

8 April 2015



Development Control  
Planning Services  
London Borough of Camden  
Town Hall  
Argyle Street  
London  
WC1H 8ND

Nigel Dexter  
E: ndexter@savills.com  
DL: +44 (0) 20 7420 6374  
F: +44 (0) 20 7016 3769

33 Margaret Street  
London W1G 0JD  
T: +44 (0) 20 7499 8644  
savills.com

Dear Sir/Madam

**38 Chalcot Road, NW8 8LP**  
**Application for Planning Permission**

On behalf of the applicant, Mr Rajan Bijlani, we write to submit an application for planning permission at the above address for:

*Change of use of lower ground and part ground floor levels from ancillary Class A1 retail to Class C3 residential, extension at rear lower ground floor level and associated external alterations as part of the existing use of the building as a single dwellinghouse*

In support of this application, in addition to this statement please find enclosed the following:

- The completed application form with necessary certificates;
- A CIL additional information form;
- A site location plan;
- Existing and proposed plans, elevations and sections;
- A Design and Access Statement, prepared by KingConroy Architects;
- A letter from the Site's previous owner, setting out the historic use of the property; and
- A Marketing Report, prepared by Salter Rex.

The application fee of £385 will be paid over the phone following this submission.

**Site and Surroundings**

The property is a three storey plus basement, brick built end-of-terrace building at the corner of Chalcot Road and Fitzroy Road. The site is within the Primrose Hill Conservation Area and has been identified with the local Conservation Area Statement as making a positive contribution.

Traditionally, the property would have offered a local retail function from the small retail area at ground floor level, in addition to the majority of the property providing residential accommodation in the form of a single dwellinghouse. Historic evidence shows that this retail function was a butchers and this is incorporated into the detailing of the shopfront itself, most particularly in terms of sign-writing to the tiled areas beneath the fenestration.

The property falls within the designated Chalcot Road Neighbourhood Centre that incorporates Nos. 38-51 Chalcot Road (consecutive) as well as properties in Edis Street and Princess Street. However, it is separated from the rest of the Centre being situated to the north side of the junction with Fitzroy Road. All neighbouring buildings in the terrace along Chalcot Road and within Fitzroy Road are within residential use.



**Figure 1 - The Application Site, at the junction of Chalcot Road and Fitzroy Road**

The property had been used as a pottery since the early 1970s and has provided no formal retail offer to the local area. Furthermore, the retail use is ancillary to the main residential function of the property with no clear separation between the two uses – the access to the residential accommodation on the upper floors shares a corridor with the route between the ground and lower ground floor levels of the pottery. Please refer to the existing floorplans submitted for further details of this layout.

The operator of the pottery also used the building as their main residence and the retail area was clearly secondary in terms of the hierarchy of uses within the building.

Since the owner and operator of the pottery passed away in 2012, the site has been effectively unused. The retail elements of the property have been extensively marketed since mid-2014 in order to assess the level of interest from potential tenants.

Further details of the site's history of use is set out within the letter provided by David Horbury, to whom ownership of the property passed in 2012 prior to its acquisition by the current applicant.

## Planning History

A review of the online planning records has revealed a number of historical applications for changes of use or extensions to part of the property. However, of most relevance to the current proposal is a recent planning permission granted in November 2014 (Ref: 2014/5503/P) for:

*Installation of a new mansard roof extension, realignment of the window to the first floor of the rear extension, infill first floor window to the north elevation of the rear extension, provision of cast iron railings to the second floor terrace and installation of cast iron railings to the front of the property.*

This recent planning permission has established that the property can be extended and altered as part of enhancing its usability to provide residential accommodation as a single dwelling house. The application now proposed will further enhance the usability and quality of the residential accommodation.

## Proposed Development

Given the existing planning permission on the site (Ref: 2014/5503/P), the vast majority of physical alterations to this property have already been approved. This includes the additional mansard storey to the existing roof level, alterations to the fenestration to the rear elevation, installation of black metal railings to both the Chalcot Road elevation and the rear first floor terrace area and internal alterations at the upper floor levels as part of the reorganisation of the existing residential accommodation.

This application therefore focuses upon the change of use of the ancillary Class A1 retail area and a number of further external alterations intended to enhance the property as a single dwellinghouse. Specifically:

- Change of use of the part ground floor and lower ground floor levels from ancillary Class A1 use to Class C3 use as part of the existing single dwellinghouse;
- Provision of small garden room extension to the rear lower ground floor level;
- Introduction of etched glass within existing fenestration at ground floor level; and
- Restoration of traditional shopfront features at ground floor level including sign-writing to tiled areas and enhancement of all wooden elements.

These additional alterations to the property will further enhance the building's offer as a single dwellinghouse and also restore the property's traditional appearance. In particular, these changes will remove the existing conflict at ground floor level between access to the residential accommodation on the upper floor levels and the retail use at ground and lower ground floor levels. The existing lack of discrete separation between the retail and residential floor areas means that the functionality of the single dwellinghouse within the property is compromised.

## Planning Considerations

The 2004 Planning & Compulsory Purchase Act requires that determination of any planning application must be in accordance with the development plan unless material considerations indicate otherwise.

In this case the development plan comprises the London Plan (July 2011 and as amended) and the London Borough of Camden *Core Strategy* and the Camden *Development Policies* Document (both adopted November 2010). The London Plan is the strategic plan for London and therefore, contains policies of a more general nature.

Camden Council has prepared a range of Supplementary Planning Guidance (SPG) to supplement the policies contained within the Local Development Framework. Consideration has been given to the relevant

parts of this adopted Camden Planning Guidance (CPG) where appropriate. The relevant CPGs are considered to be as follows:

- CPG 1 (Design); and
- CPG 5 (Town Centres, Retail and Employment)

Relevant national planning guidance set out in the *National Planning Policy Framework (NPPF)* has also been taken into account. With regard to decision-taking, the NPPF advises that local planning authorities should approach decision-taking in a positive way to foster the delivery of sustainable development and should look for solutions rather than problems. Decision-takers at every level should seek to approve applications for sustainable development where possible (paras. 186 and 187). The presumption in favour of sustainable development is the golden thread that runs through the NPPF.

In this case, the key considerations in assessing the proposed development are:

- The change of use from ancillary Class A1 to Class C3 residential; and
- Design, in terms of the proposed garden room at the rear lower ground floor level; and
- Heritage matters with regard to the restoration of the traditional shopfront.

Each of these matters is discussed in turn.

#### Proposed Change of Use

As noted above, part of the ground floor level and the lower ground floor level have traditionally been in retail use. However, these areas are not separated from the residential use of the upper floors and as far as the applicant is aware the operation of the shop unit has never been divorced from the occupation of the residential floorspace. The retail use is ancillary to the residential accommodation. It is considered therefore that the retail space essentially forms part of the main Class C3 use and therefore planning permission would not be required for this to be returned to residential floorspace.

Despite the small retail element clearly having been both physically and functionally linked with the primary Class C3 residential use since at least the 1970s (and most likely much earlier), we have nevertheless assessed the change of use of this area on the basis of it being a Class A1 use in the event that the Council do not agree with the ancillary nature of the use.

When assessing proposals relating to the change of use of existing retail floorspace, *Core Strategy Policy CS7* is of greatest relevance. This policy encourages the provision of retail uses within the various designated centres within the Borough and also the protection of the ongoing functionality of these centres by '*...resisting the loss of shops where this would cause harm to the character and function of the centre*', as noted at part g) of Policy CS7.

More detailed guidance is set out within *CPG5: Town Centres, Retail and Employment*. With specific regard to the requirements for Neighbourhood Centres outside of the Central London Area, CPG5 sets out at paragraphs 3.59 and 3.60 the following:

*'Camden's Neighbourhood Centres provide for the day-to-day needs of people living, working or staying nearby. They generally consist of groupings of between five and fifty premises which focus on convenience shopping. Other uses that can make a positive contribution to the character, function, vitality and viability of these centres include:*

- *financial and professional services;*
- *food and drink uses;*

- *laundrettes;*
- *doctors;*
- *dentists; and*
- *veterinary surgeries.*

*As a guide we will resist schemes that result in:*

- *less than 50% of ground floor premises being in retail use; or*
- *more than 3 consecutive premises being in non-retail use.*

*We will take into account any history of vacancy in the centre and the viability of retail use at that location.'*

In effect, this detail confirms the characteristics of the Neighbourhood Centre that must be maintained in order to ensure its ongoing functionality in accordance with Policy CS7.

As part of this submission, a letter has been provided by David Horbury. Mr Horbury was resident at the site for many years and ownership of the site passed to him in 2012 when the previous owner and operator of the pottery on-site, Emmanel Cooper, passed away. Mr Horbury has personal knowledge of the site's previous use and as such is able to provide an accurate record of the functioning of the site.

The key points of Mr Horbury's letter can be summarised as follows:

- The pottery had operated since 1976, with the site having been empty for almost a decade prior to this;
- The 'front of house' area of the property was effectively used as a display area for products made within the pottery;
- The space was never specifically open to the public and did not operate set opening hours. Instead, Mr Cooper would respond if available when visitors rang the bell;
- Mr Cooper did not employ an assistant and as such the property did not support any other employees. The pottery was Mr Cooper's business that he operated from his only residence.
- Since 1989, Mr Cooper's operation was focused solely upon individual art pieces. As such, the products available for sale since this time did not constitute day-to-day items;
- Where visitors did attend, these were predominantly individuals with a specific interest in Mr Cooper's work. The pottery was not intended to serve passing trade.

In this context, it can be summarised that the existing use as a pottery with some retail functioning only occurring in addition to the general operations on site does not reflect the convenience retail and professional services that are noted as being relevant functions within a Neighbourhood Centre. For the foreseeable past the property has not been offering a specific contribution to the Neighbourhood Centre and as such its replacement with a residential use will not affect the Centre relative to the existing use. There is no loss of convenience retail as a result of the proposed development.

Given therefore the specific previous use of this floorspace, the proposed development will not result in the loss of an active retail use within the Neighbourhood Centre. The site has not offered a necessary local service or convenience retail use for nearly fifty years (if the pottery use and previous period of vacancy are combined), therefore the contribution to the local retail offer will not change as a result of the proposed development.

Furthermore, the site's physical separation from the main body of the Neighbourhood Centre means that there will be no impact upon the form, function or operation of the main retail parade on Chalcot Road. This development will not lead to a break in retail frontages and as such will not harm the character and function of

the Neighbourhood Centre. Indeed, the residential use will instead be in-keeping with the entirety of the terrace of properties to which this site forms the southern end.

Turning to the existing range of retail uses within the main shopping frontage on Chalcot Road, a recent survey of the area has confirmed the following range of services:

Address	Use
40 Chalcot Road	L’Absinthe – Cafe
41 Chalcot Road	The Spirit of L’Absinthe – Outsider Caterers
42 Chalcot Road	Whites – Hairdressers
43 Chalcot Road	Mercury Stores – Hardware
44 Chalcot Road	Jino – Interior Design
45 Chalcot Road	Picture Framers
46 Chalcot Road	Sew Much Fun – Crafts
47 Chalcot Road	Oliver’s – Estate Agents
48 Chalcot Road	Zoe & Morgan – Fashion Boutique
49 Chalcot Road	Paul Lee and Company – Estate Agents
50 Chalcot Road	Jeremy Bass – Estate Agents

This confirms that the existing retail offer meets the standards set out within CPG5 for a Neighbourhood Centre, namely that more than 50% of ground floor premises are in retail use and at no point are there more than three consecutive non-retail uses. Furthermore, the removal of No. 38 will not impact upon the continuation of this status. As such, the ongoing character and function of the Neighbourhood Centre will not be harmed as a result of this proposal.



**Figure 2 - The main shopping parade in Chalcot Road. The application site can be seen in the background (centre of image), separated from the parade by Fitzroy Road**

The final element set out under CPG5 is vacancy and viability of a continued retail use of the site. As already noted, the site has been effectively vacant since 2012. Furthermore, a concerted programme of marketing for a retail use of the site has been ongoing since June 2014 through a local agent, Salter Rex.

A full summary of the marketing efforts, including details of all advertisements placed, records of parties who registered an interest and the outcomes of the marketing efforts are provided within the report prepared by Salter Rex that is submitted as part of this application. The key points can however be summarised as follows:

- The retail space is limited by the integral relationship with the residential use within the rest of the building;
- The split between the ground floor and basement areas limits the usability of the retail space; and
- Interest was limited due to the characteristics of the local area, most specifically a relatively limited footfall passing the site which does not suit the requirements of many possible occupiers.

Overall, the lack of separation between the residential and non-residential areas of the property have resulted in no solid interest in using the site for retail purposes. The existing layout of the building clearly affects the viability of the site to be used for any retail purpose, as well as compromising the usability of the property as a self-contained residential unit.

If the previous use of the site, the remaining retail uses throughout the remainder of Chalcot Road and the lack of interest in the property are considered together then it is clear that an alternative use for this floorspace is a reasonable proposition for this site. Given that the most recent use of the site does not reflect the uses listed in CPG5 and also that this property is separated from the majority of the local retail parade, the ongoing character and function of the Chalcot Road Neighbourhood Centre will not be affected by this site being converted to a residential use.

This proposal therefore does not conflict with the requirements of Core Strategy Policy CS7.

#### Provision of Garden Room at Rear Lower Ground Floor Level

As part of the conversion of the lower ground floor level for residential use, it is proposed to add a small extension to the rear of the property to provide a 'garden room'. This minor addition will be constructed in yellow London Stock brick in order to match the existing building. The addition is designed to improve the amenity of the lower ground floor including increased lighting to this area.

An extension of this type, at lower ground floor level, is entirely in-keeping with the existing building and will not impact upon the appearance or amenity of any neighbouring properties. There will be no outlook from the extension other than into the existing private garden area and as such no impact upon the privacy of any neighbouring residents.

Furthermore, there will be no views of this extension from within public views from the surrounding streets. The appearance of the building will be unchanged, therefore this addition will have no impact upon the character and appearance of the Primrose Hill Conservation Area.

In terms of private amenity space, more than 44 square metres will be maintained within the existing garden area. This far exceeds the minimum requirements set out by the London Plan and will ensure appropriate amenity space is provided to the occupier of this residential property.

As such, this discreet alteration to the building in a location that is not within public view is considered to be an appropriate addition that will enhance the quality of the living accommodation at this level. It is entirely in-keeping with the character and setting of both this property and its immediate neighbours as required by Development Policy DP24 and CPG1: Design.

Further details are set out within the Design and Access Statement that forms part of this submission.

### Enhancement of the Traditional Shopfront

As part of the overall improvement of the property, it is intended to restore many of the traditional features of the building's shopfront. Specifically, this will constitute the restoration of traditional sign-writing to the tiles areas of the frontage and repair of all wooden elements as necessary. An element of etched glazing, in keeping with a traditional design, will also be provided in order to given additional privacy to a residential occupier of the property.

Carrying out these repairs will enhance the appearance of this property, regardless of the use to which it is being put. This reflects guidance in CPG1: Design, both in terms of general improvements in the design and appearance of buildings wherever possible but also in terms of more specific guidance on ensuring the best possible appearance of traditional shopfronts.

This will also enhance the appearance of the immediate streetscene and the wider Primrose Hill Conservation Area. Such works therefore respond to the requirements of Core Strategy Policy CS14 and Development Policy DP25 to enhance the appearance of heritage assets wherever possible.

### **Conclusions**

The existing retail element within this property does not provide a standalone retail unit. It is essentially physically and functionally linked to the primary use of the property as a Class C3 dwellinghouse. Information provided by the previous owner explains how the pottery was used (and that it was integral to the place of residence). On this basis, it is not considered that the retail element forms an independent, self-contained Class A1 retail unit and therefore planning permission is not required for its use as residential floorspace. the retail 'unit' is therefore compromised by being an ancillary function of the main dwellinghouse.

Similarly, the existing Class C3 residential use within the property is compromised by not being separated from the retail floorspace. There is an ongoing conflict between access to each part of the building. By incorporating the retail floorspace into the dwelling, the result is an improved family-sized residential unit.

If the loss of the retail floorspace is assessed against policy then the following factors support a change of use to residential:

- 1) This property has not provided a traditional retail function for more than fifty years. The previous use as a pottery, with limited sales offer, does not meet the expectations of the retail offer within a Neighbourhood Centre that is laid out within CPG5. As such, a change of use to Class C3 residential will not harm the ongoing character and function of the Neighbourhood Centre, especially given the range of retail uses found through the rest of the retail frontage in Chalcot Road (eleven retail units will remain in the Chalcot Road frontage).
- 2) The site is also physically separated from the main retail frontage, being located across the junction with Fitzroy Road. Again, this means that any change of use of the property will not impact upon the continued functioning of the Neighbourhood Centre or its appearance as single row of commercial properties.
- 3) The unit has been marketed for ten months and this process has shown no viable interest in the floorspace for continued retail occupation.

The proposed development will therefore result in an improved Class C3 dwellinghouse as well as enhancements to the appearance of both the individual property and the wider Primrose Hill Conservation Area.





I trust that everything is in order. Should you need to discuss this application further, please do not hesitate to contact me as set out at the head of this letter.

Yours faithfully

A handwritten signature in black ink that reads "Savills". The signature is written in a cursive, flowing style.

Nigel Dexter  
Senior Planner