

APCAR SMITH PLANNING

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PLANNING AND HERITAGE

STATEMENT

IN RESPECT OF

PROPOSED DEVELOPMENT

AT BASEMENT OF

ORNAN COURT

2 ORNAN ROAD

LONDON NW3 4PT

Our Ref: CA/2609

SEPTEMBER 2016

Principal: Carolyn Apcar BA Hons. MRTPI

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1.00 Introduction

- 1.01 The application to which this Statement relates seeks planning permission for excavation at basement level to provide for 2 x 2 bedroom flats.
- 1.02 In addition to this statement a Lighting Report, Code for Sustainable Homes Report, Lifetime Homes Statement, Tree Survey, Air Quality Assessment, Design and Access Statement and Basement Impact Assessment are submitted.
- 1.03 The Applicant is aware of the need, should planning permission be granted, to enter into a Legal Agreement to remove the rights of future residents of these two flats to obtain parking permits.
- 1.04 This statement considers relevant planning history and comments on the proposals in the context of planning policies and supplementary planning guidance.
- 1.05 The application is submitted following an appeal decision in August 2015 dismissing a proposal that involved 2 x 3 bedroom flats at lower ground floor level. The appeal was dismissed solely on the basis of the Inspector's concerns regarding amenities of future residents of the proposed two flats, specifically in terms of their daylight and outlook. As a result the layout has been amended and number of habitable rooms reduced to overcome the concerns. In all other respects (impact of basement construction, character and appearance of the building and Conservation Area, car and cycle parking, etc) the proposals were found to be acceptable.

2.00 Site and Surroundings

- 2.01 Ornan Court is red brick double fronted mansion block comprising four storeys plus a mansard roof. It is situated on the north-west corner of the junction of Ornan Road and Haverstock Hill, fronting the former. In recent years it has been subjected to extensions in accordance with planning permissions discussed in the following section.
- 2.02 Adjoining Ornan Court to the south-west, and fronting Ornan Road, is Rosslyn Court, a mansion block of similar height, bulk and design. The main differences between the two are that Rosslyn Court contains some lower ground floor accommodation with lightwells visible from Ornan Road.
- 2.03 On the opposite side of Ornan Road, at its junction with Haverstock Hill, is a large relatively contemporary hotel development. To the north of the site on Haverstock Hill are large 2/3 storey semi-detached houses.
- 2.04 The application site lies within the Fitzjohn/Netherhall Conservation Area. The building is not listed nor are there any listed buildings in the immediate vicinity.
- 2.05 The building is occupied as a hostel on the ground and upper floors. The proposals do not affect this existing use being for two wholly self-contained flats with independent access at basement level.
- 2.06 The site has a Public Transport Accessibility Level of 5, according to the Transport for London Planning Information Database. The site is within a few minutes walk of buses serving a number of different routes providing good links to Central London and the surrounding suburban area. In addition it is within 4 minutes walk of Belsize Park Underground Station (serving the Northern Line).
- 2.07 The entire surrounding area is within a Controlled Parking Zone with on-street parking in the vicinity restricted to resident permit holders only. There is a car club parking bay opposite the site on the southern side of Ornan Road.

3.00 Planning History

- 3.01 The property has a long standing and lawful use as a hostel. In 1998 planning permission was granted for change of use from a nurses home to 10 self-contained 2 bedroom flats (LA Ref: 9500257). However this permission was not implemented and the hostel use continued.
- 3.02 There were a number of applications in 2007. Permission was granted for replacement windows (Ref: 2006/5414/P). Permission was refused for a two storey side/rear extension at ground and first floor levels on the north-west side of the building (2007/0098/P). An appeal was dismissed for the erection of an additional mansard storey on the basis of failure to preserve or enhance the character or appearance of the Conservation Area. However a revised form of mansard roof extension was approved later that year (Ref: 2007/2878/P). Permission was also granted for the erection of a single storey boiler room in the western corner, to the rear of the hostel (LA Ref: 2007/2881/P).
- 3.03 Of particular relevance to the new planning application is another permission granted in 2007 – for the excavation of lower ground floor accommodation with associated front and rear lightwells to create 7 additional hostel bedrooms with communal facilities and the installation of a disabled access ramp to the front of the building, all in connection with the existing hostel use (LA Ref: 2007/1099/P). That permission was not implemented.
- 3.04 In 2008 permission was granted for the erection of a single storey ground floor extension to the rear of the existing building, the erection of a bike store and bin store accessed from the Ornan Court road elevation (Ref: 2008/2886/P).
- 3.05 In 2011 permission was sought for the renewal of planning permission Ref: 2007/1099/P – that permission relating to the basement. The reason for withdrawal related to the fact that the application had gone beyond the statutory time period, was out of time for a non-determination appeal and also the owners of the property were re-thinking their proposals and had decided that 2 self-contained flats (as is now proposed) would be a more suitable form of development.
- 3.06 In June 2014 a planning application was submitted for the excavation of the lower ground floor with associated front and rear lightwells to create 2 x 3 bedroom self-contained flats (Ref: 2014/4206/P). The

Local Authority failed to determine this application within the statutory time period and an appeal was submitted. The Council subsequently indicated that had they been in a position to determine the application they would have refused it on the basis of the standard of accommodation, the effects of the basement excavation and the absence of a Legal Agreement to secure a car free development, a Construction Management Plan and a Basement Construction Plan.

- 3.07 The appeal was dismissed (Appeal Ref: APP/X5210/W/15/3007531) on 17 August 2015. It is evident from the appeal decision that this was solely on the basis of the Inspector's concern in relation to daylight and outlook of future residents of the two flats, particularly at the rear of the building. It is clear that the Inspector was satisfied in all other respects in terms of amenities of future residents, particularly making it clear at Para 9 of the appeal decision that amenity space was considered acceptable as this had been raised as a concern by the Council. At Para 11 of the appeal decision letter the Inspector concluded on the matter of basement impact and was satisfied that sufficient evidence had been submitted to demonstrate that there was very little risk that the proposals would give rise to an increased risk of flooding in the area. A Unilateral Undertaking was submitted with the appeal relating to the issues of car free development, Construction Management Plan and Basement Construction Plan. The Council confirmed that they were satisfied with this Unilateral Undertaking.
- 3.08 In view of the above all matters have previously been found to be acceptable for the form of development to which the current proposal relates, other than future residents amenities in terms of daylight and outlook. For the reasons discussed it is considered that this revised proposal overcomes these concerns.

4.00 Proposed Development

- 4.01 The proposals involve 2 wholly self-contained 2 bedroom flats. These are assessed independently of the existing hostel building on the ground and upper floors with their own private access at basement level and with there being no internal links to the hostel accommodation above. The 2 flats are intended to be occupied as wholly independent Class C3 self-contained dwelling units. Both flats are 2 bedroom/4 person. The master bedroom for each has an en-suite bathroom. There is a separate family bathroom. Each flat has a large open plan kitchen, dining and living room. Flat 1 will have a total floor area of 85.5sqm; Flat 2 a total floor area of 88sqm.
- 4.02 Lightwells are proposed at the front of the building. In this respect the scheme differs from that dismissed on appeal in August 2015 which included rear lightwells with some of the habitable rooms solely having outlook at the rear. At the front there will be access from the living room of each flat onto its own private terrace within the lightwell. The terrace to Flat 1 has an area of 17.4sqm; that to Flat 2 has an area of 29.4sqm.
- 4.03 The proposals also incorporate a cycle store for 4 bicycles (2 per flat), a cycle ramp leading down from street level to the bicycle store and a wheelchair lift to enable disabled access. The cycle ramp is to be laid alongside the stairs to enable a bicycle to be pushed up or down the stairs rather than having to be carried.
- 4.04 The proposals also involve changes at ground floor level at the street frontage so as to enable additional refuse and recycle storage for the two proposed flats. This involves the relocation of the existing cycle store for hostel occupants without reducing its capacity.
- 4.05 The extent of excavation is less than that approved under permission Ref: 2007/1099/P and less than that which formed part of application Ref: 2014/4206/P. Whilst that latter application was dismissed on appeal there were no concerns in respect of the basement excavation. On this occasion the rear lightwells are omitted. Each of the proposed flats will therefore be single aspect, south-east facing.
- 4.06 The proposed development does not affect any of the original features of the building. It will have minimal impact on the street scene.

Proposed walls and windows are concealed by the lightwells and, apart from balustrading to the lightwells, no physical changes to the existing elevations will be noticed. Additionally it is proposed that all walls and windows will closely match the existing building.

- 4.07 The proposals do not affect the existing landscaping around the building.
- 4.08 The proposals do not affect any of the existing trees on the site. The Tree Survey and Arboricultural Statement discuss this.
- 4.09 The site has no off-street car parking. A Section 106 agreement removing the rights of future residents to obtain parking permits is proposed and indeed was considered acceptable by the Local Authority and the Appeal Inspector when considering application ref: 2014/4206/P.
- 4.10 The proposals do not affect the existing hostel accommodation in any way. The main entrance remains, as existing, in the centre of the ground floor fronting Ornan Road.

5.00 Heritage Statement

- 5.01 The site is located within the Fitzjohn/Netherhall Conservation Area. The building is not listed nor are there any listed buildings in the immediate vicinity.
- 5.02 According to the Local Authority's Conservation Area Statement the site is located within Sub-Area 2. The reference within this to the appeal premises is as follows:

Ornan Road – The north side of this short street is in the Conservation Area. On the corner with Haverstock Hill are two mansion blocks, built at the beginning of the 20th Century. Both are red brick with raised ground floor. Ornan Court is four storeys with pedimented entrance and fairly simple design. Rosslyn Court, also four storeys plus mansard roof is more ornate with stone dressings and sash windows with multi-lights.

- 5.03 In addition, although the Conservation Area Statement makes no reference to it, Rosslyn Court contains lower ground floor accommodation. This is not visible from the street due to the front boundary and landscaping. The current proposals for Ornan Court will ensure that, likewise, that lower ground floor will not be visible from the street other than immediately in front of the access and ramp that lead down to the lower ground floor level.
- 5.04 On the opposite side of Ornan Road, and also within the Conservation Area, is a multi-storey Premier Inn hotel. This part of the Conservation Area is thus quite diverse in its character.
- 5.05 As is clear from the Conservation Area Statement basements/lower ground floors to properties are not at all unusual in the area. Many are referred to, including elsewhere on Ornan Road.
- 5.06 The Statement lists both Ornan Court and Rosslyn Court as being buildings which make a positive contribution to the character of the area. It is not considered that the proposals, given the fact that they do not generally alter the overall appearance of the building, will detract from that positive contribution. Also of relevance to this aspect is the fact that the Council have previously granted planning permission for a basement extension (as referred to at Para 3.03) in 2007. This post-

dated the Conservation Area designation and in deed post-dates the publication of the Conservation Area Statement (which we note was published in March 2001). Those former proposals would have been no different in terms of their impact on the Conservation Area than the current proposals.

- 5.07 Policy F/N25 states that extending into basement areas will only be acceptable where it would not involve harm to the character of the building or its setting. It is considered that the proposals comply with this policy as indeed the Council clearly considered to be the case with application Ref: 2007/1099/P. Furthermore whilst application Ref: 2014/4206/P was dismissed on appeal there was no concern with regard to the basement excavation, and its impact on the appearance of the building, the street scene or the Conservation Area. Similarly the proposals comply with the National Planning Policy Framework insofar as it is relevant to Heritage Assets and relevant policies contained within The London Plan and the Local Authority's Core Strategy and Development Policies.

6.00 Planning Policies

National Planning Policy Framework

- 6.01 The proposals assist (albeit in a relatively small way) in boosting the supply of housing in the area, providing 2 good sized 2 bedroom/4 person units in a sustainable location.
- 6.02 The proposals incorporate good design that optimises the potential of the site whilst being visually attractive and maintain appropriate landscaping, responding to the concerns that led to the dismissal of the previous appeal, whilst also responding to the local character (all as required by Para 58).
- 6.03 We are aware that the building is identified as making a positive contribution to the Conservation Area. The proposals do not detract from that and therefore have no impact on the heritage asset (ie; the Conservation Area). The guidance in Section 12 of the NPPF is thus complied with).

The London Plan

- 6.04 The proposals comply with Policy 3.3 which refers to the need for more homes in London and sets out specific targets for each of the London Boroughs. It is acknowledged that the Local Authority have sufficient housing land identified. However the policy refers to Boroughs seeking to achieve **and exceed** their relevant minimum targets. Furthermore the proposals comply with Policy 3.4 which requires housing potential to be optimised.
- 6.05 In terms of design and layout the proposals comply with Policy 3.5 with both of the flats exceeding minimum space standards which, for 2 bedroom/4 person units such as those proposed, are 70sqm (in this respect Flat 1 has a floor area of 85.5sqm and Flat 2 88sqm). Furthermore as required by this policy the design of the proposed dwellings is of good quality with good sized rooms and layout, meeting the changes needs of Londoners over their lifetimes and addressing climate change adaptation and mitigation.
- 6.06 All relevant policies in Section 5 of The London Plan, responding to climate change, are complied with.
- 6.07 The proposals comply with maximum car parking standards and minimum cycle parking standards as referred to at Policy 6.13. Given

the location with good public transport accessibility a car free development is recognised by policy and standards as being appropriate. Each of the flats will have 2 cycle parking spaces as required for flats of this size.

- 6.08 The design has no impact on the character of the local area and indeed is largely similar to the previous approval, thus complying with Policies 7.4 and 7.6. There is no harm to the Heritage Asset (the Conservation Area) and thus Policy 7.8 is also complied with.

LB Camden Core Strategy

- 6.09 The proposals comply with the relevant aspects of Policy CS5. Criterion (d) and (e) are particularly relevant. In accordance with Criterion (d) the proposals protect the environment and heritage and, in accordance with Criterion (e), have no adverse impact on occupiers of the existing building or neighbours.
- 6.10 In respect of occupiers of the existing building their amenities are not affected whatsoever with the proposed 2 flats having their own private access and not removing any of the existing facilities or landscaping of the site accessible to hostel residents. With regard to neighbours the submitted Basement Impact Assessment demonstrates that there will be no structural harm or similar. With the development being entirely at basement level there is clearly no potential for any loss of light, overlooking or similar that might affect neighbours amenities.
- 6.11 The proposals provide for 2 good quality 2 bedroom dwellings in accordance with Policy CS6. There is no impact on the existing hostel accommodation; no loss of existing homes. Those aspects of the policy that relate to affordable housing are not of relevance given that only 2 dwellings are proposed. The proposals have been reconsidered following the dismissal on appeal of application ref: 2014/4206/P; as a result both flats are now 2 bedroom rather than 3 bedroom. This means that the previously proposed small rear lightwells are no longer needed with all rooms of both flats being south-easterly in orientation and facing onto a deep lightwell. The submitted Lighting Assessment demonstrates that all rooms will achieve daylight in accordance with the Building Research Establishment Guidance. There will also be good outlook from the three habitable rooms of both flats. In this respect no concerns were raised with the previous scheme in respect of outlook from the front facing rooms.

- 6.12 The “car free” aspect of the proposed development complies with Policy CS11 which makes reference, at Criterion (k), to minimising provision for private parking in new developments, in particular through car free developments in the most accessible locations. The subject site, having a PTAL Rating of 5, is one of those most accessible locations.
- 6.13 Lastly, in accordance with Policy CS14, the proposed development complies with Criterion (a) by respecting the local context and character; with Criterion (b) by preserving the heritage asset (the Conservation Area); Criterion (c) by not harming existing landscaping; and Criterion (d) by providing the high standard of accessibility. Being a basement development there is no impact on views and thus Criterion (c) is also complied with.

LB Camden Development Policies

- 6.14 Policy DP2 refers to making full use of Camden’s capacity for housing. None of the existing residential accommodation in the hostel is affected by the proposals.
- 6.15 Policy DP3 refers to affordable housing from residential developments with a capacity for 10 or more additional dwellings. The proposal is only for 2 dwellings; there is no capacity on the site for more than 2 units. Therefore no affordable housing is required.
- 6.16 Policy DP5 cross-refers to the “Dwelling Size Priorities Table”. For market housing (such as that proposed) this makes it clear that the priorities are for first 2 and then 3 or 4 bedroom units. As both flats are 2 bedrooms they clearly meet the Council’s priority in terms of dwelling size.
- 6.17 In accordance with Policy DP6 the proposed development complies with Lifetime Homes Standards. Given that only 2 units are proposed there is no requirement for wheelchair accessible housing. This is clear from Para 6.6 that forms part of the supporting text to this policy.
- 6.18 The proposed “car free” development complies with Policy DP18. The suggested Legal Agreement will ensure that future residents are not issued parking permits. The policy also cross-refers to minimum cycle parking standards which, for residential units is 1 space per unit. 2 cycle spaces are therefore required. However to comply with London Plan standards 4 cycle spaces are proposed.

- 6.19 Policy DP22 refers to the Code for Sustainable Home. However this has now been abolished. As regards Criterion (j) the site is not within a flood prone area.
- 6.20 Given the nature of the proposed development and the fact that the basement will be screened from the surrounding streets by the existing higher ground levels within the site (substantially above pavement level on both street frontages) the proposals will not harm the appearance of the building, its character or proportions. The basement elevation will be constructed of matching materials. Amenity space is provided for both units. There is no impact on existing soft landscaping within the site. All relevant aspects of Policy DP24 are thus complied with.
- 6.21 In accordance with Criterion (b) of Policy DP25, the proposals preserve the character and appearance of the Conservation Area. In this respect there has been no relevant change since the similar form of development for hostel accommodation was approved in 2007.
- 6.22 Given that the proposed development is entirely at basement level there will be no impact on neighbours amenities in terms of loss of privacy, overshadowing, loss of outlook or similar. The submitted Lighting Study demonstrates that the future occupants of the proposed flats will receive adequate levels of internal daylight. Also as required by the policy the 2 flats are of good size and layout with appropriate amenity space storage including waste storage and cycle parking.
- 6.23 Policy DP27 is clearly of relevance. In line with requirements of the policy a full Basement Impact Assessment has been submitted which shows that the proposed development will not harm the built and natural environment, not result in flooding or ground instability. The site is not prone to flooding. The proposed lightwells will not impact on the character of the building or street scene nor will they result in a loss of more 50% of the amenity area. The proposals thus comply with all aspects of this policy.

Supplementary Planning Guidance

- 6.24 The proposals comply with all relevant aspects of Supplementary Planning Guidance – particular regard has been had to CPG's 1, 2, 3, 4, 6, 7 and 8. All aspects of the proposals, including the intended "car free" Section 106 Agreement, are in compliance.

7.00 Conclusions

- 7.01 For the reasons discussed in the preceding sections and the associated reports submitted with the application it is considered that the proposed development is entirely appropriate in all respects and that conditional planning permission should be granted subject to an appropriate car free Legal Agreement.
- 7.02 The reduction from the previously proposed 2 x 3 bedroom flats relying on windows and outlook at the rear, to the current proposal for 2 x 2 bedroom flats with all windows on to the front lightwell and all rooms having a south-easterly aspect, is considered to overcome the concerns that led to the dismissal of application Ref: 2014/4206/P on appeal. It is clear from that appeal decision that the Inspector was satisfied with the proposals in all other respects.

