

Delegated Report (Refusal)		Analysis sheet		Expiry Date:		04/11/2016	
		N/A		Consultation Expiry Date:		28/10/2016	
Officer				Application Number(s)			
Tessa Craig				2016/4971/P			
Application Address				Drawing Numbers			
Rear Workshop and Premises 322 West End Lane London NW6 1LN				See decision notice			
PO 3/4		Area Team Signature		C&UD		Authorised Officer Signature	
Proposal(s)							
Erection of two storey extension with balcony onto Crediton Hill to provide office accommodation at ground floor and 1 bedroom maisonette on upper two floors, including excavation to increase depth of ground floor.							
Recommendation(s):		Refuse permission					
Application Type:		Full Planning Permission					

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	00	No. of responses	01	No. of objections	01
Summary of consultation responses:	<p>A site notice was displayed 07/10.2016- 28/10/2016. One objection was received from 324A West End Lane. The objection relates to:</p> <ul style="list-style-type: none"> • Loss of light; • Disruption caused by construction; • Impact on structural stability; • Lack of privacy; • Proposed gate obstructing access to gas meter; and • Unknown construction period. 					
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 Hill 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 building is not listed nor within a conservation area. The site currently has vehicular access connected and is within the Controlled Parking Zone CA-P, Fortune Green East.

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 Development Framework 2010.

2016/0626/P- 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. Refused, 3rd June 2016. The reasons for refusal were:

- 1) *The proposed development, in the absence of a justification demonstrating that the premises is no longer suitable for continued business use would fail to support economic activity in Camden and result in the loss of employment opportunities within the Borough contrary to*

Policy CS8 (Promoting a successful and inclusive economy) of the London Borough of Camden Local Development Framework Core Strategy and DP13 (Employment sites and premises) of the London Borough of Camden LDF Development Policies, Policies 2.15 and 4.2 of the London Plan 2015 and paragraphs 14, 17 and 18-23 of the National Planning Policy Framework 2012 and Policy 12 of the Fortune Green & West Hampstead Neighbourhood Plan.

- 2) The proposed development, by reason of its design, massing, scale, materials and siting, would result in a material level of harm to the character and appearance of the building to which it is attached and the wider streetscene contrary to policy CS14 (Promoting high quality places and conserving our heritage) of the London Borough of Camden Local Development Framework Core Strategy and policy DP24 (Securing high quality design) of the London Borough of Camden Local Development Framework Development Policies and Policy 2 Design & Character of the Fortune Green and West Hampstead Neighbourhood Forum 2015.*
- 3) The proposed development, by reason of the inadequate internal floor areas and the poor provision of light and outlook to both units would result in substandard living accommodation and would be detrimental to the living conditions of prospective occupiers contrary to the policies CS5 (Managing the impact of growth and development) and CS6 (Providing quality homes) of the London Borough of Camden Local Development Framework Core Strategy and policies DP24 (securing high quality design) and DP26 (Managing the impact of development on occupiers and neighbours) of the London Borough of Camden Local Development Framework Development Policies and Policy 1 Housing of the Fortune Green and West Hampstead Neighbourhood Forum 2015.*
- 4) The proposed development would result in an undue loss of light and outlook to neighbouring properties at 76 Crediton Hill and 324-326 West End Lane and also introduce an unacceptable degree of overlooking and loss of privacy for those occupiers contrary to policy CS5 (Managing the impact of growth and development) of Camden Local Development Framework Core Strategy and policy DP26 (Managing the impact of development on occupiers and neighbours) of the London Borough of Camden Local Development Framework Development Policies and Policies 1 and 2 of the Fortune Green and West Hampstead Neighbourhood Forum 2015.*
- 5) The applicant has failed to demonstrate that the proposed excavation would maintain the structural stability of the building and neighbouring properties, avoid adversely affecting drainage and run-off, causing other damage to the water environment and cumulative impacts upon structural stability or the water environment in the local area contrary to policy CS5 (Managing the impact of growth and development) of the London Borough of Camden Local Development Framework Core Strategy and policies DP23 (Water) and DP27 (Basements and lightwells) of the London Borough of Camden Local Development Framework Development Policies.*
- 6) The proposal, in the absence of a legal agreement to secure highway contributions to undertake external works outside the application site, would fail to secure adequate provision for the safety of pedestrians, cyclists and vehicles, contrary to policies CS11 (Promoting sustainable and efficient travel), CS19 (Delivering and monitoring the Core Strategy), DP17 (Walking, cycling and public transport) and DP21 (Development connecting to the highway network) of the London Borough of Camden Core Strategy and Development Policies 2010 and Policy 9 of the Fortune Green and West Hampstead Neighbourhood Forum 2015.*
- 7) The proposed development, in the absence of a legal agreement securing car-free housing, would be likely to contribute unacceptably to parking stress and congestion in the surrounding area, contrary to policies CS11 (Promoting sustainable and efficient travel) and CS19 (Delivering and monitoring the Core Strategy) of the London Borough of Camden Local*

Development Framework Core Strategy and policies DP18 (Parking standards and the availability of car parking) and DP19 (Managing the impact of parking) of the London Borough of Camden Local Development Framework Development Policies Policies 5 and 7 of the Fortune Green and West Hampstead Neighbourhood Forum 2015.

The informatives attached to the decision notice were as follows:

- 1) *Without prejudice to any future application or appeal, the applicant is advised that reason for refusal number 5 could be overcome by submitting a Basement Impact Assessment to be externally audited and to confirm the excavation works would be acceptable in terms of structural stability and flooding.*
- 2) *Without prejudice to any future application or appeal, the applicant is advised that reason for refusal numbers 6 and 7 could be overcome by entering into a legal agreement with the Council.*

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 Plan 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 erection of a two storey extension and the conversion of the garage to provide a B1a business premises at ground floor and a one bedroom flat over the top two floors. The flat would be 37sqm and the office space would be 33sqm.
- 1.2 The extension would be constructed in red facing bricks on the lower two floors and white render on the upper floor, with grey colour coated aluminium windows. To create enough head room on the ground floor, excavation of 250mm within the existing garage office area (approximately 21sqm) and 670mm of the remaining ground floor area (approx. 30sqm) would be required (sections to demonstrate floor level changes have not been provided but this has been confirmed by the agent via email).

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 Policies CS8 and DP13 of the Core Strategy and Development Policies 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 Plan supports a 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 would result in the loss of employment space and although it is only a reduction of 9sqm, this loss is contrary to the Core Strategy and Fortune Green and West Hampstead Neighbourhood Plan.

2.5 The application is recommended for refusal on this basis.

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 flat is a market housing one bedroom flat. 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 proposal would only provide a single bed dwelling and 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 requirement for a one bedroom, one person dwelling which includes a shower room rather than a bathroom is 37sqm. The proposed dwelling just meets this being 37sqm, however it is over three floors. The quality of accommodation is considered cramped and poor with only one aspect to the west. It would be difficult to resolve this issue given any new windows would be in close proximity to other residential properties and would likely cause loss of privacy.

2.10 The application is recommended for refusal on this basis.

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 mass has been reduced since the original scheme (2016/0626/P) and there is now no objection to the massing, however the proposed extension remains inappropriate in design terms. The materials do not relate to the main building and would appear disjointed. A glass balustrade would be harmful to the streetscene and character of the area.

2.14 The application is recommended for refusal on this basis.

Residential Amenity

2.15 Policy CS5 seeks to protect 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 development is considered unacceptable in terms of its impact on neighbours' amenity. 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. These windows serve habitable rooms and it would be inappropriate to obscure light and outlook to bedrooms. 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 application is recommended for refusal on this basis.

Transport

2.18 Development Policy DP18 (Paragraphs 18.12 and 18.13) requires new development to provide cycle parking facilities in accordance with the minimum requirements of our cycle parking standards (Refer to Appendix 2 of Camden Development Policies document). It is also expected the development provides cycle parking facilities in accordance with the minimum requirements of the London Plan.

The applicant is required to provide cycle parking for the new residential unit above the office. Table 6.3 in the London Plan lists the minimum number of cycle parking spaces required for dwellings (C3/C4) as:

Long-stay: 1 space per studio and 1 bedroom unit and 2 spaces per all other dwellings,
Short-stay: 1 per 40 units

2.19 In order to comply with policy the applicant must therefore include 1x long-stay space.

2.20 It is proposed to park a cycle in the entrance hall of the residential unit; however, it is evident from the proposed ground floor plans that there is not enough room for a cycle to be parked and manoeuvred practically. At present the proposal is therefore unacceptable as it is contrary to policy DP18 and CPG7 cycle guidance.

- 2.21 Development policy DP18 states that the Council seeks to ensure that developments provide the minimum necessary car parking provision. The Council expects development to be car free in the Central London Area, the town centres of Camden Town, Finchley Road/Swiss Cottage, Kentish Town, Kilburn High Road and West Hampstead, and other areas within Controlled Parking Zones that are easily accessible by public transport.
- 2.22 Policies CS11, DP18, DP19 and CPG7 collectively require new (or additional) developments to be car-free in areas that are easily accessible by public transport. Sites with a PTAL rating of 4 or above are generally considered to be easily accessible by public transport.
- 2.23 Given that the proposal seeks to create a new residential unit and new office space the site should be secured as car free in order to comply with policies CS11, DP18, DP19 and CPG7. In addition, the site has a PTAL rating of 6a (excellent) which means it is very accessible by public transport.
- 2.24 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.
- 2.25 It is not anticipated that the proposal will require a Construction Management Plan (CMP) however some highway licenses may be required to facilitate the proposed works. If the application was otherwise judged to be acceptable, the applicant would need to obtain such highway licences from the Council prior to commencing work on site.

Basement Excavation

- 2.26 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.
- 2.27 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'.
- 2.28 Owing to the building being located in an area of constraint for hydrological reasons in accordance with DP27 and CPG4, a Basement Impact Assessment (BIA) is required to be submitted and should be subject to independent verification by Campbell Reith. The applicant has not provided a Basement Impact Assessment and therefore it has not been

possible to confirm that the excavation would be acceptable in terms of structural, ground water, surface water and subsidence impacts.

Waste and Refuse

2.29 A bin store has been proposed at lower ground level and this is considered to be acceptable for a single residential unit and a small office.

CIL

2.30 As the proposal would involve the creation of a new residential unit, 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 Permission