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RECEIVED

2 FEB 1989

DEPARTMENT

LONDON BOROUGH OF CAMDEN  
PLANNING AND TRANSPORT

Montagu Evans  
Chartered Surveyors  
Premier House  
44-48 Dover Street  
London W1X 3RF

Your Reference:

MAD/MMM/DS1013

Our Reference:

T/APP/X5210/A/88/100360/P2

Date:

16 FEB 89

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9

APPEAL BY DATANJED LIMITED

APPLICATION NO. PL/476/88/15

Now known as Heathgate Place SN Order  
22.6.93

1. As you know, I have been appointed by the Secretary of State for the Environment to determine your client's appeal against the failure of the Camden London Borough Council to decide, within the prescribed period, an application for redevelopment of the site for business units (Class B1) and two shop units, together with car parking and landscaping, at 75-87 Agincourt Road, Gospel Oak, NW3. I inspected the site and surroundings on 9 January 1989.
2. The original scheme for 15 self-contained business units has been amended. It now includes 11 units within a similar volume of building but retaining existing boundary walls and using different external materials. This followed consultations with local residents. I shall deal with the appeal on the basis of the revised drawings.
3. Following my inspection of the site and surroundings and consideration of all the written representations made on behalf of your client and by the council as well as by local residents and the present occupants of the site, I have come to the conclusion that there is one main issue in this case. This is whether the proposal would be in a form and of a scale that would unduly harm the character and amenities of the surrounding houses and gardens.
4. The planning policy background to the case is contained in the Urban Design policies of the Borough Plan. This seeks a high standard of design that is sensitive to and compatible with the scale and character of the existing environment. Regard must be had in the Plan to the various standards and guidelines set out in the Environmental Code. This expects schemes to conform with the Department's publication "Sunlight and Daylight - Planning Criteria and Design of Buildings" when considering the effect of a proposal on sunlight in and around nearby residential premises.
5. The site consists of a roughly triangular area of backland surrounded by terraced housing. There are two adjoining vehicular entrances at its southern end from Agincourt Road which is a one-way street. The site once contained an engineering works. Various sheds and buildings on the east side of the site appear to be still in use as joinery workshops. The north and south blocks served by the westernmost entrance have been demolished. The appeal site includes a row of shops on Agincourt Road now occupied by two businesses. There is a church and hall with its car park and a small lodge outside the site to the west of the entrance gates.



Taken as a whole, or option, or

Concerning the main issue in respect of neighbours' amenities provided by daylight and sunlight, I was able to see on my site visit most of the external walls to be retained. These would be doubled up with the new perimeter walls of the proposed buildings. This would appear to overcome some of the objections of local residents. However, concern is still expressed about the height of the three storey building proposed for the south-west corner of the site and each side of the proposed north block. This is particularly in respect of loss of outlook and daylight.

7. While I accept that there would be some infringements of the Department's daylighting and sunlighting standards, these are not mandatory. There may well be more overshadowing from the three storey buildings. However, I do not consider from my interpretation of the drawings that this would be unacceptable in such a close knit area that has long been tightly planned. The environs of the church hall and lodge would not seem to me unduly harmed by the proposal. Many properties would be unaffected because boundary walls are to be retained. There would be other improvements in daylight and sunlight, as well as overall amenity, in adjoining properties. These would result in a not unacceptable scheme overall. The drawbacks would not be so significant as to warrant refusal of the proposal as a whole in my opinion.

8. I appreciate the concern of local residents but from what I saw of the site boundaries and adjoining gardens and looking at the revised drawings, it seems to me that most of the objections on environmental and amenity grounds have been overcome. While there would still be a certain amount of overshadowing even with the revised scheme, particularly of gardens, the bulk of the new buildings is not likely to be significantly greater than the present and former industrial sheds and buildings on the site. While residents quite reasonably look for improvements in their amenities, I am not convinced that their objections are so great now as to justify refusal of the scheme as a whole.

9. The proposed density would be similar to that on the site before demolition, I understand. The design and materials to be used in the buildings would not appear to me inappropriate. Their bulk would be concentrated towards the courtyard, away from houses and gardens, and in a part of the street where there is a visual advantage in having a three storeyed enclosure as I see it. There is no evidence to suggest that there would be any more noise than with the present uses or undue overlooking of nearby houses. Security would be safeguarded and noise attenuated by the high boundary walls. It does not seem to me that undue harm would come to residential amenities of the surrounding houses by allowing the scheme.

10. In the words of the Town and Country (Use Classes) Order 1987 in respect of Class B1 Business use, this proposal would involve only such uses as could be carried out in a residential area without detriment to its amenity by reason of any of the harmful effects it mentions. However, the proposal appears to fall within the same use category in the Use Classes Order as the existing and former uses. In terms of the daylight, sunlight, amenities, scale and residential character of the area, there does not appear to be any overriding reason not to grant permission.

11. There would seem to be little planning policy objection apart from the loss of existing employment. In this respect, letters have been received from the firms still operating on the site. They point to the disruption caused by their having to relocate and to the number of people who would become unemployed, particularly tradesmen. However, the site appears to be substantially vacant now and the leases would have expired in 1992. Therefore I do not consider this to be a significant objection.

12. Taken as a whole, the proposal would not be too bulky or out of scale in my opinion, or restrict daylight and sunlight, to any extent that would be unacceptable or harmful to the amenities and residential character of the surroundings. I can find no planning policy or environmental objections to the scheme or conflict with the Department's criteria that would be sufficient to overcome the normal presumption in favour of allowing it. I have taken into account all the other matters raised in the written representations but none are of such weight as to lead me to any other conclusion.

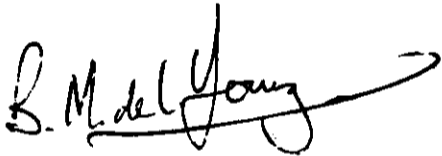
13. I understand that the amount of car parking proposed conforms with the council's standards. There has been no objection from them in this respect. The materials to be used would not be inappropriate in these surroundings. Any landscaping or treatment of the courtyard and access would in my view be a matter for the developers as they would be enclosed by the buildings and mainly hidden from public view. Apart from the usual time limit, therefore, I do not propose to attach any other condition to this approval.

14. For the above reasons, and in exercise of powers transferred to me, I hereby allow this appeal and grant planning permission for redevelopment of the site for business units (Class B1) and two shop units, together with car parking and landscaping, at 75-87 Agincourt Road, Gospel Oak, NW3, in accordance with the terms of the application (No PL/8703215) dated 6 November 1987 and the revised plans attached to your letter dated 3 June 1988 subject to the condition that the development hereby permitted shall be begun before the expiration of five years from the date of this letter.

15. The developer's attention is drawn to the enclosed note relating to the requirements of The Buildings (Disabled People) Regulations 1987.

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

I am Gentlemen  
Your Obedient Servant



B. M. de L. YOUNG AAdipl RIBA  
Inspector

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