

Delegated Report		Analysis sheet		Expiry Date:		20/08/2014	
		N/A / attached		Consultation Expiry Date:		24/07/2014	
Officer				Application Number(s)			
Jonathan Markwell				2014/3918/P			
Application Address				Drawing Numbers			
Portland House Ryland Road London NW5 3EB				Please see decision notice			
PO 3/4		Area Team Signature		C&UD		Authorised Officer Signature	
Proposal(s)							
Variation of replacement condition 7 (approved plans) of planning permission 2014/0405/P (for alterations to planning permission 2012/6021/P dated 27/08/2013), namely to provide a roof terrace with associated green wall privacy screen.							
Recommendation(s):		Refuse variation of condition 7					
Application Type:		Variation or Removal of Condition(s)					
Conditions or Reasons for Refusal:		Refer to Draft Decision Notice					
Informatives:							
Consultations							
Adjoining Occupiers:		No. notified	45	No. of responses	00	No. of objections	00
				No. electronic	00		
Summary of consultation responses:		A site notice was erected on 02/07/2014 (expiring on 23/07/2014) and a press notice published on 03/07/2014 (expiring on 24/07/2014). No responses were received.					
CAAC/Local groups* comments: <small>*Please Specify</small>		Kentish Town CAAC and Inkerman Area Residents Association was formally consulted. No responses was received.					
Site Description							
This application site is located on the corner of Ryland Road and also fronts onto Wilkin Street, with the access to off-street parking area and the building solely accessed from Ryland Road. The building to which this application relates is a three storey 'showroom' structure, located in the south-west corner of the site. The showroom building is a traditional mews building, but has been heavily modified and contains a large fully glazed contemporary roof extension and modern timber casement windows (see relevant history).							
It is adjacent to the primary building on the site, a large late 19th Century six storey industrial building. This building was recently converted at second floor and above for residential use (see relevant							

history). Most recently two prior approval applications have been granted for the conversion of the ground and first floors to residential use (see relevant history). Both buildings are under the same ownership within the same application site, as reflected in the site location plan submitted with the application. The site is located within the Inkerman Conservation Area and is identified as making a positive contribution to the character and appearance of the conservation area. The building is not listed.

The site is located close to Kentish Town West Mainline Station and line (to the west), beyond which is Talacre Open Space and the associated sports centre, games court and playground. The site has most recently been occupied by a single business user who no longer requires the majority of the main building or the showroom building for the operation of their business.

The buildings surrounding the application site are predominately residential along Ryland Road and Grafton Road at this point, with some commercial spaces (such as Imperial Works to the south of the application site and Ryland House to the east of the application site) also in close proximity to the site.

Relevant History

PEX0201107: The erection of an additional floor at second floor level on top of existing 2-storey showroom building. Granted 10/02/2003.

2011/1484/P: Change of use and works of conversion from office use (Class B1) to 9x residential units (Class C3) on second to fourth floors and retention of office space at basement, ground and first floors with associated works to include replacement windows, addition of balconies and a new entrance with glazed canopy on Wilkin Street.

This application was considered at the Development Control Committee Meeting on 11/08/2011, where it was resolved by members that planning permission could be granted subject to conditions and a S106 Legal Agreement covering the following Heads of Terms:

- Car capped
- Education Contribution of £33,804
- Affordable housing in lieu of direct provision a financial contribution of £369,145
- Open Space Contribution of £13,527
- Sustainability Plan (Eco Homes 'very good')

The S106 was signed and full planning permission granted on 21/02/2012.

2011/5370/P - Erection of a roof extension to create one three bed residential dwelling (Class C3) at fifth floor level.

The application was considered at the Development Control Committee Meeting on 02/02/2012, where it was resolved by members that planning permission could be granted subject to conditions and a S106 Legal Agreement covering the following Heads of Terms:

- affordable housing contribution – £94,207;
- car-free housing for the one unit created;
- education contribution of £6,322;
- open space contribution of £2,317;
- code for sustainable homes design stage and post construction assessment;
- energy statement;
- Provision of additional affordable housing if Portland House is extended or converted above and beyond the 10 residential units created by this and application 2011/1484/P.

The S106 was signed and full planning permission granted on 30/03/2012.

2012/2386/P - Change of use from office (Class B1) to residential (Class C3) to provide 3 x two bedroom self contained flats at first floor level. Withdrawn 20/06/2012.

2012/6831/P - Details of conditions 2 (window details), 3 (green roof and plant species), 6 (noise attenuation) of planning permission dated 30/03/12 (ref.2011/5370/P) for the erection of a roof extension to create one three bed residential dwelling (Class C3) at fifth floor level. Granted 21/02/2013.

2012/6833/P - Details of conditions 3 (boundary wall brickwork), 5 (green roof), 8 (noise attenuation) of planning permission dated 21/02/12 (ref.2011/1484/P) for the change of use and works of conversion from office use (Class B1) to 9 x residential units (Class C3) on second to fourth floors and retention of office space at basement, ground and first floors with associated works to include replacement windows, addition of balconies and a new entrance with glazed canopy on Wilkin Street. Granted 21/02/2013.

2012/6021/P - Change of use of existing showroom building (Class B1) to 1x3 bed residential unit (Class C3) and associated works including alterations to windows and doors, provision of balcony at first floor level and metal fins at second floor level on east (front) elevation, provision of window at first floor and balcony with metal fins at second floor level on north (side) elevation and installation of five windows on west (rear) elevation.

The application was considered at the Development Control Committee Meeting on 17/01/2013, where it was resolved by members that planning permission could be granted subject to conditions and a S106 Legal Agreement covering the following Heads of Terms:

- affordable housing payment in lieu contribution of £206,144;
- provision of additional affordable housing if the application site is extended or converted above and beyond the 11 residential units created by this and applications 2011/1484/P & 2011/5370/P;
- car-free housing for the one unit created;
- education contribution of £6322;
- open space contribution of £2317.

The S106 was signed and full planning permission granted on 27/08/2013.

2013/4786/P - Change of use of first floor from office (Class B1a) to 3 x 2 bedroom residential units (Class C3). Prior approval granted following completion of S106 Legal Agreement (relating to car-free housing and cycle parking provision) 16/09/2013.

2013/6447/P - Change of use of ground floor from office (Class B1a) to 3 x 2 bedroom residential units (Class C3). Prior approval granted following completion of S106 Legal Agreement (relating to car-free housing and cycle parking provision) 29/11/2013.

2013/6961/P - Erection of two balconies and associated alterations to fenestration at first floor level of the west elevation. Granted 24/12/2013.

2014/0405/P - Variation of condition 7 (approved plans) of planning permission 2012/6021/P dated 27/08/2013 (for change of use of showroom building (Class B1) to 1x3 bed residential unit (Class C3) and associated works), namely to allow minor external alterations to balconies, entrance doors, windows, creation of sedum roof and internal modifications to add an extra bedroom. Granted after completion of deed of variation S106 Legal Agreement 01/05/2014.

Relevant policies

LDF Core Strategy and Development Policies

- CS1 Distribution of growth
- CS5 Managing the impact of growth and development
- CS6 Providing quality homes
- CS13 Tackling climate change through 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
- 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

Camden Planning Guidance 2011/2013

Inkerman Conservation Area Statement (Adopted October 2001)

London Plan 2011

National Planning Policy Framework (Adopted 27/03/2012)

Assessment

Introduction & background

Planning permission was granted in August 2013 (following the completion of the S106 Legal Agreement) for various works including the change of use of the showroom building to 1x bed residential unit. In May 2014 permission was granted following the completion of a deed of variation S106 Legal Agreement for minor material amendments to the August 2013 permission. Amendments included alterations to balconies, entrance doors, windows, the creation of sedum roof and internal modifications to add an extra bedroom within the residential unit.

The officer report from that permission also notes that it was originally proposed to create a new setback roof garden / amenity space at roof level with green wall privacy screen. More specifically, the officer report notes that this was *"omitted during the course of the application, following officer advice that these elements would not be considered appropriate from a design and/or amenity perspective. In particular, the proposed roof terrace, including green wall privacy screens, were considered to result in a loss of amenity for nearby occupiers and be harmful in design terms to the character and appearance of the host building and wider conservation area. The applicant decided to omit/revise (as appropriate) these elements in order for the proposals to be considered appropriate"*.

This application seeks a minor material amendment to the May 2014 permission to provide a roof terrace with associated green wall privacy screen. The roof garden is proposed to be located in the south-west corner of the roof, set back 4.5m from the north (towards Portland House – now known as Brinsmead apartments) elevation and 3.5m from the east elevation (which is the front elevation of the building visible from Ryland Road). The roof terrace would be 28sqm in area and accessed via an opening rooflight from the existing upper most level approved in 2003 (see relevant history above). A 1.65m high green wall privacy screen is proposed on the north (3.8m in length) and east (5.7m in length) elevations, with a 1.1m glass balustrade proposed on the west elevation (which faces towards the mainline rail line). The remainder of the flat roof area would remain as approved previously as a non-accessible sedum roof. The applicant's supporting letter and Design and Access Statement details a number of benefits of the proposal, summarised as follows:

- The proposed location maximises daylight and sunlight and reduces the visibility of the roof garden from the street (only 0.5m visible) and neighbouring occupiers (1.65 green wall privacy screen and significant distances to nearby buildings)

- Due to the residential use we do not consider the roof garden to result in instances of undue noise and disturbance to neighbouring occupiers
- The creation of a roof garden will improve security for neighbouring occupiers by providing natural surveillance (Trespass onto the existing roof has been a reported problem).
- These amendments are considered to further enhance the residential accommodation that was previously approved, in terms of providing improved outdoor amenity space and a green roof which has a number of environmental and social benefits (Providing a habitat for invertebrates Evergreen and climbing plants will provide protection and insulation during the winter and shade during the summer. Plants will assist in trapping airborne pollutants; and provide colour and texture to an otherwise bare and uninteresting wall).

Assessment

While there is not a statutory definition of 'minor material amendment', the Planning Practice Guidance states (at paragraph 017 – ID 17a-017-20140306) that *'it is likely to include any amendment where its scale and/or nature results in a development which is not substantially different from the one which has been approved'*.

This requires a professional planning judgment to be made assessing of whether the proposed alterations result in the scale and/or nature of the development being substantially different from the approved scheme.

The proposed amendment which is sought includes the provision of a roof terrace with green wall privacy screen and balustrade on top of an existing building which has already implemented (in the last decade – see relevant history above) a largely glazed roof extension. In effect, a fourth storey (albeit a terrace and not an additional floor of accommodation) is proposed to be created to an originally two-storey building. Furthermore, the new addition, owing to its scale and nature, is distinct from the original permission from 2012/6021/P or the minor material amendment approved by 2014/0405/P. As such, it would result in a development which is substantially different from that which has been approved at the Showroom building.

Moreover, both the design and amenity implications of the proposed development raises concern, which provides further justification as to why the proposed works cannot reasonably be viewed as minor material amendments to the approved scheme(s).

From a design perspective it is considered that the screening would impinge on the proportions and symmetry of the existing showroom building, which despite the modifications which has occurred to it over time retains its traditional mews building feel. Furthermore, the proposal is considered to add undue bulk to at roof level, which has already been extended and would be clearly seen from the railway line and platforms at the nearby station, public realm (in particular Ryland Road and Grafton Road), the forecourt of the application site and upper floors of the neighbouring buildings (most significantly Portland House – now known as Brinsmead apartments). Although it is acknowledged that the applicant has sought to locate it in the least visible location, it would still be readily visible and harmful to the character and appearance of the host building and wider Inkerman Conservation Area.

Turning to consider amenity implications, it is acknowledged that the applicant has included a green wall privacy screen in an attempt to minimise possible instances of overlooking. However, the extent of the terrace would enable clear views into / from most prominently the third floor of Portland House (Brinsmead apartments) (but also the second, fourth and roof levels) at a distance of beneath 10m despite the screening. In comparison with the existing situation, whereby instances of overlooking and loss of privacy between the showroom building and Portland House (Brinsmead apartments) has been carefully considered and responded to (for example the privacy fins at second floor level on the recent approvals on the Showroom building), the situation would significantly worsen as a result of the proposals. This is in terms of a loss of amenity (through overlooking and loss of privacy) to future occupiers of the proposed roof terrace at the Showroom building and those existing in Portland House

(Brinsmead apartments). The impacts on Ryland Road or Wilkin Street properties, as discussed and shown by the applicant in their supporting letter, are not considered to be significantly harmed by the proposals, owing to the orientation of the spaces and the distances involved. However, the impact on Portland House (Brinsmead apartments), not referred to by the applicant, is considered to be both significant and harmful in terms of privacy and overlooking.

With regard to other matters, although a green wall would generally be welcomed in proposals within the borough, the additional justification set out by the applicant is not considered to outweigh the harm caused to the building, conservation area and amenity of nearby occupiers as set out above. Similarly, it is acknowledged that the quality of accommodation would improve as a result of the scheme with the provision of a terrace. However, it is also worthy to note that a small balcony is approved at first floor level and Talacre open space is in close proximity to the site. In overall terms the harm to the building, conservation area and amenity is similarly considered to outweigh any such benefits of the proposal in this regard.

Legal Agreement

The Planning Practice Guidance at paragraph 015 (ID 17a-015-20140306) states that “If the original permission was subject to a planning obligation then this may need to be the subject of a deed of variation.” This was the case in this instance, with the original permission (2012/6021/P) including a S106 Legal Agreement (see relevant history above) and a deed of variation S106 Legal Agreement being secured as part of the previous minor material amendment permission (2014/0405/P).

With this in mind, had this proposal been supported at officer level, a further deed of variation to update the latest drawing numbers on the legal agreement would have been sought to be secured. Given the application is not able to be supported at officer level, this forms a further reason for refusal of the application.

However, an informative is recommended to be included on the decision notice stating that, without prejudice to any future application or appeal, the applicant is advised that this reason for refusal could be overcome by entering into a Section 106 Legal Agreement for a scheme that was in all other respects acceptable. Hence, were the applicant to appeal the Council’s decision, a deed of variation S106 Legal Agreement would be sought to be progressed to overcome this reason for refusal (should any appeal be subsequently allowed).

Recommendation

Refuse variation of condition.