

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: 13 November 2015

Appeal Ref: APP/X5210/W/15/3097737

122 Drummond Street, London NW1 2HN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mrs Julia Pyper against the decision of the Council of the London Borough of Camden.
 - The application Ref 2014/5443/P, dated 22 August 2014, was refused by notice dated 8 January 2015.
 - The development proposed is the change of use of a basement to 1 self-contained flat with associated works.
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Decision

1. The appeal is dismissed.

Main issues

2. The main issues are:
 - i) the adequacy of the living conditions which would be provided for future occupiers of the flats, in terms of outlook, noise and general disturbance; and
 - ii) the effect on the use of sustainable transport, traffic congestion and highway safety.

Procedural matter

3. As part of the appeal the appellant submitted revised floor plan 021/PP02/P1, re-organising the layout of the proposed flat in response to one of the Council's objections. This would be an internal change only. It should not prejudice any third party and the Council has had an opportunity to comment. I therefore take the amended plan into account as part of the appeal proposal.

Reasons

Living conditions of future occupiers

4. 122 Drummond Street is an end-terrace property with commercial use on the ground floor and flats over. The street is in mixed use, with commercial uses including a number of restaurants predominating at ground floor level in the immediate vicinity. At the front of the property, a gated external stair leads
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down to a basement and also to a small, arched vault situated underneath the public highway. The basement has already been converted to a studio flat, but planning permission for that use has been refused and dismissed in a previous appeal¹. I understand that the Council has served an enforcement notice against use of the basement as a flat, which was vacant at the time of my visit.

5. The previous Inspector's main concern was about the sub-standard size of the flat. The key difference in this new proposal is that the flat would be expanded into the vault, and into an adjoining, closed up vault as well. This would entail underpinning the walls, dropping the floor level and raising the ceiling in order to provide a kitchen and bathroom space (as shown on the amended floor plan).
6. The flat's windows would all look out onto the open stairway, very close to and below the public pavement and the entrance to the ground floor business. Part of the flat would be underneath the pavement and carriageway. Given the nature of nearby uses and the very central location, I would expect there to be considerable activity here, including late at night. As a result, future occupiers of the flat would almost inevitably be subject to excessive noise and disturbance. The amended floor layout would not satisfactorily address this situation, since the whole flat would be affected. I recognise that this issue was not raised by the Council in the previous case and therefore was not addressed in that appeal. However, the proposal has changed since then and I must consider all objections raised.
7. Additionally, the outlook from the windows would be restricted, with only very limited views of the sky. Like the previous Inspector, I do not find this outlook to be so poor as to be unacceptable, but it does reinforce my conclusion that the proposed flat would not provide adequate living conditions for future occupiers. The proposal therefore conflicts with the aims of Camden Core Strategy 2010-2025 (CS) Policies CS5 and CS6 and Camden Development Policies 2010-2025 (DP) Policy DP26, to protect the quality of life of occupiers. The Council has also cited CS Policy CS14 here, but I see no direct relevance.

Sustainable transport

8. No vehicle parking space would be provided. There is clearly a strong demand for parking space in the area, due to its central location and densely developed, mixed use nature. Hence there are parking restrictions on local streets. The site is very sustainably situated 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 (car-free) development.
9. 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 ensure that future occupiers would be aware that they could not obtain resident's parking permits. I agree that this is necessary and that it cannot be dealt with by means of a planning condition.
10. The appellant accepts the need for a legal agreement or undertaking, and has submitted an agreement. Although this is said to be a completed version it has

¹ APP/X5210/A/13/2200117

not been signed by the Council. I therefore cannot take it into account. Given that the proposal is unacceptable on other grounds, I have not pursued this matter further.

11. In the absence of a completed agreement or unilateral undertaking, 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 Policies DP18 and DP19, to promote car-free housing in the interest of sustainability and the management of traffic impacts.

Other matters

12. I note that there is some local support and that the proposal would beneficially increase the supply of small housing units in a highly accessible location. I give this matter significant weight, but not enough to override my concerns in regard to the main issues. The appellant argues that the basement is not suitable for other uses, but I have seen no substantive evidence supporting this contention. The accessibility issue which has been raised would not necessarily rule out all other uses.

Conclusion

13. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should not succeed.

Les Greenwood

INSPECTOR