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Dear Sir/Madam,

Appeal site: 21 Princess Road, London, NW1 8JR

Appeal by: Mr Peter Fraser (Endgrade Limited)

Proposal: Change of use of lower ground floor from office (Class B1a) to create 1 no. self-contained 2 bed flat (Class C3), creation of front lightwell and erection of railings, and erection of two storey rear extension to provide additional floor space at lower and upper ground floor levels.

I refer to the above appeal against the Council's refusal to grant planning permission. The Council's case is largely set out in the officer's delegated report. The report details the site and surroundings, the site history and an assessment of the proposal. A copy of the report was sent with the questionnaire.

In addition to the information sent with the questionnaire, I would be pleased if the Inspector could take into account the following information and comments before deciding the appeal.

1. Summary

1.1. The application was refused for the following 2 reasons:

1. The proposal to create a front lightwell and erect railings would fail to reflect the historical development of the building and the parade and would disrupt the building's relationship with the street. The proposal would cause harm to the character and appearance of the host building and the parade and would fail to preserve and enhance the character and appearance of the Primrose Hill Conservation Area, contrary to Policy CS14 (Promoting high quality places and conserving our heritage) of the London Borough of Camden Local Development Framework Core Strategy and Policies DP24 (Securing high quality design) and DP25 (Conserving Camden's heritage) of

the London Borough of Camden Local Development Framework Development Policies.

2. The proposal would, by virtue of the poor outlook from the main living space (living room and kitchen area), fail to provide a satisfactory standard of accommodation for future occupiers contrary to Policies CS5 (Managing the impact of growth and development) and CS14 (Promoting high quality places and conserving our heritage) and Policy DP26 (Managing the impact of development on occupiers and neighbours) of the London Borough of Camden Local Development Framework Development Policies.

2. Status of policies and guidance

2.1. In determining the application the London Borough of Camden has had regard to the relevant legislation, government guidance, statutory development plans and the particular circumstances of the case.

3. Comments on appellant's grounds of appeal

3.1. The appellant's grounds of appeal are summarised below and addressed beneath as follows:

1. The proposal would not harm the significance of the Primrose Hill Conservation Area (the designated heritage asset).
2. The proposal would provide a satisfactory standard of accommodation for future occupiers.

Whether the proposal would harm the significance of the Primrose Hill Conservation Area (the designated heritage asset)

3.2. The application site is within the Primrose Hill Conservation Area, wherein the Council has a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of that area, pursuant to section 72 of The Planning (Listed Buildings and Conservation Areas) Act 1990, as amended by the Enterprise and Regulatory Reform Act (ERR) 2013.

3.3. The National Planning Policy Framework (NPPF) guides that, when considering the impact of a proposed development on the significance of a designated heritage asset (such as a conservation area), great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. As heritage assets are irreplaceable, any harm or loss should require convincing justification.

3.4. The Primrose Hill Conservation Area was designated in October 1971 and was extended in 1985. The designation report noted that the character of the area "is made up of a series of well laid out Victorian terraces. It is residential in character, although there are a number of local industries, and it has its own shopping centres, a primary school and, because of the vicinity of Primrose Hill, is extremely well provided with open space".

- 3.5. Policy DP25 of the London Borough of Camden Local Development Framework Development Policies states that the Council will only permit development within conservation areas that preserves and enhances the character and appearance of the area; and the policy requires the Council to take account of conservation area statements, appraisals and management plans when assessing applications within conservation areas.
- 3.6. The Primrose Hill Conservation Area Statement (PHCAS) was adopted in December 2000. The statement defines and analyses what makes the conservation area 'special' and provides important information to local residents, community groups, businesses, property owners, architects and developers about the types of alterations and development that are likely to be acceptable or unacceptable in the conservation area.
- 3.7. The PHCAS notes that a number of terraces in the conservation area were designed to accommodate retail uses, small businesses and public houses at the lower floors, with residential flats above. Princess Road is an example of this form of development. The PHCAS notes that the retail and small business units generally occupy a standard width terrace property or corner property, incorporating an original framework and shopfront at ground level, and front forecourt (as opposed to basement lightwell) with glazed pavement lights. This is indeed true of the application building and this forms a key part of the Council's first reason for refusal because Policy PH40 of the PHCAS states that the excavation of basement lightwells is unlikely to be acceptable where this is not a characteristic of the building type or street; for example, to the forecourt of a shop or public house.
- 3.8. During the course of the application, it was agreed that the proposal was not for the "reinstatement" of a lightwell, but rather the "introduction" of a lightwell at the front of the host building, as there is no conclusive evidence to suggest the building originally had a lightwell and railings, and much evidence to suggest otherwise (see paragraph 3.6 of the Officer's Report). The Council maintains the view that the proposed front lightwell would not be characteristic of the building type or the street because the building and its neighbours were originally designed and built without such features, and the proposal would therefore fail to accord with Policy PH40 of the PHCAS, and consequently would fail to preserve and enhance the character and appearance of the Primrose Hill Conservation Area, as required by Policy DP25 of the Development Policies.
- 3.9. Furthermore, CPG1 (Design), which is intended to provide advice and information on how to apply the Council's planning policies, advises that creating open lightwells with railings in front of a shopfront is not generally acceptable as it prevents window shopping and disrupts the building's relationship to the rhythm of the street (paragraph 7.12). The Officer's Report acknowledges that the ground floor is in use as an office rather than a shop, but CPG1 is clear in stating that the creation of a front lightwell in front of a shopfront is not acceptable even if the shop has been converted. The Council remains firmly of the opinion that the proposal to install an open lightwell and

railings at the front of the building would disrupt the building's relationship with the street; and consequently the proposal would fail to preserve and enhance the character and appearance of the Primrose Hill Conservation Area, and instead would cause harm.

- 3.10. The appellant makes the case that, of the 10 similar properties in the group (Nos. 11-31 odds, Princess Road), 5 have front lightwells and railings, which represents 50%. However, the Council's assessment is not merely about numbers or precedent; instead, a more detailed assessment of the impact on the character and appearance of the host building, the street scene and the conservation area has been undertaken. The Council clearly explains in paragraphs 3.7 to 3.11 of the Officer's Report why they do not consider it appropriate to introduce a lightwell and railings at the front of No. 21 Princess Road.
- 3.11. The appellant makes reference to lightwells and railings at other buildings in the Primrose Hill Conservation Area (in the other Neighbourhood Shopping Centres). The Council does not dispute the evidence provided; however, this does not alter the Council's view that the proposal would fail to reflect the historical development of the host building and the parade of shops to which it forms a part, contrary to the requirements of Policy PH40 of the PHCAS, and in turn Policy DP25 of the Development Policies.
- 3.12. The appellant highlights the fact that the PHCAS cites Nos. 27 and 31 Princess Road as being "Shopfronts of Merit", and they note at paragraph 3.25: "The inclusion of these 2 Shopfronts of Merit that have lightwells and railings is indicative of the minimal visual impact that such features have in the general streetscene, and their minimal impact on 'window shopping'". The Council wholly disagrees with this statement. The fact these shopfronts are highlighted as being "of merit" is not in itself indicative of the minimal visual impact of the lightwells and railings, nor the impact on window shopping; the inclusion of these properties in the list merely indicates that these shopfronts are considered to make a positive contribution to the townscape. As highlighted within the Officer's Report (paragraph 3.11), the shopfront at No. 27 is different to No. 21 insofar as it includes a recessed entrance, thereby providing window shopping opportunities for people entering the building; and No. 31 is different because it occupies a corner plot and the shopfront is dual-aspect, therefore also providing additional window shopping opportunities. In contrast, the proposed railings at No. 21 would cover the whole of the display window, leaving no opportunities for close range views into the window.
- 3.13. The appellant also claims: "Indeed it is often the case that window displays on properties with no lightwells and railings are actually more restricted by the placing of planters and advertising boards or similar". The Council disagrees with this statement on the basis that planters and advertising boards are temporary structures, capable of being moved to allow views into the shop window if desired. Furthermore, the Council would like to point out that at the time of the Officer's site visit, there were no such obstructions at the front of the application building. As such, the proposed lightwell and railings would represent a new obstruction to the window display.

- 3.14. The appellant highlights other approved lightwells in Princess Road and the appeal decision at No. 27, which is of some relevance; however, as the Council clearly states in the Officer's Report, the planning policy context has changed since 2001, with the of the introduction of the Core Strategy and the Camden Planning Guidance, which provide detailed guidance on the creation of lightwells and railings.
- 3.15. The NPPF has also been published since the appeal was allowed at No. 27. The NPPF dictates that where a proposed development would lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss; and where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
- 3.16. In this it is considered the proposal would result in less than substantial harm. The appellant rightly points out that the creation of additional housing is a key priority in Camden; however, in the Council's opinion, the proposed new residential unit would fail to provide a satisfactory standard of accommodation for future occupiers. Even if the standard of accommodation was considered acceptable the provision of this unit would not outweigh the resulting harm to the host building and wider conservation area.

Whether the proposal would provide a satisfactory standard of accommodation for future occupiers

- 3.17. The appellant outlines numerous times within their appeal statement all the elements of the proposal that were found to be acceptable by the Council (e.g. the principle of development, the impact on neighbouring properties, transport implications etc.). They also provide a summary of the responses that were received to the scheme (including the Primrose Hill Conservation Area Advisory Committee's objection). The Council has only refused permission for the reasons outlined above and therefore this information is not considered to be relevant to the determination of this appeal (other than the Conservation Area Advisory Committee's objection).
- 3.18. What the appellant has failed to do is provide any justification for the creation of a new dwelling with such poor living standards, other than stating that: "Even if it were accepted that outlook from living room of the residential unit were unsatisfactory, every other aspect is acceptable to the LPA... It is considered that the benefits deriving from the scheme should weigh positively in the balance for permission to be granted for this development" (paragraph 6.15).
- 3.19. The Council disagrees with this statement because of the importance of residential accommodation meeting adequate standards to protect the

amenity of potential occupiers. In this case the outlook from the main living space in the new dwelling would be so poor it would impact on the amenity of occupiers. While there are windows to the rear, providing outlook to the 2 bedroom windows, the only outlook to the main living accommodation is one window into the small lightwell. Policy DP26 of the Development Policies requires development to provide an acceptable standard of accommodation in terms of arrangements, dwelling and room sizes and amenity space. The supporting text outlines that 'Development should avoid harmful effects on the amenity of existing and future occupiers'. CPG6 (Amenity) explains at paragraph 7.8 that, "Outlook is the visual amenity enjoyed by occupants when looking out of their windows or from their garden. How pleasant an outlook is depends on what is being viewed. For example, an outlook onto amenity space is more pleasant than an outlook across a servicing yard. You should design developments so that the occupiers have a pleasant outlook." CPG6 also guides (paragraph 7.9) that, when designing new development, attention should be paid to the proximity of structures to windows, to avoid an overbearing or dominating effect.

- 3.20. In this case, the proposed lightwell would only extend outwards from the host building by 1.2 metres and any views from the new windows into the lightwell would be largely obscured by the metal staircase. While the small lightwell limits any potential daylight and sunlight it also serves to restrict outlook. Any views that are available upwards towards the sky (at an angle of 39 degrees from the centre of the window) would also be interrupted by the metal railings at street level. The outlook from the new dwelling would be in no way meaningful, pleasant or attractive and it is considered that future occupiers would feel 'trapped' as a result of such limited outlook.
- 3.21. The proposed new dwelling would not provide an acceptable living environment for future occupiers, contrary to the requirements of Policy DP26. Furthermore, the NPPF places a presumption in favour of sustainable development; however, the development would fail to fulfil the social role necessary to achieve this. The positive elements of the scheme are not considered to outweigh the harm that would be caused and the Inspector is therefore respectfully requested to dismiss the appeal for this reason also.

Other matters

- 3.22. Section 70 of The Town and Country Planning Act 1990 dictates that planning applications must be determined in accordance with the development plan, unless material considerations dictate otherwise. The appellant makes reference to the recent prior approval application (planning reference 2016/0885/P). The prior approval application sought to change the use of the lower ground floor from office (Class B1a) to residential (Class C3) to create a 1-bedroom self-contained unit and prior approval was granted on 04/04/2016. The appellants note that this application is relevant to the determination of the appeal; however, the Council disagrees for four reasons.
- 3.23. Firstly, the prior approval application sought permission for the creation of a 1-bed flat, whereas the planning application (which is the subject of this

appeal) sought permission for the creation of a 2-bed flat. Arguably, the more people that live in a residential unit, the higher the standard of living accommodation should be because poor living standards would affect more people.

- 3.24. Secondly, the prior approval legislation [The Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2016, Schedule 2, Part 3, Class O] does not allow for building or other operations in association with the change of use and the first of the LPA's refusal reasons centres on the lightwell at the front and the detrimental impact on the character and appearance of the conservation area. The proposed lightwell did not form part of the prior approval submission so the decision is irrelevant.
- 3.25. Thirdly, the prior approval legislation does not give the LPA the opportunity to consider the living standards of future occupiers when making its assessment (the legislation requires the developer to apply to the local planning authority for a determination as to whether prior approval of the authority is required for: transport and highways impacts of the development; contamination risks on the site; and flooding risks on the site). The second of the LPA's refusal reasons relates to the limited outlook into the proposed lightwell, but the lightwell did not form part of the prior approval submission and therefore the decision is irrelevant. (It is also worth reiterating at this point that planning applications must be assessed against the relevant planning guidance and the proposal fails to comply with the requirements of Policy DP26 of the Development Policies, hence why planning permission was refused).
- 3.26. Finally, whilst prior approval has been granted for the proposed change of use at the building, no evidence has been provided to show that the permission has been implemented. On this basis, the Council does not view the change of use to a 1-bed flat as a fall-back position at this stage.

Conclusion

- 3.27. Based on the information set out above, and having taken account of all the additional evidence and arguments made the proposal is considered to be contrary to Policies CS5 (Managing the impact of growth and development) and CS14 (Promoting high quality places and conserving our heritage) of the London Borough of Camden Local Development Framework Core Strategy and Policies DP24 (Securing high quality design), DP25 (Conserving Camden's heritage) and DP26 (Managing the impact of development on occupiers and neighbours) of the London Borough of Camden Local Development Framework Development Policies.
- 3.28. The information submitted by the appellant in support of the appeal does not overcome or address the Council's concerns. The proposal presents no benefits that would outweigh the harm identified.

- 3.29. For these reasons the Inspector is respectfully requested to dismiss the appeal. However, should the Inspector be minded to approve the appeal, suggested conditions are included in Appendix A.
- 3.30. If any further clarification of the appeal submission is required please do not hesitate to contact Kate Phillips on the above direct dial number or email address.

Yours sincerely,

Kate Phillips
Planning Officer
Regeneration and Planning
Supporting Communities

APPENDIX A – Suggested planning conditions

- 1 The development hereby permitted must be begun not later than the end of three years from the date of this permission.

Reason: In order to comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans: SW276 00; SW276 01 Revision A; SW276 02 Revision A; SW276 03 Revision B; SW276 04 Revision A; SW276 05 Revision B.

Reason: For the avoidance of doubt and in the interest of proper planning.

- 3 All new external work shall be carried out in materials that resemble, as closely as possible, in colour and texture those of the existing building, unless otherwise specified in the approved application.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policy CS14 of the London Borough of Camden Local Development Framework Core Strategy and policies DP24 and DP25 of the London Borough of Camden Local Development Framework Development Policies.

- 4 The development hereby approved shall achieve a maximum internal water use of 105 litres/person/day, allowing 5 litres/person/day for external water use. Prior to occupation, evidence demonstrating that this has been achieved shall be submitted to and approved by the Local Planning Authority.

Reason: To ensure the development contributes to minimising the need for further water infrastructure in an area of water stress in accordance with policies CS13 of the London Borough of Camden Local Development Framework Core Strategy and policies DP22 and DP23 of the London Borough of Camden Local Development Framework Development Policies.

- 5 The residential unit hereby approved shall be designed and constructed in accordance with Building Regulations Part M4 (2).

Reason: To ensure that the internal layout of the building provides flexibility for the accessibility of future occupiers and their changing needs over time, in accordance with the requirements of policy CS6 of the London Borough of Camden Local Development Framework Core Strategy and policy DP6 of the London Borough of Camden Local Development Framework Development Policies.

- 6 The noise level in rooms at the development hereby approved shall meet the 'Good' noise standard specified in BS8233:1999 for internal rooms and external amenity areas.

Reason: To ensure that the amenity of occupiers of the development site is not

adversely affected by noise in accordance with policy CS5 of the London Borough of Camden Local Development Framework Core Strategy and policy DP28 of the London Borough of Camden Local Development Framework Development Policies.