



The Planning Inspectorate

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Both Appeals

DISMISSED

Messrs Grimley J R Eve
Property Consultants
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Your Reference:

MMD/DJB

Our Reference:

T/APP/X5210/A/92/201381 & E/92/
Date: 808762/P2

20 OCT 1992

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6
APPEALS BY CAMBRIDGE GATE PROPERTIES LTD
APPLICATION NOS: PL/9100101 & HB/9160010

1. I have been appointed by the Secretary of State for the Environment to determine these appeals, against the failure of the London Borough of Camden to issue decisions within the prescribed period on applications for (a) planning permission for the conversion and roof extension of existing terrace with refurbished facade, demolition of rear dairy and B1 buildings, and new-build terrace replacement; and (b) conservation area consent for partial demolition works: all at 41-53 England's Lane, London NW3. I held a local inquiry into these appeals on 15 and 16 September 1992, and, on the following day, inspected the site.

2. The appeal site lies within a densely built-up part of north London, just to the north of Chalk Farm underground station. England's Lane is a distributor road (and a bus route) off Haverstock Hill. The appeal site comprises 2 main elements: a 3-storey Victorian terrace, of shops with residential accommodation over, fronting England's Lane; and a roughly triangular area at the rear containing single-storey and two-storey buildings, and a yard, largely covered by a glazed roof. All the buildings on the site are vacant, and the frontage shops are boarded-up. Access to the rear part of the site from England's Lane is by a narrow archway at the north-east end of the frontage. On the opposite side of England's Lane is a similar terrace (although one storey higher) containing shops and other service uses, with what seems to be mostly residential use over. These shops/service uses continue along that side of England's Lane towards the junction with Haverstock Hill, but otherwise the locality is predominantly residential in nature, with a mixture of individual houses and flats.

3. In your client's scheme, it is proposed to retain the terrace fronting England's Lane, but it will be extended by the addition of a further floor, and by the infilling of areas at the rear of the terrace. General refurbishment would be carried out, resulting in the provision of shop units at basement and ground floor level, and a total of 27 residential units on the upper floors. Permission is specifically sought for the use of one of the shop units as a restaurant, part of

which use would also be at first floor level. In the extended rear part of the terrace, 4 new B1 units would be formed. All the buildings and structures in the rear part of the site would be demolished, and replaced by part 2-storey, part 3-storey buildings for B1 use (6 units). The present vehicular access would be utilised.

4. From all the evidence put before me, and having seen the site and its surroundings, I consider that, in the case of appeal (a), the main issue is whether the proposed development constitutes an overdevelopment of the site which would be unacceptably harmful either to traffic and parking conditions in adjoining streets or to the amenity of immediate neighbours. The issue in the case of appeal (b) is solely whether an acceptable scheme of development of this site would result after the demolition work that is proposed.

5. As part of its objection to the scheme, the Council points to the plot ratio that would result from this proposal; nearly 3:1. According to the Council's non-statutory Environmental Code, the maximum plot ratio for this site should be 2:1. On the other hand, the existing plot ratio here is already over this figure (2.26:1 or 2.4:1, depending on whether the glazed canopy area at the rear of the site is included as floorspace). The Council accepts that plot ratio standards are a guideline only (indeed, this is stated at paragraph 15.3 of the Code), but I consider it reasonable to regard the non-compliance here as a 'warning light', a hint that there may be too much development proposed.

6. I turn first to the likely parking/traffic consequences of this proposal. This is a densely developed part of London. I have noted the parking survey produced on behalf of your client (carried out in August), but, at the times that I visited the area, the streets in the vicinity of the site were very heavily parked, with consequent difficulty and delay in finding a convenient parking space. With so many properties in this area being in flats, and with a general lack of off-street parking facilities, I do not doubt that, out of working hours, there continues to be considerable street parking. England's Lane, and its continuation southwards, Primrose Hill Road, appears to be used as a distributor route, carrying through traffic, including buses. The road is not very wide, and parked vehicles can cause delays. I observed that Belsize Park Gardens also appears to carry substantial traffic, and that the awkward junction of that road with England's Lane/Primrose Hill Road is often busy. I saw that there were some road works in the area, but I have no reason to suppose that the conditions I observed were unrepresentative of normal conditions.

7. In such circumstances, there is good reason for ensuring that any new development scheme does not, at the least, make parking and traffic conditions appreciably worse. The likely impact of your client's scheme must, of course, be judged in the light of the traffic and parking conditions that would have been caused by the existing buildings when they were in use, and could be caused again if the buildings were to be brought back into use without the extent of redevelopment now proposed. In this regard, I have borne in mind that very little parking would have been available for occupiers of this site. However, it seems to me that, when redevelopment is to take place, albeit on a less than total basis, as in this case, a basic aim of planning control is to seek some improvement in existing conditions where these are undesirable, rather than to perpetuate them.

8. Your client's proposal involves increasing the number of residential units from 14 to 27. The commercial buildings in the rear yard, with a floor area evidently of about 612 sq m (919 sq m if the canopy area is included), would be replaced by B1 buildings with an area of 800 sq m, plus a further 440 sq m in the main building. The number of shops would remain the same, except that one of the units would be used as a restaurant. The bank unit would remain. For all this, only 18 off-street parking spaces (19 if the restaurant servicing bay is also included) would be provided in the rear yard area. You say that, taking into account the accommodation that now exists, this parking provision complies with the Council's standards in respect of the additional development, but the Council argues that there is a substantial shortfall on a strict application of the standards to the whole development. It seems to me that, bearing in mind not just the increase in commercial floorspace at the rear of the site, but also the replacement of buildings that have generally been occupied by one user, by buildings which will have 10 separate occupiers, plus the increase in the number of residential units, plus the introduction of a restaurant with a potential of 120 covers, the likely result of this proposal would be a material increase in pressure on parking spaces in this locality.

9. In addition, there is the matter of the vehicular access to the rear part of the site. This is most unsatisfactory, being very narrow (only one vehicle width) and with a bend in it which precludes full visibility into the interior of the site. It is an existing arrangement, and I have no information on traffic conditions which resulted at the time the site was in full occupation, but it would seem that the occupation of the buildings in this part of the site has been limited to one, or at the most, two, occupiers only, so that some regulation of traffic movements may have been possible. You say that a mirror could be installed to cover the point relating to visibility, and that warning signs could be used, but my conclusion - bearing in mind also the restricted manoeuvring area that will be available within the site - is that 10 separate B1 occupiers, a restaurant and the residential units, could not all be served by such an access without there being the increased possibility of conflicts in traffic movements. The likely repercussions of that would be vehicles reversing out of the access and/or vehicles having to wait in England's Lane for an exiting vehicle to clear the access, which could well cause serious traffic problems in the busy public highway.

10. I turn now to the matter of amenity of neighbours. Although to some extent it could be said that increased pressure on parking spaces in the area also affects living conditions for those residents who depend upon finding an on-street parking space, the main concern is the impact of the new building work on the amenity of occupiers of the immediately adjoining houses, 39 England's Lane and 50 Primrose Hill Road.

11. 39 England's Lane is a detached house, with a pleasant rear garden which is bounded on its south-western side by the side wall of the single-storey building in the rear part of the appeal site. I also saw that, on its north-eastern side, the garden is bounded, for a part of its length, by the flank wall of No 16 Chalcot Gardens. However, the boundary wall on the appeal site side of the garden is not very high, a little over 2m, and the roof of the building has a shallow slope away from the wall. The height of the wall would not be affected by the scheme, but a new roof slope would be formed behind this wall, and this slope would be steeper, and rise 2m higher than the present roof, albeit

that the increased height would be achieved about 1m further away from the boundary. To my mind, the new building would be significantly more dominant in relation to the garden, and, indeed, the new building would have much more prominence when seen from the house. The overall effect would be to increase the feeling of enclosure of this property to an unneighbourly degree.

12. 50 Primrose Hill Road is also a detached house, but is set well back from the road, in a backland position, reached by a long driveway from Primrose Hill Road, between the appeal site and 48 Primrose Hill Road (a property which is converted into 4 flats). I saw that the garden of No 50 has now been extended by taking in the greater part of the former rear garden of No 48. The curtilage of No 50 is bounded on its northern side by a high brick wall (of variable height, but some 7m at its highest), which forms the rear wall of the single-storey and 2-storey buildings at the rear of the appeal site. The wall is clad in creepers, and is an attractive feature. Although the present buildings behind this wall are higher than the wall, this is not too apparent from the driveway because of the height of the wall, although more obvious when standing in the new garden area of No 50. The new buildings here would, however, be one storey higher than the existing. The roof slope of the central, 3-storey, building would be appreciably steeper than the slope of the present building, and that part of the boundary wall would be increased in height by 600mm. In my opinion, the effect of all this would be that occupiers of No 50, especially when in their new garden area, would be more conscious of high buildings along that boundary (notwithstanding the trees in that garden area), giving an unwelcome sense of enclosure to that side of the property's grounds.

13. On the question of residential amenity, objections were also raised regarding overlooking from windows in the rear part of the main terrace. I examined this aspect, when visiting the adjoining properties, and whilst the proposal will result in new windows from which overlooking could occur, this would be at an oblique angle in the case of 39 England's Lane and 48 Primrose Hill Road, and, as for 50 Primrose Hill Road, the garden area most likely to be affected is already overlooked by windows in No 48. Nor do I see any problem being caused by rooflights in the new B1 buildings, because the height of the sills of these windows would prevent overlooking. Thus, I see no serious objection in terms of loss of privacy.

14. Other objections were raised, for example, noise transmission from the restaurant use, but I am satisfied that these other objections are either not very weighty in this case, or could be dealt with by the imposition of conditions on a planning permission. Included in that statement is my consideration of any impact on the character or appearance of the Conservation Areas in which this site is located; a matter which was not seen by the Council as a significant issue in this case.

15. However, it will be clear that I have found that the proposal would give rise to a series of unsatisfactory consequences, in terms of traffic, parking and the amenity of neighbours. In my view, the accumulation of all these consequences would be sufficiently harmful to warrant rejection of the scheme. I note that all these consequences I have identified can be said to stem from the amount of development that is sought on this site. Thus, I find that there is justification, in this case, for concern regarding the plot ratio of the proposed

development. I have taken into account all the points that have been made in support of the proposal, but these do not outweigh the harm that would be done by allowing the scheme to go forward in its present form. Therefore, I propose to turn down the planning appeal, and, since there is still no acceptable scheme of development for this site, also turn down the appeal relating to conservation area consent.

16. For the reasons set out above, and in exercise of powers transferred to me, I hereby dismiss these appeals, and refuse planning permission and conservation area consent in respect of the proposal.

I am Gentlemen
Your obedient Servant

A handwritten signature in cursive script, appearing to read 'C F Trewick'.

C F TREWICK ARICS
spector

APPEARANCES

FOR THE APPELLANT

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- of Grimley J R Eve

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FOR THE COUNCIL

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- Counsel, instructed
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He called:

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- Principal Planner, LB
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He called:

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- Planning Consultant

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Ms S Jennings

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DOCUMENTS

- Document 1 - Attendance lists
- Document 2 - Letter notifying residents and others of inquiry
- Document 3 - Letters handed in at inquiry
- Document 4 - Appendices to Mr Birds' proof
- Document 5 - Appendices to Mr Camp's proof
- Document 6 - Appendices to Mr Bellamy's proof
- Document 7 - Appendices to Mr Hersey's proof
- Document 8 - Appendices to Ms Broom's proof
- Document 9 - Appendices to Mr Mullineux's proof
- Document 10 - Floorspace figures
- Document 11 - List of suggested conditions

PLANS

- Plan A - Application drawings
- Plan B - Folder of plans (to reduced scale)
- Plan C - Vehicle manoeuvring diagrams