

<b>Delegated Report</b>		<b>Analysis sheet</b>		<b>Expiry Date:</b>	23/11/2016
		N/A / attached		<b>Consultation Expiry Date:</b>	
<b>Officer</b>			<b>Application Number(s)</b>		
Ian Gracie			2016/5317/P		
<b>Application Address</b>			<b>Drawing Numbers</b>		
Warren Court Euston Road London NW1 3AA			See Decision Notice		
<b>PO 3/4</b>	<b>Area Team Signature</b>	<b>C&amp;UD</b>	<b>Authorised Officer Signature</b>		
<b>Proposal(s)</b>					
Erection of two storey roof extension comprising 2 x 3-bed units following demolition of existing single storey roof extension.					
<b>Recommendation(s):</b>		Refuse planning permission			
<b>Application Type:</b>		Full Planning Permission			

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
<b>Consultations</b>						
Adjoining Occupiers:	No. notified	00	No. of responses	00	No. of objections	00
			No. electronic	00		
Summary of consultation responses:	<p>A site notice was displayed outside of the site from 07/10/2016 – 28/10/2016.</p> <p>No responses were received.</p>					
Transport for London (TfL) comments:	<p><i>“Euston Road forms part of the Transport for London Road Network whilst Tottenham Court Road forms part of the Strategic Road Network. It is integral that the traffic flow of these two main routes is not adversely impacted during construction. Furthermore pedestrian flow on the surrounding footways should not be blocked during construction TfL expects that a Construction and Logistics Plan is secured as part of the planning conditions.</i></p> <p><i>With respect to London Plan matters, TfL notes that the development will be car free which is supported by TfL (except for blue badge parking). Cycle parking should also be provided for the units proposed and comply with London Plan standards. This should be secured as a planning condition.”</i></p>					

## Site Description

The application site is located on the south-west corner of Euston Road and Tottenham Court Road. The ground floor and lower levels of the application site comprise Warren Street London Underground Station. The building is six storeys with a part-seventh floor. The upper floors of the building comprise residential accommodation.

The surrounding area is made up of predominantly commercial uses on each corner of the intersection apart from the University College Hospital building to the east. The north of the site is bordered by Euston Road with the Euston Tower on the northern side of the road. To the east is the UCH building, as noted above, and Euston Road which runs towards the Euston/King's Cross area. To the south is Tottenham Court Road and Warren Street and the northern extremities of the Fitzroy Square Conservation Area. To the west is Warren Street and the further reaches of the Fitzroy Square Conservation Area which has a more intimate lower scale character than that of the application site.

The site is not within a conservation area but abuts the northern boundary of the Fitzroy Square conservation area. The site is approximately 50m to the east of the Grade II terrace of listed buildings (and attached railings) on the northern side of Warren Street (Nos. 63-68).

## Relevant History

**PS9704263** – Change of use of the first floor from office use (Class B1) to four residential dwellings (Class C3) comprising one 3 bedroom flat, one 2 bedroom flat, one 1 bedroom flat and one studio/bedsit unit – **Granted 09/05/1999**.

**2011/0651/P** – Change of Use and conversion from office units (Class B1a) at first floor level to form 1 x self contained 2-bed flat (Class C3). – **Granted Subject to a Section 106 Legal Agreement 31/08/2011**.

**2014/0888/P** – Part change of use at 1st floor level from offices (Class B1) to 2 x 1 bed and 2 x 2 bed flats (Class C3). – **Granted Subject to a Section 106 Legal Agreement 08/08/2014**.

**2016/1449/P** – Erection of a two-storey roof extension (sixth and seventh floors) to create 2 x 3-bed units following demolition of 6th floor 2-bed unit. – **Withdrawn 03/06/2016**.

## Relevant policies

### National Planning Policy Framework (2012)

National Planning Practice Guidance

### The London Plan 2016

### LDF Core Strategy and Development Policies (2010)

CS5 – Managing the impact of growth and development

CS6 – Providing quality homes

CS11 – Promoting sustainable and efficient travel

CS13 – Tackling climate change through promoting high environmental standards

CS14 – Promoting high quality places and conserving our heritage

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

DP5 – Homes of different sizes

DP16 – The transport implications of development

DP17 – Walking, cycling and public transport

DP18 – Parking standards and limiting the availability of car parking  
DP19 – Managing the impact of parking  
DP22 – Sustainable design and construction  
DP23 – Water  
DP24 – Securing high quality design  
DP25 – Conserving Camden's heritage  
DP26 – Managing the impact of development on occupiers and neighbours

### **Supplementary Planning Guidance (updated July 2015)**

#### ***Camden Planning Guidance***

1 – Design (2015)  
6 – Amenity (2011)  
7 – Transport (2011)

### **Fitzrovia Area Action Plan (March 2014)**

#### **Emerging Planning Policy**

H1 – Maximising housing supply;  
H6 – Housing choice and mix;  
H7 – Large and small homes;

A1 – Managing the impact of development;  
A3 – Protection, enhancement and management of biodiversity;

D1 – Design;  
D2 – Heritage;

CC1 – Climate change mitigation;

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

## Assessment

### 1. Description of proposed development

1.1 The applicant seeks planning permission for:

*“Erection of two storey roof extension comprising 2 x 3-bed units following demolition of existing single storey roof extension.”*

1.2 The proposal comprises the following elements:

- Demolition of existing set-back 7<sup>th</sup> storey;
- Erection of a replacement two storey extension comprising two 3-bed residential units;
- Each unit will measure 160sqm and 142sqm respectively.

### 2. Principle of development

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 proposal would provide a total of two new units (2 x 3-bedroom units). As such the provision of new residential accommodation is compliant with policies CS6 and DP2 as long as it meets the Council's residential development standards and does not harm the amenity of existing and future occupiers.

2.2 Policy DP5 (Homes of different sizes) seeks to provide a range of unit sizes to meet demand across the borough. Policy DP5 includes a Dwelling Size Priority Table and the expectation is that any housing scheme will meet the priorities outlined in the table. The proposals include the creation of 2 x 3-bedroom units. The provision of 3-bedroom units, which are considered a 'medium' priority in accordance with policy DP5, is considered acceptable.

### 3. Design and conservation

3.1 Policy DP24 (Securing high quality design) requires that all developments, including alterations and extensions to existing buildings will be expected to consider:

- a) the character, setting, context and the form and scale of neighbouring buildings;*
- b) the character and proportions of the existing building, where alterations and extensions are proposed.*

#### Townscape

3.2 The site is situated in a particularly prominent location with long views from both the east and west along Euston Road, south along Hampstead Road, north along Tottenham Court Road and east along Warren Street.

3.3 Whilst there are more recent larger scale buildings close by on Euston Road, Hampstead Road and Tottenham Court Road, the scale of the existing building relates most closely, and is read as such, in relation to its immediate historic context. Warren Court is the tallest building on the urban block of which it forms part, comprised of frontages along Euston Road, Fitzroy Street, Warren Street and Tottenham Court Road. It is notable that Warren Court is also of similar scale to the Hotel adjacent on Tottenham Court Rd in the Fitzroy Square Conservation Area. The existing building sits comfortably within this context.

3.4 The proposed 6<sup>th</sup> and 7<sup>th</sup> storey roof addition is clearly of a different order of scale to its immediate historic surroundings and is considered to be harmful to the character of the local

townscape. Contrary to policies CP14 and DP24 of Camden's Local Development Framework.

#### Detailed design

- 3.5 The detailed design of the two storey roof extension is based on taking familiar motifs from Holden's other station buildings. Whilst officers appreciate the efforts made to amend the design in line with the comments received during the previously withdrawn application (2016/1449/P), the proposal is still considered unacceptable as the proposed extension does not relate well to the host building, which along with the increased height renders the roof additions incongruous within its local context.

#### Conservation

- 3.6 With particular respect to conservation areas, policy DP25 states that the council will only permit development that preserves and enhances the character and appearance of the area. As noted above, the site is located immediately north of the Fitzroy Square Conservation Area.
- 3.7 The proposal is considered to be harmful to the setting of the Fitzroy Square Conservation Area, particularly in the view eastwards along Warren Street. In this view the scale of the existing building reads as commensurate with its historic neighbours. The more recent hospital building, on the next block along, terminates the view and is clearly of a different scale and within a different character area. The proposed two roof storeys begin to blur the distinction between the two character areas formed by Fitzroy Square Conservation Area and its immediately adjacent sites and that of the hospital building which addresses Euston Road.
- 3.8 In particular, it is considered that when read in tandem with the southern side of the street (the northern boundary of the conservation area), the proposal appears incongruous with its surroundings and therefore jars with the prevailing context immediately opposite the site.
- 3.9 With regards to the impact on the setting of the listed buildings on Warren Street, whose context is that of the urban block and north edge of the conservation area (56, 58-62 and 63-68 Warren Street (north side) and 15, 16 & 17, 20 & 21 Warren Street (south side)), it is considered that the same considerations apply here. The existing building is read as commensurate with the listed buildings identified above. The introduction of the additional storey and bulk detaches and jars against setting of the host building in relation to its surrounding historic context.

#### Design and conservation conclusion

- 3.10 Based on the designs presented before officers, the proposed 7<sup>th</sup> storey roof addition, for the reasons set out above, is considered unacceptable in this locality. It is, however, acknowledged that the top of the existing building could be improved upon. Any improvements by roof additions would need to be restricted to the existing 6<sup>th</sup> storey and relate more closely with the character of the existing building. It is therefore considered that the proposal is contrary to policies CS5, DP24 and DP25 of Camden's Local Development Framework. Further to this, the proposal is contrary to the design objectives of the Fitzrovia Area Action Plan which, at p.72 states that new development *"should respond positively to the prevailing form of nearby buildings and frontages in terms of scale and grain, particularly listed buildings, and buildings, spaces, and other features identified as making a positive contribution to the conservation areas."*

#### **4. Standard of residential accommodation**

- 4.1 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.
- 4.2 The table below compares the proposed floorspace for each respective unit against the required

space standards.

Proposed Unit	Proposed floorspace (sqm)	Required floorspace (sqm)
3b6p	160	95
3b5p	142	86

- 4.3 The proposed units far surpass the floorspace requirements for such units and are therefore considered acceptable. The units are dual aspect and will receive adequate levels of daylight. As such, the proposed units are considered to comply with the requirements of policies CS5 and DP26.

## 5. Amenity

- 5.1 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, outlook and implications on daylight and sunlight.

### Daylight

- 5.2 The applicant has undertaken a daylight and sunlight assessment for the proposed development which considers the impact of the proposals on the surrounding buildings and residential units.
- 5.3 In regard to daylight, the applicant has used Vertical Sky Component (VSC) to test levels of daylight. If the VSC is greater than 27% then enough daylight should be received by the windows. Should windows fail the 27% level it is acceptable to have a reduction from the existing level of daylight to no less than 80% its former value (a ratio reduction of 0.8).
- 5.4 The VSC does not include reflected light, either from the ground or from other buildings. It also does not take into account other factors such as whether there is light from secondary windows and rooms/units that are dual aspect. The BRE guidance is clear in that only windows that serve habitable space should be assessed such as living rooms, kitchens (where there is a dining function), and bedrooms. Ancillary circulation space and toilets/bathrooms do not need to be included.
- 5.5 The applicant contends that due to the fact that the kitchens within the other units at Warren Court do not have a dining function, they should be removed from any assessment. It has not been possible to gain access to these rooms to ascertain whether they can accommodate a dining function. Whilst it is debatable whether these rooms should be removed from the assessment, it is clear that every other room assessed within Warren Court fails the VSC test. None of the rooms assessed currently pass the 27% threshold as noted above whilst all of the rooms also suffer from a reduction in VSC that is significantly beyond the 20% target. The level in reduction ranges from 33.95% to 74.47% which is considered unacceptable. Whilst the existing rooms at lower levels of Warren Court already suffer from low levels of VSC, the significant impact as a result of the proposal is considered unacceptable in this regard.

### Sunlight

- 5.6 The BRE Guidelines require that all windows within 90 degrees of due south should be considered. The recommended numerical values set out within the BRE Guidelines are for a window to achieve Annual Probable Sunlight Hours (APSH) of 25%, including at least 5% during the winter months or where the difference in the APSH is more than 4% between the existing and proposed both the total APSH and those enjoyed within the winter months are more than 0.8 times the existing values. The guidelines however also state that bedrooms are less

important than living rooms.

- 5.7 It is unclear within the supporting documentation as to why such an assessment has not been made. Paragraph 3.11 of the applicant's supporting daylight and sunlight assessment explains the APSH test as set out above, but no such assessment is made within the following paragraphs.

#### Privacy

- 5.8 Paragraph 7.4 of CPG 6 (Amenity) notes that, to ensure privacy, there should normally be a minimum distance of 18m between the windows of habitable rooms of different units that directly face each other. Paragraph 7.49 of the applicant's supporting Planning Statement notes that there is a distance of 15.48m to the nearest residential window at 295 Euston Road. Whilst this distance may be acceptable, no provisions have been made to ensure that the privacy between these two units can be kept to a minimum. As such, it has not been demonstrated to the satisfaction of officers that the privacy of both future and surrounding occupiers will be protected.

#### Outlook

- 5.9 With regards to outlook, it is considered that the proposed units will benefit from good levels of outlook. It is, however, considered that the units within Warren Court on the floors below the proposal will be subject to a greater sense of enclosure by virtue of the both the additional storey and that the new extension will be built up to the boundary wall of the lightwell. Whilst, as identified above, this will impact on the level of light to these units, they will also experience a greater sense of enclosure and subsequent reduction in outlook. It is not therefore considered that the proposal sufficiently protects the quality of life of neighbouring occupiers contrary to policy DP26 and principle 9 of the Fitzrovia Area Action Plan which seeks a good standard of amenity for all existing and future occupants of land and buildings.

### 6. Transport

- 6.1 Policy DP18 (Paragraphs 18.12 and 18.13) requires development to provide cycle parking facilities in accordance with the minimum requirements as set out within Appendix 2 of the Camden Development Policies document and the London Plan.
- 6.2 The application form and supporting information suggests that cycle parking facilities would not be provided. The proposal in the absence of cycle parking facilities is contrary to Core Strategies CS11 and CS19 and Development Policy DP18 as it would fail to encourage cycling as a sustainable and efficient mode of transport. The proposal would need to provide 4 covered, fully enclosed, secure and step-free cycle parking spaces to comply with the minimum requirements of Camden and London Plan cycle parking standards.
- 6.3 The application site is located in an area with a Public Transport Accessibility Level (PTAL) of 6b. Given the transport accessibility level of the site a car-free development is required. The applicant has not agreed to enter into a legal agreement for a car-free development.
- 6.4 Construction vehicles servicing this site will have an impact on the surrounding road network. The Council needs to ensure that the development can be implemented without being detrimental to amenity or the safe and efficient operation of the highway network in the local area. The applicant has not agreed to enter into a legal agreement to secure a Construction Management Plan and associated financial contribution as a planning obligation which is considered unacceptable.
- 6.5 The adjacent public highway could be damaged as part of the construction process. Such works would require a financial contribution secured via a Section 106 which would be refundable provided the public highway is left in the same state of repair as a result of the works. The figure for the associated works would be £5,000. The applicant has not agreed to enter into



a legal agreement to secure a contribution towards highway works.

- 6.6 It is therefore considered that the proposal is contrary to policies CS11, DP18, DP19, DP20 and DP21 of Camden's Local Development Framework.

## 7. Sustainability

- 7.1 Paragraph 96 of the NPPF states that local authorities should expect new development to comply with adopted Local Plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable. It also outlines that new development should take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.
- 7.2 The London Plan climate change policies as set out within Chapter 5 collectively require developments to make the fullest contribution to the mitigation of, and adaptation to, climate change, and to minimise carbon dioxide emissions.
- 7.3 London Plan Policy 5.2 sets out an energy hierarchy (Be Lean, Be Clean, Be Green) within which development proposals should seek to minimise carbon dioxide emissions. The Policy also sets a target for residential buildings to achieve a 40% improvement on 2010 Building Regulations for carbon dioxide emissions. The London Plan (April 2014) update states that a 35 per cent carbon reduction target beyond Part L 2013 which is broadly equivalent to the 40 per cent target beyond Part L 2010 is to be achieved.
- 7.4 London Plan Policy 5.3 seeks to achieve the highest standards of sustainable design and construction and states development proposals should demonstrate that sustainable design standards are integrated into the proposal, including its construction and operation.
- 7.5 The following measures are proposed:
- 64% overall CO2 reduction;
  - 40sqm brown roof;
  - Submetering proposed;
  - The new build material will be specified to achieve a BRE A / A+ Green Guide rating;
  - Achieving maximum water consumption of 103.9 litres / person / day plus 5 litres / person / day external use. Water metering also proposed.
  - Low energy lighting and efficient controls proposed;
  - New energy efficient gas boilers proposed;
  - Mechanical Ventilation with Heat Recovery proposed. NOx filtration will be provided on the air inlet systems due to poor external air quality;
  - Mechanical cooling proposed using high efficiency Air Source Heat Pumps. Considered acceptable by virtue of the surrounding busy road network to protect the amenities of future occupants;
  - 40sqm solar PV panels on the roof;
  - Good building fabric efficiency. Fabric u-values in SAP are as follows:

- Wall = 0.14
- Roof = 0.10
- Openings = 1.53
- Air permeability at 50 pascals = 3.00

7.6 The above proposed measures are considered satisfactory and the proposal therefore complies with policies CS13, DP22 and DP23 of Camden's Local Development Framework.

## 8. Conclusion

8.1 The provision of two new residential units on site is considered acceptable as it is considered a priority use within Camden's Local Development Framework. However the design is considered unacceptable by virtue of its impact on the both the host building and surrounding heritage assets. As such the proposal is contrary to policies CS14, DP24 and DP25 of Camden's Local Development Framework.

8.2 The proposal is also considered to have an unacceptable impact on the amenities of adjacent residential occupiers contrary to policies CS5 and DP26 of Camden's Local Development Framework.

8.3 The applicant has failed to provide any provision for cycle parking. The applicant has also not agreed to enter into a Section 106 legal agreement to secure a car-free legal agreement and a Construction Management Plan which is considered unacceptable and contrary to policies CS11, CS19 and DP18 of Camden's Local Development Framework.

## 9. Recommendation

9.1 Refuse planning permission.