Delegated Report (Members Briefing)		Analysis sheet		Expiry Date:	05/01/2017		
		N/A / attached		Consultation Expiry Date:	07/12/2016		
Officer			Application Number(s)				
Kate Henry			2016/6111/P				
Application	Address		Drawing Numbers				
11 Dennington Park Road London NW6 1BB			Refer to Draft Decision Notice				
PO 3/4	Area Team Signature	e C&UD	Authorised Of	ficer Signature			
Proposal(s)							
extension at creation of r	configuration and extens lower ground floor level oof terrace above; altera nits (total: 11x self-conta	; dormer windov tions to opening	v to front roof slo gs; in association	pe; rear roof extended with creation of	ension and 3x additional		

**Full Planning Permission** 

Grant conditional planning permission subject to s106 legal agreement

Recommendation(s):

**Application Type:** 

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice								
Informatives:									
Consultations									
Adjoining Occupiers:	No. notified	00	No. of responses	11	No. of objections	11			
Summary of consultation responses:	O7/12/2016).  Objections were Flat 1, 9 Denning Flat 2, 9 Denning 9 Dennington Par Flat 2, 13 Denning Flat 4, 9 Denning Flat 5, 13 Denning Flat 5, 13 Denning Flat 1, 31 Denning Flat 1,	receive gton Park Road ngton Park Road ngton Park Road ngton Park Road ngton Park Road noise d noise d more lard ac no valuation parking ac subside se:	ark Road ad Ltd Park Road ark Road Park Road P	take u	p most of garden eriod the area	duce.			
	The plans have been revised during the course of the application to re the length of the single storey rear extension from 7.9 metres to 4 metric is now considered that the extension would appear subordinate to the building and it would be in keeping with the surrounding pattern of development (please see section 5 of the Officer's Report below).								
	The revised plans also allow for the retention of a reasonable								

garden (please see sections 5 and 9 of the Officer's Report below).

It is not considered that the proposal would cause undue harm to the visual and residential amenities of neighbouring and nearby properties (please see section 7 of the Officer's Report below).

A Construction Management Plan will be secured through the section 106 legal agreement to minimise the impact on local amenity from the demolition and construction phases of development; and to ensure the development can be implemented without being detrimental to the safe and efficient operation of the highway network in the local area (see sections 7 and 8 of the Officer's Report below).

The whole building will be secured as 'car-free' through the section 106 legal agreement, which means future occupiers would not be able to apply to the Council for a parking permit (see section 8 of the Officer's Report below).

The proposed accommodation contributes to the Council's aim to secure a supply of housing with shared facilities in the borough, and the proposed units would all meet the required HMO standards (please see sections 4 and 7 of the Officer's Report below).

This application would not set a precedent; each application must be assessed on its own merits.

Issues relating to subsidence and sewage are not planning matters and instead would be covered by Building Regulations.

Security concerns relating to the new flat roof above the proposed single storey rear extension are not sufficient reason to refuse the application. It is not uncommon for an extension to be built right up to the shared boundary with a neighbouring building.

# CAAC/Local groups comments:

N/A

## **Site Description**

No. 11 Dennington Park Road is a mid-terrace, two and a half storey, red brick / white render building on the south-eastern side of the road.

The building is not listed and nor is it located within a conservation area.

The building has been used as a HMO in the past. The building is currently vacant as it has recently changed ownership.

## **Relevant History**

#### 11 Dennington Park Road

**2016/4406/P** – Certificate of lawfulness (existing) Use as single family dwellinghouse (Class C3) – Withdrawn 20/10/2016

**2014/7593/P** – Replace single glazed timber framed window with double glazed UPVC to front elevation – **Granted 27/01/2015** 

## 9 Dennington Park Road

2006/2699/P – Erection of a single-storey rear basement level extension and installation of new entrance door at front basement level both in connection with existing basement level flat – Refused 07/08/2006.

## 13 Dennington Park Road

8500907 - Change of use including works of conversion to form five self-contained flats – Granted 03/07/1985.

## Relevant policies

## **National Planning Policy Framework (2012)**

London Plan (2016)

# LDF Core Strategy and Development Policies (2010)

- CS1 Distribution of growth
- CS3 Other highly accessible areas
- CS5 Managing the impact of growth and development
- CS6 Providing quality homes
- CS11 Promoting sustainable and efficient travel
- CS13 Tackling climate change through promoting higher environmental standards
- CS14 Promoting high quality places and conserving our heritage
- DP2 Making full use of Camden's capacity for housing
- DP4 Preventing the loss of affordable housing
- DP9 Student housing, bedsits and other housing with shared facilities
- 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 Promoting sustainable design and construction
- DP24 Securing high quality design
- DP26 Managing the impact of development on occupiers and neighbours
- DP28 Noise and vibration
- **DP30 Shopfronts**

# **Camden Planning Guidance**

- CPG1 Design (2015)
- CPG2 Housing (2015)
- CPG6 Amenity (2011)
- CPG7 Transport (2011)
- CPG8 Planning Obligations (2015)

## Fortune Green & West Hampstead Neighbourhood Plan (August 2014)

## LB Camden Minimum HMO Standards (May 2016)

#### Assessment

## 1. The proposal

- 1.1. This application seeks planning permission for the following works:
  - Single storey rear extension at lower ground floor level
  - Dormer window to front roof slope
  - Alterations to window openings on front elevation
  - Rear roof extension, and creation of roof terrace above
  - Internal reconfiguration to provide 14x rooms
- 1.2. The proposed single storey rear extension would extend out from the rear wall of the host building by 4 metres, and it would extend across the whole rear elevation (9.3 metres). It would measure 3 metres tall with a flat roof.
- 1.3. The proposed front dormer would measure 2 metres wide and 2.5 metres tall. It would have a pitched roof.
- 1.4. The proposed rear roof extension would involve raising the existing rear wall upwards to create a flat roof rather than pitched. A new row of windows would be inserted at second floor level within the building.
- 1.5. A new access hatch would provide access to the roof terrace created above the new roof extension. The roof terrace would be above the rear part of the roof only and it would feature railings along the front and rear edges.
- 1.6. On the front elevation, the rendered part of the building above the main entrance would be reconstructed and would feature a smaller window opening.
- 1.7. The 14x units would be split across the different levels of the building as follows:
  - Lower ground floor x3
  - Ground floor x4
  - First floor x4
  - Second floor x3
- 1.8. Of the 14x rooms, 11x units would have en-suite bathrooms and kitchenettes (self-contained) and 3x units would have en-suite bathrooms and would have access to the shared kitchen at second floor level (non self-contained). There is also a shared bathroom in the property, at ground floor level. Both the kitchen and bathroom could be used by anyone occupying the building.
- 1.9. At lower ground floor level there would also be a communal cycle store with space for 14x bicycles.

## 2. Revisions

2.1. The following revisions have been made during the course of the application:

- Reduce length of single storey rear extension
- Alterations to front dormer
- Omission of 2x bedrooms at lower ground floor level
- Alterations to cycle parking arrangements

## 3. Background

- 3.1. The building is currently vacant but was previously used as a HMO with 11x bedrooms with kitchenettes within them.
- 3.2. In 2016 a certificate of lawfulness application (planning reference 2016/4406/P) was submitted to the Council seeking to demonstrate that the lawful use of the building was as a single family dwellinghouse (Class C3), on the basis that the HMO use had not occurred for more than ten years and had therefore not become lawful through the passage of time. However, the application was withdrawn on the advice of Officers due to insufficient evidence relating to when the change of use of the building had actually occurred (e.g. insufficient evidence to suggest it hadn't been more than ten years).
- 3.3. Rather than submitting another lawful development certificate application, this application seeks to extend and internally reconfigure the building to provide 14x residential units (11x self-contained and 3x non self-contained).

## 4. The principle of development

- 4.1. A key aim of the Council is to secure sufficient housing of the right type and quality throughout the borough. Policy CS6 supports the supply of additional student housing, bedsits and other housing with shared facilities providing this does not prejudice the Council's ability to meet the target for the supply of additional self-contained homes, the balance of uses in the area; or the quality of residential amenity or the character of the surrounding area.
- 4.2. Policy DP9 supports development of housing with shared facilities (other than housing designated for older people, homeless people or vulnerable people) and student housing provided that the development:
  - a) will not involve the loss of permanent self-contained homes;
  - b) will not prejudice the supply of land for self-contained homes, or the Council's ability to meet the annual target of 437 additional self-contained homes per year;
  - c) does not involve the loss of sites or parts-of-sites considered particularly suitable for affordable housing or housing for older people or for vulnerable people, particularly sites identified for such provision in our Camden Site Allocations Local Development Framework document:
  - d) complies with any relevant standards for houses in multiple occupation (HMOs);
  - e) will be accessible to public transport, workplaces, shops, services, and community facilities;
  - f) contributes to creating a mixed and inclusive community, and
  - g) does not create an over-concentration of such a use in the local area or cause harm to residential amenity or the surrounding area.
- 4.3. Policy DP9 also resists development that involves the net loss or self-containment of bedsit rooms or of other housing with shared facilities unless either:
  - m) it can be demonstrated that the accommodation is incapable of meeting the relevant standards for houses in multiple occupation, or otherwise genuinely incapable of use as

housing with shared facilities; or

- n) adequate replacement housing with shared facilities will be provided that satisfies criteria
- d), e) and f) above; or
- o) the development provides student housing that satisfies criteria d) to i) above; or
- p) the development provides self-contained social rented homes.
- 4.4. In this case, it is considered that the proposal complies with Policy DP9 insofar as the proposal would not involve the loss of permanent self-contained homes; the proposal would not prejudice the supply of land for self-contained homes in the borough; the proposal does not involve the loss of a site considered particularly suitable for affordable housing or housing for older people or vulnerable people; the proposal would comply with the Council's relevant standards for HMO's (see following paragraphs); the application site is easily accessible (see section 8); the proposal would contribute towards creating a mixed and inclusive community; and the proposal would not result in an over-concentration of such a use in the local area of cause harm to residential amenity (see section 7).
- 4.5. Of the 14x units, 11x units would have en-suite bathrooms and kitchenettes (self-contained) and 3x units would have en-suite bathrooms and would have access to the shared kitchen at second floor level (non self-contained). There is a shared bathroom in the property, at ground level. Both the kitchen and bathroom could be used by anyone occupying the building (although in reality it is unlikely that the 11x units with en-suite bathrooms and kitchenettes would use these shared facilities). The communal bike store at lower ground level would also be accessible to all occupiers of the building.
- 4.6. The whole building would be licensable as a HMO due to its size, the number of separate households living within it and the fact that at least 1 room would not have all 3 basic amenities (toilet, washing facilities, cooking facilities) within it. All the rooms meet the Council's size guidelines for HMO units (in compliance with Policy DP9 part d). However, the self-contained units fail to meet the Government's nationally described space standard. (The Council's HMO standards require that a single room with a kitchenette is at least 12sqm, and 14sqm for a double; and the nationally described space standard requires that a 1-bed-1-person room measures at least 37sqm, and 50sqm for a 1-bed-2-person room).
- 4.7. Whilst the self-contained rooms fail to meet the national minimum size guidelines (for Planning rather than Licensing), the key concern is that the self-contained rooms couldn't be sold off separately in the future, which would create a sub-standard permanent home for someone. The applicant intends to manage the whole building and rent out all of the rooms, and they are willing to sign up to a legal agreement to ensure that the whole building is managed as one (with short hold tenancies for occupiers) and that individual units aren't sold off separately in the future. This would therefore prevent the small self-contained units becoming permanent homes for people, which would be inappropriate due to their size, but would also secure short-term housing for low-income residents in the borough, in line with the aims of Policies CS6 and DP9 of the LDF.
- 4.8. Policy H10 of the Council's Emerging Local Plan seeks to ensure that proposals for low-income occupiers include planning obligations to ensure that housing is available to low income occupiers in the long-term; for example, through rent-capping. In this case, however, the abovementioned terms of the legal agreement are considered to be sufficient because the Emerging Local Plan has not yet been formally adopted and therefore does not carry sufficient weight yet for the Council to reasonably require rent-capping at the property.
- 4.9. The Fortune Green & West Hampstead Neighbourhood Plan (FGWHNP) notes that the condition of some HMO's in the area is of concern, particularly the poor quality of such

development; and it notes that the conversion of houses into houses into multiple units should be strongly controlled and high standards enforced. In the case of new conversions there should be restrictions covering: the number of units to be provided within an existing property; the effect on the character and appearance of the building, or adjacent buildings or the streetscape; the impact on neighbouring residential properties and amenities; and the provision of adequate storage space for waste and recycling bins and containers.

- 4.10. It is considered that the proposal complies with the aims of the FGWHNP insofar as the building would be licensable (i.e. high standards can be enforced); the proposal would not cause harm to the character and appearance of the building or the wider area (see section 5); the proposal would not cause undue harm to the amenities of neighbouring properties (see section 7); and there would be adequate provision made for the storage of waste and recycling (see section 6).
- 4.11. Overall, the principle of development is considered to be acceptable.

## 5. Impact on the character and appearance of the wider area

- 5.1. Policy DP24 requires all development, including alterations and extensions to existing buildings, to be of the highest standard of design. The FGWHNP also requires development in the area to be of high-quality design that reflects the existing style of the area.
- 5.2. The proposed dormer window on the front roof slope has been designed to match the front dormer window at the neighbouring property to the west, No. 13 Dennington Park Road. CPG1 (Design) guides that dormers should be set sufficiently below the roof ridge of the roof in order to avoid projecting into the roofline when viewed from a distance. Usually a 500mm gap is required between the dormer and the ridge to maintain this separation. Similarly, CPG1 guides that there should be a minimum of 0.5 metres between the bottom edge of the dormer and the eaves of the roof. In this case, the top of the dormer would be at the same level as the roof ridge, and the bottom edge would be 0.4 metres from the eaves. However, on the basis that this is the same as the corresponding dormer at No. 13, this is considered to be acceptable as the proposal would restore a sense of symmetry to the front of the pair of buildings. Furthermore, there is a variety of dormer designs in the street; for example, the adjacent properties, Nos. 15 and 17, have dormers which are very close to the eaves.
- 5.3. The proposed dormer would otherwise accord with the guidance insofar as it would relate to the façade below and would align with the new openings at second floor level; and it is considered that it would appear subordinate to the roof slope on which it would be placed.
- 5.4. The alterations to the window above the main entrance are considered to be acceptable. The proposed works would match the front elevation of No. 13. The revised fenestration, with the smaller opening, would also be more in keeping with the style of the host building.
- 5.5. The proposed railings along the centre of the roof, although shown in elevation, are unlikely to be seen in reality, due to the angle at which the property would be viewed and their set-back from the front elevation. Similarly, the roof terrace would not be visible in the public realm. The rear wall of the host building would be built up to the same height as the rear wall at No. 13 and the height of the railings at the rear of the building would match the height of the railings at No. 13. No. 9 (the adjacent property to the east) also has a similar roof terrace and railings at the rear, but at a slightly higher level due to the local topography whereby the land slopes up towards the north-east. On the basis that both adjacent properties have similar roof-level development, the proposed rear roof extension and roof terrace would not be out of keeping with the surrounding pattern of development and are thus considered to be acceptable.

- 5.6. The new rear-facing windows at second floor level would align with the openings on the lower floors, which is welcomed. They would match in size and position, the corresponding windows at No. 9 Dennington Park Road, which is considered to be acceptable.
- 5.7. The proposed single storey rear extension at lower ground floor level has been reduced in size during the course of this application. It would now extend out from the rear wall of the host building by 4 metres, across the whole rear elevation (9.3 metres wide) and it would measure 3 metres tall with a flat roof. It is considered that the proposed extension would appear subordinate to the host building in terms of location, form, scale, proportions, dimensions and detailing; and it is considered that the proposed extension would respect and preserve the original design and proportions of the host building, including its architectural period and style, in line with the guidance set out in CPG1 (Design).
- 5.8. The proposal would also allow for the retention of a reasonable sized garden, also in accordance with CPG1 (Design).
- 5.9. The openings on the proposed single storey rear extension would not align with those on the upper floors of the host building; however, this is considered to be acceptable at the lowest level of the building, particularly because the extension would not be visible in the public realm and the larger openings would allow more light to enter the lower ground floors units which the openings serve.
- 5.10. Overall, the proposed works are considered to be of a sufficiently high standard of design, in line with the requirements of Policy DP24 and the FGWHNP.

## 6. Living standards for future occupiers

- 6.1. Policy DP9(d) requires that HMO's comply with the relevant standards. Similarly, the FGWHNP notes that the conversion of houses into houses into multiple units should be strongly controlled and high standards enforced.
- 6.2. As noted, all of the proposed units comply with Council's HMO Standards in terms of size. All 14x units would have their own en-suite bathroom. There would also be a shared bathroom at ground level, adjacent to the main entrance to the building. Of all the rooms, 11x would have kitchenette facilities in the rooms and those rooms are of a sufficient size to accommodate this.
- 6.3. The other 3x units (Units G9, F10 and F13) would not have kitchenette facilities in the rooms; however, there is a shared kitchen (8sqm) on the second floor, which would be accessible to anyone living in the building. The standards require that, where a bedroom is more than one floor away from the kitchen, the kitchen must be provided with facilities to eat meals within it, for example a kitchen-diner or a separate dining room adjacent to the kitchen. Unit G9 (at ground floor level) is more than one floor away from the shared kitchen, and therefore the kitchen must be large enough to provide facilities for occupiers to eat meals within the kitchen. The plans have been revised in order to meet this requirement and the Licensing team are satisfied with the proposed layout.
- 6.4. The plans have also been revised to alter the cycle parking arrangements so that 14x bicycles (i.e. 1 per unit) can be stored within the building at lower ground floor level (see section 8).

- 6.5. The Planning Statement which accompanies the application notes that the refuse storage area would be located to the front of the building, at ground floor level (where bins are already stored). Now that the cycle parking arrangements have been amended, there is also additional space at the front of the building (within the front yard) to accommodate waste and recycling storage if required.
- 6.6. The whole building will be licensable as a HMO and the aforementioned legal agreement will ensure that the building is managed as one, and that no units are sold off individually in the future. This will prevent the small self-contained units becoming permanent homes for people, which would be inappropriate due to their size, and will also secure short-term housing for low-income residents in the borough, in line with the aims of Policies CS6 and DP9.
- 6.7. Overall, the proposal is considered to be acceptable in this respect, in line with the requirements of the LDF and the FGWHNP.

# 7. Impact on the visual and residential amenities of neighbouring and nearby properties

- 7.1. Policy DP26 seeks to protect the quality of life of occupiers and neighbours by only granting permission for development that does not cause harm to amenity. The factors to consider include: visual privacy and overlooking; overshadowing and outlook; sunlight, daylight and artificial light levels; noise and vibration levels; and the inclusion of appropriate attenuation measures.
- 7.2. The main properties that are likely to be affected are the individual flats within the adjacent buildings (Nos. 9 and 13 Dennington Park Road), and the properties to the rear on Kingdon Road.
- 7.3. It is not considered that the proposal would give rise to unacceptable levels of overlooking. The new rear-facing windows at second floor level would be at the same level as existing windows at No. 9 and the level of overlooking is unlikely to be significantly worse than the existing situation.
- 7.4. Similarly, the new roof terrace would sit between two existing roof terraces and therefore the level of overlooking towards nearby properties is unlikely to be significantly worse than the existing situation. There may be overlooking between each of the roof terraces at Nos. 9, 11 and 13; however, a suitable planning condition can require the submission and approval of details of screening prior to the commencement of works, to ensure there would be no loss of privacy to the existing roof terraces either side of the application building.
- 7.5. It is not considered that the proposal would give rise to unacceptable overshadowing, loss of light or loss of outlook at the neighbouring properties. The plans have been revised during the course of the application so that the single storey rear extension would extend out from the rear wall of the host property by 4 metres (reduced from 7.9 metres), which is considered to be acceptable. Whilst the extension would be visible from the neighbouring properties' lower windows, it is no longer considered that the length would be overly long or obtrusive when viewed from the neighbouring properties. Both adjacent properties would still retain a good outlook to the rear. No. 13 may experience some loss of sunlight to the lower ground floor windows nearest the shared boundary with the application building, but this would only be during the morning and more pronounced during the winter months when the sun is lower in the sky; and throughout the rest of the day/year, these windows are unlikely to be significantly affected. On balance, this is considered to be acceptable.

- 7.6. It is not considered that the extra comings and goings associated with an increase in the number of occupiers at the building would cause undue harm to the amenities of nearby and neighbouring properties, particularly because Dennington Park Road is a relatively busy street in a highly built-up area. The legal agreement will ensure that the property is managed as one unit. As such, any problems associated with the building could be raised with the management company, rather than needing to approach individual occupiers.
- 7.7. Policy DP28 notes that the Council will seek to minimise the impact on local amenity from the demolition and construction phases of development. Given the extent of the proposed works and the nature of the application site, the Council will secure the submission of a Construction Management Plan (CMP) through a legal agreement.

## 8. Transport considerations

- 8.1. The application site has a Public Transport Accessibility Level (PTAL) of 5, which indicates that it is highly accessible by public transport. The nearest stations are the 3 West Hampstead stations (train and tube). The nearest bus stops are located to the east of the site on West End Lane.
- 8.2. Policy DP18 expects new development to provide the minimum necessary car parking provision. The proposed scheme involves the internal re-configuration of the building, as well as extensions, to provide 3x more residential units. Given that the building is currently vacant it is unlikely that any previous tenants will be returning to the building once the works are completed and therefore it is not considered to be appropriate to allow the building to retain any existing parking permit rights. Instead, the whole building can be secured as 'car-free' through the section 106 legal agreement, which means no future occupiers can apply to the Council for an on-street parking permit. This would help to relieve parking pressure on the surrounding streets.
- 8.3. In accordance with The London Plan 2016, each bedroom would require 1 cycle parking space, which equates to a requirement to provide 14x cycle parking spaces. The proposed cycle parking details have been amended during the course of this application, following advice from the Transport Officers. Rather than providing some spaces in the front yard, which would not be covered or fully enclosed, all of the proposed cycle parking will be provided within the building at lower ground floor level in a dedicated communal cycle storage room. A suitable planning condition can ensure that the cycle parking facilities are provided in their entirety prior to the occupation of the new units, and retained thereafter.
- 8.4. Policy DP20 seeks to minimise the impact of the movement of goods and materials by road. As already noted, due to the scale and nature of the proposed development and the application site a CMP will be secured by the legal agreement to ensure the development can be implemented without being detrimental to amenity or the safe and efficient operation of the highway network in the local area.
- 8.5. Policy DP21 states that 'The Council will expect works affecting Highways to repair any construction damage to transport infrastructure or landscaping and reinstate all affected transport network links and road and footway surfaces following development'. The footway directly adjacent to the site on Dennington Park Road could be damaged as a direct result of the proposed works. As such, the legal agreement will also secure a contribution towards highways works.

## 9. Landscaping

9.1. As already noted, the plans have been revised during the course of the application to reduce the length of the proposed single storey rear extension, which means that a reasonable sized rear garden would be retained. Nevertheless, the plans still show some excavation at the rear and a suitable planning condition can require the application to provide full details of hard and soft landscaping at the site, prior to the commencement of works.

**Recommendation:** Grant conditional planning permission subject to section 106 legal agreement.

The decision to refer an application to Planning Committee lies with the Director of Regeneration and Planning. Following the Members Briefing panel on Monday 13<sup>th</sup> February 2017, nominated members will advise whether they consider this application should be reported to the Planning Committee. For further information, please go to <a href="https://www.camden.gov.uk">www.camden.gov.uk</a> and search for 'Members Briefing'.