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Limbersey Lane  
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MK45 2EA

Application Ref: **2015/4101/P**  
Please ask for: **Fergus Freney**  
Telephone: 020 7974 **3366**

18 July 2016

Dear Sir/Madam

## **DECISION**

Town and Country Planning Act 1990 (as amended)

### **Full Planning Permission Granted Subject to a Section 106 Legal Agreement**

Address:  
**119 & 121 Malden Road**  
**London**  
**NW5 4HS**

Proposal:  
Conversion of 119 Malden Road (2x self contained flats) and 121 Malden Road (HMO bedsits) into 6x Self Contained Flats (1x3bed; 2x1bed & 3x2bed); additions and alterations to include mansard roof extensions, rear alterations and creation of front lightwells at both properties.

Drawing Nos: (1609.01.) 00; 01; 02; 03; 04; 05; 06; 07  
(1609.02.) 01 G; 02 F; 03 G; 04 G; 05 I; 06 F; 07 G; 08 H;

The Council has considered your application and decided to grant permission subject to the following condition(s):

Condition(s) and Reason(s):

- 1 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 policy DP24 of the London Borough of Camden Local Development Framework Development Policies.

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:  
(1609.01.) 00; 01; 02; 03; 04; 05; 06; 07  
(1609.02.) 01 G; 02 F; 03 G; 04 G; 05 I; 06 F; 07 G; 08 H;

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

- 3 Detailed drawings, or samples of materials as appropriate, in respect of the following, shall be submitted to and approved in writing by the local planning authority before the relevant part of the work is begun:
- a) Details including elevation, plan and section drawings at a minimum 1:50 scale of the proposed front lightwell railings.
  - b) Details including elevation, plan and section drawings at a minimum 1:50 scale of the proposal balustrades at roof level together with details of proposed materials and design,

The relevant part of the works shall be carried out in accordance with the details thus approved and all approved samples shall be retained on site during the course of the works.

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 policy DP24 of the London Borough of Camden Local Development Framework Development Policies.

- 4 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).

- 5 The flat roofs above the rear ground and first floor extensions shall not be used as terraces and shall only be accessed for maintenance purposes.

Reason: To safeguard the amenity of surrounding neighbours in accordance with the London Borough of Camden Local Development Framework Core Strategy policies CS5 and DP26 of the London Borough of Camden Local Development Framework Development Policies.

Informative(s):

- 1 You note that existing timber sash windows are to be replaced. Please note that planning permission will be required for replacement windows which are not of a matching material, style and opening method
- 2 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts which cover aspects including fire and emergency escape, access and facilities for people with disabilities and sound insulation between dwellings. You are advised to consult the Council's Building Control Service, Camden Town Hall, Argyle Street WC1H 8EQ, (tel: 020-7974 6941).
- 3 Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You are advised to consult the Council's Compliance and Enforcement team [Regulatory Services], Camden Town Hall, Argyle Street, WC1H 8EQ (Tel. No. 020 7974 4444 or on the website <http://www.camden.gov.uk/ccm/content/contacts/council-contacts/environment/contact-the-environmental-health-team.en> or seek prior approval under Section 61 of the Act if you anticipate any difficulty in carrying out construction other than within the hours stated above.
- 4 The Mayor of London introduced a Community Infrastructure Levy (CIL) to help pay for Crossrail on 1st April 2012. Any permission granted after this time which adds more than 100sqm of new floorspace or a new dwelling will need to pay this CIL. It will be collected by Camden on behalf of the Mayor of London. Camden will be sending out liability notices setting out how much CIL will need to be paid if an affected planning application is implemented and who will be liable.

The proposed charge in Camden will be £50 per sqm on all uses except affordable housing, education, healthcare, and development by charities for their charitable purposes. You will be expected to advise us when planning permissions are implemented. Please use the forms at the link below to advise who will be paying the CIL and when the development is to commence. You can also access forms to allow you to provide us with more information which can be taken into account in your CIL calculation and to apply for relief from CIL.

<http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>

We will then issue a CIL demand notice setting out what monies needs to paid when and how to pay. Failure to notify Camden of the commencement of development will result in a surcharge of £2500 or 20% being added to the CIL payment. Other surcharges may also apply for failure to assume liability and late payment. Payments will also be subject to indexation in line with the construction costs index.

Please send CIL related documents or correspondence to [CIL@Camden.gov.uk](mailto:CIL@Camden.gov.uk)

- 5 Reasons for granting permission.

## Land use

121 Malden Road is currently a licensed HMO with a maximum occupancy of 4 people. The property is considered to be a substandard HMO and is subject to an improvement notice and restrictions on future use. One of the rooms has a prohibition order (which prohibits future occupation) and two of the other rooms are substandard due to their small size.

If the room with the prohibition order was improved there would likely be a maximum of 5 people allowed under the HMO licence. Therefore the property is considered to have a C4 use class from a planning perspective.

The GPDO (as amended) allows for C4 use class properties to be converted to C3 use class (self contained dwellings) under permitted development rights. Therefore the change of use of 121 is considered to be permitted development. 119 Malden Road is laid out as a ground/basement floor flat and a first/second floor flat.

Housing is regarded as the priority land-use of the Local Development Framework, and the Council will make housing its top priority when considering the future of unused and underused land and buildings. As such the provision of new residential accommodation is compliant with policies CS6 and DP2 if it meets the Council's residential development standards and does not harm local amenity.

Policy DP5 seeks to ensure that all residential development contributes to meeting the priorities set out in the Dwelling Size Priorities Table, the table identifies 2 bedroom market homes as being very high priority with 1 bedroom and studio flats being a lower priority and 3 bedroom properties being a medium priority. The council aims for at least 40% of all new market housing to be 2 bedroom given its high priority status.

The proposal is considered to provide a good mix of unit sizes with 3x2bed, 2x1bed and 1x3bed units being provided in total. 50% of the total number of units would be 2 bedroom and a family size unit will be provided at ground floor level. The scheme is therefore considered acceptable on these grounds.

## Residential development standards

The proposed flats range in size from 33sqm for a 1bedroom flat to 79sqm for the 3bed flat. With bedrooms ranging from 8sqm to 14sqm which is compliant with Camden's residential development standards and the London Plan

Each flat would have a separate kitchen and living room. The flats would be dual-aspect with good sunlight and natural ventilation. Although the bedrooms on the lower flats would be at basement level with the front bedrooms receiving light via a lightwell, access to daylight is considered to be adequate, furthermore the lower flats are spread across two floors and both have access to outdoor space

The lower flats and the top floor flats in each property would have access to some outdoor amenity space, in the form of small yards at lower level and roof terraces

above. The two 1bed flats at first floor level do not benefit from outdoor space. The applicant initially proposed balconies for these properties, however they were not acceptable as they would have had an unacceptable impact on the amenity of adjoining neighbours. Whilst it is unfortunate that the 1bed flats do not benefit from outdoor space, given the physical constraints of the site it is considered to be adequate in this instance.

Policy DP6 requires all new residential accommodation, including conversions, to meet Lifetime Homes standards. Lifetime homes and wheelchair housing standards have now been replaced with national standards in Building Regulations. Therefore this matter now falls under Building Regulations.

## 6 Design

The proposal would see lightwells re-opened at the front of each property; some minor extensions at first floor rear level and the erection of a mansard roof on each property.

When viewed in the wider context the two properties stand out as not having front lightwells or railings. These features are characteristic of the area and the proposal would see these reinstated. This is welcomed by Camden Planning Guidance and it is considered that they will help to harmonise the appearance of the streetscene. In order to ensure appropriate railings are installed a condition will be added requiring details be submitted and approved prior to installation.

To the rear the existing closet wing would be slightly increased in height at ground and first floor level to accommodate the new flats. The increase in height at ground level would be approx. 1m and at first floor level it would be 2m. The depth of the extension would not be increased; the modest increase in height would not impact upon the appearance of the host building or on the amenity of neighbours.

Matching mansards are proposed on each property, they would broadly comply with CPG in terms of design, being set back from both the front parapet and rear butterfly roof profile. Of the 8 buildings in this terrace, 4 have mansard style extensions, albeit with rooflights rather than dormers to the front elevation and an upright rear façade - the proposal would be in line with this. A recent application at 127 Malden Road (2013/4020/P) further established the principle of this type of mansard in the terrace. The neighbouring property at the corner of Grafton Terrace and Malden Road also contains a mansard roof with traditional dormers. Within this context the principle of mansard roofs has adequately been established.

To the rear each mansard would contain a small terraced area, set back into the roof slope. These would not be visible from the public realm nor would they be overly visible from surrounding properties. There are a number of similar terraces within close proximity, and the proposed terraces are not considered to be harmful to the character or appearance of the rear building elevations.

### Amenity

There will be limited, if any, impact on their amenity beyond what is currently

possible from the existing properties.

The proposed extensions are modest in size and would not block out light or affect outlook to the detriment of residents as they are set back from the boundary. There would be no new windows created from basement to second floor level, therefore no additional overlooking would be caused. At roof level the terraces would be set back behind the parapets and a balustrade and would not cause an undue level of overlooking given their scale and position.

## 7 Transport

### Car free

The site has a PTAL of 4 and is located in the West Kentish Town: Outer controlled parking zone (CA-L) which operates between 0830 and 1830 hours on Monday to Friday, which indicates that it has a good level of accessibility by public transport. A car free development therefore needs to be secured as a Section 106 legal agreement. This would ensure that the proposal to be in accordance with Core Strategies CS11 and CS19 and Development Policies DP18, DP19 and DP21.

In accordance with The London Plan, a development of this nature would typically be required to provide a minimum of one cycle storage/parking space per bedroom. In this instance, an area for cycle parking spaces has been indicated within the entrance halls, there would not be sufficient space to comply with the London Plan requirements. However, residents of the lower flats could store their bikes within their properties leaving space for the residents above. Given the very tight constraints of the site there is little opportunity to install the required amount of cycle storage without severely impacting upon the amount and mix of units. It is therefore considered that in this instance the cycle storage space provided is adequate.

The proposal would involve limited conversion and construction works. It is therefore considered a Construction Management Plan is not needed in this instance.

### Waste

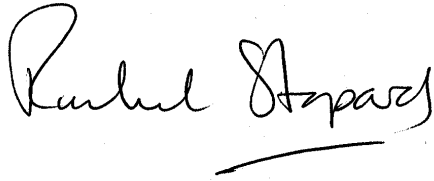
No communal refuse store has been proposed as part of the development, however the proposal is for three units within each address and each unit would contain a suitably sized kitchen to accommodate waste storage. It is therefore considered acceptable for waste to be stored within the units for kerb side collection, as appears to be the case along the entire street.

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.

You can find advice about your rights of appeal at:

<http://www.planningportal.gov.uk/planning/appeals/guidance/guidancecontent>

Yours faithfully

A handwritten signature in black ink, appearing to read 'Rachel Stopard', with a horizontal line underneath the name.

Rachel Stopard  
Executive Director Supporting Communities