

Delegated Report		Analysis sheet		Expiry Date:		11/06/2015	
		N/A / attached		Consultation Expiry Date:			
Officer				Application Number(s)			
Ian Gracie				2015/2209/P			
Application Address				Drawing Numbers			
23 Lyndhurst Road London NW3 5NX				15255 300, 15255 301, 15255 302, 15255 303, 15255 304, 15255 305, 15255 306, 15255 401C, 15255 402C, 15255 403C, 15255 404C, 15255 405C, 15255 406C, and 15255 407B.			
PO 3/4		Area Team Signature		C&UD		Authorised Officer Signature	
Proposal(s)							
Erection of third floor roof infill extension, third floor side dormer roof extension, and installation of 10 x rooflights to provide 1 x 2-bed self-contained flat (Class C3)							
Recommendation(s):		Refused					
Application Type:		Full Planning Permission					
Conditions or Reasons for Refusal:		Refer to Draft Decision Notice					
Informatives:							
Consultations							
Adjoining Occupiers:		No. notified	36	No. of responses	00	No. of objections	00
				No. electronic	00		
Summary of consultation responses:		Press Notice: 07/05/2015 – 28/05/2015. Site Notice: 01/05/2015 – 22/02/2015. No objections have been received.					
Local groups comments:		Fitzjohn's Netherhall CAAC – No comments received.					

Site Description

The site is located on the south side of Lyndhurst Road; it comprises a large detached property which is subdivided into 4 flats. The site is not listed, but is within the Fitzjohns Netherhall Conservation Area and is noted as being a positive contributor.

Relevant History

9937 – The division of the first floor flat at No. 23 Lyndhurst Road, N.W.3. into two self-contained units. – Granted 09/12/1970.

PW9802547R1 – The erection of a balcony with railings at rear ground floor level, as shown on drawing numbers; KT101 - 106. – Granted 08/10/2008.

PWX0103779 – Alterations to and enlargement of existing basement flat, comprising the construction of a new lightwell and basement access and new bay window on the front elevation, the erection of a single storey rear extension with roof terrace and a single storey rear conservatory extension with alterations to the side elevation. As shown on drawing no. 357/PL 1B and 2B. – Granted 28/01/2002.

2015/2176/P – The installation of two new windows at 2nd floor level on the side elevation of existing flat. – Granted 03/06/2015.

Relevant policies

Borough of Camden Local Development Framework (Core Strategy and Development Policy documents) as adopted on 8th November 2010, The London Plan 2015 Consolidated with Alterations (2011) and the NPPF (2012). The following policies will be taken into consideration:

National Planning Policy Framework 2012 London Plan March 2016

LDF Core Strategy and Development Policies

CS5 – Managing the impact of growth and development

CS11 – Promoting sustainable and efficient travel

CS14 – Promoting high quality places and conserving our heritage

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

DP16 – The transport implications of development

DP18 – Parking standards and limiting the availability of car parking

DP19 – Managing the impact of parking

DP21 – Development connecting to the highway network

DP24 – Securing high quality design

DP25 – Conserving Camden's heritage

DP26 – Managing the impact of development on occupiers and neighbours

Camden Planning Guidance 2015: CPG1 Design

Camden Planning Guidance 2011: CPG6 Amenity, CPG7: Transport

Fitzjohn's Netherhall Conservation Area Statement (2001)

Emerging Planning Policy

H1 – Maximising housing supply;

H6 – Housing choice and mix;

H7 – Large and small homes;

A1 – Managing the impact of development;

D1 – Design;
D2 – Heritage;

T1 – Prioritising walking, cycling and public transport;
T2 – Car-free development and limiting the availability of parking.

Assessment

1. Proposed Development

1.1 The proposed development comprises the following elements:

- Roof extension to fill in the existing valley roof form;
- 1 x 2-bed self-contained flat across 84sqm of floorspace;
- 2 bedrooms measuring 16sqm and 13sqm respectively;
- Provision of 10no. cycle parking spaces and refuse store for 12 wheelie bins with a capacity for 260 litres each;

2. Principle of housing

2.1 Housing is regarded as the priority land-use of the Local Development Framework, and the Council will make housing its top priority when considering the future of unused and underused land and buildings. The proposed 2-bedroom flat at this location is therefore considered acceptable.

3. Standard of accommodation

3.1 Paragraph 26.11 of policy DP26 states that the size of a dwelling and its rooms, as well as its layout, will have an impact on the amenity of its occupiers. As such, new residential units must comply with the technical housing standards.

3.2 The proposed unit size of 84sqm surpasses the floor space requirement for a 2-bed unit and is therefore considered acceptable.

4. Design and conservation

4.1 Policy DP24 states that developments will be expected to consider the “character, setting, context and the form and scale of neighbouring buildings” and “the character and proportions of the existing building, where alterations and extensions are proposed.”

4.2 With regards to roof extensions, CPG1 provides further clarity to the policy and notes that additional storeys and roof alterations are likely to be acceptable where:

“There are a variety of additions or alterations to roofs which create an established pattern and where further development of a similar form would not cause additional harm.”

4.3 The proposed roof alterations, together with the proposed rooflights and dormer window are considered acceptable as they reinstate uniformity at roof level to this section of Lyndhurst Road. The proposed alterations would be unappreciable from public views and are therefore not considered to adversely affect the character of the Fitzjohns Netherhall Conservation Area.

4.4 Policy DP25 of the Local Development Framework requires all alterations and extensions within designated conservation areas to preserve and enhance the character and appearance of that area.

4.5 Nos. 23, 24, 25, and 26 Lyndhurst Road are identified as a symmetrical group of buildings within the Conservation Area statement. The alterations at roof level to no.24, however, disrupts this symmetry. Following revisions, the east elevation dormer was reduced in size to reflect that no.24. As a result, the proposed roof alterations to accommodate a 2-bedroom flat at the application site are considered to reinstate that symmetry and are therefore considered acceptable.

5. Amenity

5.1 Policy DP26 states that the Council will protect the quality of life of occupiers and neighbours by only granting permission for development that does not cause harm to amenity of occupiers and neighbours which includes visual privacy, outlook and sunlight, daylight levels.

5.2 Due to the size and location of the proposed alterations, it would not significantly harm the amenity of any adjoining residential occupiers in terms of loss of light, outlook, enclosure or privacy.

6. Transport

6.1 It is worth noting that officers had found this application acceptable, subject to the signing of a Section 106 agreement to secure the new unit as car free. The applicant did not however want to pursue the legal agreement. The below explains why such an agreement is sought in the London Borough of Camden and why it is considered unacceptable not to have entered into one.

6.2 Policy DP19 states that *“the Council will seek to ensure that the creation of additional car parking spaces will not have negative impacts on parking, highways or the environment, and will encourage the removal of surplus car parking spaces.”* It goes on to state that we will resist development that would *“add to on-street parking demand where on-street parking spaces cannot meet existing demand, or otherwise harm existing on-street parking conditions.”* The Council’s emerging Local Plan takes a stronger stance to this by stating that the Council *“will limit the availability of parking and require all new developments in the borough to be car-free with the exception of wheelchair accessible parking.”*

6.3 Paragraph 5.4 of CPG 7 states that the Council will seek to use a car-free legal agreement in instances where the creation of a new access could lead to on-street parking problems where the loss of kerb space creates unacceptable parking pressure. This continues on to paragraph 5.5 which states that car-free housing may be sought wherever development involves the creation of one or more additional dwellings – whether newly built, or created by a conversion or change-of-use.

6.4 The application site is located within CPZ CA-H (Hampstead) and, as set out below, is over-subscribed at a ratio of 1.11 permits to parking spaces. As such, it is considered that a car-free legal agreement is required as the current CPZ cannot meet existing demand.

Permit to parking space ratio

Controlled Parking Zone	Ratio of permits to parking spaces
Zones south of Euston Road	
CA-C Holborn & Covent Garden	1.08
CA-D Kings Cross	1.05
CA-E Bloomsbury & Fitzrovia	0.99
Zones north of Euston Road	

CA-B Belsize	1.10
CA-F Camden Town	1.03
CA-G Somers Town	1.04
<u>CA-H Hampstead</u>	<u>1.11</u>
CA-J Primrose Hill	0.87
CA-K Kilburn Priory	0.98
CA-L West Kentish Town	0.68
CA-M East Kentish Town	0.84
CA-N Camden Square	0.74
CA-P Fortune Green & West End	0.94
CA-Q Kilburn	0.81
CA-R Swiss Cottage	1.10
CA-S Redington & Frognal	0.54
CA-U Highgate	0.66
CA-V North End	0.60
CA-X Elm Village	1.01
ALL ZONES	0.93

- 6.5 Paragraph 18.9 of policy DP18 states that *“to implement car-free and car-capped development, the Council needs to remove entitlements for parking permits from future occupiers. This will be achieved through seeking a legal agreement with the developer, as it is the only way of ensuring that all incoming occupiers are aware that they are not eligible for a permit to park on the street.”*
- 6.6 As a result of the policy context and the information provided above, it is considered necessary, in this instance, to require a legal agreement that requires the additional unit on site to be ‘car-free’.

Reasons why a ‘car free’ agreement is secured via a Section 106 legal agreement

- 6.7 A planning obligation is considered the most appropriate mechanism for securing the development as car free as it relates to controls that are outside of the development site and the level of control is considered to go beyond the remit of a planning condition. Furthermore, the Section 106 legal agreement is the mechanism used by the Council to signal that a property is to be designated as “Car Free”. The Council’s control over parking does not allow it to unilaterally withhold on-street parking permits from residents simply because they occupy a particular property. The Council’s control is derived from Traffic Management Orders (“TMO”), which have been made pursuant to the Road Traffic Regulation Act 1984. There is a formal legal process of advertisement and consultation involved in amending a TMO. The council could not practically pursue an amendment to the TMO in connection with every application where the additional dwelling (or dwellings) ought properly to be designated as car free. Even if it could, such a mechanism would lead to a series of disputes between the council and incoming residents who had agreed to occupy the property with no knowledge of its car-free status. Instead, the TMO is worded so that the power to refuse to issue parking permits is linked to whether a property has entered into a “Car Free” Section 106 Obligation. The TMO sets out that it is the Council’s policy not to give parking permits to people who live in premises designated as “Car Free”, and the Section 106 legal agreement is the mechanism used by the Council to signal that a property is to be designated as “Car Free”.
- 6.8 Further, use of a Section 106 Agreement, which is registered as a land charge, is a much clearer mechanism than the use of a condition to signal to potential future purchasers of the

property that it is designated as car free and that they will not be able to obtain a parking permit. This part of the legal agreement stays on the local search in perpetuity so that any future purchaser of the property is informed that residents are not eligible for parking permits.

7. Conclusion

- 7.1 The proposal to provide a 2-bed unit at roof level at the application site is considered acceptable in principle and in respect of design, amenity and standard of accommodation. However, the application site is located within a parking zone which is over-subscribed and it is not considered acceptable to secure the proposed unit without a Section 106 agreement securing the unit as car free housing.

8. Recommendation

- 8.1 Refuse planning permission.