



Appeal Decision

Hearing held on 15 February 2005

Site visit made on 15 February 2005

by **Richard Thomas BA Dip Arch RIBA IHBC**

an Inspector appointed by the First Secretary of State

plu/31a

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Date

25 FEB 2005

Appeal Ref: APP/X5210/A/04/1150443

52 Maple Street, London, W1T 6HL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Riding House Estates Inc against the decision of the Council of the London Borough of Camden.
- The application Ref.2004/0258/P, dated 14 January 2004, was refused by notice dated 25 March 2004.
- The development proposed is the change of use from office to residential and the creation of one self-contained flat and two self-contained maisonettes.

Summary of Decision: The appeal is dismissed.

Planning History

1. Listed building consent for the proposed development was granted by the Council on 25 March 2004 (Ref.2004/0573/L).

Main Issues

2. I consider that the main issues in this case are:
 - 1) the impact of the proposed development upon highway safety in the surrounding area, with particular regard to parking provision;
 - 2) whether the proposed development would provide adequate living space and daylight for its future occupiers;
 - 3) whether the proposed development would satisfy the objectives of the development plan in respect of the size of new residential units.

Planning Policy

3. The development plan is the London Borough of Camden Unitary Development Plan (2000) (UDP) and further advice is contained in *Supplementary Planning Guidance* adopted in 2002 (SPG).

Reasons

Parking

4. The proposal makes no provision for on-site car parking for the three proposed dwellings. I saw that the appeal site is has a range of amenities nearby, is within an area that is easily accessible by public transport and is also within a controlled parking zone in the Central London Area. Policy TR16 advises that within such areas car-free housing will be encouraged and Policy TR17 states that such under circumstances, where it is not

practicable to comply with the Council's minimum parking standards, the Council will consider designating the development car-free. In the light of these policies and the particular location of the appeal site, the Council considers that the proposed development should be designated car-free.

5. During my inspection of the appeal site and surrounding streets, I noted the nearby shops and ready access to public transport. I also saw that Maple Street was a busy thoroughfare and that as a result parking spaces for residents and visitors in the road and surrounding area were severely limited. Consequently, I concur with the Council's view that the proposed development should be car-free to avoid further pressure on the limited existing parking facilities and the consequential likelihood of double parking and footway obstruction that would be detrimental to highway safety.
6. The appellant argues that the occupiers of the proposed one and two-bedroom units would be unlikely to own cars, given the location of the appeal site. However, there is no certainty of this in the absence of an undertaking that the occupiers would not seek residential parking permits at some future time. Such an undertaking is necessary to provide the Council with a legally valid reason for refusing a permit and takes full account of the relevant planning considerations associated with the appeal site. In the absence of any such undertaking, I conclude that the proposed development fails to conform to Policy TR17.

Living Conditions: Daylight

7. The appeal site is a vacant five storey Georgian town house with a basement, last used as offices. The proposal would retain the basement for office use and create a ground floor flat and two maisonettes on the upper floors. The Council raises no objection to the continued office use of the basement and, given the absence of natural light to a significant part of the area, I see no reason to disagree with this view.
8. The ground floor flat would include a bedroom occupying a proposed extension in part of an enclosed rear courtyard. This room would receive daylight through a pair of french doors opening onto the remainder of the courtyard, and from two rooflights set in the flat roof above the room. The high surrounding walls would prevent the french windows providing sufficient daylight to satisfy the guidelines in the SPG. However, suitably sized rooflights would be capable of providing an area of unobstructed window equivalent to 10% of the floor space. In my view, the resultant level of illumination, together with that provided by the french windows, would be sufficient to provide adequate daylight to a room that, in any event, would be most frequently used during the hours of darkness. In this respect I consider that the proposed development would satisfy the objectives of Policy EN16.

Living Conditions: Living Space

9. The two-bedroom maisonettes would have floor areas of 57.9m² and 58m², satisfying the requirement of 57m² given in paragraph 2.3.8 of the SPG. However, they would not provide the additional 4m² of internal storage space required by the SPG, although I note the possibility for some limited additional storage to be provided in the voids above and below the new stairways. Planning Policy Guidance Note 15 *Planning and the Historic Environment* (PPG15) advises at paragraph 3.15 that normal development control policies should be applied flexibly when considering the alteration and extension of a listed building. Bearing this advice in mind, I consider that the slight shortfalls in overall floor area of the flats and in the area of the single bedroom on the 4th floor would not result in

such significant harm to the living conditions of the proposed occupiers as to warrant refusal on that ground alone.

10. The appellant states that the ground floor flat would be a single person flat and, having a floor area of 34m², would therefore satisfy the 32m² minimum floor space requirement of the SPG. While I note that the proposed bedroom would equal the minimum floor area requirement for a double bedroom given in the SPG, I do not agree with the Council that this makes the flat a two-person dwelling, since its modest size would, in my view be a significant disincentive to occupation by two people. I therefore conclude that, in respect of the living spaces that would be created, the proposed dwellings would comply with the objectives of Policies HG9 and EN19.

Housing Mix

11. The Council has stated that the proposed mix of one and two-bedroom units would conflict with Policy HG16. This seeks to encourage the provision of family accommodation in units with 4 or more bed spaces by welcoming schemes that provide 50% or more of such accommodation. However, the supporting text advises that families should have access to private gardens or to public open spaces within 400m, where children can play safely. If family units are above ground floor level, the text encourages the provision of a roof garden, terrace or balcony.
12. I saw that the appeal site is situated on a busy road and, apart from the small ground floor light well, has no garden, balcony or roof terrace, and is not within 400m of a public open space. It is also situated in a predominantly commercial area, directly opposite the Post Office Tower. Consequently, I consider that the appeal site would not provide the highly desirable facilities that the development plan seeks for family-sized units, nor is it likely to prove attractive to families, given the heavily trafficked commercial nature of the immediate surroundings. Consequently, while I acknowledge the Council's desire to increase the stock of family dwellings, the circumstances of this proposal lead me to conclude that it would not conflict with the objectives of Policy HG16.

Conclusions

13. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Formal Decision

14. I dismiss the appeal.



INSPECTOR

APPEARANCES

FOR THE APPELLANT:

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Mr M A Forrester

Christo & Co
148 Kentish Town Road, London, NW1 9GQ

FOR THE LOCAL PLANNING AUTHORITY:

Ms A Castle

London Borough of Camden

DOCUMENTS:

Document 1 List of persons present at the Hearing
Document 2 Notice of the Hearing

PLANS:

Plan	1	Application Plans:	
		1087-P-001 Planning: Existing Plans	scale 1:100
		1087-P-002 Planning: Existing Elevations	scale 1:100
		1087-P-003B Planning: Proposed Plans	scale 1:100
		1087-P-004B Planning: Proposed Elevations & Sections	scale 1:100
		1087-P-005 Planning: Site Location Plan	scale 1:1250
		1087-P-006 Planning: Site Photographs	n/a