information to demonstrate otherwise...
- *Impact of parking* - had the application been recommended for approval, the applicant would have been invited to conclude a 'car-free' Section 106, effectively precluding future occupants from parking a vehicle in the locality and therefore ensuring that public and other means of transport are utilised. However, as there are other matters to be resolved, a refusal is proposed on the basis that there would be additional pressure to park in an oversubscribed CPZ, with an informative advising that a S106 would overcome the issue. Cycle parking is not included, which is considered acceptable on the basis of the physical limitations of accommodating the space in an important listed building; and
- *Mix of unit sizes and quality of internal space* - as with cycle parking above, it is unlikely that the physical constraints in respect of the internal subdivision of the LB together with the limited amount of space available would justify a refusal of consent on grounds that a wider mix of unit sizes is included in the scheme. Otherwise, the development meets internal space standards. It does not meet 'lifetime homes'

specification, which again should be applied flexibly due to the other planning and listed building considerations that apply and the fact that achieving the full specification is physically impossible without loss of important fabric.

The applications for planning permission and listed building consent are accordingly recommended for refusal for the reasons set out in the draft decision notice.