

Delegated Report		Analysis sheet		Expiry Date:	18/12/2013
		N/A / attached		Consultation Expiry Date:	13/11/2013
Officer			Application Number(s)		
Paul Gardiner			2013/6672/P		
Application Address			Drawing Numbers		
(Land to the Rear of) 74 & 76 Fortune Green Road London NW6 1DQ			Refer to decision notice		
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature		
Proposal(s)					
Construction of a three storey single family dwelling (Class C3).					
Recommendation(s):		Grant planning permission subject to s.106			
Application Type:		Full Planning Permission			

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	20	No. of responses	02	No. of objections	02
			No. electronic	02		
Summary of consultation responses:	<p>Two objections to the scheme have been received:</p> <p>1) On the basis of an ownership dispute between the applicants and an individual claiming adverse possession of a part of the application site.</p> <p><u>Officer's response:</u> The land in question is located to the rear of no.76 Fortune Green Road and is 'unregistered'. Part of the proposal would be located on this land'. Neither the planning, nor the 'adverse possession' applicants appear to have freehold or leasehold interest in the disputed land.</p> <p>The granting of a planning permission would not invalidate any rights of legal ownership to a property.</p> <p>In granting planning permission the Council does not require the consent of land owners. However, applicants are required to notify all those parties with a freehold interest or leasehold interest with at least 7 years left to run, in accordance with the Town and country Planning (Development Management Procedure) (England) Order (2010).</p> <p>The applicants have submitted ownership certificate C, and in doing so declare that all reasonable steps have been taken to find out the names of other owners but they have not been able to do so.</p> <p>In declaring this, the applicants are not claiming ownership of the whole land to which the planning application relates, but rather acknowledging that there may be other owners, but that they have been unsuccessful in locating them. In the absence of evidence to the contrary the Council is satisfied that the applicant have appropriately discharged their obligation to notify owners under the relevant order.</p> <p>Where the appropriate certificates of ownership have been signed, these are considered to be the proof of ownership for the purposes of the planning application, and the Council would not require anything further in order to validate the application.</p> <p>In any case, the effect of notification would be to give a land owner an opportunity to comment on the planning application. The objector has been aware of the application for some time and the Council would not consider that the objector has been disadvantaged in this regard.</p> <p>It has been explained to the objector that a grant of planning permission would not override legal ownership of a site, should this be accepted by the Land Registry.</p> <p>2) The proposal would result in an increase level of car parking in the already congested mews street, resulting in the potential for blocked</p>					

	<p>access for emergency vehicles.</p> <p><u>Officer's response:</u> The proposal would be subject to a s.106 legal agreement securing car-free development. As such the proposal would not contribute to further congestion of this accessway.</p>
<p>CAAC/Local groups* comments: *Please Specify</p>	<p>None consulted</p>

Site Description

The application site is a part-two, part-single storey garage/storage building (Class B8) at the rear of nos. 74 and 76 Fortune Green Road. The site lies to the rear of a 3-storey building on the Fortune Green Road frontage, which has commercial use at ground floor level and residential on the upper floors

The site lies within the Fortune Green Road Shopping and Service Centre. It is not within a conservation area and no buildings are listed on the site. Within the lane/mews there are several new developments and development sites with extant planning permission. Most notably a new 10 unit development known as Rose Joan Mews which has been redeveloped to provide 10 self-contained units with basement car parking, land to the rear of 78, 84, 86, 92, 94, 98 and 100 Fortune Green Road.

Relevant History

Rear of 74 and 76 Fortune Green Road

2013/3568/P: Construction of a 3 storey, 2 bedroom dwelling following demolition of existing storage building. **Granted Subject to a Section 106 Legal Agreement 21/08/2013.**

Rose Joan Mews:

2003/0381/P: The erection of 7x 3-bed houses and 2x 2-bed houses with underground parking for 11 cars. **Granted 03/07/2003.**

Rear of 78 Fortune Green Road:

2006/1160/P: Erection of two storey, two bedroom dwelling house at rear facing access way, following demolition of garage. **Refused 25/05/2006 and Dismissed at Appeal 01/12/2006.**

2011/5882/P: Erection of part two, part three-storey dwellinghouse (Class C3) facing onto Rose Joan Mews (following demolition of existing garage). **Refused 10/01/2012 and Dismissed at Appeal 14/12/2012.**

2012/1293/P: Erection of two storey dwellinghouse (Class C3) facing onto Rose Joan Mews (following demolition of existing garage). **Granted Subject to a Section 106 Legal Agreement 23/04/2012.**

2013/1628/P: Amendment to planning permission dated 23/04/2012 (reference: 2012/1293/P) for erection of two storey dwellinghouse (Class C3) facing onto Rose Joan Mews (following demolition of existing garage), namely increasing the depth of the building to the rear at ground floor and first floor levels. **Granted Subject to a Section 106 Legal Agreement 17/06/2013.**

Rear of 84-86 Fortune Green Road:

2008/1662/P: Erection of part 2/part 3-storey building fronting onto Rose Joan Mews with roof terraces at second floor level to provide 2 self-contained residential dwellinghouses and two ancillary single-storey buildings in rear garden (following demolition of two single-storey lock up garages). **Granted Subject to a Section 106 Legal Agreement 04/03/2010.**

2013/1045/P: Renewal of planning permission granted on 04/03/2010 (2008/1662/P) for erection of part 2/part 3-storey building fronting onto Rose Joan Mews with roof terraces at second floor level to provide 2 self-contained residential dwellinghouses and two ancillary single-storey buildings in rear garden (Class C3) (following demolition of two single-storey lock up garages). **Granted Subject to a Section 106 Legal Agreement 16/04/2013.**

16 Rose Joan Mews (Rear of 88 Fortune Green Road):

2008/0155/P: Demolition of existing single storey storage/workshop and redevelopment by the erection of a two storey single family dwelling house. **Granted subject to a S106 agreement 06/03/2009.**

Rear of 92, 94, 98 and 100 Fortune Green Road:

2005/2841/P: Demolition of 6 existing garage/storage units on the site and the erection of 4 x 2-storey residential dwellinghouses (1 x studio dwellinghouse, 2 x 1-bed dwellinghouses and 1 x 2-bed dwellinghouse) including 1 x off-street parking space. **Granted Subject to a Section 106 Legal Agreement 27/07/2006.**

Relevant policies

LDF Core Strategy and Development Policies

CS5 (Managing the impact of growth and development)

CS6 (providing quality homes)

CS14 (Promoting high quality places and conserving our heritage)

DP5 (Homes of different sizes)

DP18 (Parking standards and limiting the availability of car parking)

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

CPG 1 (Design)

CPG 6 (Amenity)

London Plan (2011):

3.5 (Quality and Design of Housing Developments)

7.4 (Local Character)

7.6 (Architecture)

Government Guidance:

National Planning Policy Framework (March 2012)

Assessment

Proposal:

Planning permission is sought for the demolition of the existing storage building and construction of a 3-storey 3 bedroom dwelling.

Principle and Change of Use:

The application site comprises a privately owned two-storey storage building to the rear of no.74 Fortune Green Road, and an existing single-storey residential unit to the rear of no.76 Fortune Green Road. The principle properties are three/four storey terraces fronting onto Fortune Green Road, with commercial uses at ground floor and residential above. The storage room to the rear of no.74 is currently vacant and is not used for storage or the parking of vehicles. The single-storey residential unit is currently occupied as a residential unit.

The principle of a change of use from the existing garage/storage unit (Class B8) to residential has been accepted by the Council previously under 2013/3568/P and for the loss of the majority of similar garages along this access road. The application would involve the loss of a garage which is not used for off street parking for any nearby residents and would not contribute to an increase in on-street

parking congestion. One small residential unit would be lost as a result of the proposal. However, this would be replaced by a larger unit.

The proposed redevelopment of the site to incorporate new residential development is encouraged by LDF policy DP2. In light of similar development which has previously been accepted along this access road and the proposal to introduce a new residential dwelling, there is no 'in principle' objection to the development and the proposal is acceptable in land use terms.

Design:

The proposal site is located to the rear of properties fronting Fortune Green Road and is not visible from the main road. Until recently, the access road now known as Rose Joan Mews was characterised by low profile, mews-style ancillary buildings. Permission has now been granted for a number of contemporary designed 2 and 3 storey developments along the access road, including the subject site and to the rear of nos. 78, 84, 86, 88, 92, 94, 98 and 100 Fortune Green Road (see planning history). The area is now generally characterised by modern 2/3-storey development. No. 68a Fortune Green Road is a 3-storey residential block forming a 'bookend' to the access street. A comprehensive redevelopment scheme known as Rose Joan Mews is located opposite the proposal site and is made up of contemporary 2-storey buildings comprised of 10 dwellings with basement parking.

The proposal would introduce an additional contemporary 3-storey unit to the street. The new dwelling would maintain the ground floor building line established by an extant approval for a new dwelling at the directly adjoining site (r/o 78 Fortune Green Road). The new dwelling would be set back from the rear elevation of no.68a Fortune Green Road, views of which would be maintained as a book-end to the mews street. The proposed building would project forward at first floor level, also matching the extant design to the r/o 78. The proposed third floor would then be set further back from the ground floor building line in order to maintain a subservient appearance in the street scene.

Although the proposed building would be 3-storeys in height it would appear marginally higher than the 2-storey dwelling approved to the r/o 78. This is predominately due to the slope of the land, but also due to a slight excavation at ground floor level. As such the proposed building would provide a modest transition from the larger building at no.68a to the lower, 2-storey buildings (with extant permission) adjoining the site to the east.

The height and scale of the proposed building would remain subservient to the 3/4-storey buildings fronting Fortune Green Road, and would be consistent with existing and approved new buildings in this street. The contemporary design would be consistent with the extant permission approved at adjoining properties and would not detract from the character and appearance of the surrounding area. Overall the design and massing is considered appropriate to the setting and more contemporary character of development along this access road. The proposal is therefore considered to be acceptable in terms of its design and character.

Impact on amenity:

The proposed dwelling would adjoin the side elevation of no.68a, and single-storey buildings to the rear of no.78 Fortune Green Road. The rear of no.78 benefits from extant planning permission for a 2 storey residential building. This development has not been implemented on site and the potential future impact to this development is therefore given little weight. The existing single-storey buildings to the rear of no. 78 currently remain as ancillary to the main building on this site.

The proposed building would generally maintain the existing footprint and height and bulk of the existing storage buildings in proximity to potentially affected neighbours. The relationship with surrounding properties would therefore remain generally as exists. Given this, the proposal would not be considered to contribute to any additional loss of light, or an unacceptable overbearing or dominating impact to surrounding neighbouring occupiers. The proposed new third storey would be

set well back from the rear and front and would not be considered to contribute to a greater impact to surrounding properties.

New windows to habitable rooms and external terraces are proposed to the front and rear elevations of the new dwelling. The proposed second floor terrace would not project beyond the front elevation of no68a and would be screened to the rear. New terraces and windows to the rear would be screened by 1.8m high timber panels at all levels and would preserve the privacy of surrounding properties.

The new front terrace would similarly be screened by an obscurely glazed visibility screen to 1.8m, preventing undue overlooking of properties within Rose Joan Mews. The front windows serving a bedroom at first floor level, and kitchen/dining area at ground floor would face the blank wall of properties within Rose Joan Mews and would not result in unacceptable overlooking or a loss of privacy to these properties.

Quality of accommodation

The dwelling would be a 3-bedroom, 6-person unit. The London Plan would require an internal floor area of at least 95sqm in this circumstance. The proposal would result in a generously sized internal space with a gross floor area of 120sq.m, exceeding London Plan standards.

The unit would not be completed with windows to the flank elevations, with all fenestration proposed to the eastern and western (front and rear) elevations. As noted above, windows to the east would face the development at Rose Joan Mews which have blank walls facing the alley way at ground floor. These windows would receive adequate light and would provide for views of the sky and mew street, providing for a generally acceptable outlook.

Proposed windows to the rear would be screened by 1.8m high timber panels, set back from the rear elevation to provide small terrace areas. Although not ideal, these would effectively function as a form of light-well, allowing for sufficient penetration of light into the property. The small areas of external space would additionally provide for some views of the sky, and provide an external space for amenity (in particular at second floor level).

It is acknowledged that many of the habitable rooms would be enclosed by the screens required to maintain privacy, and the level of outlook would be necessarily limited. However, this is not uncommon in mews-type development, in particular in central London. The outlook provided would not be dissimilar to neighbouring developments approved in this mews street and is considered to be acceptable.

Overall, it is considered that the proposal would provide adequate living accommodation within this location and would comply with the overall aims and objectives of Camden Policy Guidance (CPG2).

Transport and Access Issues:

Fortune Green Road lies within a neighbourhood shopping and service centre and as such there is good access to facilities, services and public transport accessibility. The proposed dwelling would be accessed from Fortune Green Road via Rose Joan Mews.

Car-free development is proposed, to be secured by legal agreement. No provision has been made for cycle storage. A condition will be attached to require details of secure cycle storage to be submitted.

A Construction Management Plan controlling the potential noise, nuisance and disturbance associated with construction would be required, and can be secured by legal agreement.

Sustainability:

The applicant has submitted information that indicates the building would reduce carbon emissions by over 50% and the BREEAM pre-assessment refurbishment of domestic buildings very good will be achieved, which would comply with Policy DP22 of the LDF.

Lifetime Homes:

A Lifetime Homes assessment has been provided with the application that shows that the proposal would fail to comply with lifetime homes (LTH) standards 3 and 4.

A level threshold at the house entrance is not possible because the cross fall of the existing street results in a rise at one door jamb or the other of a door threshold that is greater than permissible under LTH criteria. For this same reason, a level entrance landing is also not possible. However, the first floor projection above the entrance would provide some shelter and allow for overhead illumination.

Community Infrastructure Levy (CIL):

The proposal seeks a new residential unit and as such is subject to the Mayor of London's Community Infrastructure Levy of £50 per sq.m. The proposal seeks 110sq.m of internal floor space and the required levy would therefore be £6000.00.

Conclusion:

The loss of the garage/storage unit is considered acceptable, and the principle of the provision of residential accommodation on the site is appropriate in land use terms.

The proposal is considered to have an acceptable relationship with the adjoining development. It is not considered that the proposal's design would detract from the character of the area and its scale and height would not result in an incongruous or visually intrusive appearance.

The development is not considered to have a harmful impact on neighbouring amenity in respect of privacy, overlooking or overshadowing. Future occupiers would have an acceptable degree of outlook, and access to natural light.

The application is therefore considered acceptable. Notwithstanding the acceptability of the proposal, it is considered that the site will be developed to its full potential and any further additions to the proposed dwelling may be harmful to the character of the area and neighbouring amenity. For this reason, it is considered appropriate to remove permitted development rights for the dwelling. Any future additions or extensions would be subject to a planning application in order for its impact to be fully assessed.

Recommendation:

Grant permission, subject to conditions and a S106 Legal Agreement to make this a car-free development.