

Delegated Report (Refusal)		Analysis sheet		Expiry Date:		06/05/2016	
		N/A		Consultation Expiry Date:		06/04/2016	
Officer				Application Number(s)			
Tessa Craig				2016/0626/P			
Application Address				Drawing Numbers			
322 West End Lane London NW6 1LN				See decision notice			
PO 3/4		Area Team Signature		C&UD		Authorised Officer Signature	
Proposal(s)							
Demolition of existing workshop building (B1c) behind 322 West End Lane and construction of a three storey (including excavation to increase depth of lower ground floor) structure to provide 2 x 1 bedroom flats (C3) with a rear balcony.							
Recommendation(s):		Refuse Planning Permission					
Application Type:		Full Planning Permission					
Conditions or Reasons for Refusal:		Refer to Decision Notice					
Informatives:							
Consultations							
Adjoining Occupiers:		No. notified	16	No. of responses	01	No. of objections	01
				No. electronic	01		
Summary of consultation responses:		<p>A site notice was displayed from 16/03/2016. Sixteen of the adjoining occupiers were consulted by post.</p> <p>One response was received from 324A West End Lane- commented on potential for loss of light. These matters are assessed within the main body of the report (below) under residential amenity (para. 2.12-2.14).</p>					
CAAC/Local groups* comments: *Please Specify		N/A					

Site Description

The application site is located on the intersection of West End Lane and Crediton Hill. An access road runs from Crediton Road behind the host property and the buildings along West End Lane and Finchley Road before joining Alvanley Gardens.. The main part of the host building is used as an estate agent at ground floor level fronting West End Lane with 2 self-contained flats above. To the rear of the site is a single storey car workshop called "Carmel Garage". This application relates to the small workshop and a section of the lower ground floor serving the main building.

The site currently has vehicular access connected and is within the Controlled Parking Zone CA-P, Fortune Green East.

The land between the pedestrian footpath on Crediton Hill and the flank wall of the application site has parking bays for vehicles. The existing plans provided show this as 6 parking bays. The parking bays are not all in accordance with the Council's car parking standards in terms of their size (2.4m x 4.8m). There also exists a non-motorised dropped kerb (closest to parking bay no.6) which has been designed to provide a service bay for the commercial units on West End Lane. This position is further supported as the dropped kerb is not wide enough for a vehicular crossover as it is less than 2m in width. Therefore, the use of the non-motorised dropped kerb is not the same as a vehicular crossover. To the rear of the site a crossover which is the width of one car space sits directly in front of the garage. The use of the bays for car parking is not formalised and consists of vehicles crossing the public footway illegally in order to park.

The building is not listed nor within a conservation area.

Relevant History

TP/102691/W – 21/08/1964 – Granted - Use of No. 322 West End Lane, Hampstead, as a motor car showroom.

CTP/F5/7/3/3262 – 01/06/1967 – Granted - The construction of a pavement crossover onto Crediton Hill at No. 322A West End Lane, Camden.

F5/7/3/35174(R2) - 12/08/1983 – Granted - Change of use and works of conversion to form two self-contained flats, one on each of the first and second floors; the erection of a side and rear extension to second floor level and enlargement of existing garage.

8700721 – 24/06/1987 – Granted - Change of use and works of conversion to form 2 self-contained flats on the 1st 2nd and 3rd floors the erection of a side and rear extension to second floor level and the provision of a dormer window in the rear roof as shown on drawing nos. MC/N1/02 and 01.

2013/2032/P - Dropping of the kerb to create a wider crossover in connection with garage (Class B2). Refused, 31 October 2013. The reasons for refusal are quoted below:

Use of the hardstanding for car parking and the provision of a crossover in connection with the garage (Class B2) would result in the provision of sub-standard parking spaces which do not conform to Camden's parking standards and would result in obstruction of the public footway to the detriment of pedestrian movement and safety contrary to policies DP18 (Parking standards and limiting the availability of car parking), DP19 (Managing the impact of parking) and DP21 (Development connecting to the highway network) of the London Borough of Camden Local Development Framework 2010.

Use of the hardstanding for car parking and the provision of a crossover, in connection with the garage (Class B2), in close proximity to the vehicular junction would harm the safety of other road users, such as pedestrians and vehicles, due to the inadequate sight lines for vehicles accessing the spaces contrary to policies DP19 (Managing the impact of parking) and DP21 (Development connecting to the highway network) of the London Borough of Camden Local

Relevant policies

National Planning Policy Framework 2012

Paragraphs 14, 17, 56-66 and 126-141

London Plan March 2015

Policies 3.3, 3.5, 7.4, 7.6 and 7.8

LDF Core Strategy and Development Policies

CS1 - Distribution of growth

CS5 - Managing the impact of growth and development

CS8 - Promoting a successful and inclusive Camden economy

CS14 - Promoting high quality places and conserving our heritage

CS11 - Promoting sustainable and efficient travel

CS18 - Dealing with our waste and promoting recycling

DP2 - Making full use of Camden's capacity for housing

DP5 - Homes of different sizes

DP6 - Lifetime homes and wheelchair homes

DP13 - Employment premises and sites

DP14 - The transport implications of development

DP17 - Walking, cycling and public transport

DP18 - Parking standards and limiting the availability of car parking

DP20 - Movement of goods and vehicles

DP24 - Securing high quality design

DP26 - Managing the impact of development on occupiers and neighbours

DP28 - Noise and vibration

Camden Planning Guidance

CPG1 (Design) Pages 9-14 and 35-38

CPG2 (Housing) Pages 59-68

CPG5 (Town centres, retail and employment) Pages 83-87

CPG6 (Amenity) Pages 25-38

CPG7 (Transport) Pages 25-28

Fortune Green and West Hampstead Neighbourhood Forum 2015

Policy 1 Housing

Policy 2 Design & Character

Policy 5 Public Transport

Policy 7 Sustainable Transport

Policy 8 Cycling

Policy 9 Pavements & Pedestrians

Policy 12 Business, Commercial and Employment Premises and Sites

Assessment

1.0 Proposal

- 1.1 Planning permission is sought for the demolition of the car repair workshop structure (B1c) and the construction of a three storey building to provide 2 x 1 bedroom flats with a rear balcony. The flats would be:
- Flat 1- 33sqm (2 person, one bed);
 - Flat 2- 45sqm (2 person, one bed flat over two floors).
- 1.2 The extension would be constructed in red facing bricks with grey colour coated aluminium windows, a copper clad bay window in the front elevation and access on the side elevation. The lower ground floor flat would include an outdoor amenity area at the rear where the access to the flat is located, whilst the upper ground and first floor flat would include a rear first floor balcony.
- 1.3 Excavation of the lower ground floor will be approximately 450mm in depth to increase the head height. The lower ground floor area is 35sqm.

2.0 Assessment

2.1 The main issues for consideration are:

- Land use;
- Quality of accommodation;
- Design;
- Residential Amenity;
- Transport
- Basement Impact
- Waste/refuse
- CIL

Land Use

- 2.2 CS8 and DP13 (Employment premises and sites) seek to retain land and buildings that are suitable for continued business use and will resist a change to non-business use unless it can be demonstrated that the site is no longer suitable for its existing business use or there is evidence that the possibility of retaining, reusing or redeveloping the site has been fully explored over time.
- 2.3 Policy 12 of the Fortune Green and West Hampstead Neighbourhood Forum supports presumption in favour of retaining existing employment sites, space for light industrial uses and a range of unit sizes including small premises for micro-businesses and studio space.
- 2.4 The proposal results in the loss of 51.2 sqm of B1 floorspace that could be let out to small to medium enterprises. The surrounding character is predominately residential along Crediton Hill with commercial units at ground floor along West End Lane and residential uses above. Whilst housing is considered to be a priority use in the Borough, the loss of B1 space is considered to be contrary policies CS8 and DP13. The applicant has submitted a design and access statement to advise the premises is 'now too small to accommodate the

plant and equipment associated with this activity and is thus no longer able to function efficiently or economically' and that 'the size and location of the subject premises are such that they are inappropriate, inadequate and substandard in size and height for their current, or any other B1 use; they are only still in use as such because the applicant has chosen to carry on as a sole 'trader' well into his late eighties'.

- 2.5 The unit is currently occupied and has been rated as a vehicle repair and workshop premises continuously since at least 2005. No evidence other than the statement above has been provided to justify the loss of the unit. The potential for retaining, reusing or redeveloping the site has not been explored sufficiently as required by DP13. Given the history of the site's use and that it has a current occupier, the Council consider that it is suitable for continued business use and would therefore resist any change to a non-business use. The applicant has failed to demonstrate that it is no longer suitable for its existing business use and no justification has been provided as to whether it could be used for a similar or alternative use.

Priority Dwelling sizes

- 2.6 The Council's LDF sets out priorities for dwelling sizes in policy DP5. This seeks to ensure that all residential development contributes to the creation of mixed and inclusive communities by securing a range of homes of different sizes. The new residential flats are market housing one bedroom flats. The policy sets out that the highest priority in this tenure is for 2 bedroom units with 3 and 4 bed units of medium priority. A one bedroom unit is a low priority within the priority table. Although the mix of units within the building would not achieve the objective of DP5, the Council do not raise an objection given the physical constraints of the site.

Standard of accommodation

- 2.7 Policy 3.5 of the London Plan promotes high quality design of housing development that takes into account its physical context, local character, density, tenure and land use mix and relationship with, and provision for public, communal and open spaces taking into account the needs of children and older people.
- 2.8 From 1st October 2015 the planning authority are no longer able to apply Lifetime Homes Standards, housing designed in line with our wheelchair design guide, and our space standards for dwellings in CPG2. New build residential developments now must comply with the national space standards (reflected in the London Plan) and access standards in Part M of the Building Regulations.
- 2.9 New development should conform to the minimum space standards set out in Table 1 of the 'Technical housing standards- nationally described space standards March 2015'. The proposed residential units measure 33sqm and 45sqm. Both units are therefore below the required 50sqm and 58sqm for one bedroom two person flats over a single and two storey dwellings respectively. The flats would not provide adequate standard of residential accommodation in terms of useable floor area and would be considered unacceptable in terms of standard of accommodation. It should also be noted that the floor plans are not to scale and therefore it has not been possible to confirm the exact size of the units or specific rooms. The Council has relied on the floor areas listed on the drawings alone.
- 2.10 The lower ground floor unit has a very poor provision of light, outlook and ventilation. The bedroom is not served by any windows and only benefits from a door leading to a small enclosed courtyard. The rear wall serving the main habitable room appears to have windows, although the plans are not clear. Even if this wall were to have full height windows, its outlook and provision of light would be of a low quality as they would be enclosed by the flank walls of the building and boundary treatment of the courtyard. These constraints of the lower ground floor, in addition to the substandard floor area available,

contribute to providing a very poor standard of living accommodation for that unit.

Design

- 2.11 The Council's design policies are aimed at achieving the highest standard of design in all developments. The following considerations contained within Policy DP24 are relevant to the application - the development should consider the character, setting, context and the form and scale of neighbouring buildings, and the quality of materials used.
- 2.12 Camden Planning Guidance 1 (Design) paragraphs 4.10-4.15 states that extensions should be designed proportionally in relation to the existing buildings and groups of buildings and in particular should be secondary to the building being extended in terms of form, scale and proportions.
- 2.13 The proposed development relates awkwardly to the existing street facing elevation on the corner of West End Lane and Crediton Hill and would be an out of place and incongruous addition in this context. The height and form of the extension is out of keeping with the building it would be attached to and the proportions do not relate to other developments in the surrounding area. The proposed materials of red facing brick and copper cladding are inconsistent with the pebble dashed façade of the host buildings and are at odds with the materials and treatment within the prevailing pattern of development.
- 2.14 The proposed structure which would be three storeys in height which is considered to present an unacceptable level of height and massing in this location. In addition the fenestration details, projecting box window at second floor and poor design would result in a material level of harm to the character and appearance of the host building and the surrounding area.

Residential Amenity

- 2.15 Policy CS5 seeks to protect to the amenity of Camden's residents by ensuring the impact of development is fully considered. Furthermore, policy DP26 seeks to ensure that development protects the quality of life of occupiers and neighbours by only granting permission to development that would not harm the amenity of neighbouring residents. This includes privacy, overlooking, outlook and implications on daylight and sunlight. CPG6 seeks for developments to be 'designed to protect the privacy of both new and existing dwellings to a reasonable degree' and that the Council 'aim to minimise the impact of the loss of daylight caused by a development on the amenity of existing occupiers'.
- 2.16 The proposed development would result in a three storey structure where there is currently a modest single storey workshop building. To the south of the site approximately 3.6m from the proposed development are residential windows which belong to 76 Crediton Hill. To the north of the site are windows belonging to the terraced properties on West End Lane (324-326) which currently have views over the top of the single storey garage. It is considered the proposal would be harmful in terms of loss of light and outlook for these properties and would therefore be unacceptable in terms of impact on residential amenity. This is due to the introduction of built form in such close proximity to those impacted windows.
- 2.17 The proposed development would result in overlooking from first and second floor side windows and the second floor level rear balcony of Flat 2 along with the lower ground level courtyard serving Flat 1. Prospective occupiers of the subject units would be able to overlook the surrounding properties at 76 Crediton Hill and 324-326 to the north in particular. The development would therefore result in a significant loss of privacy for those neighbouring occupiers. It is noted the side elevation windows could be opaque glazed to overcome overlooking, however, there would still be concern due to the significant amount of overlooking and loss of privacy resulting from use of the rear terrace and lower courtyard. The current site has a commercial use and Officers consider that the introduction

of a residential use along with the above would introduce a significant level of overlooking that currently does not exist.

Transport

Car parking

2.18 The site is located on the corner of West End Lane and Crediton Hill and has a public transport accessibility level of 6A. In accordance with policy DP18 as the site is highly accessible by public transport and is located within a controlled parking zone and in order to prevent the development from adding to existing parking stress in the surrounding area, the proposed residential units would be secured as car free by means of the Section 106 Agreement. Given the context of the recommendation this consequently forms a further reason for refusal of the application, although an informative will also specify that without prejudice to any future application or appeal, this reason for refusal could be overcome by entering into a legal agreement in the context of a scheme acceptable in all other respects.

Cycle parking

2.19 The Council expects cycle parking at new developments to be provided in accordance with the standards set out in the London Plan of March 2015. For residential developments this requires the provision of 1 space per 1 bedroom/studio unit and 2 spaces per unit for all other dwellings.

2.20 The proposed cycle parking is wall mounted which contravenes CPG7 (Transport):

“Parking for residents should be within the building. Parking for a resident may take the form of a space within an individual dwelling provided that the space is close to the door of the dwelling, and access to the dwelling is level, or by a ramp or lift that can accommodate a bike.”

2.21 Therefore, the proposed cycle parking plans are unacceptable in their current format. As this matter could be overcome by a planning condition requiring further details of cycle parking, if the scheme was considered acceptable, this matter does not form another reason for refusal.

Highways Contribution

2.22 The development is likely to comprise highways works surrounding the site. Policy DP21 states that the Council will expect development connecting to the highway to repair any construction damage to the transport infrastructure or landscaping and reinstate all affected transport network links, road and footway surfaces following development. In order to cover the Council's cost to repair any highway damage as a result of construction and to tie the development into the surrounding urban environment a financial contribution should be required to repave the footway adjacent to the site in accordance with policy DP16 and DP21.

2.23 The Council maintains that a payment for highways work should be secured through a Section 106 legal agreement, which will also combine as an agreement under Section 278 of the Highways Act 1980. CPG8 (Planning Obligations) states that the Council will secure payment for required works by preparing an estimate (including fees) for the scheme that the developer will be required to pay before commencing development (paragraph 5.14). The most effective way of securing sufficient payment and ensuring the works are carried out to the Council's procedures and standards is for a financial contribution to be paid by the developer on commencement of the development and secured by an obligation under Section 106 legal agreement. In the absence of a Section 106 legal agreement securing the Highways Contribution, this forms another reason for refusal.

Basement Impact

- 2.24 Policy DP27 states 'In determining applications for basements and other underground development, the Council will require an assessment of the scheme's impact on drainage, flooding, groundwater conditions and structural stability, where appropriate. The council will only permit basement development that does not cause harm to the built and natural environment and local amenity and does not result in flooding or ground instability. It states that developers will be required to demonstrate with methodologies appropriate to the site that schemes maintain the structural stability of the building and neighbouring properties; avoid adversely affecting drainage and runoff or causing other damage to the water environment; and avoid cumulative impact upon structural stability or water environment in the local area.
- 2.25 It further states that, the Council will not permit basement schemes which include habitable rooms and other sensitive uses in areas prone to flooding. The supporting justification states 'although basement developments can help to make efficient use of the borough's limited land it is important that this is done in a way that does not cause harm to the amenity of neighbours, affect the stability of buildings, cause drainage or flooding problems, or damage the character of areas or the natural environment'.
- 2.26 The proposal involves excavation of land to create the new lower ground floor level which will be below existing ground floor level and therefore a Basement Impact Assessment is required to assess the proposal in terms of structural stability and ground and surface water.
- 2.27 Owing to the building being located in an area of constraint for surface water flow and flooding in accordance with DP27 and CPG4, a Basement Impact Assessment (BIA) is required to be submitted and externally audited for independent verification. The applicant has not provided a Basement Impact Assessment and in the absence of this document it has not been possible to conclude the development would be acceptable in terms of the structural stability of the building and neighbouring properties and avoidance of adversely affecting drainage and runoff or causing other damage to the water environment.

Waste and Refuse

- 2.28 A bin store has been proposed at lower ground level and this is considered to be acceptable for two residential units.

CIL

- 2.29 As the proposal would involve the creation of new residential uses, it may be liable for the Mayor's and Camden's Community Infrastructure Levy (CIL). A standard informative would normally be attached to any approved decision notice drawing CIL liability to the Applicant's attention.

3.0 Recommendation

- 3.1 Refuse planning permission.