
Appeal Decision

Site visit made on 29 October 2015

by Les Greenwood MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 04 November 2015

Appeal Ref: APP/X5210/W/15/3035924

11-13 Camden High Street, London NW1 7JE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Nicholas Eziefula against the Council of the London Borough of Camden.
 - The application Ref 2015/0389/P is dated 26 January 2015.
 - The development proposed is the change of use of the rear storage unit at 11-13 Camden High Street from Class B1 (office) use to C3 (residential) to create 2 self-contained flats (1 x 2 bed and 1 x 1 bed) and the erection of a flat roof extension.
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Decision

1. The appeal is dismissed.

Main issues

2. The Council has resolved that it would have refused the application on 5 grounds. Bearing this in mind, the main issues are:
 - i) the effect on the supply of business premises in the local area;
 - ii) whether the proposal would preserve or enhance the character or appearance of the Camden Town Conservation Area;
 - iii) the adequacy of the living conditions which would be provided for future occupiers of the flats, in terms of light and outlook;
 - iv) the effect on the living conditions of neighbouring properties, in terms of light, outlook and noise; and
 - v) the effects on the use of sustainable transport and on traffic congestion and highway safety.

Reasons

Business premises

3. 11-13 Camden High Street is a mid-terrace building situated in a primary commercial area, with business floorspace at ground floor and basement levels and residential flats on the upper floors. The appeal relates to rooms at the back of the building which are largely vacant at present. A temporary planning
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permission has been granted for their conversion to business offices (Class B1). Although internal works have evidently been carried out to this end, I am informed that no office use has taken place.

4. Camden Core Strategy 2010-2025 (CS) Policy CS8 aims to support Camden's industries by safeguarding existing employment sites and premises that meet the needs of modern industry and other employers. Camden Development Policies 2010-2025 (DP) Policy DP13 similarly aims to retain buildings that are suitable for continued business use, resisting change to non-business uses unless the site is no longer suitable for business use and the possibility of alternative business use has been fully explored.
5. In this case the office suites are accessed via a side alleyway and provide a somewhat poor standard of accommodation, with no windows for natural light or ventilation in the basement and only roof lanterns on the ground floor. This is not on its own sufficient reason, however, to establish that business use is not a reasonable option.
6. Although the offices have been marketed by a lettings agency, I have no indication of the length of time involved or the amount of interest generated. I agree with the appellant that the short-term nature of the planning permission for office use would be an impediment to many potential tenants, but there is no suggestion that attempts have been made to make the permission more permanent. Likewise I have no substantive evidence about the potential for the use of this space for other business uses. I find that it has not been adequately demonstrated that the premises are unsuitable for business use.
7. I conclude that the proposal would erode the supply of business premises in the area, in conflict with the above-mentioned policies.

Conservation area

8. The appeal building lies in a key position within the Camden Town Conservation Area, fronting onto the High Street. The Council's *Camden Town Conservation Area Appraisal and Management Strategy* advises that the High Street is a main commercial street with an architecturally diverse and lively mix of 19th and 20th Century buildings.
9. The section at the back of the building is fully screened from public view and is visible from relatively few private properties. The character of this backland area is of functional, varied developments that prioritise the effective use of space. The proposal would involve a stepped 2 storey extension on top of an existing flat roof. It has been well designed to tuck in next to the blank walls of neighbouring properties, so that its visual impact would be relatively minimal. It would also maintain sufficient openness at first floor level and above, avoiding overdevelopment.
10. I conclude that the proposal would preserve the character and appearance of the conservation area. It therefore accords with the aims of CS Policy CS14 and DP Policies DP24 and DP25, to secure a high standard of design that respects local context, character and heritage assets.

Living conditions of future occupiers

11. The proposed 2 bedroom flat would have its living room/kitchen on the ground floor and bedrooms in the basement. Aside from 2 small rooflights on the ground floor, the only windows would look onto a narrow lightwell that would be created at one corner. The main outlook would therefore be onto walls just a couple of metres away. From the living room/kitchen there would be enough of a view over the wall to the south so as not to be unacceptable. However, from the basement bedrooms, the outlook would be much more fully enclosed, giving the impression of being at the bottom of a hole. This would be oppressive on future occupiers.
12. A Daylight and Sunlight Assessment has been submitted, indicating that the standards set out in the Building Research Establishment's *Site Layout Planning for Sunlight and Daylight* and BS8206-2:2008 *Lighting for Buildings* would be met for both flats. Though I have no doubt that natural lighting of the basement would be poor, no evidence has been produced to show that lighting would not meet the relevant standards. I also note that the proposed flats would meet the internal space standards of *Camden Planning Guidance 2: Housing* and that the upper flat would have reasonable natural lighting and outlook.
13. Although I find no substantive objection in regard to sunlight, daylight and internal space, I conclude that the proposed basement flat would not provide adequate living conditions for future occupiers, in terms of the outlook from the basement bedrooms. The proposal therefore conflicts with the aim of DP Policy DP26, to protect the quality of life of occupiers.

Neighbours' living conditions

14. The neighbours most affected would be the occupiers of the first floor flats at No 11-13, which have main windows and balconies looking out towards the position of the proposed extension. The extension would, however, be small in scale, would step away from the flats and would sit against existing high walls. The impact on outlook from the flats at No 11-13 would not therefore be unduly affected. The scale and layout of the extension would likewise minimise impacts on neighbours to either side.
15. A number of objections have been raised by occupiers of flats at Nelson's Yard, to the rear of the site. As these flats do not have windows, and only a few high level rooflights, facing towards No 11-13, they should be little affected in terms of light, privacy and outlook. They would also largely be shielded from noise emanating from the flats, which would in any case be a normal element of the environment of this closely built-up area.
16. I conclude that the proposal would not unacceptably affect the living conditions at neighbouring properties. In this respect it accords with the aims of CS Policy CS5 and DP Policy DP26, to protect the quality of life of neighbours.

Sustainable transport

17. No vehicle parking spaces would be provided. There is clearly a strong demand for parking in the area, due to its central location and densely developed, mixed use nature. Hence there are parking restrictions including residents'

parking zones on local streets. The site is very sustainably located near to facilities and services, including public transport, so there would be little need for future residents to own a car. The Council agrees that the site is suitable for zero parking provision (car-free) development.

18. In order to ensure that no additional stress is put on local parking provision, the Council requires a legal agreement or unilateral undertaking under S106 of the 1990 Town and Country Planning Act, to prevent occupation of the flats by anyone who has obtained a resident's parking permit. I agree that this is necessary and that it cannot be dealt with by means of a planning condition.
19. Although the appellant accepts the need for a legal agreement or undertaking, none has been submitted. I must decide the appeal on that basis. I conclude that the proposal would fail to promote the use of sustainable transport and would lead to additional traffic to the detriment of both congestion and highway safety. The proposal therefore conflicts with the shared aims of CS Policies CS11 and CS19 and DP Policy DP18, to promote car-free housing in the interest of sustainability and the management of traffic impacts.

Other matters

20. I have considered all other matters raised, including questions about the appellant's right to use the side alleyway for access. The appellant asserts a right of way and any dispute here would be outside of the scope of this decision.

Conclusion

21. Although I have found in favour of the appeal in respect of 2 of the main issues, my findings in relation to the other main issues are sufficiently compelling for me to conclude that the appeal should not succeed.

Les Greenwood

INSPECTOR