

<b>Delegated Report</b> (Members' Briefing)		<b>Analysis sheet</b> N/A / attached		<b>Expiry Date:</b> 05/06/2015		<b>Consultation Expiry Date:</b> 04/06/2015	
<b>Officer</b> Obote Hope				<b>Application Number(s)</b> 2015/2074/P			
<b>Application Address</b> 38 Chalcot Road London NW1 8LP				<b>Drawing Numbers</b> See decision notice			
<b>PO 3/4</b>	<b>Area Team Signature</b>	<b>C&amp;UD</b>	<b>Authorised Officer Signature</b>				
<b>Proposal(s)</b> Change of use of lower ground and part ground floor from retail and ancillary storage/workshop (Class A1) to residential use (Class C3) to create an enlarged single dwellinghouse, erection of single storey rear extension at lower ground level with associated works to ground floor front façade.							
<b>Recommendation(s):</b>		Refuse Planning Permission					
<b>Application Type:</b>		Full Planning Permission					
<b>Conditions:</b>		Refer to Draft Decision Notice					
<b>Informatives:</b>							
<b>Consultations</b>							
<b>Adjoining Occupiers:</b>		No. notified	03	No. of responses	19	No. of objections	18
<b>Summary of consultation responses:</b>		<p>Site notice was erected on the 13/05/2015 until 03/1/06/2015 Press advert was published on 14/05/2015 until 04/06/2015</p> <p>Support was received from Studio House Mayfair, Regents Park Road:</p> <ul style="list-style-type: none"> <li>The premises have been derelict for a number of years;</li> <li>The remainder of the properties within the terrace are all residential, and;</li> <li>The proposed change of use would complement the use of the upper floors.</li> </ul> <p>Support was also received from the former owner:</p> <ul style="list-style-type: none"> <li>I have to acknowledge that in the thirty years I lived at the property there was virtually no passing trade and to all extents and purposes the property has been used primarily as a residence for many decades;</li> <li>I understand that the application also includes a commitment to restore the lovely facade of the building which will be a very positive thing for the area.</li> </ul> <p>One objection was received from Flat One, 2 Albert Terrace on the following grounds:</p> <ul style="list-style-type: none"> <li>The proposed retail frontage of the property forms an important junction; Three out the four corner shops were built for commercial use;</li> <li>Although the unit was not open to the public on a day to day basis the shopfront was used to display work of the former owner;</li> <li>The property price being asked for £45,000 per year is 2.5 times the prevailing local market rent, and;</li> <li>Two properties were opened of a similar size with rents circa £16,000 per</li> </ul>					

annum;

One objection was received from 45 Princess Road on the following grounds:

- Loss of the retail unit;
- The changes to the shopfront at ground floor level;
- New basement single storey extension;

One objection was received from 37a Chalcot Road on the following grounds:

- Rear extension would extend beyond the natural building line the would add substantial bulk and would adversely affect the enjoyment of the rear garden;
- Structural repercussions of removing the overhang and;
- The retail unit has been neglected for many years, however, the proposed rent being sought cannot be justified;

Four objections were received from 67 Auden Place on the following grounds:

- The house prices in the area are so high, this is contributing to the loss of A1 uses and other community assets and;
- The council should make a stand in protecting the loss of these units;

Two objections were received from 15 Edis Street on the following grounds:

- We viewed the site with an interest to rent the property for a New York deli-style outlet. However, it seemed like the landlord had no interest; email was not replied to, call placed on the 5<sup>th</sup> and viewing arranged for the 11th of May;
- The agent advised that no food smell would be tolerated by the landlord who lived above and had turned down a few potential offers including one from a big chain;
- On viewing the shop appeared almost derelict;
- Advised that there would not be no access to the bathroom or basement patio area;
- The landlord would not wish to share the existing staircase with no access to a third of the ground floor or the basement;
- Was advised that the space was not suitable and a new staircase would need to be built to make it useable –the cost of this and the renovations would be in the 100k's;
- The rent of £45k per annum seemed high and grace period of only 3 months seemed too short for the extent of works required. But the agent said that the landlord would not budge on either rent or grace period. Despite this we were still interested in viewing again with an architect.
- It was only after viewing that the application came to our notice. It then became clear that the agent's lack of interest was because the landlord had never wanted to let the property in the first place. I was shocked that the application was accompanied by a supporting statement by the same agent which contradicted everything they had said during the viewing. We therefore cancelled our plan for a second viewing with an Architect.

Two objections were received from 13 Rothwell Street on the following grounds:

- The rent was not marketed at a competitive rate;
- The use if changed would deprive the area of amenity of a possible new shop and local employment;

One objection was received from 4 Eglon Mews on the following grounds:

- Change of use of the shop from retail to residential;
- The tiles would be lost;
- The rent is much higher than other shops on the road;
- The loss of the shop would contribute to less foot traffic and employment floorspace, and

	<ul style="list-style-type: none"> <li>No reason why the shop would do well in its current location;</li> </ul> <p>Two objections were received from 16 Princess Road on the following grounds:</p> <ul style="list-style-type: none"> <li>The conversion to another residential floorspace would not be acceptable;</li> </ul> <p>Two objections were received from 17 Princess Road on the following grounds:</p> <ul style="list-style-type: none"> <li>The unit has not been marketed at a fair value and;</li> <li>The location is excellent for commercial business;</li> </ul> <p>One objection was received from 1 Egbert Street on the following grounds:</p> <ul style="list-style-type: none"> <li>The proposed works for the conversion is driven by the current housing market level and;</li> <li>The proposed application would erode the rich mix of work and residential property;</li> </ul>
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<b>CAAC/Local group comments:</b>	<p><b>Primrose Hill CAAC</b></p> <ul style="list-style-type: none"> <li>Camden's formally adopted Primrose Hill conservation area statement PH2 states 'The Council will seek to retain uses which form part of the established character of the conservation area'. This retail premises is a key part of the character of the conservation area also because of its location at a central crossroads in the CA, where local shops and a pub were originally located.</li> <li>The loss of retail use is not justified. The local shops and businesses in the adjoining parade are now doing well. We understand that the shop at 38 has been marketed at an annual rent some three times that paid by businesses in the adjoining group: that is not an appropriate test. The proposal is directly contrary to Camden's Core Strategy at CS7g. Local shops and local employments are highly valued by the community, their loss fails to preserve or enhance the character and appearance of the conservation area.</li> <li>We note the applicant's comment (at 1.4.5) that the tiles to the shop elevations may be removed and reinstated. We strongly object. We note the technical reasons which make it highly unlikely that such tiles can be removed and reinstated. Alternatives are possible. We draw your attention to the Planning Inspector's decision for 1 Edis Street which dismissed an appeal against the refusal for removal of the tiles to that property: such tiles are a key element in the character of the conservation area. The appeal was decided on 3 January 2014 with ref APP/X5210/A/13/2203853. In that case the walls were repaired without removing the tiles, which were also repaired, where necessary, in situ.</li> <li>We would very much regret the loss of the internal fittings of the shop, which could be retained if retail were kept or an appropriate employment use were approved.</li> </ul>
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### Site Description

The site is a three storey plus basement mid-Victorian terraced building on the south side of Chalcot Road near the junction with Fitzroy Road. It lies within the Primrose Hill Conservation Area and is identified as a building that makes a positive contribution to the conservation area. The site is located within a Neighbourhood Centre, although it should be noted that the unit forms the end of a terrace and is the only unit in the terrace in the Neighbourhood Centre. The rest of the Neighbourhood Centre is located across Fitzroy Road.

The property operates as a mixed retail/residential use (with workshop elements), occupying part of the ground floor with wash room facilities to the rear. The basement, which is entered from Fitzroy Road to the side elevation, is shared with the residential unit on the 1<sup>st</sup> and 2<sup>nd</sup> floors.

### Relevant History

**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. Granted on **10/11/2014**.

**8602303** The formation of railings at street-level and the provision of steps to the basement-level as shown on drawing no.837-03A and as revised on 8th May 1987. Granted **29/07/1987**

**J10/1/3/37135** First floor addition to existing rear extension. **Granted** 14/02/1984

**J10/1/3/37135** First floor addition to existing rear extension. **Granted** 14/02/1984

**CTO/J10/1/3/19540** Town and Country Planning Act 1971 Refusal of Established Use Certificate **Refused** 22/01/1975. The proposal relates to the unauthorised use of the basement for warehouse and parking-, ground floor as showroom, warehouse and workhouse and first and second floors as offices and storage. It was refused due to there being an enforcement notice in place from the 1950s against industrial uses that had been taking place at the property. In terms of the likely lawful use existing at the time the decision notice noted the following:

*'The property would appear to have use rights for retail purposes on the ground floor and basement floors with residential accommodation on the upper floors'.*

#### **Other relevant sites**

37 Chalcot Road **2011/5150/P** for: Erection of mansard roof extension with balcony at rear to create an additional third floor to residential flat (Class C3). **Granted** 14/12/2011

6 Chalcot Road **2011/0927/P** Erection of a two storey rear extension at basement and ground floor levels and erection of a mansard roof extension with front terrace in connection with the reconfiguration and enlargement of two flats (Class C3). **Granted** 03/05/2011.

23 and 24 Chalcot Road **PEX0200589** Addition of third floor to 23 Chalcot Road to form a Mansard roof extension. As shown on drawing numbers: Existing- PL 1.01, 02, 03, 04, 05; Proposed (Rev A) PL 2.01, 02, 03, 04, 05, 06, 07 and Un-numbered photographs. **Granted** 16/12/2002.

18 Chalcot Road **2011/2648/P** Erection of mansard roof extension with terrace to front elevation and skylights in rear roofslope in connection with existing dwellinghouse (Class C3). **Granted** **25/07/2011**

37 Chalcot Road **2011/5150/P** Erection of mansard roof extension with balcony at rear to create an additional third floor to residential flat (Class C3). **Granted** 14/12/2011.

41 Chalcot Road **2011/0110/P** Renewal of planning permission granted on 26/02/2008 (2008/0167/P) for erection of single-storey extension and creation of balcony at rear first floor level, creation of terrace over at rear second floor level; erection of mansard roof extension with dormer windows on front elevation and balcony on part rear elevation and five rooflights all in connection with the existing first/second floor level maisonette (Class C3). **Granted** 07/03/2011.

41 Chalcot Road **2013/7708/P** for: Erection of single storey rear extension at 1st floor level, replacement of window with door at 2nd floor level and creation of terrace at rear 1st and 2nd floor level; erection of mansard roof extension with rear balcony and 5x rooflight. **Granted** **30/01/2014**.

50a Chalcot Road **2007/4337/P** Erection of a mansard roof extension to create additional accommodation for existing first/second floor maisonette (Class C3). **Granted** 24/10/2007

## Relevant policies

### LDF Core Strategy and Development Policies

CS5 Managing the impact of growth and development

CS7 Promoting Camden's centres and shop

CS14 Promoting high quality places and conserving our heritage

DP10 Helping and promoting small and independent shops

DP12 Supporting strong centres and managing the impact of food, drink, entertainment and other town centres uses

DP13 Employment sites and premises

DP24 Securing high quality design

DP25 Conserving Camden's heritage

DP26 Managing the impact of development on occupiers and neighbours

DP 30 Shopfronts

### Camden Planning Guidance

CPG 1 Design (2015)

CPG 5 Town centres and Employment (2013)

CPG 6 Amenities (2011)

### Primrose Hill Conservation Area Statement 2000

NPPF 2012

London Plan 2015

## Assessment

### Background

- 1.0 Planning consent was granted in 2014 (2014/5503/P – see 'Relevant history' above) for: installation of a new mansard roof extension, realignment of the window to the first floor rear extension, infill of the 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 at ground floor level.
- 1.1 The Fonthill Pottery or Emmanuel Cooper pottery shop was opened in 1976 and closed in 2012 and has been vacant since. The supporting letter states that *'the property (both living and commercial areas) had been empty for almost a decade. Between the years of 1976 – 1989 a range of table ware was sold such as, cups, saucers, plates, etc. and a pottery assistant was employed to work in the basement. From 1989 individual pieces were made for art galleries and exhibition at home and abroad, the shop did not offer standard opening hours and if available a bell would alert the assistant. The items were sold on site if a suitable offer was forthcoming. Over the next two decades the shop was used for packing material, a safe parking area for the owner's motor bike and for the storage of ceramic/art archive. After 2012 the shop was used as storage for approximately a year and was cleared and sold in 2014'*. The shop use was not conventional in terms of the shared residential and ancillary retail space including entrance and circulation at ground floor level. However, the LDC refused in 1975 stated the use as retail unit at ground and basement level and no subsequent application was received that would alter the internal layout in situ. Therefore the current layout of the ground floor shop sharing parts of the ground floor and the toilet facilities with the upper floors residential accommodation appears to have arisen out of convenience to the previous occupiers who were also the proprietors of the shop, although this will not have necessarily altered the situation of the property in terms of its lawful use...
- 1.2 Planning consent is sought for the conversion of the existing vacant retail use at part ground and basement level to residential as an extension to the existing single family dwellinghouse and the restoration of the existing shopfront. The application includes re-alignment of the window at ground floor level, the erection of a single storey infill extension and enlargement of the existing rear extension at basement level.

The main issues are:

- Land Use
- Design/effect on the Primrose Hill Conservation Area
- Amenity

- Standard of residential accommodation

## **2.0 Land use**

- 2.1 The application is for the change of use from retail and ancillary storage (Class A1) to residential use (Class C3) to create an enlarged single dwellinghouse. The use of the premises over the years has included a certain amount of industrial activity having most recently appeared to have operated as a mixed retail/residential use with workshop elements. There is just one entrance to the premises on the corner of Fitzroy Road and Chalcot Road and none of the elements could therefore operate realistically. The retail use appears to have operated alongside a flat on the upper floors in the premises until 1989, when the shop stopped opening regular hours. It is known that the previous occupier was resident at the property hence the informal nature of separation between the retail and residential elements. It is unclear from the planning history when the workshop element started to operate in the premises and what its nature was in terms of employees or floor area, or whether this operated purely ancillary to the retail use. It would appear that formal consent was never obtained for this element and that it operated on an informal basis. The loss of retail and the loss of the workshop element are assessed below.
- 2.2 The site is located in a neighbourhood centre. However, the retail use (operating within Class A1) is the only retail use in the terrace, and is located on the other side of Fitzroy Road from the rest of the Neighbourhood Centre. The retail use is located on part of the ground floor with an ancillary workshop at basement level which measures approximately 110m<sup>2</sup> (1,192 sq. ft.) including storage areas. The marketing evidence and the accompanied written statement undertaken suggest that the existing pottery shop has been vacant since 2012; the Camden retail survey shows the property was vacant in 2013.
- 2.3 Policy DP12 states that the Council will take into account any history of vacancy and the prospect of achieving an alternative occupier in considering changes of use of retail units. The marketing period of 1 year is not prescribed by policy but is considered by officers in the Policy Team and Economic Development to be a reasonable period to ascertain likely demand. The advertised rental of £45,000 per annum has been subject to question in several of the consultation responses. This and other aspects concerning the marketing are examined in detail below.
- 2.4 With regards to the loss of the workshop, given the small area of this element and that it could only be accessed through the shop, this appears to have operated on an ancillary basis to the retail element. There are no records of the number of people that were employed here, but given the size of the workshop it is unlikely that there was much employment provided. Nevertheless, the changes to the internal arrangement over a number of years which results in the ancillary nature of the premises are further assessed as part of the BPS report and the agent marketing survey, it is considered that reasonable steps should be taken to retain the valuable retail use at the property and the marketing evidence should reflect current layout and identify reasonable steps that should be taken that would not compromise the loss of the unit and achieve successful offers. These elements are evaluated below.

## **3.0 Agent's Marketing Survey**

- 3.1 The existing shop has been marketed since the 19th June 2014 with annual rental of £45,000 per annum. Marketing has also continued after the application was submitted and is understood to still be on-going. In accordance with CPG 5 the marketing procedure undertaken was also via a 'To Let' board erected on the 29th of July 2014 and advertisement being posted in the Ham and High. The retail unit underwent a marketing survey with information about the size, facilities, rental and lease terms, and the marketing particulars were circulated by local agents. Details of the property were posted on Retail and Office Lists on the Salter Rex website the details of which were managed on a daily basis. The list advertised all retail and other commercial units which were updated on a daily basis, which the agent states is a very effective marketing tool which generates 5-6 listings every week with estimated exposure of more than 300 of the list being mailed direct to potential clients.
- 3.2 The retail unit is located in a neighbourhood centre within a terrace of residential properties. The unit is located in close proximity to a shopping parade (forming the rest of the neighbourhood centre) which accommodates 7 retail (A1) units as well as A2 and A3 units.
- 3.3 The statement submitted by the agent indicates that the retail unit is not attractive to prospective operators due to the layout and size of the unit (with part of the ground floor in residential use) and the location of the

unit within a residential terrace with a low level of footfall and passing trade. The application premises is the only retail unit within the terrace and the rest of the town centre is located east of the site along the southern side of Chalcot Road. The supporting statement received from the agent suggests the marketing reflects the true situation. However the area claimed to be retail use has been reduced from the Certificate of Lawful use application. Given that the retail use was still operating in 2012, it is unlikely that it would have existed without use of a toilet and it is considered that the applicant's claim that the toilet is part of the residential use cannot be accepted.

- 3.4 Concerns have been received over the rent value being advertised for the premises as a standalone retail unit. However the agent has confirmed that the rent is higher than other retail premises in the vicinity due to the overall floor area. To ascertain whether the rental price is fair, it has been compared with another property. The Salter Rex website features a slightly smaller retail unit that was advertised on Kentish Town Road which is a significantly busier road, with the same rental income of £45,000 per annum. The rental advertised for the retail unit, whilst being described by BPS as "somewhat overstated" would not be wholly unrealistic if there were restroom facilities accessible but significant works would be required to install these if the rear bathroom is to be excluded. There is also a shared hallway with access to the ground floor bathroom for the residential flat above and the current arrangement is clearly unsatisfactory for a retail tenant and residential occupier alike.
- 3.5 The marketing report by Salter Rex states that any reasonable rental offers would be considered so long as the proposed uses would not impact upon adjoining residential floorspace. The agent stated the rent was not fixed and the applicant was prepared to be flexible in the terms of rent and was prepared to offer rent free periods. However, the objection received from a potential occupier does in large part contradict this. Despite the marketing, there has been no interest in the unit and no offer has been made for the rental of the property. The marketing campaign is considered to have been appropriate in terms of length of time.
- 3.8 During the marketing campaign, The agent received 1,619 hits on the website, 'co-star' and 144 direct to the Salter Rex website. Details were sent to the clients who registered an interest total of 20 viewings undertaken. A summary of the feedback is listed below;

1. No interest / client doesn't like the area;
2. No interest / client doesn't like the area;
3. no interest / client doesn't like the area;
4. no interest / client doesn't like the area;
5. no interest/ Looking to buy;
6. no interest/ Looking to buy;
7. no interest
8. no interest/not ideal location;
9. not for them;
10. looking to re-locate existing;
11. unfortunately too small on ground floor;
12. not for him Not enough natural light in;
13. Accountant, not for them as not enough footfall;
14. not interested too messy and not enough footfall for his client;
15. looking to re-locate existing tenants, not ideal location not enough light;
16. interested in buying not looking for rental;
17. not for them as too much work involved;
18. not Ideal location and basement is not suitable;
19. not Ideal location and basement is not suitable floor level;
20. not for his client, not ideal size on ground floor level.

#### **4.0 BPS Chartered Surveyors' marketing review**

- 4.2 An independent marketing survey from BPS Chartered Surveyors was undertaken to adequately assess whether there is sufficient demand for the retail unit, the independent report appraises the following:
- Whether the marketing history has been suitably evidenced and documented;
  - The suitability of the marketing evidence use last year;
  - The limited level of interest and viewings and;
  - The disadvantages of the building;

- 4.3 The Surveyor indicated that the marketing history suggests that the chances of securing the property as retail premises are low and the property is at a disadvantage due to the layout of the ground floor and basement. The lack of toilet facilities would also severely limit the ability of the owner in achieving a letting. The application would need to fully explain the proposed toilet facilities including their location and route for plumbing.
- 4.4 In regards to the asking price BPS Chartered Surveys believe that *"the asking price of £45,000 may potentially have been somewhat overstated"*. This view was taken by BPS before they knew that there were no toilet facilities being offered in the premises. Without toilet facilities, any future occupant of the premises would be unable to hire staff. The use would likely have to be closed temporarily for the owner to go to a toilet outside of the premises.

#### Conclusion on marketing/loss of retail

- 4.5 Whilst the advertised rental level may not be wholly unrealistic for a retail unit in this location of the size indicated in the marketing particulars, the marketing that has been undertaken so far has left sole responsibility to the tenant for finding a solution to some very complex drawbacks to the premises as offered. The marketing particulars also give no clue to these drawbacks, nor any scope for the flexibility of terms needed to be negotiated in order to resolve these. Indeed on the evidence provided by the potential occupier who objected to the application it could be taken that such flexibility did not exist.
- 4.6 The property does not appear to be incapable of adaptation for continued retail use within the lawful use of the property as it would appear to be, e.g. by marketing the whole of the ground floor and basement with the partitioning off of the upper floors to be accessed separately from the Fitzroy Road side entrance. The marketing of just the ground floor excluding the basement and rear bathroom could also potentially form a viable sized retail unit and the applicant has not explored this. A genuine attempt at marketing would need to work for both a retail occupier and residential occupier of the floors above and the solution put to the market would appear to satisfy neither. It is therefore unsurprising that the way the property has been marketed to date has failed in attracting any seriously interested occupier.
- 4.7 For the above reasons the marketing exercise undertaken so far cannot be accepted as conclusive that there is no reasonable likelihood of continuing the property in retail use. It is considered that an acceptable marketing exercise would need to reflect that the applicant has given serious consideration to finding a solution for the property that would suit the requirements of a retail occupier. Such marketing would need to take into account the following steps in order to ensure the best possible chances of securing a tenant:
1. *Clear description of the retail floorspace, the ancillary facilities, condition of the premises and any reasonable works beyond standard fit-out likely to be required for occupation*
  2. *The agent would need to explain acceptable arrangements for toilet facilities*
  3. *Any fit out or alterations needing to be undertaken by the tenant to make it ready for occupation should be reflected in a realistic level of incentives including rent free periods. The agent should communicate to the Council in advance what level of incentives it would recommend*
- 4.8 On the basis of the above, it is considered that the loss of the retail use has not been adequately justified and the marketing unacceptable given the dysfunctional internal layout and the lack of toilet facilities in the way the unit has been presented. Therefore the proposed change of use to residential would be unacceptable would fail to meet planning Policies CS5, CS7, DP10, DP12 and DP13.

## 5.0 Conservation and design

- 5.1 The proposed single storey infill rear extension is considered to preserve the character and the architectural style of the host building and the conservation area. The proposed extension would measure approximately 3.8m in depth and 2.9m in width and measure between 2.3 – 2.4m in height along the northwest boundary. The infill extension would be of a similar depth to the existing closet wing in terms of its size and scale and would not upset the uniformity of the group of properties within the terrace. The proposed extension is not considered unduly bulky in terms of its size and scale and is considered to be acceptable in design. The extension would not be a dominant addition to the host building.



5.2 The proposed extension would not be visible from the public domain. The proposed works would retain approximately 44m<sup>2</sup> of garden space. The extension would be constructed using materials to match the host property i.e. Yellow London stock brickwork and white insulated rendered brickwork with associated detailing, white softwood painted Regency Style windows and Etched Glass roof.

5.3 It is proposed to realigned the existing window to the first floor rear extension to allow better natural light inside the existing bathroom area, the proposed window would be located in central position a shift by approximately 1.25m further north. The proposed design of the window would be as existing and as the window is existing there are no anticipated impact. (Previous approval)

5.4 The ground floor window would be aligned with the first floor window and would retain the design, height and width of the existing window, the proposed fenestration works are considered acceptable.

#### 5.5 Shopfront Restoration:

- The proposed shopfront would remain largely intact and enhanced to preserve the character of the property;
- The existing tiles would be removed to facilitate water-proofing treatment of the existing fascia and reinstated. These elements are considered acceptable given the shopfront retains its detailed design;
- All wood work (doors, windows, cornice detail) will be primed and the appropriate number of coats of gloss paint applied (white finish);
- A sign writer will reinstate the 'TURNER' and 'BUTCHER' text to the tiles;
- An etch film will be applied to the lower sash of the windows and taken through at the same datum across the glazing the entry doors and the awnings, along with their housing will be refurbished to allowed these to be used in the future occupation of the property.

5.6 A condition would be attached to the decision were it to be recommended for approval, for the details of method of removal of the existing tiles, details of additional waterproofing or other materials that may be applied to the elevation; and method of process to re-affix the existing tiles to the wall of the building to be approved in writing.

5.7 The extension and external alterations would not have a visual impact on the streetscene or the conservation area and the proposed works are considered acceptable in design terms. As such the proposed works would be in accordance with CS14, DP24, DP25 and CS14 of the LDF.

5.8 Policy PH2 of the Primrose Hill Conservation Area Statement states that the Council will seek to retain uses which form part of the established character of the conservation area. Officers consider that given the premises location within a Neighbourhood Centre and on an important corner location, that the change of use to residential would impact on the character of the conservation area. Given the above, the proposed change of use is considered contrary to policy CS14 (Promoting high quality places and conserving our heritage) of the London Borough of Camden Local development Framework Core Strategy and to policy DP25 (Conserving Camden's Heritage) of the London Borough of Camden Local Development Framework Development Policies, as well as to policy PH2.

## 6.0 Amenity

6.1 The proposed rear extension would be at lower-ground floor level and the adjoining properties would not be affected by a loss of sunlight, daylight or be experience a sense of enclosure.

6.2 The relocation of the window to a central position would not have a direct view of any windows and due to its position it is not considered that neighbouring gardens would suffer a loss of privacy.

6.3 As such the proposal is not considered to harm the amenity of adjoining occupiers and would comply with policies CS5 and DP26 of the LDF and Camden Planning Guidance.

## 7.0 Standard of Residential Accommodation

7.1 The lower ground floor would be used to provide additional residential accommodation namely a living room and garden room. The ground floor would accommodate a kitchen/dining room. The lower ground floor is dual aspect and is considered to receive sufficient levels of natural light. The additional accommodation will provide a larger dwelling with 4 bedrooms (including the approved mansard roof extension).

## **8.0 Conclusion:**

8.1 The majority of the objections received relate to the change of use of the A1 unit. In order to address the objections as well as assist in considering the application against policy DP12, the applicant's marketing of the premises has been subject to an independent review. However, the marketing exercise was undertaken at a unrealistically high rental value, given that the premises did not have a toilet and given the internal arrangement. In accordance with planning policy, the concerns raised by an objector who had visited the site as a potential occupier were also not satisfactorily addressed by the Agent as these concerns did not offer reasonable solutions. Given that the independent assessors found the rental fee advertised to be overstated, given the state of repair to be undertaken and lack of restroom facilities, the marketed premises are not considered to represent a viable retail unit. Given the above, the loss of the retail unit is considered unacceptable.

## **9.0 Recommendation:**

**9.1** Refuse Planning Permission