

<b>Delegated Report</b>		<b>Expiry Date:</b>	<b>08/05/2015</b>	<b>Officer:</b>	<b>David Peres Da Costa</b>
<b>Application Address</b>		<b>Application Number(s)</b>	<b>1<sup>st</sup> Signature</b>	<b>2<sup>nd</sup> Signature</b>	
Flat B, Ground Floor 148 Camden Street London NW1 9PA		2015/1529/P			
<b>Proposal(s)</b>					
Lower ground floor rear extension to ground floor flat (retrospective) and conversion of the self-contained ground floor flat to non-self-contained accommodation.					
<b>Recommendation(s):</b>		Refuse planning permission			
<b>Application Type:</b>		Full planning permission			
<b>Consultations</b>	<b>Date advertised</b>	<b>21 days elapsed</b>		<b>Date posted</b>	<b>21 days elapsed</b>
<b>Press notice</b>	2/4/15	23/4/15	<b>Site notice</b>	1/4/15	22/4/15
	<b>Date sent</b>	<b>21 days elapsed</b>	<b># Notified</b>	<b># Responses</b>	<b># Objections</b>
<b>Adjoining Occupier letters</b>	27/3/15	17/4/15	10	1	0
<b>Consultation responses (including CAACs):</b>	<p>One letter of support received from occupier of Flat E:  <i>As a current resident of 148 Camden Street who has resided in the ground floor apartment previously, I would like to add my full support to the planning application, (2015/1529/P)</i></p> <p><i>The development is an extremely innovative use of the available space and provides much needed additional accommodation which is constructed to a high standard.</i></p> <p><i>The design and construction is fully in keeping with the area, and ensures that the privacy of the other apartments is maintained</i></p>				
<b>Site Description</b>					
The site is a 4 storey end of terrace property (with basement) on the corner of Camden Street and Bonny Street. The property falls within the Jeffrey's Street Conservation Area but is not listed.					
<b>Relevant History</b>					
<b>2014/6189/P:</b> Lower ground floor rear extension. <u>Refused and Warning of Enforcement Action to the Taken</u> 06/03/2015 Reason for refusal: <i>The extension at basement level by reason of the internal arrangement and the lack of sufficient floorspace for a dwelling, creates poor quality accommodation</i>					
<b>EN14/0717:</b> Building work has been underway at the address to construct a ground floor rear extension as shown on planning consent 2013/3462/P. Workmen onsite are now constructing external walls at lower ground / basement level adjacent to our party wall, none of which is shown on the approved drawings. Enforcement case opened 14/07/2014 and ongoing.					

**2013/3462/P:** Erection of a rear ground floor extension with rooflights for the provision of an additional bedroom to form 1 x 2 Bed flat in connection with existing ground floor residential flat (Class C3). Granted 05/08/2013

**8700598:** Change of use and works of self-containment to provide 5 1-bedroom flats. Granted 01/10/1987

### **Relevant policies**

**NPPF 2012**

**London Plan 2011**

#### **LDF Core Strategy and Development Policies**

CS1 (Distribution of Growth)

CS5 (Managing the Impact of Growth and Development)

CS6 (Providing Quality Homes)

CS14 (Promoting High Quality Places and Conserving Our Heritage)

DP9 (Student housing, bedsits and other housing with shared facilities)

DP24 (Securing High Quality Design)

DP25 (Conserving Camden's heritage)

DP26 (Managing the Impact of Development on Occupiers and Neighbours)

**Camden Planning Guidance CPG2 Chapter 4**

**Jeffrey Street Conservation Area Statement**

## Assessment

**Proposal:** Retrospective permission is sought for a lower ground floor extension. Permission is also sought for the conversion of the self-contained ground floor flat to non-self-contained accommodation. The extension measures 2.4m (width) by 3.57m (length) and 2.3m high. It is located directly under the oversailing ground floor extension granted planning permission 05/08/2013 (ref: 2013/3462/P).

**Background:** Planning permission was previously refused (06/03/2015) for a near identical proposal (ref: 2014/6189/P). The reason for refusal was that 'the extension at basement level by reason of the internal arrangement and the lack of sufficient floorspace for a dwelling, creates poor quality accommodation'. The only difference between the current proposal and the previous application is that the ground floor accommodation is now shown as sharing a toilet. The lower ground floor plan no longer shows a toilet within the bathroom (in the lower ground floor extension). The entrance door to the ground floor flat is shown beyond the toilet door, so the occupier would need to enter the communal hallway to access the toilet. Bedroom 2 in the ground floor extension is now shown with a hob and sink (ground floor plan).

### Assessment:

#### Design:

The extension is built directly underneath the previously approved ground floor extension and so is tucked away. It would still allow a reasonable amount of external amenity space for the basement flat. The extension is finished in white render which is in keeping with the basement elevation and the neighbouring boundary wall. The white render has a sympathetic relationship with the side elevation of the approved extension which adjoins it above. The extension does not harm the appearance of the host property or the conservation area.

#### Amenity:

The extension has a single window which is not shown on the submitted basement plan. This window directly faces the bathroom window of the existing basement flat. As the window in the extension faces a bathroom window with obscure glazing there would be no harmful overlooking or loss of privacy to the occupiers of the basement flat. Nevertheless, if permission were granted a condition would be included requiring the window in the extension to be obscure glazed and the lower part of the window to be fixed shut.

#### Conversion of self-contained flat to non-self-contained accommodation

Planning permission was granted 05/08/2013 for the erection of a rear ground floor extension with rooflights for the provision of an additional bedroom to form 1 x 2 Bed flat in connection with existing ground floor residential flat (ref: 2013/3462/P). The approved plans show the '2<sup>nd</sup> bedroom' accessed from a corridor to the side of the existing bedroom, all within the self-contained ground floor flat.

The above planning permission has not been implemented according to the approved plans. The plans submitted with the current application indicate the ground floor extension would be a bedroom with a sink and hob within this room and with an ensuite bathroom in the basement extension (the subject of part of this application). The ensuite bathroom is accessed via a staircase from the bedsit room. The bedsit room and ground floor flat are shown sharing a toilet. The bedsit room and ground floor flat would not be self-contained as access to the toilet would be via the communal hallway.

Policy DP9 (Student housing, bedsits and other housing with shared facilities) indicates that the Council will not support the development of housing with shared facilities if it involves the loss of permanent self-contained homes. Paragraph 9.6 of the supporting text emphasises the criteria in policy DP9 are aimed at protecting the existing supply of self-contained homes. In accordance with Core Strategy policy CS6, the Council will resist any proposals for housing with shared facilities and that would prevent Camden meeting the annual target of 437 additional self-contained homes. The loss of one self-contained home would be contrary to policy DP9 and would undermine the Council's annual target of 437 additional self-contained homes.

### Conclusion

The design of the extension and its impact on neighbouring amenity is considered acceptable (subject to a condition requiring obscure glazing). However the proposed layout of the accommodation at ground floor level would result in the loss of the existing self-contained unit, contrary to policy DP9 and CS6.

For this reason, it is recommended the application be refused and an enforcement notice served requiring the ground floor flat to be laid out as shown on the approved plans.

**Recommendation:** Refuse planning permission and warning of enforcement action

That the Head of Legal Services issue an Enforcement Notice under section 172 of the Town & Country Planning Act 1990 as amended, and officers be authorised in the event of non-compliance to prosecute under section 179 or appropriate power and/or take direct action under section 178 in order to secure cessation of the breach of planning control.

**The Notice shall allege the following breach of planning control:**

Without Planning Permission:

The unauthorised erection of an extension at basement level and the conversion of self-contained accommodation to non-self-contained accommodation at ground floor level.

The Notice shall require that, within a period of six months of the Notice taking effect, the extension shall be completely removed, the ground floor shall be laid out as shown on the approved plans for planning permission granted 05/08/2013 (ref:2013/3462/P) and the property shall revert back to a self-contained unit on the ground floor.

**Reasons for Issuing the Notice:**

**It appears to the Council that the above breach of planning control has occurred within the last 4 years.**

**The unauthorised development by reason of the loss of self-contained accommodation would be contrary to policy CS6 (Providing Quality Homes) of the London Borough of Camden Local Development Framework Core Strategy and policies DP9 (Student housing, bedsits and other housing with shared facilities) and DP26 (Managing the Impact of Development on Occupiers and Neighbours) of the London Borough of Camden Local Development Framework Development Policies.**