

Delegated Report	Analysis sheet		Expiry Date:		25/09/2014		
	N/A / attached		Consultation Expiry Date:				
Officer			Application Number(s)				
Nanayaa Ampoma			2014/4408/P				
Application Address			Drawing Numbers				
350 Finchley Road London NW3 7AJ			See decision notice				
Proposal(s)							
Erection of two first floor rear extensions to create 2x one bedroom self-contained flats.							
Recommendation(s):		Refuse planning application					
Application Type:		Full Planning Permission					
Conditions or Reasons for Refusal:		Refer to Draft Decision Notice					
Informatives:							
Consultations							
Adjoining Occupiers:		No. notified	49	No. of responses No. electronic	02 00	No. of objections	02
Summary of consultation responses:		<p>Adjoining neighbours have been notified. Two comments have been received from neighbouring properties. Specifically:</p> <ul style="list-style-type: none"> ▪ 1, 352 Finchley Road ▪ 3, 352 Finchley Road <p>The objections can be summarized as follows:</p> <ul style="list-style-type: none"> ▪ Development would completely block out any sunlight to the balcony of Flat 3, 352 Finchley Road ▪ Proposal could have a detrimental impact on the light to the property at 352 Finchley Road 					

**CAAC/Local groups*
comments:**
*Please Specify

The application site is not within a Conservation Area.
No comments have been received from local groups.

Site Description

The application site relates to a large detached residential property on a busy main road.

The property was original a single residential dwelling. In 1967 it was given permission to become a hotel. The site was later given permission for the continued use as a House of Multiple Occupancy (HMO). The application site has been the subject of several extensions especially to the rear where there is currently a full width ground and basement extension.

Details submitted with the application suggest that the property is currently used partly as a hostel along with the HMO use. However this is not the property's lawful use. Permissions have been refused on several occasions for the use of the property as a hostel. Nevertheless, the Design and Access Statement submitted with the application together with the existing plans submitted and the information given at site visit by the agent, clearly show that the property is being used as a hostel. Additionally, the previous permission for the continued use as a HMO (2005/5542/P - in terms of layout), was not implemented as approved by the plans. Therefore the existing use of the property is unlawful. This matter has been passed to the Planning Enforcement team to investigate.

The application site is not listed and does not fall within a Conservation Area.

Relevant History

2006/2077/P - Enlargement of the existing basement area to create four additional bedsits for the existing House in Multiple Occupation, excavation of rear garden to create an associated lightwell to the rear, plus alterations to the ground floor front windows and addition of a pitched roof to the front entrance porch. – **Granted 7-06-2006**

2005/5542/P - Continued use of the existing 3-storey building as a House in Multiple Occupation (Sui Generis) – **Granted 04-01-2006**

2005/4130/P - Use of the building as a hostel (Sui Generis). – **Refused 13-10-2005**

2004/5071/P - The use of the whole property as a HMO. – **Refused 03-12-2004**

8700523 - Amendment to planning permission dated 23rd October 1969 (Ref.E4/3/6/7557) to: 1) Use of the property as an independent hotel and 2) Remove condition (03) which requires the hotel use to be personal to the applicant. - **Refuse 06-03-1987**

CTP/E4/3/6/34030 - Erection of a single storey rear extension to provide living-in accommodation for

hotel staff. - **Refused 05-04-1982**

CTP/E4/3/6/7557 - Use of No. 350 Finchley Road, Camden, as a hotel (annexe to Aviva Hotel, 1 Platts Lane) and alterations and extensions at rear in this connection. – **Granted 18/08/1969**

Relevant policies

National Planning Policy Framework (2012)

LDF Core Strategy and Development Policies

Core Strategy (2010)

CS5 Managing the impact of growth and development

CS6 Providing quality homes

CS11 Promoting sustainable and efficient travel

CS14 Promoting high quality places and conserving our heritage

CS19 Delivering and monitoring the Core Strategy

Development Policies (2010)

DP2 Making full use of Camden's capacity for housing

DP3 Contributions to the supply of affordable housing

DP5 Homes of different sizes

DP6 Lifetime homes and wheelchair homes

DP9 Student housing, bedsits and other housing with shared facilities

DP16 The transport implications of development

DP17 Walking, cycling and public transport

DP18 Parking standards and limiting the availability of car parking

DP19 Managing the impact of parking

DP20 Movement of goods and materials

DP22 Promoting sustainable design and construction

DP24 Securing High Quality Design

DP26 Managing the impact of development on occupiers and neighbours

Supplementary Planning Policies (last updated 2013)

Camden Planning Guidance 1 Design

Camden Planning Guidance 2 Housing

Camden Planning Guidance 3 Sustainability

Camden Planning Guidance 6 Amenity

Camden Planning Guidance 7 Transport

Camden Planning Guidance 8 Planning Obligations

Assessment

Proposal

1.0 The application proposes to build:

- Two flat roofed rear extensions at first floor.
- The two extensions would sit on either side of the existing three storey rear extension.
- The proposed extension at the side of no.348 would measure 3.8 metres in depth, 4.5 metres in width and 3 metres in height. With an internal floor area of 17 square metres.
- The extension looking towards no.352 would measure 5.4 metres in depth, 4.5 metres wide and 3 metres high. With the internal space measuring 24.3 square metres.
- The proposed extensions would allow for the creation of two, one bedroom self-contained flats.
- Matching materials to the exterior are proposed

Assessment

2.0 The main areas for consideration are:

- Land use
- Design
- Impact on amenity
- Highways

Land Use

3.1 As discussed above, the application site has a lawful use as a HMO. However the self-contained rooms shown on the submitted plans indicate that presently it appears to be in use as a hostel in addition to its HMO use. An enforcement investigation will be commenced to investigate this possible breach.

In the meantime the application seeks to add two self-contained units to the existing building.

3.2

Design

4.1 Policy DP9 requires that developments of this kind should meet the required space standards. These are details within supplementary guidance CPG 1 and CPG 2. Issues on general design are detailed within policies CS14, CS5 of the Core Strategy and policy DP24 of the Development Policies.

4.2 Policies CS14 and DP24 state that the Council will require all developments including alterations and extensions to existing buildings, to be of the highest design standard in terms of the

character, sitting, context, form and scale to the existing building and the general area. Policy CS5 (Core Strategy) states that the Council will only give permission for developments that respect the character and appearance of the area.

- 4.3 More specific detail is provided within supplementary design guidance CPG 1, which looks at good practice principles for extensions. It states that rear extensions should:
- Borrow from the design of the host building in terms of style and character for proposed doors, windows and materials;
 - Appear secondary to the building being extended in terms of location, form, scale, proportions, dimensions and detailing;
 - Respect and preserve the original design and proportions of the building, including its architectural period and style;
 - Respect and preserve the historic pattern;
 - Retain the open character of existing natural landscaping and garden amenity, including that of neighbouring properties, proportionate to that of the surrounding area and that;
 - Extensions that rise above the general height of neighbouring projections and nearby extensions will be strongly discouraged.
- 4.4 The proposed rear extensions would be an additional storey above much of the existing ground floor extension. At the scale proposed they represent a large rear protrusion that would have a significant impact on the form and scale of the existing building. As stated above, rear extensions of this kind are expected to appear secondary to the host property and preserve the original design and proportions of the building. In this particular case the proposed extension fails to meet these requirements. The aim to encourage rear extensions that appear secondary to the host property is not only aimed at protecting the original architectural features of the host building, but also in order to stop unnecessary and inappropriate large and bulky developments that simply represent an overdevelopment of the site. The proposal would be one such example.
- 4.5 The proposed extension would create a significant bulk and massing at first floor that would overwhelm the property's rear elevation. This is further exacerbated by the existing three storey addition. The cumulative impact of these extensions means that the original design of the property would be significantly eroded and lost through the development. In addition, these existing rear extensions all have flat roofs. Although it is understandable that the proposed extension has been designed with a flat roof to relate to the existing extensions, cumulatively, the design is unsympathetic to the property. The design could very easily relate to the hipped design of the main roof. This would reflect other rear extensions in the area that have taken a hipped form such as nos. 352 and 354.
- 4.6 The proposed extension also fails to respect the existing rear neighbour projections as required by CPG1. Currently, there is an existing terrace area at the rear first floor of no.352 Finchley Road. The proposed extension would sit alongside and above this neighbouring projection/terrace. Therefore the proposal fails to comply with the above design guidance and

LDF policy and is refused on this basis.

Proposed housing

- 4.7 The development proposes two self contained units, the largest of which would be c. 24sqm in size. CPG 2 sets out the required space standards for new residential units. It requires that all new living spaces have a ceiling height of at least 2.3m and all two person units have a floor space of at least 48 square metres. London Plan space standards require 37sqm of space for a single person self contained unit.
- 4.8 The proposed units fail to meet the space standards required by CPG 2 or the London Plan. The space presented is significantly below the minimum space standards for living space with the largest of the two units being 24.3 square metres. The design of the proposed dwellings would therefore result in a cramped, unsatisfactory and poor standard of accommodation/environment for future occupiers, as well as have an inadequate amenity space and is refused on this basis.
- 4.9 Additionally, Policies DP6 and DP22 of the Development Policies require that sustainable practices are woven into the design of all developments and where possible Lifetime Homes have been considered. Also, wherever possible a rating of “very good” for the BREEAM Refurbishment scheme is achieved. The development has failed to respond to this policy requirement.

Amenity

- 5.1 Policies CS5 (Core Strategy) and DP26 (Development Policies) state that the council will protect the quality of life of existing and future occupiers and neighbours by only granting permission for those developments that would not have a harmful effect on amenity. Such issues include visual privacy, overlooking, overshadowing, outlook, sunlight, daylight and artificial light levels. These concerns are further discussed in CPG 6 which provided guidance on amenity. It states that all developments are required to have some regard for the amenity of existing and future occupants.
- 5.2 The application shares a boundary with no. 348 and 352. At no.348 there is a terrace development and screening which blocks views towards the application site. There is also a good distance between the application site and this neighbour of around 2.5 metres. Therefore the proposal would have no impact on the amenity of this neighbour.
- 5.3 No.352 Finchley Road is north of the application site. This property benefits from a balcony area to the rear. There is a distance of 2 metres between the application site and this neighbouring property. Presently those using the terrace area have views overlooking the ground floor extension at no.350. The proposed extension would have a harmful impact on the outlook of those using the terrace area to the rear. I have received two objections from neighbours at no.352 expressing concerns for loss of light and outlook. However the projected loss of light and outlook to the terrace area is not considered significant enough to refuse the application

because there are no specific policies preventing it.

Highways

- 6.1 The Council as a Highways Authority has recognised that there are significant pressures on the current parking facilities throughout the borough, especially in dense residential areas close to Town Centres. In the interest of sustainable transport practices, the Council has established highways policies that strongly discourage the use of private motor vehicles and aim to control any future unnecessary increase in off street parking (CS11 – Core Strategy, also DP16, DP17, DP18, DP19, DP22 – Development Policies).
- 6.2 The application is supported by the Highways Officer subject to a S106 Agreement for Car Free and a Construction Management Plan (CMP).
- 6.3 *Car free*: The site is within the Redington and Frognal: North Parking Zone (CA-Sa). All CPZ's are identified as suffering from a high level of parking stress with more than 100 permits issued for every 100 parking bays and overnight demand exceeding 90%.
- 6.4 The application site has a Public Transport Accessibility Level (PTAL) of 4 (Good). Policy DP18 states that the Council expects new developments in areas of high on-street parking stress to be either car free or car-capped. The reasons for this are to facilitate sustainability and to help promote alternative, more sustainable methods of transport and stop the development from creating additional parking stress and congestion. This is also in accordance with policies CS11, CS19, DP18 and DP19. As such, it is the Council's position that securing car-capped accommodation is policy compliant and accords with the requirements of Section 106 as it is necessary to make the development acceptable and is directly related to the development. In light of this, a car free development should be secured by the means of a Section 106 legal agreement as this requirement is considered to go beyond the remit of a planning condition. This is because it relates to controls that are outside of the development site and the ongoing requirement of the development to remain car free.
- 6.5 *CMP*: the property is on a busy main road therefore, it is felt that the construction impact is particularly significant, Camden will seek to ensure that any impact is properly managed by the developer through compliance with a CMP. The proposed CMP ensures that the works are carried with care to the highway. The CMP will control potential impacts such as servicing of the site, traffic generation from removal and delivery of materials and deliveries to the site. This could result in traffic disruption and dangerous situations for pedestrians and road users. This is in accordance with policies CS5, CS11, CS19, DP20, and DP26 and supplementary guidance CPG 7 on transport.
- 6.6 The scope of highways management together with the powers required is considered too significant to be dealt with under a condition. As such, a Section 106 Agreement is the most appropriate mechanism to secure both the CMP and the Car Free requirement. This is in

accordance with Circular 11/95, where it states at Appendix B as an example of an unacceptable condition, is one requiring loading and unloading and the parking of vehicles not to take place on the highway, as it purports to exercise control in respect of a public highway which is not under the control of the applicant.

- 6.7 Under policy CS11, cycle storage that is covered and secure should be provided at a ratio of 1 space per unit (with an extra space for 3+ bed units), with 1 space per 10 units for visitors (or part thereof). In line with this policy, it is required that 2x secure cycle storage is provided and identified on the submitted plans. However the applicant has failed to comply with policy on this issue.

Conclusion

- 7.1 The proposed extensions are considered large and bulky and would create a significant amount of massing to the rear elevation of the hoist building, which in turn would result in the property's original character and design. They would also lead to three self-contained units that fall far below the minimum space standards for Camden Council and therefore present low quality living standards. The development has also failed to comply with transport requirements such as a S106 for Car Free and Construction Management, or formally consider sustainable practices as required by Camden Council. Therefore the development falls short of several Camden polices and is should be refused.

RECOMMENDATION: REFUSE PLANNING PERMISSION