

<b>Members Briefing Report</b>	<b>Analysis sheet</b>	<b>Expiry Date:</b>	30/07/2014
	N/A / attached	<b>Consultation Expiry Date:</b>	04/07/2014
<b>Officer</b>		<b>Application Number(s)</b>	
Sally Shepherd		2014/3286/P	
<b>Application Address</b>		<b>Drawing Numbers</b>	
385 Kentish Town Road London NW5 2TJ		Refer to draft decision notice	
<b>Proposal(s)</b>			
Mansard roof extension to add additional bedroom to existing first and second floor residential flat, change of use of rear section of ground floor takeaway (Class A5) and erection of a single storey rear extension to create 1 x studio flat (C3) at rear ground floor level with new access door on front elevation, installation of new shopfront and replacement of second floor front window with timber window.			
<b>Recommendation(s):</b>	Grant Planning Permission subject to conditions and a s106 Legal Agreement and issue an enforcement notice		
<b>Application Type:</b>	Full Planning Permission		

Conditions or Reasons for Refusal:	Refer to draft Decision Notice					
Informatives:						
<b>Consultations</b>						
Adjoining Occupiers:	No. notified	<b>08</b>	No. of responses	<b>03</b>	No. of objections	<b>03</b>
			No. electronic	<b>00</b>		
Summary of consultation responses:	<p>A site notice was displayed from 13/06/2014 to 04/07/2014</p> <p>Three objections were received:</p> <p><u>387A Kentish Town Road:</u></p> <ul style="list-style-type: none"> <li>Noise from building work would affect our business as it is a beauty salon. <b>Officer's response:</b> <i>Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. An informative shall therefore be attached in this regard. ..</i></li> </ul> <p><u>54 Twisden Road</u></p> <ul style="list-style-type: none"> <li>Inaccurate drawings which do not show original fenestration on front elevation. <b>Officer's response:</b> <i>revised drawings to overcome this issue were submitted; see section 2.1 in assessment below.</i></li> <li>The mansard would mean that the motif at roof level would be lost. <b>Officer's response:</b> <i>the motif is being retained and the mansard is set back behind it.</i></li> <li>Neither the shopfront or entrance doors to the flats are wheelchair accessible contrary to lifetime homes criterion 3. <b>Officer's response:</b> <i>the application was revised to include a ramped access to the shop and flats – see section 2.1 below.</i></li> <li>More details on the ventilation duct are required. <b>Officer's response:</b> <i>the existing silver duct is not in use and will be removed as part of this application. The other duct is in use and will remain in situ.</i></li> <li>Concerns regarding size of accommodation. <b>Officer's response:</b> <i>see section 6 below.</i></li> <li>The new unit should be car free. <b>Officer's response:</b> <i>see section 9 below</i></li> <li>Concerns regarding advert which is in situ. <b>Officer's response:</b> <i>An informative will be added to advise the applicant that advertisement consent would be required for the sign.</i></li> </ul> <p><u>Anonymous:</u></p> <ul style="list-style-type: none"> <li>Foundations have already been laid without permission. <b>Officer's response:</b> <i>see section 1.2 below.</i></li> <li>Concerns about existing table and chairs on the site. <b>Officer's response:</b> <i>not a material planning consideration, tables and chairs applications are dealt with by licencing.</i></li> <li>New shop is a takeaway, is consent required. <b>Officer's response:</b> <i>evidence suggests the site has been in use as a takeaway since at least 2004 – see section 1.1 below.</i></li> <li>Concerns regarding fire regulations and sound proofing. <b>Officer's response:</b> <i>both elements would fall under building control regulations. An informative shall therefore be attached in this regard</i></li> </ul>					
CAAC/Local groups comments:	N/A					

## Site Description

The application site comprises a three storey terraced property located on the west side of Kentish Town Road. The ground floor is currently occupied by a takeaway (A5) and the first and second floors are in use as residential.

The two adjoining properties also have a commercial use on the ground floor and are in residential use on the upper floors. The site is located in the Kentish Town Centre and the ground floor is designated as a secondary frontage.

The site is not listed and is not located in a conservation area.

## Relevant History

### Application site:

**3322** - Planning permission granted on 20/02/1967 for the installation of a new shop front at No. 385 Kentish Town Road.

**CA/731** - Advertisement consent granted on 14/12/1971 at 385 Kentish Town Road N.W.5 An internally illuminated projecting box sign, reading "COCA-COLA" in white on a red ground and "FISH AND CHIPS" in black on a white ground, 2ft (0.61m) high, projecting 2ft 9ins (0.84m) located 8ft (2.44m) above pavement level.

### Enforcement

**EN08/0928** - A breach of planning was reported on 03/11/2008 for a new extract duct to the rear elevation. The extract duct was considered to be non-expedient.

**EN09/0024** – A breach of planning was reported on 20/01/2009 for the installation of a large illumination sign installed on a pole outside the shop. The case was closed on 14/04/2009 as the sign was removed.

**EN10/0565** – A breach of planning was reported on 19/06/2010 for the erection of a large shed in the rear garden which was in residential use. The case was closed on 03/05/2011 as the shed was in use as storage.

**EN10/0746** – A breach of planning was reported on 29/07/2010 for a 2<sup>nd</sup> extract duct to the rear elevation. The flue did not meet the Council's standards and the offender was advised to replace the flue with one to meet the standards and apply for planning permission. A planning application was not submitted; however the flue has now been in place for 4 years and so is exempt from enforcement action.

**EN12/0315** – A breach of planning was reported on 16/04/2012 for the use of the upper floors as residential. The case was closed as the upper floors as council tax records had been paid since 2008.

**EN14/0194** - A breach of planning was reported on 18/02/2014 for a new shopfront and a separate entrance to the upper floors. The case is still open due to the submission of this planning application.

### 383 Kentish Town Road

**8500466** – Planning permission granted on 01/05/1985 for the erection of a roof addition at the front to provide additional residential accommodation.

### 381 Kentish Town Road

**PE9700772R1** – Planning permission granted on 08/10/1998 for the erection of a roof extension to provide additional bedsit bathroom and the relocation of the ventilation duct of the restaurant to the rear of the building.

## Relevant policies

### National Planning Policy Framework 2012 London Plan 2011

#### LDF Core Strategy and Development Policies

##### Core Strategy

- CS1 (Distribution and growth)
- CS3 (Other highly accessible areas)
- CS5 (Managing the impact of growth and development)
- CS7 (Promoting Camden's centres and shops)
- CS6 (Providing quality homes)
- CS8 (Promoting a successful and inclusive Camden economy)
- CS11 (Promoting sustainable and efficient travel)
- CS14 (Promoting high quality places and conserving our heritage)

##### Development Policies

- DP2 (Making full use of Camden's Capacity for housing)
- DP5 (Homes of different sizes)
- DP6 (Lifetime homes and wheelchair homes)
- DP16 (Transport implications of development)

DP17 (Walking, cycling and public transport)  
DP18 (Parking standards and the availability of car parking)  
DP22 (Promoting Sustainable design & construction)  
DP24 (Securing high quality design)  
DP26 (Managing the impact of development on occupiers and neighbours)  
DP28 (Noise and vibration)  
DP30 (Shopfronts)  
DP31 (Provision of, and improvements to, public open space and outdoor sport and recreation facilities)

### **Camden Planning Guidance 2011/2013**

CPG 1 (Design)  
CPG 2 (Housing)  
CPG 5 (Town centres, retail and employment)  
CPG 6 (Amenity)  
CPG 7 (Transport)

## **Assessment**

### **1. Background**

#### Use

1.1 The site appears to have been in use as a takeaway since at least 2004, according to the Council's retail survey records and the enforcement history. The A5 use (or change of) does not therefore form part of this application as it appears to be the lawful use of the site. There is currently one residential unit on the first and second floors which Council tax records show has been in residential use since 2008. The unit appears to have previously been accessed via the shop.

#### Enforcement investigation

1.2 A breach of planning was reported on 08/02/2014 for the installation of a fully openable shopfront, a new access door to the upper floor flats and the installation of a new window at first floor level on the front elevation. A site visit was carried out on 17/07/2014 and the walls of the proposed extension had been constructed too. This application seeks to retain the first floor window and the rear extension; however amended proposals have been submitted for the shop front and access door (see revisions below).

### **2. Proposal**

2.1 Planning permission is sought for the following:

- Erection of a mansard roof extension to provide a third bedroom to the existing two bedroom maisonette on the first and second floors.
- Change of use of the rear section of the takeaway unit (used for storage) and erection of a rear single storey ground floor extension to create a residential studio unit (C3).
- Replacement of entrance door to flats
- Installation of a new shopfront to replace existing unauthorised shopfront
- Installation of a new timber window on front elevation at second floor level (retrospective)
- Removal of existing extract flue on rear elevation which is not in use

### **3. Revisions**

3.1 Amendments to the original proposal were sought which include:

- The design of the mansard roof extension was revised to bring it in line with CPG 1 design standards, including setting back behind the butterfly roof to the rear and reducing the angle of the slope.
- A set of folding doors was added to the rear elevation of the proposed single storey extension to allow for more light into the proposed residential unit
- The proposed shopfront was revised to include stallrisers, fanlights, access ramp and non-openable in line with CPG 1
- The existing drawings were revised to make them accurate

### **4. Assessment**

4.1 The principal considerations material to the determination of this application are summarised as follows:

- Change of use
- Standard of accommodation
- Design
- Amenity
- Transport

## 5. Change of use

- 5.1 The existing takeaway takes up approximately 59m<sup>2</sup>. There is a small amount of seating in the front and kitchen is to the rear. There are two existing storage areas to the rear and it is proposed to change one of the storage areas (approximately 15m<sup>2</sup>) into a residential (C3) (with an extension). The loss of the storage area is not considered to be detrimental to the function and viability of the existing use and this was confirmed on site as it was not currently being used as storage by the takeaway unit. It is acknowledged that the premises could be changed to an A1 use under permitted development and the Council has policies to protect A1 use, however it is considered that the remaining shop and storage area to the rear would be sufficient in size to accommodate a viable A1 use in this location.
- 5.2 The loss of part of the existing A5 unit is therefore not considered to be contrary to policy. Housing is identified as a priority land-use of the Local Development Framework and so the principle of a change of use to residential is considered to be acceptable in this location, subject to residential development standards (see section below).

## 6. Standard of accommodation

- 6.1 A studio unit is proposed on the rear ground floor level, behind the existing takeaway. The unit would be accessed from the new entrance door onto the street which provides access to the residential units on the upper floors. The studio unit would be 37m<sup>2</sup> which is above the minimum floorspace for a 1 person unit (32m<sup>2</sup>) set out in CPG 2. The studio unit would have a rooflight and a set of folding doors to the rear to allow light into the unit and an access door into the garden.
- 6.2 It is acknowledged that the level of daylight and sunlight that the proposed unit will receive will be limited due to the dense nature of the site and as it is a single aspect unit. However, given that the property is a single studio unit, the large glazed doors and rooflight are considered to allow for appropriate light levels and would also provide sole access into the rear garden.
- 6.3 The mansard roof extension would provide an additional bedroom and bathroom to the existing 2 bedroom flat. The proposed bedroom would measure 26m<sup>2</sup> and would be well above the minimum recommend floorspace for a double bedroom. The bedroom would have one window to the rear and two large rooflights on the mansard slope to the front and is considered to meet the residential standards with regards to daylight/sunlight.

### Access

- 6.4 A ramp would be fitted to the access door to the residential units off Kentish Town Road to ensure level access.

### Lifetime homes

- 6.5 A Lifetime Homes statement identifying design features which would maximise accessibility and the site/building's constraints. The proposal largely complies with the Lifetime Homes criteria; however the constraints of the site, in particular the inability to provide a parking space in close proximity to the site restrict compliance with some of the criteria.

## 7. Design

### Mansard roof extension

- 7.1 Mansard roof extensions exist at nos. 381 and 383 (see planning history above) and so the principle of a mansard extension has been established within the terrace. The mansard is 2.3m in height and would match the neighbouring mansard in terms of scale and size. It would be set back behind the existing front parapet and motif and would form a continuous slope of 66.6° which complies with the guidance set out in CPG1. The existing roof is a valley roof and so the mansard would be set back behind the rear parapet at the existing hopper-head level and would form a continuous slope of 70° in accordance with CPG 1.
- 7.2 A dormer window would be installed to the rear of the mansard and which would be set in 0.5m from the party wall and 0.3m from the roof ridge. It is acknowledged that rooflights are considered to be more acceptable with valley roof mansards, and the dormer is not set in 0.5m from the ridge, however, on balance the proposed dormer is considered to be acceptable in this location as it is a subordinate addition which is set back behind the valley roof, and it would not be visible from the public realm. Two rooflights would be installed on the front elevation. The rooflights would not be visible from ground floor level as they would be set back behind the existing motif.
- 7.3 The materials would match the existing, and a condition will be added to ensure this. The proposed mansard is considered to be acceptable in this location and would accord with policy DP24 of the Local Development Framework.

### Rear extension

- 7.4 A single storey rear extension is proposed which would measure approx. 3.5m in depth, 4.4m in width and 2.4m high with a mono-pitched roof. The extension would be full-width and would form part of the new residential unit at ground floor level. There are a number of existing single storey extensions within the row of terraces. No. 387 (the neighbouring site) has a large rear extension which projects to the same depth as the proposed extension.

7.5 The site has been extended in the past and an unauthorised wooden structure was previously in the place of the proposed extension. The rear of the property is not visible from public views as it backs onto the railway line and the extension would not exceed the height of the boundary walls. The property has a large garden and the extension would allow for the retention of a substantial sized garden. Although the extension is full width, it is considered to be acceptable in this location given its location and context.

#### Shopfront

7.6 The existing shopfront was installed without planning permission and is not considered to be acceptable. It is full width and contrary to the guidance set out in CPG 1 which states that 'folding shopfronts are generally not acceptable...when open, they erode the appearance of the shopfront, creating a visual void, and can increase disturbance to neighbouring properties, particularly in the case of food and drink premises.' The existing shopfront is considered to detract from the visual amenity of the property and the streetscene.

7.7 The proposal was revised and a new shopfront with a single entrance door, stallrisers and fan lights was proposed. The proposed shopfront is considered to be an improvement on the existing situation and on the original shopfront and is considered to be acceptable. A ramp will be added to ensure level access into the shop. An enforcement notice will be attached to this application to ensure the works are carried out either in accordance with the approved plans or to re-instate the original shopfront to ensure the existing shopfront is removed.

#### First floor window

7.8 The proposed window has already been installed and replaced the original 8 over 8 timber sash window. The new window comprises two timber framed casement windows with a fixed window in the middle. The window is timber framed with stick-on uPVC glazing bars. The loss of the original timber window is regrettable and the Council would prefer to see the original timber window replaced on a like for like basis. However, none of the properties within the terrace have their original sash windows and many have been replaced with unsympathetic upvc, outward-opening casement windows. The terrace has been altered significantly and there is no uniformity in the existing window pattern. It is on this basis, that the proposed timber casement window is considered to be acceptable.

### **8. Amenity**

8.1 Policy CS5 seeks to protect the amenity of Camden's residents by ensuring the impact of development is fully considered. Furthermore Policy DP26 seeks to ensure that development protects the quality of life of occupiers and neighbours by only granting permission to development that would not harm the amenity of neighbouring residents. This includes privacy, overlooking, outlook, noise and disturbance and implications on daylight and sunlight.

8.2 The proposed mansard extension is not considered to raise any amenity issues, given the location of the works at roof level. There would be limited opportunities of overlooking from the front and rear mansard windows and if any overlooking would occur, it would not exacerbate the current level of overlooking which already occurs from the existing second floor windows. No outlook, sunlight or daylight issues are envisaged from the mansard extension.

8.3 The proposed rear extension would not extend above the existing boundary walls and would be of a similar height to the existing rear extension. Given the siting of the extension at ground floor level, it is not considered that there would be any impact on the daylight/sunlight levels received by neighbouring properties and it would have limited impact on outlook.

8.4 Two ventilation ducts are in situ on the rear of the property. One of these would be removed as it is no longer in use and the other duct will be extended up above the chimney to avoid any noise/odour impact on the proposed bedroom within the proposed mansard.

8.5 The proposed shopfront would replace the existing fully-openable shopfront which would reduce the level of disturbance to the neighbouring residential properties above.

### **9. Transport**

9.1 Policy DP18 considers access to car parking and seeks to encourage car-free and car-capped developments in areas of moderate, good and excellent public transport accessibility. The application site has a PTAL rating (public transport access level) of 6a (excellent). No off-street parking spaces are currently provided on site and so in accordance with policy DP18 and in favour of sustainable transport, the proposed residential unit would have to be secured as car-free via a S106 agreement (i.e. with no right to apply for on-street car parking permits) to minimise impact on the highway network

### **10. Recommendation**

**10.1 Grant Planning Permission Subject to conditions and a S106 legal agreement and Issue an Enforcement Notice**

**10.2 The S106 Legal Agreement shall cover the following head of term:**

- Car-free housing

**10.3 The enforcement notice shall allege the following breaches of planning control:**

- Installation of a shopfront at ground floor level on the front elevation

**WHAT ARE YOU REQUIRED TO DO:**

Remove the existing shopfront and replace it with a new shopfront built in accordance with the approved plans (0414 P 2F)

or

re-instate the original shopfront.

**PERIOD OF COMPLIANCE:**

Within 6 months of the date of this notice.

**REASONS WHY THE COUNCIL CONSIDER IT EXPEDIENT TO ISSUE THE NOTICE:**

1. It appears that the above breach of planning control has occurred within the last four years.
2. The removal of the original shopfront and its replacement with a fully openable shopfront has detracted from the visual amenity of property, the streetscene and the wider area contrary to policy CS14 - Promoting high quality places and conserving our heritage of Camden's Local Development Framework Core Strategy and policies DP24 - Securing high quality design and DP30 – Shopfronts of Camden's Local Development Framework Development Policies.
3. The installation of an openable shopfront will cause loss of amenity to neighbouring residential occupiers through increased noise and odour nuisance contrary to policy CS5 - Managing the impact of growth and development of Camden's Local Development Framework Core Strategy and policy DP26 - Managing the impact of development on occupiers and neighbours of Camden's Local Development Framework Development Policies

**DISCLAIMER**

**Decision route to be decided by nominated members on Monday 9<sup>th</sup> February 2015.  
For further information please go to [www.camden.gov.uk](http://www.camden.gov.uk) and search for 'members briefing'.**