

## **PLANNING STATEMENT**

IN RESPECT OF PROPOSALS AT:  
22 KING'S MEWS,  
LONDON WC1N 2JB

ON BEHALF OF:  
QUEEN'S GATE HOLDINGS LIMITED

SEPTEMBER 2014

**CONTENTS**

1.	INTRODUCTION	3
2.	SITE CONTEXT AND PLANNING HISTORY	4
3.	THE PROPOSAL	6
4.	PLANNING CONSIDERATIONS	8
5.	CONCLUSIONS	12

**APPENDIX A**

1. Officer Report to Committee
2. Details of relevant planning applications

## **1.0 INTRODUCTION**

- 1.1 This Planning Statement is submitted on behalf of the applicant, Queens Gate Holdings Ltd. in respect of an application seeking full planning permission and conservation area consent at 22 Kings Mews, London WC1N 2JB.
- 1.2 The proposal supports the national and local policy objectives to bring empty commercial buildings back into use, increase housing supply and secure the efficient use of land. A high quality living environment is proposed. Sustainable construction measures and energy efficient design are integral features of the scheme.
- 1.3 The February 2014 appeal decision established that the only outstanding issue related to amenity (PINS reference 2203357 and 2203360). The revised scheme has been carefully designed to address this, as follows:
- The design of the rear of the development has been completely revised to reduce the potential effect on the residential neighbours in the Gray's Inn Road frontage buildings.
  - The massing of the rear facing part of the new second storey has been substantially reduced.
  - The amount of glazing on the rear elevation has been reduced to avoid potential concerns about privacy and light spillage.
  - There is increased green planted surface on the roof in proximity to the rear neighbours.
- 1.4 The revised design has been produced following consultation with neighbouring residents in Gray's Court (51-53 Gray's Inn Road). The design as now submitted has been agreed by this party as having addressed satisfactorily their concerns surrounding the previous design that was assessed at appeal.

## 2.0 **SITE CONTEXT AND PLANNING HISTORY**

### The Site and Surrounding Context

- 2.1 King's Mews is characterised by a variety of buildings of different ages, styles and uses. Redevelopment over time has diluted the street's original homogenous character.
- 2.2 The site area is approximately 89 square metres. The building is vacant having formerly been occupied for storage/ warehousing in association with a retail unit at 43-45 Gray's Inn Road.
- 2.3 The building originally featured a garage door. This has been partially bricked up and replaced with a single door providing the only entrance to the building.
- 2.4 The site is within the Bloomsbury Conservation Area, the Central London Area and an archaeological priority area. The site has a Public Transport Accessibility Level (PTAL) of 6b (excellent).

### Planning History

- 2.5 In designing the scheme, consideration has been given to the extensive planning history of the site and the surrounding area. A summary of this history is presented at **Appendix 3**.

### The Appeal Decision

- 2.6 On 12 February 2014 an appeal was dismissed for the "*demolition (except façade) of an existing B8 storage building (not in commercial use) and construction of a new residential dwelling (C3). The dwelling includes a basement and 3 floors above with 4 bedrooms*".
- 2.7 The appeal decisions are attached at Appendix 1 (references APP/X5210/A/13/2203357 and APP/X5210/E/13/2203360). The reason for dismissal related to the living conditions of neighbours to the rear, due to the proximity of windows and effect on outlook.

- 2.8 The Inspector found that the principle of a residential redevelopment of the property was not an issue, commenting as follows:

*Applying its own Local Development Framework policies (notably CS8 and DP13) and guidance from the National Planning Policy Framework (NPPF) the Council is satisfied that the loss of the commercial floorspace in this case is justified. Housing is the priority alternative use and in particular family houses such as is proposed, in an area of the Borough suffering a lack of such sized dwellings. I find no reason to disagree.*

*There is little merit in retaining any of the building other than its front façade. The building dates from the nineteenth century and retains its front façade (Although altered). Other than that it is in very poor condition and is little more than a shell, albeit with two floors. Its pitched roof has been re-clad with inappropriate concrete interlocking tiles.*

- 2.9 The Inspector "found that the development would achieve the objective of preserving and enhancing the conservation area". However, they concluded that "these matters are outweighed by the harm caused to the living conditions of neighbours".
- 2.10 As described in the following section of this Statement, the submitted scheme responds directly to the Inspector's comments to ensure that the development would not result in unacceptable damage to the amenities currently enjoyed by existing neighbouring residents.

#### Neighbour Consultation

- 1.5 The revised design has been produced following consultation with neighbouring residents in Gray's Court (51-53 Gray's Inn Road). The design as now submitted has been agreed by this party as having addressed satisfactorily their concerns about the previous design.

### **3.0 APPLICATION PROPOSALS**

3.01 A three storey plus basement, four bedroom dwelling is proposed. A detailed description is provided within the Design and Access Statement.

3.02 In summary:

- The front elevation is to be retained and the interior and roof of the existing building demolished.
- Being two storeys with a set-back second floor, the proportions of the development relate to the existing buildings in the mews. The approach matches that of schemes recently approved at 23 to 28 Kings Mews, being of similar overall height and parapet level.
- The set-back upper storey is largely glazed with a simple, contemporary design with lightweight materials and thin edges.
- The gross internal floorspace measures 288 sq m. Bedrooms would exceed 11 sq m, the minimum size required for double bedrooms.
- A Basement Impact Assessment prepared by Campbell Reith Consulting Engineers is submitted in support the proposal.
- Separate storage areas are identified for bicycle and waste storage.
- Amenity space is provided in the form of a terrace at second floor.
- The garage opening is to be reinstated with timber garage style doors to be in keeping with the mews.
- The dwelling would meet Code for Sustainable Homes Level 4.
- Lifetime Homes requirements are met.

#### **Modifications in response to the appeal decision**

3.03 Alterations have been made to respond to the 2014 Appeal decision and ensure surrounding residents' amenity would be protected.

3.04 In summary:

- The design of the rear of the development has been completely revised to reduce the potential effect on the residential neighbours in the Gray's Inn Road frontage buildings.

- The massing of the rear facing part of the new second storey has been substantially reduced.
- The amount of glazing on the rear elevation has been reduced to avoid potential concerns about privacy and light spillage.
- There is increased green planted surface on the roof in proximity to the rear neighbours.

## 4.0 PLANNING CONSIDERATIONS

4.1 This section considers the Council's reasons for refusing planning permission and conservation area consent. It demonstrates that the appeal proposal is acceptable in all respects and compiles with national and local planning policies.

### **The Principle of Development**

4.2 The proposal would deliver several benefits. The brownfield site benefits from excellent public transport accessibility. The new dwelling would provide a high quality living environment in a sustainable location.

4.3 The delivery of high quality homes is supported by the National Planning Policy Framework:

- Paragraph 49 identifies that: *"housing applications should be considered in the context of the presumption in favour of sustainable development"*.
- Paragraph 50 identifies that local planning authorities should deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities.
- Paragraph 60 states that *"decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles."*

4.4 The proposal would contribute towards meeting minimum annual housing provision target set for Camden within the London Plan 2011. The London Plan (2011) sets a minimum annual housing provision target of 32,210 for all London Boroughs from 2011 to 2021. For Camden the annual target is to exceed 665 additional residential (including 500 self-contained units).

4.5 The proposal supports the Government's objective to bring empty commercial buildings back in to use to increase housing supply.



**Amenity**

- 4.6 The reason the appeal was dismissed in February 2014 related to amenity, specifically the increased sense of enclosure experienced by neighbouring residents.
- 4.7 The existing rear party wall of the application site is approximately six metres from the rear elevation of Gray's Court and would remain in place. For the scheme, as amended, the wall of the proposed second floor is set away from the boundary wall between numbers 22 and 51-53 Grays Inn Road to the rear. Only the uppermost half metre of the proposed elevation will be visible from the terrace/conservatory at first floor in 51-53 to the rear. As it would be approximately 9.9 metres away from the rear elevation of Gray's Court, the proposal would have a limited impact on the outlook for surrounding residents. The first floor conservatory at Gray's Court is largely obscured by the retained party wall. There would be limited impact on the outlook from the second floor of Gray's Court as a result of the proposed second floor would be at this level. The outlook at upper floors is not considered to be affected.
- 4.8 Although the existing hipped roof would be replaced with an additional flat roofed second floor, the highest part of which is 900 mm higher, this part would be set back 7.5 metres from the party wall (compared to the 2.9 metre setback for previous (appeal) scheme). As a result of the set back the effect on surrounding residents would be limited.
- 4.9 The rear elevation has been designed with obscured glazing to avoid overlooking.
- 4.10 Whilst the design of the scheme has sought to avoid harmful effects on the neighbouring residents, it has also been carefully considered to provide high quality accommodation for future residents. The building is inclusive and accessible. Amenity space is provided in the form of terraces at second floor level. Separate storage areas have been identified for cycle storage and waste storage.

4.11 In summary, a high quality living environment is proposed and the amenity of surrounding residents would not be significantly affected compared to the existing situation, in accordance with policies CS5 and DP26.

### **Design**

4.12 The proposal represents high quality design that respects local context and character in accordance with national and local planning policy, including policies CS14 and DP24. It preserves and enhances the character and appearance of the conservation area in accordance with policy DP25.

4.13 Indeed, in relation to design matters at the appeal for the site, the Inspector commented as follows:

*"At the hearing my attention was drawn to Camden Development Policy DP24 Securing high quality design but there is nothing in that which prevents the addition of a roof extension as such; rather it is, amongst other things, required to be of the highest standard and to respect the character, setting, context and the form and scale of neighbouring buildings (criterion a) and the character and proportions of the existing building (criterion b).*

*Similarly, I find nothing in the Council's Planning Guidance CPG1 which would specifically exclude an additional storey on the appeal building. The second bullet of paragraph 5.8 talks of complete terraces or groups of buildings with a largely unimpaired roof line but I would not classify 20-21 and 22 as a "group" of any significance to which this guidance refers. Moreover the document sets out guidance rather than policy" (paragraphs 11 and 12 Inspector's decision).*

4.14 The Inspector concluded: *"On the first main issue I conclude that the proposed development would not harm the character or the appearance of the Bloomsbury Conservation Area. Indeed there would be an enhancement in that the appearance of the retained front façade would be much improved and the additional floor provided is of an appropriate*

*design which would not detract from that gain. In this respect I find no conflict with the policies of the Development Plan aimed at achieving a high standard of design with respect for context or with those which aim to preserve and enhance the character and appearance of conservation areas”.*

### **Other planning considerations**

4.15 The Applicant intends to submit a S.106 Agreement with respect to the following:

- Car free housing;
- Construction and demolition management plan;
- Contributions towards highways works; and
- A design stage and post-construction sustainability review achieving a minimum level 4 'code for sustainable homes' rating.

4.16 In terms of the remaining planning considerations that are relevant to the proposals, the scheme is considered acceptable. This is supported by the Inspector's appeal decision (Appendix 2) and the officer's delegated report 2012/6290/P.

### **Conservation Area Consent**

4.17 The Inspector's reason for dismissing the previous Conservation Area Consent application can be addressed in full through the provision of a satisfactory redevelopment scheme.

## **5.0 CONCLUSION**

- 5.1 A high quality, sustainably designed dwelling is proposed. It would provide a good standard of living accommodation and bring back into use a brownfield site that is in a highly accessible location.
- 5.2 This Statement has sought to demonstrate that a high quality living environment would be provided and the amenity of surrounding residents would not be significantly affected compared to the existing situation, in accordance with policies CS5 and DP26.
- 5.3 In summary, compared to the previous scheme:
- The design of the rear of the development has been completely revised to reduce the potential effect on the residential neighbours in the Gray's Inn Road frontage buildings.
  - The massing of the rear facing part of the new second storey has been substantially reduced.
  - The amount of glazing on the rear elevation has been reduced to avoid potential concerns about privacy and light spillage.
  - There is increased green planted surface on the roof in proximity to the rear neighbours.
- 5.4 The proposal represents a high quality design that respects local context and character in accordance with national and local planning policy, including policies CS14 and DP24.
- 5.5 The proposal enhances the character and appearance of the conservation area in accordance with policy DP25. The existing façade is to be retained and the additional storey has been sensitively designed to ensure it respects the character and appearance of the conservation area.
- 5.6 The Inspector's reason for dismissing the previous Conservation Area Consent application can be addressed in full through the provision of a satisfactory redevelopment scheme.

5.7 In conclusion, it has been demonstrated that the proposals comply fully with both local and national planning policy objectives that promote sustainable development in appropriate locations. Therefore, it is respectfully requested that full planning permission and conservation area consent be granted for the application.

## **Appendix 1 – Appeal decision**

**(PINS reference 2203357 and 2203360)**

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## Appeal Decisions

Hearing held on 29 January 2014

**by Bridget M Campbell BA(Hons) MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 12 February 2014**

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**Appeal A: APP/X5210/A/13/2203357**  
**22 King's Mews, London WC1N 2JB**

- 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 Queens Gate Holdings Limited against the decision of the Council of the London Borough of Camden.
  - The application Ref 2012/6290/P, dated 22 November 2012, was refused by notice dated 11 February 2013.
  - The development proposed is described as "demolition (except façade) of an existing B8 storage building (not in commercial use) and construction of a new residential dwelling (C3). The dwelling includes a basement and 3 floors above with 4 bedrooms."
- 

**Appeal B: APP/X5210/E/13/2203360**  
**22 King's Mews, London WC1N 2JB**

- The appeal is made under sections 20 and 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant conservation area consent.
  - The appeal is made by Queens Gate Holdings Limited against the decision of the Council of the London Borough of Camden.
  - The application Ref 2012/6340/C, dated 22 November 2012, was refused by notice dated 11 February 2013.
  - The proposal is for the demolition (except façade) of an existing B8 storage building.
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### Formal Decisions

1. The appeals are dismissed.

### Application for costs

2. At the Hearing an application for costs was made by Queens Gate Holdings Limited against the Council. This application is the subject of a separate Decision.

### Preliminary matters and identification of the main issues

3. The Council in its decisions has used a different description for each proposal to that used by the Appellant. I find the description on the planning application form for the development the subject of Appeal A to be sufficiently clear so as not to need revision. In relation to the proposal the subject of Appeal B, however, I have cut the description down to the works of demolition only since it is that for which conservation area consent is required.

4. Following the close of the hearing, a signed s106 agreement was submitted to address reasons 3-6 for refusing the planning application (Appeal A). I have taken this into account.
5. The principle of a residential redevelopment of the appeal property is not an issue in this case. Applying its own policies in the Local Development Framework (notably CS8 and DP13) and guidance from the National Planning Policy Framework (NPPF) the Council is satisfied that the loss of the commercial floorspace in this case is justified. Housing is the priority alternative use and in particular family houses such as is proposed, in an area of the Borough suffering a lack of such sized dwellings. I find no reason to disagree.
6. Furthermore both parties are agreed that there is little merit in retaining any of the building other than its front façade. The building dates from the nineteenth century and retains its front façade (although altered). Other than that it is in a very poor condition and is little more than a shell, albeit with two floors. Its pitched roof has been re-clad with inappropriate concrete interlocking tiles.
7. There was no argument put to me that the demolition works proposed should take place before a replacement scheme is approved for the site. This seems to me to be the correct course of action to prevent the deterioration of that part of the building ultimately to be retained, so as to preserve the character and appearance of the Bloomsbury Conservation Area within which it sits. The outcome of Appeal B therefore depends upon whether planning permission is granted for the development the subject of Appeal A.
8. Accepting the principle of residential development and (for the moment) that the s106 agreement addresses reasons for refusal 3-6, the remaining matters in dispute and which form the main issues in my consideration of Appeal A are as follows:
  - 1) the effect of the development on the character and appearance of the Bloomsbury Conservation Area; and
  - 2) the effect of the development on the living conditions of occupiers neighbouring residential properties in particular at Flat 2/4 Gray's Court.

## **Reasons**

### ***Issue 1 – Character and appearance of the conservation area***

9. King's Mews was originally a traditional service road running behind the principal roads, Gray's Inn Road and John Street, with service buildings of subordinate scale. It has been much altered and now has a mix of residential and commercial buildings. In the main, later replacement buildings have retained the subordinate scale.
10. Original mews buildings remain at Nos.20 and 21, which is in use as a commercial garage and at the appeal property adjoining. The Council points out that they are identified in the Bloomsbury Conservation Area Appraisal and Management Strategy (CAAMS) as making a positive contribution to the area. I do not disagree. Both properties are of two storeys without additions to the roof. In contrast existing replacement buildings and recent planning permissions granted for replacement buildings (yet to be implemented) include set back roof additions.



11. The Council does not take issue with the changes proposed to the façade of the building but has an in principle objection to the addition to its roof (the additional storey) and would similarly resist any proposed addition to the roof of 20-21. At the hearing my attention was drawn to Camden Development Policy DP24 *Securing high quality design* but there is nothing in that which prevents the addition of a roof extension as such; rather it is, amongst other things, required to be of the highest standard and to respect the character, setting, context and the form and scale of neighbouring buildings (criterion a) and the character and proportions of the existing building (criterion b).
12. Similarly, I find nothing in the Council's Planning Guidance CPG1 which would specifically exclude an additional storey on the appeal building. The second bullet of paragraph 5.8 talks of complete terraces or groups of buildings with a largely unimpaired roof line but I would not classify 20-21 and 22 as a "group" of any significance to which this guidance refers. Moreover the document sets out guidance rather than policy.
13. In maintaining the original façade and providing a set back roof addition, the building would continue to be read vertically, so reflecting the width of the plot. The retained front elevation would be much improved in appearance by the reinstatement of the garage opening, currently partially bricked up, and the insertion of timber garage style doors. The set back of the additional floor and its light weight design would ensure that it was subservient to and did not compete visually with the presence of the retained frontage in the street scene.
14. I do not agree with the Council that if a roof addition (the additional storey) is to be accepted then it should be of a more traditional design. The modern design would acknowledge the status of the top floor as a later addition so that the historic development of the appeal site over time would be apparent. The lightweight roof structure would appear visually recessive and deferential in nature to the retained brick façade so that from street level the two floors of the original building would remain the dominant element of this property in the street scene. The building with its additional lightweight recessed floor would also be entirely in keeping with other recent replacement buildings along the mews which incorporate a set back top floor.
15. On the first main issue I conclude that the proposed development would not harm the character or the appearance of the Bloomsbury Conservation Area. Indeed there would be an enhancement in that the appearance of the retained front façade would be much improved and the additional floor provided is of an appropriate design which would not detract from that gain. In this respect I find no conflict with the policies of the Development Plan aimed at achieving a high standard of design with respect for context or with those which aim to preserve and enhance the character and appearance of conservation areas.

### ***Issue 2 – Living conditions of neighbours***

16. The rear wall of the existing building, with a chimney rising above it, sits on the boundary with Gray's Court at 51-53 Gray's Inn Road. The wall encloses the western side of a first floor outdoor amenity space serving Flat 2/4; that flat being arranged over two floors at first and second floor levels. Rising well above that outdoor space, the wall already has an imposing presence not only when seen from the outdoor space itself but also when viewed from the rear facing rooms within the main flat at first floor level notwithstanding that a conservatory has been added to the flat. However, its impact on the outlook at

- this level is mitigated by the view of open sky above the wall; the hipped end of the existing pitched roof seen only just protruding above the wall and at a distance back from it.
17. At second floor level there is an appreciable open prospect as the view from the windows of the flat is over the roof of the existing building on the appeal site towards buildings lining John Street at a considerable distance.
  18. The replacement building with its additional floor would be taller than the existing building by some 600mm at its closest point to the boundary with Flat 2/4 and by some 900mm overall but at a greater distance from that boundary. In contrast to the existing building where its highest point (excluding the chimney) is the ridge of the roof and thus the mass reduces to a peak, the proposed increase in height would extend across the full width of the property. That increase in height and mass would, in my view, result in a substantial change to the outlook currently enjoyed by the occupiers of Flat 2/4.
  19. Notwithstanding the set back proposed for the top floor, the close relationship between the two properties is such that the additional floor would be unduly imposing. It would unacceptably increase the sense of enclosure already experienced from the presence of the existing boundary wall. From the first floor of the flat, the additional floor would not be seen when outside and close to the boundary wall. From further back on that outdoor area, however, and when looking out of rear facing windows, the additional floor would be clearly visible and would block out a considerable amount of sky above the retained wall especially when standing further back in the rooms.
  20. The outlook from the second floor windows of the flat would be directly towards the additional floor at a distance of about 10m. It is accepted that there is no right to a view and that outlooks do change from time to time and can become more enclosed. However, I consider the change from a view over and around the unimposing mass of a modest pitched roof to the view of a wall of glazing at only 10m distance, and with a strident external staircase at even closer quarters and rising above it at one end, would be overbearing and unduly oppressive in the outlook from the second floor windows of the flat.
  21. The treatment of the glazing was discussed at the hearing when it was suggested that a condition could be imposed requiring details to control light emission and to ensure that views out of them would be obscured. Whilst that might be done, I consider that the treatment of those windows could have a further impact on the occupiers of Flat 2/4. For example if light emission was only limited by 50%, I believe that the additional floor would continue to impose upon the living conditions of the occupiers of the flats after dark – its presence would be clearly apparent. Whilst there would undoubtedly be light emission from other buildings in the vicinity, here a new and extensive bank of glazing would be introduced in very close proximity to the flat.
  22. I am aware that planning permission was granted for an extension to Flat 2/4 which would have changed its relationship with the appeal building but that permission has expired and so cannot be implemented. Furthermore the situation here is not comparable to that at Nos.23 and 24 King's Mews where permission was recently granted on appeal for similar replacement buildings. The current relationship between the existing mews buildings at 23 and 24 and the properties in Gray's Inn Road backing onto them is different.

23. I have taken into account the other concerns raised by neighbouring occupiers regarding loss of daylight and sunlight, privacy and noise. The daylight and sunlight report commissioned by the Appellant demonstrates that levels would remain within accepted standards and this in itself would not warrant a refusal of the application. Nonetheless it is clear that Flat 2/4 would suffer some loss of afternoon sun and whilst that might not be sufficient in itself to withhold permission I consider that it would exacerbate the dominant and overbearing impact of the additional floor. Conditions which might be imposed to safeguard neighbours' privacy by preventing any outlook from the rear of the proposed house and to prevent any use of rear outdoor areas which could result in disturbance were discussed and agreed at the hearing.
24. On the second main issue, I conclude that the development would unduly impose upon the outlook for the occupiers of Flat 2/4 Gray's Court which would damage their existing living conditions by unacceptably reducing their enjoyment of their property. In this respect the development conflicts with Core Strategy policy CS5 and Development Policy DP26 of the Local Development Framework both of which seek to protect the amenity of residents.

***Other matters and conclusion***

25. With regard to the obligation submitted to address reasons for refusal 3 – 6, I was told that this was on a par with that executed by the Appellant for the adjoining properties, Nos.23 and 24. The Inspector in determining the appeal for the residential redevelopment there examined the provisions of the obligation and found them to be necessary and to meet the relevant statutory and policy tests. Presented with the same justification I find no reason to reach any different conclusion.
26. Notwithstanding that reasons for refusal 3-6 have been overcome and that I have found that the development would achieve the objective of preserving and enhancing the conservation area, these matters are outweighed by the harm caused to the living conditions of neighbours identified in my consideration of the second main issue. Furthermore, the benefits of making efficient use of land and of providing a much needed family sized unit of accommodation in a highly sustainable location are not sufficient to justify a development that would result in unacceptable damage to the amenities currently enjoyed by existing neighbouring residents. Appeal A should not succeed and so, as a consequence, neither should Appeal B.

*Bridget M Campbell*

Inspector

## **APPEARANCES**

### FOR THE APPELLANT:

Mrs H Cuthbert	Planning Potential Limited
Ms J Offord	Planning Potential Limited
Mr M Hartley	Buchanan Hartley Architects Limited
Mr M Matharu	Owner

### FOR THE LOCAL PLANNING AUTHORITY:

Mr C Rose	Urban Design and Conservation Officer
Mr G Whittington	Planning Officer

### INTERESTED PERSONS:

Ms V Woods	Local resident
Mr D Moore	Local resident
Mr A Robbins	Local resident

## **DOCUMENTS submitted at the hearing**

- 1 Letter of notification of the hearing and list of persons notified
- 2 Final, agreed statement of common ground
- 3 Appendix B to the Planning Appeal Statement for Nos.23 & 24 King's Mews
- 4 Bloomsbury CA Sub Area 10 Townscape Appraisal map

## Appendix 2 – Officer report for 2012/6290/P (extract)

<b>Address:</b>	22 King's Mews London WC1N 2JB	
<b>Application Number:</b>	2012/6290/P	<b>Officer:</b> Rob Tulloch
<b>Ward:</b>	Holborn & Covent Garden	
<b>Date Received:</b>	22/11/2012	
<b>Erection of 3 storey plus basement dwelling house (Class C3) following partial demolition of existing office/storage building (Class B1/B8).</b>		
<b>Drawing Numbers: Site location plan; L(EX) 051 Rev P1; 052 Rev P1; 053 Rev P1; 054 Rev P1; 055 Rev P1; 056 Rev P1; 057 Rev P1; 012 Rev P1; L(PL) 053 Rev P1; 054 Rev P2; 055 Rev P2; 056 Rev P3; 057 Rev P2; 060 Rev P2; 061 Rev P2; 070 Rev P2; 072 Rev P1; 080 Rev P2; Design and Access Statement by Buchanan Associates dated 26<sup>th</sup> November 2012; Supporting Planning Statement by Buchanan Associates dated 21<sup>st</sup> November 2012; Heritage Assessment by Heritage Collective LLP dated November 2012; Lifetime Homes Assessment by Buchanan Associates dated 21<sup>st</sup> November 2012; Planning Support Statement by Farebrother dated October 2012; Daylight and Sunlight Report by Waldrams dated 6<sup>th</sup> November 2012; Basement Impact Assessment by Campbell Reith dated October 2012; Energy Strategy by AJ Energy Consultants dated November 2012; Code for Sustainable Homes Assessment by AJ Energy Consultants dated November 2012; Draft Construction Management Plan by Buchanan Associates dated 21<sup>st</sup> November 2012; Archaeological Desk based Assessment by LP Archaeology dated 12<sup>th</sup> November 2012</b>		
<b>RECOMMENDATION SUMMARY: Grant Planning Permission Subject to a Section 106 Agreement</b>		
<b>Related Application Date of Application:</b>	22/11/2012	
<b>Application Number:</b>	2012/6340/C	
<b>Proposal: Partial demolition of existing office/storage building (Class B1/B8).</b>		
<b>Drawing Numbers: Site location plan; L(EX) 051 Rev P1; 052 Rev P1; 053 Rev P1; 054 Rev P1; 055 Rev P1; 056 Rev P1; 057 Rev P1; Design and Access Statement Revision A by Buchanan Associates dated 26<sup>th</sup> November 2012; Supporting Planning Statement by Buchanan Associates dated 21<sup>st</sup> November 2012; Heritage Assessment by Heritage Collective LLP dated November 2012</b>		
<b>RECOMMENDATION SUMMARY: Grant Conservation Area Consent</b>		
<b>Applicant:</b>	<b>Agent:</b>	
Queens Gate Holdings Ltd Chesterfield House PO Box 118, 11-13 Victoria Street Douglas, Isle of Man IM1 2LR	Buchanan Associates Architects Ltd 13 Grosvenor Gardens London SW1W 0BD	

**ANALYSIS INFORMATION**

<b>Land Use Details:</b>			
	Use Class	Use Description	Floorspace
Existing		<i>B1/B8 Office/Warehousing</i>	162m <sup>2</sup>
Proposed		<i>C3 Dwelling houses</i>	278m <sup>2</sup>

<b>Residential Use Details:</b>										
	Residential Type	No. of Bedrooms per Unit								
		1	2	3	4	5	6	7	8	9+
Existing	<i>Dwelling house</i>									
Proposed	<i>Dwelling house</i>				1					

<b>Parking Details:</b>		
	Parking Spaces (General)	Parking Spaces (Disabled)
Existing	0	0
Proposed	0	0

**OFFICERS' REPORT**

**Reason for Referral to Committee:** The development entails the partial demolition of a building in a conservation area [Clause 3(v)].

**1. SITE**

- 1.1 The application site is a two storey 19<sup>th</sup> Century mews building formerly in office/warehouse use. The eastern side of the mews, of which the application site forms a part, comprises two and three storey post-war light industrial buildings. The western side of the mews comprises more recent two and three storey residential development, with taller buildings at each end.
- 1.2 The eastern side of the mews has historically been a mixture of commercial uses including office and light industrial (B1) and storage (B8), many of which are now vacant. However planning permission has been recommended for the conversion of several sites, nos. 25, 26, 27, 28, & 29-30, to a residential use in the last year (see history section).
- 1.3 The western side of the mews has undergone piecemeal redevelopment and is now a mixture of flats and single dwellings. The surrounding area is a mix of uses predominantly offices (B1) and residential (C3), with the busy thoroughfares of Theobald's Road and Gray's Inn Road to the south and east respectively.
- 1.4 The site was formerly in the Hatton Garden Conservation Area, but as a result of boundary changes was incorporated into the Bloomsbury Conservation Area in April 2011, and is identified as having historic interest

and it is noted in the audit as making a positive contribution to the area, however the townscape map for sub area 10 only lists this building as making a neutral contribution to the area (however the map is considered to be inaccurate – see section 6.15). The site is also within the Central London Area and an archaeological priority area.

## 2. THE PROPOSALS

### Original

- 2.1 Erection of a new residential dwelling comprising 3 storeys plus basement (Class C3), following demolition of existing office/storage building (class B1/B8)

### Revision[s]

- 2.2 The proposal has been revised to respond to officers' concerns about the design of the buildings and the relationship of the additional storey with the host building. Metal panels have been removed from the ground floor elevation and replaced with timber doors to relate better to the mews, and projecting party wall at second floor level, and railings around the roof, have been removed from the scheme. To protect outlook to the properties to the rear, the second floor has been set back a further 900mm from the rear party wall.

## 3. RELEVANT HISTORY

### 22 King's Mews

Redevelopment by the erection of a three storey building to be used as ancillary offices and a residential flat. (33424) Granted 29/06/1982 – not implemented.

### 23-24 King's Mews

Erection of two new residential dwellings (1x 3-bedroom and 1x 4-bedroom) comprising 3 storeys plus basement (Class C3), following demolition of existing office/storage buildings (Class B1/B8). (2012/6089/P & 2012/6232/C - current applications)

### 25 King's Mews

Erection of three storey plus basement two bedroom dwelling with terrace at second floor level (Class C3), following partial demolition of two storey existing warehouse/storage building (Class B1/B8). Members of the Development Control Committee resolved to granted planning permission on 08/11/2012 and conservation area consent subject to a Section 106 Agreement (2012/0972/P & 2012/3870/C)

### 26 King's Mews

Erection of a three storey dwelling house with second floor terrace (Class C3) following partial demolition of existing office/warehouse (Class B1/B8).

Members of the Development Control Committee resolved to granted planning permission on 18/10/2012 and conservation area consent subject to a Section 106 Agreement (2012/3101/P & 2012/3159/C)

#### 27 King's Mews

Erection of a three storey dwelling house with second floor terrace (Class C3) following partial demolition of existing office/warehouse (Class B1/B8).

Members of the Development Control Committee resolved to granted planning permission on 18/10/2012 and conservation area consent subject to a Section 106 Agreement (2012/3101/P & 2012/3159/C)

#### 28 King's Mews

Erection of a three storey building to provide two flats with second floor terrace (Class C3) following partial demolition of existing office/warehouse (Class B1/B8).

Members of the Development Control Committee resolved to granted planning permission on 18/10/2012 and conservation area consent subject to a Section 106 Agreement (2012/3101/P & 2012/3159/C)

#### 29-30 King's Mews

Erection of new façade and second and third storeys following partial demolition of existing building in association with the change of use from warehouse/office at ground and first floors (Class B1/B8) and flat on second floor (Class C3) to 2 x studio flats at ground floor and 1 x 4 bedroom maisonette at 1st, 2nd & 3rd floors (Class C3). Members of the Development Control Committee resolved to granted planning permission on 17/01/2013 and conservation area consent subject to a Section 106 Agreement (2012/3877/P & 2012/3950/C)

#### 23-30 Kings Mews & 43-45 Gray's Inn Road

Redevelopment of the site following the demolition of the existing 2 and 3 storey storage buildings at 23-30 Kings Mews including the erection of a new part 3, part 4 storey building to accommodate 18 private residential flats (10 x 1 bed, 5 x 2 bed, 3 x 3 bed), and erection of rear extension at first to third floor levels and mansard roof extension at fourth floor level at 43-45 Gray's Inn Road and provision of a new shopfront associated with the retained retail use at ground and basement floor levels, and change of use of the upper floors from part offices and part residential to a wholly residential use to accommodate 7 affordable flats (3 x 1 bed, 3 x 2 bed, 1 x 4 bed). Granted 13/05/2009, but not implemented (2009/0710/P & 2009/0711/C). This permission has now expired.

## **4. CONSULTATIONS**

### **Statutory Consultees**

- 4.1 **English Heritage** does not wish to make any comment on the conservation area consent application and advise that the applications be determined in accordance with national and local policy guidance.



- 4.2 **English Heritage Greater London Archaeological Advisory Service** consider it unnecessary to attach any archaeological conditions.

### **Conservation Area Advisory Committee**

- 4.3 Bloomsbury CAAC state that they have already commented, but there is no record of their comments.

#### **Adjoining Occupiers**

<i>Number of letters sent</i>	14
<i>Total number of responses received</i>	6
<i>Number of electronic responses</i>	6
<i>Number in support</i>	0
<i>Number of objections</i>	6

- 4.4 A Site Notice was displayed from 05/12/2012-26/12/2012. Adverts were placed in the Ham & High on 13/12/2012 expiring on 03/01/2013.

6 objections were received:

#### **5 Gray's Court**

- Loss of privacy
- Loss of daylight
- Increased noise and nuisance
- Light pollution
- Design

#### **2 Gray's Court**

- Loss of privacy
- Increased noise levels particularly from the terracing
- Loss of daylight/sunlight
- Light pollution
- Harmful to the protected building

#### **4 Gray's Court**

- The proposal will look into the bedrooms of their flat and their balcony
- Increased noise levels particularly from the terracing
- Reduce light to their rooms – Daylight/Sunlight report is wrong
- Light pollution to bedrooms
- Harm to outlook
- Area is being overdeveloped and will lead to pressure on doctors, schools etc.

#### **8 Gray's Court**

- Additional floor is harmful to the heritage building
- Overlooking and loss of privacy
- Disturbance from noise and traffic
- A different use would be preferable

7 Grays Court

- Loss of daylight to bottom floors of 51-53 Gray's Inn Road
- Loss of privacy and overlooking to roof terrace
- More residential uses will harm the nature of the area

Gray's Court (no flat number provided)

- Will change the face of the area
- Will ruin the view from their flat

**5. POLICIES****5.1 LDF Core Strategy and Development Policies**

CS1 Distribution of growth

CS5 Managing the impact of growth and development

CS6 Providing quality homes

CS8 Promoting a successful and inclusive Camden economy

CS11 Promoting sustainable and efficient travel

CS13 Tackling climate change and promoting higher environmental standards

CS14 Promoting high quality places and conserving our heritage

CS15 Protecting and improving our parks and open spaces & encouraging biodiversity

CS19 Delivering and monitoring the Core Strategy

DP1 Mixed use development

DP2 Making full use of Camden's capacity for housing

DP5 Homes of different sizes

DP6 Lifetime homes and wheelchair homes

DP13 Employment sites and premises

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

DP21 Development connecting to the highway network

DP22 Promoting sustainable design and construction

DP24 Securing high quality design

DP25 Conserving Camden's heritage

DP26 Managing the impact of development on occupiers and neighbours

DP27 basements and lightwells

DP32 Air quality and Camden's clear zone

**5.2 Supplementary Planning Policies**

Bloomsbury Conservation Area Appraisal and Management Strategy 2011

Camden Planning Guidance 2011

CPG1 Design

CPG2 Housing

CPG3 Sustainability

CPG4 Basements and lightwells

CPG5 Town Centres, retail and Employment

CPG6 Amenity

CPG7 Transport  
CPG8 Planning Obligations

### 5.3 **London Plan 2011**

### 5.4 **National Planning Policy Framework 2012**

## 6. **ASSESSMENT**

6.1 The principal considerations material to the determination of these applications are summarised as follows:

- Land use
- Standard of proposed residential accommodation
- Heritage impact
- Basement impact
- Amenity
- Transport
- Sustainability
- Community Infrastructure Levy (CIL)

### **Background**

6.2 Planning permission was recommended for approval for the redevelopment of nos. 26, 27 and 28 King's Mews on 18<sup>th</sup> October 2012, subject to the completion of legal agreements. Further schemes for the redevelopment of nos. 25 and 29-30 King's Mews were similarly recommended for approval on 8<sup>th</sup> November 2012 and 17<sup>th</sup> January 2013, subject to the completion of legal agreements.

### **Land use**

#### *Loss of employment floorspace*

6.3 There is a general presumption within the LDF to protect business floorspace where there is potential for that use to continue, unless it can be shown that a site is no longer suitable for a continued, or alternative, business use. The LDF categorises light industrial floorspace according to criteria such as design features, the age and condition of premises; whether there are existing tenants in the building; location and whether there is evidence of demand. When it can be demonstrated that a site is not suitable for any business use other than B1(a) offices, the Council may allow a change to permanent residential uses or community uses in line with policy DP13.

6.4 The building, like others on this side of the mews, was formerly occupied for storage/warehousing purposes (Class B1/B8) in association with a retail unit at 43-45 Gray's Inn Road and has been vacant since 2009. The site has a floorspace of approximately 162sqm over two floors and has few flexible design features. It originally featured a garage door, but this has been partially bricked up and replaced with a single door providing the only entrance to the building. There are no servicing facilities or on-site parking.

Although the ground and first floors are open plan the building can only be accessed via the single door, floor to ceiling heights are less than 2.5m, and there is no lift.

- 6.5 The applicant has provided an assessment of the existing building by Farebrother Chartered Surveyors which considers the property to be in a poor state of repair and requiring substantial remedial work. It identifies ceiling boards being of poor quality and needing complete replacement, plumbing and heating being out of service, complete re-wiring needed and there are no W.C facilities, there is also damp and rain penetration. The assessment states that there is little or no demand for storage, warehouse or distribution space in the area, with the available floorspace too small to be attractive, and rental levels are too low to justify developing the building for office use.
- 6.6 The assessment identifies approximately 170,000sqm of office space available in Midtown (Holborn, Bloomsbury and St Giles) which is 5.5% of the total stock. It refers to a shortage of new and newly refurbished prime office, with a large amount of second hand and poorer stock available. The applicant has also provided a schedule of office and storage space of between 500 sq ft and 1,500 sq ft (47sqm-140sqm) in the WC1 postcode, which indicates that there is a substantial amount of commercial space available (82 separate sites), much of which has been available for a year or more.
- 6.7 A loss of commercial floorspace has recently been accepted in the applications for new dwellings at nos. 25, 26, 27, 28 & 29-30 King's Mews. These applications, apart from 29-30, referred to previous applications where the Council accepted the loss of employment floorspace (43 Gray's Inn Road 2011/6278/P and 23-30 Kings Mews/43-45 Gray's Inn Road 2009/0710/P – see history section).
- 6.8 It is accepted that the existing commercial floorspace is poor quality and not suitable for a continued B8 use. It is also recognised that it would need investment to bring it up to a reasonable standard for office accommodation which may not be feasible due to low rental levels, little or low demand for commercial floorspace, and a surplus of such floorspace in the area. The LDF acknowledges that the future supply of offices in the borough, particularly in Kings Cross and Euston, can meet projected demand. Policy DP13 states that when it can be demonstrated that a site is not suitable for any business use other than B1(a) offices, the Council may allow a change to permanent residential uses or community uses.
- 6.9 Moreover, paragraph 51 of the NPPF states local planning authorities should *“normally approve planning applications for change to residential use and any associated development from commercial buildings (currently in the B use classes) where there is an identified need for additional housing in that area, provided that there are not strong economic reasons why such development would be inappropriate.”* As such, the loss of commercial floorspace is considered acceptable in this instance and in line with policies CS8 and DP13 of the LDF and associated planning guidance.

### *Provision of residential floorspace*

- 6.10 Housing is the priority of the LDF and the provision of new residential floorspace is welcomed as long as it complies with other policies and guidance. The proposal would provide a 4-bedroom unit in an area of the borough identified as suffering from a lack of family sized dwellings.

### **Standard of proposed residential accommodation**

- 6.11 The proposal would provide a three storey plus basement four bedroom dwelling. The house would have a gross internal floorspace of 278sqm which is in excess of Camden's and the London Plan's standards for 4-bedroom dwellings. All bedrooms would be in excess of 11sqm, the minimum required for first and double bedrooms. The dwelling would be dual aspect with regular shaped rooms and good access to natural light with large windows facing the mews and the rears facing a lightwell up to first floor level.
- 6.12 A separate storage area is identified at ground floor level for cycle storage and waste storage. A condition will require the cycle storage to be retained as such, and an informative will remind the applicant the refuse sacks should not be left on the street until; 30 minutes before collection. Amenity space will be provided in the form of a terrace at second floor level, and overall the proposed dwelling is considered to provide a good standard of accommodation.

### *Lifetime Homes*

- 6.13 Policy DP6 requires all new residential accommodation, including conversions, to meet Lifetime Homes standards. The applicant has provided a Lifetime Homes statement that indicates that the proposal will meet all the relevant criteria. The proposal would comply with level access over the threshold, adequate door/hallway widths and circulation space, adequate window/service control locations, and be able to provide an entrance level living/bed space and shower/w.c. The layout would also allow for future adaptability future for a stair lift/through floor lift, and, (parts 3, 4, 6-16). Criteria 1 and 2 relate to parking, and part 5 relates to communal staircases so are not relevant. A condition will require the Lifetime Homes features to be implemented and permanently retained.

### **Heritage impact**

#### *Demolition*

- 6.14 The application building dates from the nineteenth century and has the general appearance of a mews building from this date. A number of alterations have been made to the façade, most notably the painting of the brickwork and alterations to the ground floor garage opening. Unlike with the neighbouring properties, 23-30 King's Mews, there is no history of conservation area consent having been granted for the demolition of the building.

- 6.15 In 2011 the site was transferred from Hatton Garden to Bloomsbury Conservation Area. In the 2011 Conservation Area Statement for Bloomsbury the building is mentioned (as well as 20 and 21) as having historic interest and it is noted in the audit as making a positive contribution to the area, however the townscape map for sub area 10 only lists this building as making a neutral contribution to the area. It is considered that this is a mistake on the townscape maps and that the building does make a positive contribution when assessed against the English Heritage criteria (*Understanding Place: Conservation Area Designation, Appraisal and Management*) it does meet the requirements for this. It is only proposed to demolish the interior and roof as the site is landlocked on the other each side by neighbouring properties.
- 6.16 The significance of the building in terms of its contribution to Bloomsbury Conservation Area lies in the historic front façade. Internally the building is open plan and has been considerably altered. It appears to have been linked with the neighbouring mews buildings at 23-24 King's Mews. As the front elevation is the only external wall, the demolition behind the façade will have little impact on the conservation area and therefore no objection is raised.

#### *Detailed design*

- 6.17 The proposal would see the retention of the façade and the provision of an additional storey. The design of this is almost identical to those proposed at 23 and 24, and has been revised to make the additional storey more lightweight by reducing the thickness of the roof and the prominence of the brick party wall to help preserve the historic façade.
- 6.18 King's Mews is characterised by a variety of mews type buildings of various ages and styles. No comment was made in the previous application as to the importance of developing this side of the street in a single style and given the context the proposals are considered acceptable in principle.
- 6.19 Mews buildings are characterised by larger ground floor openings with window openings above. The existing vehicular access has been partially bricked up with solid timber doors inserted. The proposal would re-instate the garage opening and has been revised to incorporate timber garage style doors which are more in keeping with the character of the mews. The front door has also been revised to a timber door.
- 6.20 The proposal relates to the rest of the existing buildings in the mews and the other schemes that have been recommended for approval, being ostensibly two storeys with a set back second floor. The historic façade has been retained and the proposed alterations and extensions are not considered to be harmful to the character or appearance of the building or the wider area. Details of facing materials and a sample of brickwork will be required by condition.
- 6.21 As such, the proposal is considered to comply with policies CS14, DP24 and DP25 of the LDF and Camden Planning Guidance.

## Basement

- 6.22 The proposed development would feature a basement across the full extent of the plot. The basement would measure approximately 11.5m (d) x 6.5 (w) with an external depth of approximately 2.85m below street level. Policy DP27 requires applicants to demonstrate that basement development will not cause harm to the built and natural environment and local amenity. The applicants have submitted a Basement Impact Assessment by Campbell Reith Consulting Engineers.
- 6.23 A desk top study using available information suggests the underlying strata to be made ground/gravel to a depth of 3.5m-4.5m with a layer of gravel at 6-6.3m and London Clay below. Groundwater is expected at depths of 3.6m and 4.6m.
- 6.24 The BIA does not consider the proposal to have a harmful impact in the local water environment because there is no soft landscaping on the site and the proposal would not increase the amount of hard surfaces across the site. Therefore, the proposal would not result in more surface water being discharged to the ground. The site is not within 10m of any water course or spring line, but as borehole investigations revealed groundwater at a depth of at least 3.6m below street level, the basement would not extend below the water table surface, as such the BIA considers that the impact of the basement structure on groundwater flow would be minimal. It is possible that the foundations would need to extend beneath the water table and some form of groundwater control, possibly including dewatering, may be required during construction only.
- 6.25 In terms of land stability, neither the site nor neighbouring land have slopes of greater than 7°, and no trees are to be removed. Made ground and terrace gravels are the shallowest strata and there is purported to be no history of seasonal shrink/swell subsidence in the local area or evidence of such effects on site. The proposal is not over or within the exclusion zone of any tunnels.
- 6.26 As the footprint of the proposed building is the same as existing and there is no curtilage, there will be no change in drainage or surface water flows. The site is not in an area identified as previously suffering flood events.
- 6.27 The Basement Impact Assessment has been compiled by relevantly qualified professionals and concludes that, subject to a site specific ground investigation and detailed design, the proposal should not have a harmful impact on the local water environment or the stability of adjoining building and are considered to comply with the requirements of policy DP27 and associated planning guidance. A condition will ensure that a site specific investigation be carried out, and a suitably qualified chartered engineer be appointed to oversee the works. Details of the site investigation and the appointment and the appointee's responsibilities shall be submitted to and approved in writing by the Council prior to the commencement of development.

- 6.28 The site lies within an archaeological priority area. The applicant has provided an archaeological assessment by L-P Archaeology. The assessment identifies a low potential for remains until the later Medieval period, with a higher potential for remains after this, but with a low level of significance, and that no further archaeological work would be required. English Heritage Archaeological Service advise that any requirement for an assessment of the archaeological interest of this site can be waived.

### **Amenity**

- 6.29 The site faces no. 10-11 King's Mews which is currently a vacant site used for car parking and backs on to nos. 51-53 Gray's Inn Road (Gray's Court). The proposal would result in the removal of the hipped roof and the addition of an additional storey. The existing building has a roof ridge height of approximately 8.55m above the street level of the mews. The proposed building would have a flat roof with a height of approximately 9.15m above mews level, resulting in the additional floor being 600mm higher than the highest part of the existing roof. The rear party wall with Gray's Inn Road would remain with the rear elevation of the proposed second floor set back approximately 2.95m from the party wall. Gray's Court has a conservatory and amenity space at rear first floor level which abuts the rear first floor of the application site

### *Daylight/sunlight*

- 6.30 The applicants have submitted a sunlight/daylight report by Waldrams Chartered Surveyors. The report looks at the impact of the proposal on the upper floors of 43-45, 47, 49 Gray's Inn Road and 51-53 Gray's Inn Road, and 4 and 8 King's Mews which are in residential use. In total the impact of the proposal on 72 windows was assessed.
- 6.31 According to British Research Establishment (BRE) guidelines for sunlight and daylight a building will retain potential for good interior daylighting provided that the Vertical Sky Component (VSC) exceeds 27%, of the VSC is considered to be significant. Average Daylight factor (ADF) for living rooms should be above 1.5% and for bedrooms 1%. The test for sunlight is that south facing rooms have the potential to receive up to 1486 hours of sunlight per year on average representing 100% of the annual probable sunlight hours (APSH). A room can be considered to be affected if it has less than 25% of the total ASPH across the whole year or less than 5% during winter. A loss of more than 20% in any of the values is considered to be significant.
- 6.32 The report suggests that no windows to surrounding properties would lose more than 20% VSC, ADF, or APSH. The report indicates that first floor windows to Gray's Court would see a reduction in VSC of less than 9%, less than a 5% reduction in ADF, and less than 14% reduction in total APSH. The report states that the floors above would see no reduction in VSC, ADF or APSH. The report concludes that the proposal is compliant with BRE guidelines.



- 6.33 These findings are considered to be justifiable as the existing rear party wall of the application site is approximately 6m from the rear elevation of Gray's Court and would remain in place. Although the hipped roof of the application site would be replaced with an additional flat roofed second floor 600mm higher, it would be set back 2.9m from the party wall. The top edge of the proposed roof extension would not obtrude a line drawn at 25° from the centre of the lowest first floor window to Gray's Court, and the set back would mean it would have limited impact on the conservatory, which suggests that the proposal is unlikely to have a substantial effect on daylight in line with Camden Planning Guidance and BRE guidelines.

#### *Overlooking*

- 6.34 The rear of the application site directly faces the rear of Gray's Court which is in residential use. There would also be diagonal views of 49 Gray's Inn Road. No. 47 has a terrace at second floor level, but this would be largely blocked from view by 23-24 King's Mews.
- 6.35 The proposed development would set the rear elevation of the application site back to 2.9m to create a rear lightwell, with the lower floors behind the retained party wall with Gray's Court and only the second floor visible. The proposed building would have full-width, full height glazing at the rear, but at second floor level this would be obscured to prevent overlooking and partially opaque to prevent light pollution. The glazed panels would be unopenable apart from an access door to a spiral staircase, which is required to allow access to the roof for maintenance of the green roof and solar panels. Conditions will ensure that the roof is not used for anything other than maintenance purposes, the glazing shall be obscure and unopenable (apart from the access door), and a sample of the glazing be submitted to the Council for approval to ensure it is sufficiently obscure and opaque to prevent overlooking and light pollution.
- 6.36 The existing building has windows at first floor level facing the mews, the proposed building would have windows at first and second floor levels as well as a terrace at second floor. The minimum distance recommended by Camden Planning Guidance to prevent overlooking from opposing properties is 18m, no. 10-11 King's Mews is a vacant site and the rear of 6 John Street is more than 18m away.

#### *Outlook*

- 6.37 The proposed second floor would replace a hipped roof, and views from the first floor conservatory at Gray's Court would largely be obscured by the retained party wall. The rear elevation of the proposed second floor would have a limited impact on outlook from the second floor of Gray's Court as it would be level with this floor and has been revised so that it is now approximately 9.9m away from the rear elevation of Gray's Court. The proposal is not considered to affect outlook to the upper floors of Gray's Court.

### *Noise and disturbance*

- 6.38 It is considered that the former B1/B8 use would have had the potential for greater noise and disturbance than the proposed residential uses. There are no terraces proposed for the rear or to the roof of the building. Access to the roof would be via a spiral staircase, but a condition will limit the use of this to maintenance purposes only.
- 6.39 As such the proposal is not considered to harm the amenity of adjoining occupiers and would comply with policies CS5 and DP26 of the LDF and Camden Planning Guidance. As the proposed development is for a single dwelling it would normally benefit from permitted development rights. To prevent any future changes being carried out without the benefit of planning permission, that may affect the amenity of adjoining occupiers, it is considered reasonable to add a condition removing permitted development rights.

### **Transport**

#### *Cycle storage*

- 6.40 The proposal indicates separate ground floor storage space for cycles. Transport officers consider the cycle provision to be appropriate on this occasion given the footprint of the site. A condition will ensure that the storage facilities are retained as such.

#### *Construction Management Plan (CMP)*

- 6.41 Although the proposal for the site is relatively small, as it is for partial demolition, it is recognised that there could be a cumulative impact of construction. This will result in a number of construction vehicle movements to and from the site, which will doubtless have a significant impact on the local transport network. This is of concern as the site is located within a tight mews environment and within the Clear Zone Region which is a highly constrained area in regard to transport.
- 6.42 A draft CMP has been submitted in support of the planning application, but this lacks detail in terms of transport considerations. Given the constrained nature of the mews it is considered that a full CMP will need to be secured through a S106. It is recognised that in context of this site there are other surrounding developments along the Mews that may also be developed. As part of the CMP a point of contact will be provided for local residents to be able to be able to contact as part of the construction process.

#### *Highways Works Immediately Surrounding the Site*

- 6.43 In order to tie the development into the surrounding urban environment a financial contribution will be required. It is considered that a footway should be provided along the frontage of the building to reduce the instances of conflict between pedestrians and vehicles using King's Mews as the proposed residential unit will directly access the Mews. This is in line with

policy DP21. An added benefit of the highways works is that damage caused to the highway in the area of the proposed highways works during construction can be repaired. This work, and any other work that needs to be undertaken within the highway reservation, would need to be secured through a Section 106 agreement.

#### *Car-free Development*

- 6.44 The site has a Public Transport Accessibility Level of (PTAL) of 6b (excellent) and is within a Controlled Parking Zone (CPZ). King's Cross, Brunswick & Gray's Inn (CA-D) CPZ operates Mon-Fri 08:30 - 18:30, and Sat 08:30 - 13:30, and has a ratio of parking permits to available parking bays of 1.07:1. This means that more parking permits have been issued than spaces available. The site is also within the "Clear Zone Region", for which the whole area is considered to suffer from parking stress. Not making the development car-free would increase demand for on-street parking in the Controlled Parking Zone the site is within. Therefore, the dwelling should be made car-free through a Section 106 agreement in line with policy DP18 and the London Plan.

#### **Sustainability**

- 6.45 In line with LDF policies CS13 and DP22 the applicant has submitted an Energy Strategy which estimates that the use of photovoltaics would reduce annual carbon dioxide emissions by 9.6%, with associated energy efficiency measures leading to an overall 27.1% reduction against Part L of the Building Regulations. The new dwellings are expected to use a combination of green roofs and photovoltaics. Other arrangements include energy efficient heating and lighting, high levels of insulation, energy efficient, white goods, and drying areas. Water efficient fixtures and fittings to reduce water consumption are also proposed. In terms of materials the assessments refer to ensuring building products are responsibly sourced where possible.
- 6.46 In line with policy DP22 new build housing is expected to meet Code for Sustainable Homes Level 4 requiring a minimum of 68%. The dwelling is anticipated to achieve 70.17%. In the energy category it is predicted to achieve 16.3 out of 31 credits or 52.58%. In the water category the proposal is expected to achieve 3 out of 6 credits (50%) through water consumption of less than 105 litres of water per person per day. In terms of materials the assessment predicts 18 out of 24 credits (75%). CPG3 encourages new dwellings to achieve a minimum standard of 50% in these categories.
- 6.47 Conditions will require full details of the renewables indicated on the plans to be submitted to the Council before development commences. A post-construction review, as part of the Section 106 agreement, will confirm that the proposals meet Code Levels indicated.

## **Community Infrastructure Levy (CIL)**

- 6.48 The proposal would be liable for the Mayor of London's CIL as the proposals is for additional units of residential accommodation. Based on the Mayor's CIL charging schedule and the information given on the plans, if the application were acceptable the charge is likely to be £13,900 (278sqm x £50).

## **7 Conclusion**

- 7.1 There is no objection in principle to provision of new residential floorspace and it is considered that the applicants have demonstrated that the commercial floorspace is not suitable for a continued or alternative business use. The proposal is not considered to harm the amenity of adjoining occupiers. A Construction Management Plan will ensure the local transport network and the amenity of other mews occupiers are not harmed by the construction process. The proposal would provide additional residential floorspace which is the priority of the LDF, and would comply with the LDF and Camden Planning Guidance.
- 7.2 Planning permission and conservation area consent are recommended for each proposal subject to separate Section 106 Legal Agreements covering the following Heads of Terms:-
- Car-free housing
  - Construction Management Plan, including point of contact for local residents throughout construction
  - A financial contribution of £8,333 for highway works to install a footway and repair any damage to King's Mews
  - Commitment to meet Level 4 of the Code for Sustainable Homes as indicated in the pre-assessment and post-construction review

## **8. LEGAL COMMENTS**

- 8.1 Members are referred to the note from the Legal Division at the start of the Agenda.

## Appendix 3 – Relevant application details

The planning history for the site and surrounding area is of relevance to this application, as follows:

### **22 King's Mews**

Redevelopment by the erection of a three storey building to be used as ancillary offices and a residential flat (33424) Granted 29/06/1982 – not implemented.

The erection of 3 storey plus basement dwelling house (Class C3) following partial demolition of existing office/storage building (Class B1/B8) was refused 11 February 2013 (2012/6290/P and 2012/6340/C). On 29 January 2014, this appeal was dismissed. The reason for dismissal related to the living conditions of neighbours to the rear, due to the proximity of windows and effect on outlook.

The appeal decisions are attached at **Appendix 1** (references APP/X5210/A/13/2203357 and APP/X5210/E/13/2203360).

### **23-24 King's Mews**

On 1 November 2013 appeals were allowed for the following (PINS references: APP/X5210/A/13/2196775 and APP/X5210/E/13/2199162):

- **Appeal A:** Conservation area consent granted, subject to conditions, for demolition of existing office/storage building (Class B1/B8) in accordance with the terms of the application 2012/6232/C, 13 November 2012.
- **Appeal B:** Planning permission granted for erection of two new residential dwellings (one x three-bedroom and one x four bedroom) comprising three storeys plus basement (Class C3), following demolition of existing office/storage building (Class B1/B8) in accordance with the terms of the application Ref. 2012/6089/P, dated 13 November 2012, subject to the conditions.

### **23-30 Kings Mews and 43-45 Gray's Inn Road**

Erection of new façade and second and third storeys following partial demolition of existing building in association with the change of use from warehouse/ office at ground and first floors (Class B1/B8) and flat on second floor (Class C3) to 2

x studio flats at ground floor and 1 x 4 bedroom maisonette at 1st, 2nd and 3rd floors (Class C3). Members of the Development Control Committee resolved to grant planning permission on 17 January 2013 and conservation area consent subject to a Section 106 Agreement (2012/3877/P and 2012/3950/C).

**25 King's Mews**

Erection of three storey plus basement two bedroom dwelling with terrace at second floor level (Class C3), following partial demolition of two storey existing warehouse/storage building (Class B1/B8) 2012/0972/P. Partial demolition of two storey warehouse/storage building 2012/3870/C. Granted, subject to a Section 106 Legal Agreement, 25 March 2013.

**26 King's Mews**

Erection of a three storey dwelling house with second floor terrace (Class C3) following partial demolition of existing office/warehouse (Class B1/B8) (2012/3101/P). Partial demolition of existing office/warehouse building (Class B1/B8) (2012/3159/C). Planning Committee recommended approval on 18 October 2012, subject to the completion of a legal agreement.

**27 King's Mews**

Erection of a three storey plus basement dwelling house with second floor terrace (Class C3) following partial demolition of existing office/warehouse (Class B1/B8) (2013/1002/P) and partial demolition of existing office/warehouse building (Class B1/B8) (2013/2081/C). Granted, subject to a Section 106 Legal Agreement, 24 December 2013.

**28 King's Mews**

An appeal was allowed on 5<sup>th</sup> September 2014 (PINS reference 2211459) for the erection of a building comprising ground and three upper storeys, plus basement, with set-backs and terraces at the front of the second and third floor levels, to provide a maisonette at 1st-3rd floor levels (Class C3) and office/warehouse use at ground and basement levels (Class B1/B8) (following the demolition of the existing building).

The LPA had previously supported similar schemes for the site, without the partial third floor element that is proposed as part of the appeal scheme:

- 2012/3113/P and 2012/3190/C - Erection of a three storey building to provide two flats with second floor terrace following demolition of existing office/ warehouse. Granted, subject to a legal agreement 7 February 2013.
- 2013/4839/P - Erection of a 3 storey plus basement 3-bedroom dwelling house (Class C3), following demolition of existing office/warehouse (Class B1/B8). Resolution to grant, 23 September 2013, S106 to be finalised.
- 2013/4840/P - Erection of a 3 storey plus basement building comprising B1/B8 use at basement and ground floor level and a 2-bedroom maisonette (Class C3) at first and second floor, following demolition of existing office/warehouse (Class B1/B8). Resolution to grant, 23 September 2013, S106 to be finalised.

### **29-30 King's Mews**

Erection of new façade and second and third storeys following partial demolition of existing building in association with the change of use from warehouse/ office at ground and first floors (Class B1/B8) and flat on second floor (Class C3) to 2 x studio flats at ground floor and 1 x 4 bedroom maisonette at 1st, 2nd and 3rd floors (Class C3). Members of the Development Control Committee resolved to grant planning permission on 17 January 2013 and conservation area consent subject to a Section 106 Agreement (2012/3877/P and 2012/3950/C).

### **7 Northington Street & 14-17 Kings Mews**

Erection of part 3, part 4 storey building with roof terraces to provide 6 residential units (Class C3) comprising 3 x 1 bed, 2 x 2 bed and 1 x 3 bed flats (following total demolition of existing building). Allowed on appeal 14/06/2013 (2009/4991/P and 2009/5074/C).

This decision provides a precedent for the approval of appropriate redevelopment schemes within King Mews, where they are acceptable in terms of the effect on neighbouring properties and the street scene and would thereby preserve or enhance the character and appearance of the Bloomsbury Conservation Area.