



## **PLANNING STATEMENT**

**8/8A St. George's Mews, London NW1 8XE**

Prepared for

**Mr. James Bentley**

**OCTOBER 2016 (REVISED JANUARY 2017)**

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## 1 INTRODUCTION

- 1.1 This statement is written in support of an application for planning permission for the carrying out of alterations in connection with the use of the building as a single-family dwelling house.
- 1.2 This statement should be read in conjunction with the following:
- Architectural drawings of Collett Zarzycki Ltd and their Design and Access statement together with photographs;
  - Arboricultural Appraisal of Tree Projects dated 15<sup>th</sup> January 2017; and
  - Basement Impact Assessment of Fairhurst dated January 2017.

### The Application Site and Surrounding Area

- 1.3 No. 8/8A St. George's Mews is situated at the south-western end of the Mews. It is a two- storey building, it's front elevation largely obscured at ground level by the adjacent building which spans the width of the Mews.



- 1.4 As the photograph above demonstrates, the building currently consists of two entrances, no. 8A being the entrance to the ground floor accommodation and no. 8 tucked in the corner, being the entrance to the first floor flat.
- 1.5 Whilst the building has been vacant for a number of years, the last known use was as

a Solicitor's office on the ground floor and a residential flat on the first floor. The use of the building is discussed further in Section 3 of this statement.

- 1.6 The building has been altered and extended; at the rear with a modest single storey addition, and not least with the unsympathetic changes to the front elevation with its two entrances and the adjacent building obscuring much of the ground floor to the detriment of the buildings' original character and form.
- 1.7 The Mews itself is a mix of commercial and residential uses with the southern side of the Mews in which the application property is situated predominately residential and the northern side of the Mews being predominately in commercial use.



South side of the Mews – Residential



North side of the Mews – Commercial

## Relevant Planning History

### *Pre-application Advice*

- 1.8 The previous owners sought pre-application advice from the Council (Ref: 2016/0152/PRE) in respect of the change of use of the ground floor from B1(a) office use to C3 residential use to be incorporated with the first floor flat. The Council's formal response concludes:

*"Whilst the development will have some impact in terms of the loss of office space, it is not considered harmful given the poor quality of the premises. The existing unit has been vacant for some time and has had difficulty in being let. It is not considered that the loss of one unit would be particularly harmful to the Borough given the poor quality of the unit."*

- 1.9 Notwithstanding the above advice, the use of the ground floor is discussed in Section 3 of this statement.

## The Proposed Development

- 1.10 Planning permission is now sought for erection of a new single storey rear extension following demolition of the existing extension and elevational alterations at front and rear in connection with the use of the building as a single-family dwelling house. The net additional increase in floor area as a result of the new extension at the rear would be 4.7 sqm.

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***Please refer to the architectural drawings and Design and Access statement for further detailed information regarding the scheme proposals.***

## 2 PLANNING POLICY FRAMEWORK

### National Planning Policy Framework (NPPF)

- 2.1 The NPPF establishes a presumption in favour of Sustainable Development which is seen by Ministers as "*a golden thread running through both plan making and decision-taking*". The NPPF makes clear that the starting point for decision making is the development plan and applications for development proposals that accord with an up-to-date Local Plan should be approved.
- 2.2 The NPPF places an emphasis on delivering additional homes across the Country and advises local authorities to identify and meet the housing needs of their area.
- 2.3 The Framework recognises that good design is indivisible from good planning and encourages design to secure the optimal and efficient use of a site whilst responding to local character and history.
- 2.4 Paragraph 126 recognises that heritage assets (includes conservation areas) are an irreplaceable resource and seeks to conserve them in a manner appropriate to their significance. It is appropriate to consider the desirability of new development making a positive contribution to local character and distinctiveness.
- 2.5 Paragraphs 188 – 191 of the NPPF recognises that early engagement with the Council can significantly improve the efficiency and effectiveness of the planning application system for all parties and that LPA's have a key role to play in this regard by also encouraging applicants to engage with the local community advising "*The more issues that can be resolved at pre-application stage, the greater the benefits*". Paragraph 191 continues "*The participation... should enable early consideration of the fundamental issues relating to whether a particular development will be acceptable in principle....*"

### Development Plan

- 2.6 Having regard to the NPPF, the proposal has been assessed in relation to the 'development plan' which comprises relevant policies contained within the London Plan (FALP) dated March 2015, the Council's Core Strategy, adopted in November 2010 and Development Policies also adopted in November 2010.

### London Plan

Consistent with the NPPF, and with an emphasis on increasing London's housing

supply, Policy 3.14 of the London Plan advises that local authorities should promote the efficient use of the existing stock by reducing the number of vacant homes and bringing them back into residential use.

## Core Strategy

- 2.7 One of the main objectives identified in Camden's Core Strategy is to manage change and growth in a manner that respects the character, heritage and distinctiveness of the Borough for it to continue to be a popular place to live, work and visit.
- 2.8 The application property is identified as being within the Primrose Hill Conservation Area. It is not a listed building.
- 2.9 The following policies from the Core Strategy are considered to be of particular relevance in the determination of this application:
- CS5 - Managing the impact of growth and development;
  - CS6 - Providing quality homes; and
  - CS14 - Promoting high quality places and conserving local heritage.

## Development Policies

- 2.10 Development Policies set out more detailed policies to aid in delivering the overarching objectives of the Core Strategy. Relevant Development Policies are:
- DP2 - Capacity for housing;
  - DP5 - Homes of different sizes;
  - DP13 - Employment Sites and Premises;
  - DP18 - Parking Standards;
  - DP19 - Managing the Impact of Parking;
  - DP24 Securing high quality design;
  - DP25 Conserving Camden's heritage;
  - DP26 Managing the impact of development on neighbouring occupiers; and
  - DP27 Basements and Lightwells

## Supplementary Planning Documents

- 2.11 Regard is also had to the Housing supplementary planning document CPG2 updated in July 2015. This guidance assists further with the application and interpretation of prevailing housing policies for residential schemes and new housing developments in the borough.



- 2.12 Consideration has also been given to supplementary guidance CPG6 entitled "Amenity".
- 2.13 We acknowledge the contents of CPG5 in respect of employment sites and business premises, although we do not believe it is relevant in this instance.
- 2.14 Whilst the proposed development does not involve the creation of an underground basement level, regard has been had to CPG4 insofar as it relates to land stability and the impact upon surface water flows.
- 2.15 Regard has also been had to the Primrose Hill Conservation Area Statement dated 2000.

### 3 THE PROPOSAL AND PLANNING POLICY COMPLIANCE

- 3.1 Consideration of a proposal involves balancing a number of issues, often pulling in different directions with a proposal complying with one policy but conflicting with another. The ultimate decision often being made by attributing weight to these different considerations and exercising a planning balance.

#### The Use

- 3.2 We understand that the ground floor (8A) had been used for a number of years by a Solicitor who vacated the premises in early 2013 when he retired. Since then the ground floor has remained vacant due to problems letting the space. The Council acknowledge the long-term vacancy in their pre-application response.
- 3.3 Whilst the ground floor may have previously been occupied and used for office purposes, there is no planning permission authorising such a use. We have trawled the Council's records and gone back as far as 1969. There were no earlier entries for this property.
- 3.4 Without a planning permission in place, the so called "office" use would have been unauthorised. However, it may have become "lawful" over the passage of time if it had been in use continuously for office purposes for a period of not less than 10 years. If that was the case a Certificate of Lawfulness could have been applied for, bearing in mind the onus of proof rests solely with the applicant. No application for a Lawful Development Certificate (LDC) had been applied for.
- 3.5 Therefore, because the office use ceased more than 3 years ago, it would not now be a "lawful" use within the meaning of the Town and Country Planning Act 1990 (The Act) and an application for a LDC could not now be applied for. Under the provisions of Section 191 of The Act, the use would have to be existing for an application to be submitted to certify that its use is lawful for planning purposes.

#### The Original Use

- 3.6 Originally Mews properties across London were built at the rear of grand terraces of houses to provide additional ancillary accommodation. These mews buildings were used traditionally as stables and/or servant's accommodation.
- 3.7 The St. George's Mews properties would have traditionally served the grand houses in St. George's Terrace and indeed, the rear garden of the application property consists of brick steps leading up to the raised garden of no. 11 St. George's Terrace,

suggesting therefore that they were in fact linked historically.

- 3.8 As such, the original use of the application property would have most certainly been stables with rooms above. As times changed and the motor car took over from horses, the ground floor could have been used to park a vehicle or even used as servant's accommodation as with the first floor which would have traditionally been used for such purposes.

### The Current Planning Position

- 3.9 Therefore, because a) there is no planning permission authorising an office use; b) no LDC certifying a lawful use; and c) the last known use ceased to exist more than 3 years ago, it can be established that for planning purposes, the ground floor of the building must have a "nil" use and any use intended for it will require planning permission.
- 3.10 Where such instances occur, in some circumstances it might be appropriate and correct for a building to revert back to its "normal" use. This would have been its original use or the use it was at the appointed day on 1<sup>st</sup> July 1948. However, it is difficult to establish what its use "normal" use would have been on the appointed day particularly as its original use would have been stables.
- 3.11 The proposed use therefore as a single-family dwelling house would **not** result in the loss of any authorised or lawful office use. It stands therefore that the proposals do not fall to be determined against local plan policy DP13 in respect of employment sites and premises.
- 3.12 Notwithstanding the fact that the building has a "nil" use, the proposed residential use of the whole building has the support of the Council's Officers as demonstrated in the pre-application advice received earlier in the year.

### The Proposed Use

- 3.13 In accordance with Officer advice therefore, and consistent with national and local policies, the preferred use of the building and its optimum viable use must be for residential purposes. To bring a vacant building back into use, it's upper floor currently vacant residential accommodation, would comply with the London Plan with its emphasis on making more efficient use of the existing housing stock and bringing vacant dwellings back into use.

## Camden's Prevailing Housing Policies

- 3.14 In line with central government policy, one of Camden's overarching objective's and a key priority is to ensure a good supply of housing which is well designed to a high standard and to provide a broad range of homes to accommodate all.
- 3.15 Policy DP2 seeks to maximise the supply of homes and to minimise the loss of residential floor space. Policy DP5 requires a range of self-contained homes of different sizes and seeks to ensure that residential development contributes to meeting Camden's dwelling size priorities. At present, Camden has a **very high priority** for **two-bedroom homes**.
- 3.16 Consistent with Camden's policies and in particular their dwelling size priorities, the proposed development would provide a much needed two-bedroom home suitable for a small family with access to its own private rear garden. This is unusual because traditionally mews properties did not benefit from external amenity space. The residential dwelling would provide a good standard of accommodation which meets the 2015 nationally described space standards set out by DCLG.

## The External Alterations and Impact upon the Building

- 3.17 The external alterations are modest and seek to improve the visual appearance of the building which has been compromised, not least with the neighbouring building which abuts directly onto part of its ground floor.
- 3.18 The replacement rear extension would be erected in materials to match existing and would provide additional floor space to improve the standard of residential accommodation without compromising the architectural and historic character of the mews building. The front elevation would be improved with the ground floor treatment that respects more closely that of the original building, to the extent that it can be, given the impact of the neighbouring building which directly abuts part of the ground floor. The proposals would not therefore have a detrimental impact upon the character and appearance of the conservation area, rather the building, street scape and wider area would be enhanced by the proposals.
- 3.19 The use of traditional materials and the sensitive design approach adopted are wholly respectful to the architectural quality and character of the existing building and preserve the character and appearance of the Primrose Hill Conservation Area in which the building is situated.

## Impact upon the Surrounding Area

3.20 The proposals would involve excavation of part of the garden ground within the rear garden to facilitate the enlarged rear extension. A screening process and scoping phase has been carried out to assess whether a full Basement Impact Assessment (BIA) is required having regard to changes in ground levels and the impact upon ground water and land stability. The findings are that the proposed development would not result in any detrimental changes to ground stability or subterranean ground water flow and as such the report of Fairhurst concludes that a full BIA is not necessary in this instance.

*Please refer to the full report for further detailed information in this regard.*

### **Trees**

3.21 There are no trees within the application site. Consideration has been given to existing trees in the surrounding area and particularly the Willow tree in the rear garden of 11 St. George's Terrace.

3.22 Professional arboricultural consultants have advised that the proposals would not harm existing trees within the vicinity of the application site. It also sets out the necessary measures for the protection of tree roots during construction works to ensure the Willow tree is protected and therefore retained in the long term to continue to provide an amenity benefit.

***Please refer to the Arboricultural Appraisal of Tree Projects for further detailed information in this regard.***

### **The Heritage Asset**

3.23 The NPPF establishes a number of core principles that underpin the planning system which includes conserving heritage assets in a manner appropriate to their significance so that their contribution and enjoyment can continue for this and future generations.

3.24 Paragraph 128 of the NPPF requires applicants to provide information on the significance of any heritage assets affected and the contribution made by its setting, the level of detail to be proportionate to the asset's importance and no more than is sufficient to understand the potential impact of development on that significance.

3.25 Whilst the application building itself is not a statutory heritage asset, the Mews lies to the rear of the listed St. George's Terrace.

- 3.26 No. 11 St. George's Terrace and its rear garden is situated to the south of the application site. No. 11 is a substantial building of three storeys plus basement, its façade of pale yellow brickwork with a channelled stucco ground floor, quoins and dressings.
- 3.27 Nos. 1-11 (consec) St. George's Terrace were grade II listed in 1997 for group value as a pleasing example of mid-19<sup>th</sup> Century grand houses in London. The cast iron railings attached are also listed. The entry description on the Statutory List makes clear that the interiors of the buildings were not inspected at the time listing took place.
- 3.28 Whilst historically the Mews buildings at the rear of St. George's Terrace would have been used by the owner/occupiers of the grand houses along the Terrace, as time has moved on and needs changed, the majority of the Mews properties are now in separate ownership.
- 3.29 The proposed alterations and rear extension to the Mews property would not impact upon the listed building itself due to the distance involved and the separation by rear gardens of both the application site and 11 St. George's Terrace. The rear boundary treatment is a wooden timber fence of no architectural significance.
- 3.30 As such, the proposals will not harm the significance of the listed building or its setting.

## Parking

- 3.31 Any occupiers of the existing residential flat on the first floor would be eligible to apply for a resident parking permit/s. As the proposal is for the conversion of the building into one single family dwelling house, there would be no increase in the number of residential units. As such, the proposal would not therefore result in demand for parking permit/s over and above existing levels. Further, there would be no worsening effect on traffic within the locality and the level of demand for on-street parking will not be impacted as a result of the development.
- 3.32 For these reasons, we do not agree with the pre-application advice that the single dwelling use would need to be "permit free". It would be unreasonable of the Council to insist on this given there would be no change to the status quo insofar as one residential unit exists now and the proposed development would result in only one residential unit.
- 3.33 There is adequate space within the ground floor lobby area for cycle storage.

## Impact upon Neighbouring Occupiers

3.34 The proposals would not have a detrimental effect upon residential amenity. The lower garden level and high boundary walls mean the rear extension would not impact upon the living conditions of neighbouring occupiers. Further, the residential use is wholly compatible with the residential properties in the locality, being those at the rear and along the south side of the mews.

## To Summarise

3.35 The vacant ground floor at present has no authorised or lawful use and for planning purposes can only therefore be described as having a "nil" use. The use of the first floor is as vacant residential floor space.

3.36 The proposals would bring a vacant building back into use and would provide a two-bedroom family home with a good standard of accommodation and private external amenity space for the occupants wholly meeting Camden's requirements for housing in their borough. Further, the external alterations would be respectful to the buildings' historic attributes and would enhance the character and appearance of the conservation area without harming the statutory heritage asset and its setting and without having a detrimental impact upon existing residential amenity.

3.37 For the reasons set out in this statement, the proposed development accords with the aims and objectives of the development plan and the application should be approved.

## 4 CONCLUSIONS

- 4.1 Consistent with prevailing national and local planning policies, the opportunity is taken to make more efficient use of the land and bring a vacant building back into use. The conversion of the building into a two-bedroom single-family dwelling house with external amenity space would provide a good standard of accommodation and assist in meeting Camden's requirements for much needed two-bedroom units.
- 4.2 The external alterations have been sensitively designed in a manner that respects the historic attributes of the original building and carefully considered to ensure no harm would be caused to the living conditions of neighbouring occupiers. Furthermore, the character and appearance of the conservation area would be enhanced by the overall visual improvements to this character building.
- 4.3 The proposed development would meet the needs of the present without compromising future generations to meet their own needs; would support economic growth and would preserve the local environment. The development is therefore sustainable development consistent with the NPPF.
- 4.4 The proposals comply with relevant development plan policies, supplementary planning guidance and with central government advice in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004. In our judgement, no other material considerations weigh against it.
- 4.5 Accordingly, we trust that Camden Council will determine that the application for planning permission can be approved.