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ALLOWED

H8/11x/A(v)

Reg 1659

8500204

Mr A Holt
Chief Architect
Ideal Homes (London) Ltd
Goldsworth House
St John's Road
WOKING
Surrey, GU21 1QX

Your reference
AH/HT

Our reference
T/APP/X5210/A/85/32376/P5

Date
4 OCT 85

Sir

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPEAL BY IDEAL HOMES (LONDON) LIMITED
APPLICATION NO: PL/8500204

1. As you know I have been appointed by the Secretary of State for the Environment to determine the above-mentioned appeal. This appeal is against the decision of the London Borough of Camden to refuse planning permission for the erection of a 3-storey block of 12 one-bedroom flats and 12 parking spaces on land adjacent to Tobin Close, Adelaide Road, London NW3. I have considered the written representations made by you, by the Council and also those made by other interested persons. I inspected the site on Wednesday 4 September 1985.

2. From my site inspection and the written representations I consider the main issues are first, whether the proposed scheme would represent over-development of the site and thereby lead to problems of overlooking, overshadowing and loss of privacy of residents in nearby properties and second, whether the traffic generated by the proposed scheme could be satisfactorily accommodated on the proposed access to the site and third, whether the traffic generated would seriously harm the amenity of residents in the area.

3. I found that the proposed housing scheme would be sited on an overgrown piece of land adjoining existing 2 and 3-storey housing in Tobin Close. I saw that the appeal site was about 47 ft to the west of the 9-storey block of flats known as Kings College Court and some 170 ft to the east of a 24-storey block of about 158 Council flats.

4. Turning to the first issue I see the Council say that the plot ratio would be in accordance with their standards and the proposed density of 114 habitable rooms per acre would be within their suggested range for this area. On my site inspection I also saw that the proposed scheme would relate reasonably well visually to the adjoining terrace of houses in Tobin Close. I did not find that there would be any serious problems of overlooking or loss of privacy. The west facing flats in Kings College Court already look over the nearby housing and gardens of 1-8 Tobin Close and no evidence was submitted to show that this has caused problems in the past. As for the houses in Tobin Close there will be no significant overlooking of Nos 9-14. Nos 1-8 would be about 80 ft to the north and again there is no evidence that the existing 3-storey houses, 9-14 Tobin Close, have caused problems of overlooking or loss of privacy for the residents of 1-8 Tobin Close. As for overshadowing or loss of light I can understand why the occupant of 14 Tobin Close is concerned about this. I consider that the stepping forward of the building line of the proposed scheme by some 10.3 ft is excessive and should be altered so that the overshadowing of 14 Tobin Close is reduced. This adjustment to the scheme seems to me to be a matter than can best be dealt with by discussion

between the appellants and the local planning authority; I note the revised Plan B which shows one possible solution to this problem. I therefore decided that the proposed scheme would not cause any serious problems of overlooking, loss of privacy or overshadowing.

5. This brings me to the second issue. I saw that the proposed 12 car parking spaces would adjoin a greater number of parking spaces provided in conjunction with Nos 9 to 14 Tobin Close. These existing parking spaces form part of the access to the adopted stretch of Tobin Close, and in my view this area which is at least 40 ft wide is adequate to physically accommodate the movement of traffic from the appeal site to Fellows Road via Tobin Close. I also saw that there are between 45 to 50 parking spaces around and under Kings College Court and that access to Fellows Road is along Tobin Close where its width is about 20 ft. There was no evidence submitted to show that the traffic generated by Kings College Court had caused any serious problems in the past. I have therefore concluded that the proposed access is adequate to accommodate traffic from the appeal scheme.

6. With regard to the third issue I understand the concern expressed by residents of properties near to the appeal site about noise and disturbance. I am not convinced however from the representations submitted that the proposed scheme would generate significantly more traffic than the approved 1983 scheme for three 3 storey dwellinghouses. I also saw that the proposed parking spaces on the appeal site were sandwiched between 2 existing parking and access areas. I am not persuaded by the evidence submitted that the traffic generated in the proposed 12 flats would lead to residents being subjected to levels of noise which were excessive and significantly greater than the existing levels of noise from current movement of vehicles in Tobin Close, Adelaide Road and Fellows Road. I have therefore decided that the movement of traffic to and from the appeal site would not seriously harm the amenity of residents in the area.

7. I have examined the arguments about the need for family sized accommodation. The council argue that the site is eminently suitable for family housing and that they wish to generally encourage the provision of family housing because of the decreasing proportion of families in the borough. In response you say that there are some 100 family houses in the area around the appeal site and there is no provision whatsoever for any smaller units. I accept that there is a need in inner city areas for family accommodation. I also accept that the appeal site could be used for this form of accommodation. I do not however consider that 12 one-bedroom flats on the site are so unacceptable or so conflict with the approved Local Plan that this aspect of the scheme justifies the refusal of permission. I say this because the local plan refers to a need for accommodation for one and two person households and the appeal site seems to be in an area which already has a substantial number of recently built family houses.

8. As for the comments about the layout of the scheme I have already said that the proposed flats should be stepped back so as to reduce overshadowing of 14 Tobin Close. I also take the view that the proposed bin store should be located near to the flats rather than be close to 5 and 6 Tobin Close as is shown on the application plan. In addition I consider that the details of all the boundary fences and walls and landscaping should be submitted to and approved by the local planning authority. I therefore intend to impose conditions which will deal with all these matters.

9. I have taken account of all the other representations made but they are of insufficient weight to influence my decision.

10. For the above reasons, and in exercise of powers transferred to me, I hereby allow this appeal and grant planning permission for the erection of a 3 storey block of 12 one-bedroom flats and 12 parking spaces on land adjacent to Tobin Close, Adelaide Road, NW3 in accordance with the terms of the application (No. PL/8500204) dated 4 February 1985 and the plans submitted therewith, subject to the following conditions:

1. the development hereby permitted shall be begun not later than 5 years from the date of this letter;

2. no development shall take place until the approval of the details of the precise siting of the proposed flats, bin store, fences and walls and landscaping has been obtained from the local planning authority.

11. Attention is drawn to the fact that an applicant for any consent, agreement or approval required by a condition of this permission and for approval of the reserved matters referred to in this permission has a statutory right of appeal to the Secretary of State if approval is refused or granted conditionally or if the authority fail to give notice of their decision within the prescribed period.

12. This letter does not convey any approval or consent which may be required under any enactment, byelaw, order or regulation other than section 23 of the Town and Country Planning Act 1971.

I am Sir

Your obedient Servant



DAVID BUSHBY BA(Hons) MCD MRTPI
Inspector