

<b>Delegated Report (Members Briefing)</b>		<b>Analysis sheet</b>		<b>Expiry Date:</b>		12/09/2006	
		N/A / attached		<b>Consultation Expiry Date:</b>		23/08/2006	
<b>Officer</b>				<b>Application Number(s)</b>			
Bethany Arbery				2006/3128/P			
<b>Application Address</b>				<b>Drawing Numbers</b>			
169 & 169A West End Lane London NW6 2LH				Site Location Plan 0521-EX-100 Rev A; 0521-EX-101 Rev A; 0521-EX-102 Rev A; 0521-EX-103 Rev A; 0521-EX-104 Rev A; 0521-EX-105 Rev A; 0521-EX-106 Rev A; 0521-EX-107 Rev A; 0521-EX-108 Rev A; 0521-PR-202 Rev C; 0521-PR-203 Rev C; 0521-PR-204 Rev C; 0521-PR-205 Rev C; 0521-PR-206 Rev C; 0521-PR-207 Rev C; 0521-EX-151 Rev A; 0521-EX-152 Rev A; 0521-EX-153 Rev A; 0521-EX-154 Rev A; 0521-EX-155 Rev A; 0521-EX-156 Rev A; 0521-EX-157 Rev A; 0521-EX-158 Rev A; 0521-PR-251 Rev C; 0521-PR-252 Rev C; 0521-PR-253 Rev C; 0521-PR-254 Rev C; 0521-PR-255 Rev C; 0521-PR-256 Rev C; 0521-PR-257 Rev C; Daylight Report by Brooke Vincent & Partners dated 22/12/05; Design Statement by Wolff Architects dated 05/07/06; and 04 Photo Sheets.			
<b>PO 3/4</b>	<b>Area Team Signature</b>	<b>C&amp;UD</b>	<b>Authorised Officer Signature</b>		<b>Date:</b>		
<b>Proposal(s)</b>							
Change of use of existing five bedroom unit and part retail unit to one 1-bedroom dwelling, two 1-bedroom self-contained flats and one studio flat (Class C3). Erection of an extension at rear third floor level with dormer window facing Sheriff Road, creation of a new entrance and erection of boundary wall around entrance, and alterations to existing basement lightwell, boundary wall and fenestration (Sheriff Road elevation).							
<b>Recommendation(s):</b>		<b>Grant Subject to a Section 106 Legal Agreement</b>					
<b>Application Type:</b>		<b>Full Planning Permission</b>					

Conditions:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	45	No. of responses	01	No. of objections	01
Summary of consultation responses:	<p>A site notice was displayed from 02/08/06 to 23/08/06.</p> <p>The occupier of 3 West Hampstead Studios, Sheriff Road has raised objection to the proposal on the following grounds:</p> <ul style="list-style-type: none"> <li>• The plans do not clearly indicate the ground floor level window serving their property;</li> <li>• The daylight report is inaccurate, as it does not calculate the VSC to this ground floor level window; and</li> <li>• Loss of daylight.</li> </ul> <p><u>Response:</u>  <i>The existing elevation of West Hampstead Studio, submitted as part of this application, is an accurate representation of the fenestration of this property. The daylight report also includes a plan and photograph of this elevation. It was not considered necessary for those windows below the overhang to be assessed in the daylight report, since they are further away from the proposed extension than the window tested (W1). The report which assesses the impact of the larger previously refused scheme concludes that there is no impact on W1 in terms of loss of light. The current proposal is for a smaller extension further away from W1. It can therefore be concluded that there will be no impact on W1. Given the proximity and relationship of those windows below the overhang to the proposed rear third floor level extension, it is considered that there will be no impact on their light or outlook.</i></p>					
Local group comments:	None received.					

## Site Description

169 West End Lane comprises basement, ground and part two/part three upper floors. To the rear fronting onto Sheriff Road is 169A West End Lane, which comprises basement, ground and first floor level. The two buildings are currently linked at basement and first floor level. The basement and (part) ground floor of both properties are in retail use (Class A1) as an off-licence. The rear part of the ground floor (169A), the first and second floor levels of both properties and the third floor of 169 are in use as a 5-bedroom residential unit (Class C3) which is accessed via a separate entrance onto Sheriff Road which is set behind a private forecourt enclosed by a brick wall. There is a roof terrace at rear third floor level. The building is not listed, but is situated within the Swiss Cottage conservation area. It is also located within a Town Centre as designated by the adopted Unitary Development Plan.

## Relevant History

**2006/0442/P**

Planning permission was refused on 05.04.06 for the erection of a 2-storey front extension and a new second floor to the existing 2-storey rear wing of the building facing Sheriff Road to form a 2-bedroom maisonette on ground to second floors; enlargement of the retail storage area at basement level. The application was refused on design and car parking grounds. The extensions at ground, first and second floor level to the rear wing were considered to have an adverse impact on the appearance of the building, the conservation area and views of neighbouring listed properties. The applicant had not confirmed that they would enter into a legal agreement to secure the accommodation as car free.

## 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.

## London Borough of Camden adopted Unitary Development Plan (2006)

S1/S2 - Sustainable development

SD6 - Amenity for occupiers and neighbours

H1 - New housing  
H7 - Lifetime homes and wheelchair housing  
H8 - Mix of units  
B1 - General design principles  
B3 - Alterations and extensions  
B7 - Conservation areas  
T3 - Pedestrian and cycling  
T4 - Public transport  
T8 - Car free housing and car capped housing  
T12 - Works affecting the highway  
R7 - Protection of shopping frontages and local shops

### **Supplementary Planning Guidance (2002)**

### **Supplementary Planning Guidance (2006) (Consultation Draft)**

### **Swiss Cottage Conservation Area Statement (1995)**

## **Assessment**

Planning permission is sought to carry out the following work:

- Installation of new stairs to basement lightwell on Sheriff Road elevation;
- Erection of new boundary wall (1.1m) and alterations to existing boundary wall on Sheriff Road;
- Creation of new entrance on Sheriff Road elevation;
- Extension at third floor level with new dormer window facing onto Sheriff Road;
- Conversion of part basement retail unit (Class A1) and 5-bedroom residential unit located over ground, first, second and third floor to provide a 1-bedroom house (169A) and 3 flats (2 x 1 bed and 1 x studio); and
- Alterations to fenestration.

### **Amendments:**

The original proposal included the erection of extensions at ground and first floor level at 169A West End Lane onto Sheriff Road. The extension had a depth of 900mm. This extension was considered to be an unacceptable addition in design terms, having an adverse impact on the character and appearance of the building, the conservation area and the setting of the neighbouring listed building (West Hampstead Studios). Having omitting this extension referred to above, the applicant has also had to make further revisions in order to achieve adequate floorspace figures for the 1-bedroom house. The existing basement lightwell, which was originally to be infilled, is now to be retained and part of the basement retail floorspace is to be used to provide additional residential floorspace.

### **Land Use**

Policy R7 of the adopted Unitary Development Plan states that the Council will generally resist the net loss of shopping floorspace (Class A1) at ground floor level in Town Centres. In this instance, the proposal will result in the loss of a small amount of retail floorspace at basement and ground floor level. The proposed loss is not considered to jeopardise the long-term viability of this retail unit and therefore will not harm the vitality and viability of the centre.

Policy H1 of the adopted Unitary Development states that the Council will grant permission for development that increases the amount of land and floorspace in residential use and provides additional residential accommodation. The proposal will allow an overall increase in the amount of residential floorspace on this site; reconfiguration of the space will also result in a net increase in the number of units within the building.

The proposal creates all small residential units studios and 1-beds. Policy H8 requires that new residential schemes provide a mix of unit sizes, large and small. The reasoned justification states that the conversion of a property to provide 1-bedroom flats will generally be considered acceptable, provided that this does not involve the net loss of units with 3 or more bedrooms. Paragraph 2.63 says that all schemes for conversion (including further sub-division of existing flats and maisonettes) should provide a good standard and quality of accommodation. In this particular case, there will be the loss of a large residential flat (5-bedrooms) and provision of only small accommodation. However, as the property has no outdoor amenity space and is located above a shop, it is considered that small accommodation is more appropriate in this instance. The proposal is therefore considered to be acceptable in land use terms, subject to its compliance with other policies of the plan.

## **Amenity**

The proposal includes an extension at third floor level to the rear of the main building (169). It will be visible from Sheriff Road. Sheriff Road is not an abnormally narrow street; the buildings on both sides of the street are set back from the road. There is considered to be sufficient distance between the proposed extension and those buildings on the opposite side of the street for them to be unaffected. The proposed new window openings have a similar relationship to properties opposite as existing openings and therefore there is unlikely to be any significant increase in overlooking.

West Hampstead Studios, which includes 1 Sheriff Road, faces towards the rear elevation of 169 West End Lane and the side elevation of 169A. Given the scale of the proposed extension and its proximity and relationship to window openings at West Hampstead Studios, it is considered that it will not have an adverse impact on this property. There are no new window openings proposed in this elevation so overlooking is not an issue.

The applicant has submitted a daylight and sunlight report which was prepared by Brooke Vincent Partners in respect of the earlier scheme that was refused by the Council in April 2006. The report concluded that the previous proposal, which also included a mansard roof extension to the rear wing (169A), would have no adverse impact on any neighbouring residential properties. The current proposal includes extensions which are considerably smaller in scale, therefore the impact on neighbouring properties would not have worsened. The occupier of 3 West Hampstead Studios has raised concern about the accuracy of this report. They feel that it does not give due consideration to the impact of the proposal on their ground floor level window. The drawing showing the elevation of West Hampstead Studio, submitted as part of this application, is an accurate representation of the fenestration of this property. The windows with the exception of those identified as W1 in the submitted daylight/sunlight report are all set below a projection that is held out on columns forming a covered walkway to Flats, 3, 5, 7 and 7A. The eastern side of the covered walkway is partially enclosed by a wall which is approximately 1.8-2.0m in height. It is considered that it is not necessary to carry out a detailed daylight report in order to conclude that the proposed extension will have a minimal impact on light to these windows. The proximity and relationship of these windows to the proposed extension is such that it would not have a detrimental impact on their outlook or light.

## **Design**

The property is located within the Swiss Cottage Conservation Area. The application site is not referred to as a building of particular interest, but the neighbouring buildings of West Hampstead Studios and St James's Church are both identified as buildings of local interest. The building is brick, with some render at ground floor level and tiled roof. It has timber sash windows. The ground floor has a traditional shopfront with display window and stallriser. It extends onto both the West End Lane and Sheriff Road elevations and has an entrance door located on the corner.

The proposed roof level extension is considered to be acceptable in design terms. The rear wing of the building (169A) is not to be increase in height, so the gap between the application site and the neighbouring property of West Hampstead Studios will be retained. The other alterations proposed are relatively minor. The entrance door, boundary treatment, works to the existing basement lightwell and new window openings are all are in keeping with the character and appearance of the existing building and conservation area.

## **Car, Cycle Parking and Highway Issues**

The proposal will result in a net increase of 3 residential units within this property. The car parking standards as detailed in the adopted Unitary Development Plan (2006) require the provision of 1 off-street car parking space per dwelling. Where it is not possible to provide off-street car parking, as in this instance, the on-street car-parking situation needs to be given consideration. Planning permission will not be granted for development that would harm on-street parking conditions or add to on-street car parking where existing on-street parking spaces cannot meet demand. Policy T8 states that the Council will grant planning permission for car free housing in areas of on-street parking control. The applicant has confirmed in writing that they are willing to enter into a section 106 agreement to secure the additional residential units as car free. It is therefore considered that subject to a S106 agreement to secure the 2 x 1 bedroom flats and studio flat as car free that the proposal is acceptable in this respect.

The need for secure cycle parking in accordance with the Council's Cycle Parking Standard has not been acknowledged in the submission. The Unitary Development Plan advises for residential developments to provide 1 cycle storage space per unit, as such a condition should be attached ensuring that provision be made for 3 cycle storage spaces, one for each of the proposed new flats.

The proposed new entrance onto Sheriff Road is to be enclosed by a new boundary wall. This projects no

further than the existing adjacent boundary wall. The applicant has indicated that this land is within their demise. The proposed works do not result in the loss of public highway. There is a reduction in the extent of the footpath accessible to pedestrians, but it is considered that there will remain sufficient pavement depth to ensure that pedestrian safety is not compromised.

#### **Standard of Accommodation**

The proposal includes the creation of new residential accommodation. Consideration needs to be given to whether the accommodation is appropriately sized, receives adequate natural light and ventilation and has suitable provision for the storage of waste and recyclable material. The proposed 1-bedroom house is 52.2m<sup>2</sup> with a main bedroom of 11.0m<sup>2</sup>. The 2 x 1-bedroom flats are between 41.6 and 42.9m<sup>2</sup> with bedrooms of between 11.2 and 11.7m<sup>2</sup>. The studio is 39.6m<sup>2</sup>. All the residential units are more than 32m<sup>2</sup> and have bedrooms in excess of 11m<sup>2</sup> as required by the SPG. All the residential units are adequately illuminated and ventilated. Refuse storage areas are to be created in the front garden of the house and the flats entrance.

The Council seeks to encourage all new housing including conversions to be accessible to all. All new housing should be built to Lifetime Homes standards and 10% should be designed to be wheelchair accessible. No information was submitted as part of this application in respect of Lifetime Homes. The application was submitted prior to 10<sup>th</sup> August 2006 when new legislation came in force making the submission of this information a requirement on most planning applications. It is recommended that an informative be attached to the permission (if granted) encouraging the applicant to discuss access issues with the Council's Access Officer to ensure that the internal layout of the building is acceptable with regard to accessibility by future occupiers (Part M of the Building Regulations).

**Recommendation:** Grant permission subject to a Section 106 legal agreement.

#### **Disclaimer**

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