

<b>Delegated Report</b>		<b>Analysis sheet</b>	<b>Expiry Date:</b>	18/10/2016
		N/A / attached	<b>Consultation Expiry Date:</b>	25/10/2016
<b>Officer</b>			<b>Application Number(s)</b>	
Ian Gracie			2016/4687/P	
<b>Application Address</b>			<b>Drawing Numbers</b>	
Former 59-61 Leighton Road London NW5 2QH			Refer to 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 a single storey roof extension to existing northernmost three-storey building as approved by 2013/1614/P dated 18/06/2013 to provide 1 x 2-bedroom unit; alterations to existing staircase.				
<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	<b>132</b>	No. of responses	<b>01</b>	No. of objections	<b>01</b>
			No. electronic	<b>00</b>		
Summary of consultation responses:	<p>Letters were sent to adjoining neighbours.</p> <p>No objections were received from local residents.</p>					
Local groups comments:	<p>Objections were received from the Kennistoun and Willingham Close TRA who raise the following concerns:</p> <ul style="list-style-type: none"> <li>• The application seeks to add a third storey to a block which was negotiated out of the original application. The application seeks to overturn what was previously approved, following revision to the original application – (<b>Officer comment</b> – see paragraphs 2.1-2.8 for further detail).</li> <li>• It will make the block appear to bulky and will make the existing building even more depressing to look at, the rear wall is plain with very small windows, it is rendered cement over plasterboard and is considered ugly – (<b>Officer comment</b> – see paragraphs 2.1-2.8 for further detail).</li> <li>• The building will make the children’s football pitch that much darker and sunlight to the pitch– (<b>Officer comment</b> – see paragraphs 2.1-3.3 for further detail).</li> <li>• Will make the scheme a total of 10 units which flouts agreements on the provision of social housing for developments of more than 9 flats– (<b>Officer comment</b> – see paragraphs 5.1-5.3 for further detail).</li> <li>• We are concerned that the office space will be turned into a residential unit if the owner can show that residential use would be a better use of the space – (<b>Officer comment</b> – This is not a material consideration to this case. Should the applicant wish to change the use in the future then the applicant will be required to demonstrate its acceptability in accordance with policy DP13 of Camden’s Local Development Framework)</li> <li>• The existing development has often meant that the estate road has been blocked to all residents of Willingham Close as the contractor has shown no respect of tenants and allowed illegal parking by his workers – (<b>Officer comment</b> – this is not a material consideration to this case. If the contractor is operating outside of the working hours as stipulated within the Construction Management Plan as part of 2013/1614/P, the Enforcement Team should be contacted to investigate the case).</li> </ul>					

## Site Description

The application site is currently under construction following the grant of planning permission (Ref no. 2013/1614/P) on 18/06/2013. The application granted the following development:

*“Erection of two buildings, one four storey mixed use with office (B1) at part basement and part ground floor level, and residential with 2x 2 and 3x 3 bedroom units (Class C3) at part basement, part ground, first, second and third floor levels; one three storey residential building with 4x 2 bedroom units (Class C3) at basement, ground, first and second floor levels following demolition of existing public house (A4) and ancillary residential use building.”*

The adjoining land uses are typically residential, with the adjoining property at no.57 (Dunne Mews) being 4 storeys in height (front block) with a full length single storey rear projection all comprising dwellings, as well as the 4 ½ storey Kennistoun House (west), 6 storey Willingham Close block (north east) and 3 storey Margaret House (east). Hard surfaced playgrounds adjoin the northern boundary of the site, with the Our Lady Help of Christians Church and hall buildings beyond.

The site lies just outside of the Kentish Town Conservation Area, with the aforementioned church and the buildings on the southern side of Leighton Road, facing the application site, lying within that boundary. Nos. 64-70 opposite and to the east of the site, are Statutory Listed Buildings. The site is not otherwise subject to other policy designations within the LDF, though has a high PTAL of 5.

## Relevant History

**2012/5996/P** – Erection of two buildings, one x five storey mixed use with office (B1) at the basement and ground floor level, and residential with 5 x 2 and 1 x 3 beds (Class C3) at first, second, third and fourth floor level; one x four storey residential building with 2 x 2 and 2 x 3 (Class C3) at basement, ground, first, second and third floor level [following the demolition of existing public house (A4) and residential (C3) building] – **Refused 23/01/2013.**

### Reason for refusal:

1. *The proposed development, by virtue of its scale, bulk, massing, height and design would represent an incongruous addition to the Leighton Road streetscene, harmful to the general character and appearance of the surrounding area and the adjacent Kentish Town Conservation Area, contrary to policy CS14 (Promoting high quality places and conserving our heritage) of the London Borough of Camden Local Development Framework Core Strategy, and policies DP24 (Securing high quality design) and DP25 (Conserving Camden's heritage) of the London Borough of Camden Local Development Framework Development Policies.*

2-11. *Matters relating to a Section 106 legal agreement.*

**2013/1614/P** – Erection of two buildings, one four storey mixed use with office (B1) at part basement and part ground floor level, and residential with 2x 2 and 3x 3 bedroom units (Class C3) at part basement, part ground, first, second and third floor levels; one three storey residential building with 4x 2 bedroom units (Class C3) at basement, ground, first and second floor levels following demolition of existing public house (A4) and ancillary residential use building. – **Granted Subject to Section 106 Legal Agreement 18/06/2013.**

## **Relevant policies**

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

Paragraphs 14, 17, 56-66, and 126-141.

### **London Plan (2016)**

Policy 3.5 – Quality and Design of Housing Developments

Policy 7.4 – Local Character

Policy 7.6 – Architecture

Policy 7.8 – Heritage Assets and Archaeology

### **Local Development Framework**

#### ***Core Strategy (2010)***

CS5 – Managing the impact of growth and development

CS6 – Providing quality homes

CS11 – Promoting sustainable and efficient travel

CS14 – Promoting high quality places and conserving our heritage

#### ***Development Policies (2010)***

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

DP5 – Homes of different sizes

DP16 – 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

DP24 – Securing high quality design

DP25 – Conserving Camden's heritage

DP26 – Managing the impact of development on occupiers and neighbours

#### ***Supplementary Guidance***

CPG 1 – Design (2015) – Section 5

CPG 2 – Housing (2015) – Section 4

CPG 6 – Amenity (2011) – Chapter 7

## Assessment

### 1. Proposal

1.1 The applicant seeks planning permission for the:

*“Erection of a single storey roof extension to existing northernmost three-storey building as approved by 2013/1614/P dated 18/06/2013 to provide 1 x 2-bedroom unit; alterations to existing staircase.”*

1.2 The proposal comprises the following elements:

- Single storey extension at roof level of the two storey building to the rear of the application site;
- The proposal will be clad with corrugated metal façade panels;
- Green roof with high efficiency PV panels of the same specification to that which was granted by 2013/1614/P;
- 1 x 2-bed unit measuring 62.1sqm;
- An enlarged and heightened staircase to provide access up to the proposed extension.

### 2. Design & Heritage

#### Roof Extension

2.1 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.”*

2.2 With regards to roof extensions on more contemporary buildings, CPG 1 (Design), at paragraph 5.20, provides further clarity and states that proposals should have regard to:

- The visual prominence, scale and bulk of the extension;
- Use of high quality materials and details;
- Impact of adjoining properties both in terms of bulk and design and amenity of neighbours, e.g. loss of light due to additional height;
- Sympathetic design and relationship to the main building.

2.3 As noted above, planning permission was previously refused on the application site (2012/5996/P). The proposal was of the same scale to that of this proposal. The proposal was refused for reasons of its scale and bulk. The Council’s principle reason for refusal stated:

*“The proposed development, by virtue of its scale, bulk, massing, height and design would represent an incongruous addition to the Leighton Road streetscene, harmful to the general character and appearance of the surrounding area and the adjacent Kentish Town Conservation Area, contrary to policy CS14 (Promoting high quality places and conserving our heritage) of the London Borough of Camden Local Development Framework Core Strategy, and policies DP24 (Securing high quality design) and DP25 (Conserving Camden’s heritage) of the London Borough of Camden Local Development Framework Development Policies.”*

2.4 Whilst the refused proposal referred to above related to an additional storey on both the rear

building and the building fronting Leighton Road, it is considered that the bulk and scale of the currently scheme which proposes an extension only on the rear building is considered unacceptable.

- 2.5 The original proposal that was approved (Ref no. 2013/1614/P) had a clear design language in that the building to the rear (the subject of this application) was clearly subordinate to that of the building fronting Leighton Road. This was noted as a positive feature of the proposal which was considered to reduce the impact of the development in terms of its impact on the surrounding streetscape. This application proposes to increase the scale of the rear building to bring it to the same scale to that of the front block which will remove the subordinate nature of the rear block. This is considered to appear as an incongruous feature to a development where a reduced scale to the rear is considered a far more acceptable concept.
- 2.6 Further to this, the footprint of the proposed third storey covers a significant proportion of the rear building's footprint – and is larger than the in the refused scheme. This is considered unacceptable as it adds to the perceived bulk.
- 2.7 It is considered important to allow the block fronting Leighton Road to remain the dominant building on the site. This helps to reinforce the established pattern of development within the Conservation Area which predominantly consists of buildings fronting the street. It is acknowledged that the housing estate immediately to the east of the site comprises a group of taller buildings set back from Leighton Road. However these front and address Willingham Close to the rear and are physically detached at a distance which separates the blocks from the smaller group on Leighton Road. Moreover they are separated with open shared amenity space.
- 2.8 The proposed development, including the extended staircase, would result in the front and rear blocks on the site combining to read as a singular entity, given their matching height and the enlarged connecting staircase, which is of a scale and depth out of character with the predominant character of the area and which reduces the current definition between the front, middle and rear of the plot. It should be noted that the Edwardian mansion blocks to the west of the site are of a different scale and architectural typology. This means that they do not share the same interrelationship with the more traditional domestic and other apartment blocks more closely connected with regard scale and character to the host site, and therefore shouldn't be used as a relevant precedent.

### Staircase

- 2.9 In this regard, the staircase has a fundamental effect on the proposed scheme. The scale of the proposed stairs betrays their simple purpose and adds unnecessary and unwarranted bulk to the development. Adopted planning policy guidance CPG1 sets out clear guidance guarding against the use of external service equipment in section 11 of the document. It clearly states that building service equipment relates to access and that "in new development all building equipment should be integrated into the development structure" and (inter alia) "should not be a dominant feature of the building." (paragraph 11.5 CPG1)
- 2.10 The approved staircase is one flight and discreetly located and largely hidden behind the boundary wall.
- 2.11 The proposed extension and staircase are considered to cause harm to the character and appearance of the Kentish Town Conservation Area. Section 72 of the Planning (listed building and conservation area) Act requires special regard be had to the desirability of preserving and enhancing the character and appearance of the conservation area under s.72 of the Act. Great weight and importance must be given to the any harm caused.

## **3. Amenity**

- 3.1 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 which includes visual privacy, overlooking, and overshadowing and outlook.

3.2 Paragraph 7.9 of CPG 6 (Amenity) provides further clarity and guidance on this policy which states that:

*“When designing your development you should also ensure the proximity, size or cumulative effect of any structures do not have an overbearing and/or dominating effect that is detrimental to the enjoyment of their properties by adjoining residential occupiers.”*

3.3 In terms of daylight and sunlight, a daylight/sunlight report has been submitted which demonstrates that the proposal meets all of the required BRE standards in terms of the proposal’s impact on the surrounding built environment. The proposal is therefore considered acceptable in this regard. Officers consider that sufficient levels of light will reach the football pitch immediately to the north of the site. This was assessed as part of the previous refusal for the site and was considered acceptable. As the scale of that proposal compared to this proposal is identical, it is not considered that the impact would be materially different.

3.4 With regards to overlooking and privacy, it is not considered that there is a materially greater level of overlooking as a result of the proposal that would not already be apparent as part of the approved scheme (Ref no. 2013/1614/P) and is therefore considered acceptable. It is also not considered that the level of outlook will be significantly affected as a result of this proposal.

3.5 As such, it is considered that the application is in accordance with policies CS5 and DP26 of Camden Council’s Local Development Framework.

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

4.1 Policy DP26 requires that developments provide an acceptable standard of accommodation in terms of internal arrangements, dwelling and room sizes and amenity space. Developments are also required to provide facilities for waste storage, bicycle storage and outdoor amenity space.

4.2 Minimum space standards for new development, as set out within table 3.3 of the London Plan (2016) requires that 2b3p units must be a minimum of 61sqm.

4.3 The proposed unit is compared against the London Plan standards below for clarity and ease of reference:

Unit Type	Proposed Size	London Plan requirement
2 bed 3p	62.1	61

4.4 As the table above indicates, the proposed unit meets the floorspace requirements for 2b3p units and is therefore considered acceptable.

4.5 The proposed unit itself, which is dual aspect, will benefit from good levels of outlook and daylight. As such the quality of the proposed unit is considered acceptable in terms of amenity.

#### **5. Affordable Housing**

5.1 The creation of this additional unit to the original scheme (LPA Ref. 2013/1614/P) raises the overall number of residential units to 10. The previous planning permission included a Section 106 clause which ensured that should any further residential units come forward, it would trigger the requirement for affordable housing.

5.2 Paragraph 031 of the Planning Practice Guidance was reinstated in May 2016 which states the following:

*“There are specific circumstances where contributions for affordable housing and tariff style planning obligations (section 106 planning obligations) should not be sought from small scale and self-build development. This follows the order of the Court of Appeal dated 13 May 2016, which give legal effect to the policy set out in the Written Ministerial Statement of 28 November 2014 and should be taken into account.*

*These circumstances are that;*

*contributions should not be sought from developments of 10-units or less, and which have a maximum combined gross floorspace of no more than 1000sqm (gross internal area).”*

5.3 As such, as a result of the proposal, the requirement for affordable housing would not be triggered due to the overall amount of residential floorspace totalling 895sqm across a total of 10 units which is within thresholds as set out within paragraph 031 of the Planning Practice Guidance.

## **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 site is located in an area with a Public Transport Accessibility Level (PTAL) of 5. Given the transport accessibility level of the site a car-free development would be required. The applicant has not agreed to enter into a legal agreement for a car-free development.

6.3 The proposed residential development consists of one 2-bedroom unit. Therefore 2 cycle parking spaces are required to meet the London Plan's minimum cycle parking requirement. Paragraph 9.8 of CPG 5 (Transport) requires that cycle parking should be provided off-street, within the boundary of the site. It also needs to be accessible (in that everyone that uses a bike can easily store and remove a bike from the cycle parking) and secure (in that both wheels and the frame can easily be locked to the stand). Security is a critical concern in the location, design, enclosure and surveillance of all cycle parking.

6.4 No information has been submitted regarding cycle parking. The applicant claims that this will be provided within the ground floor of the development in line with that provided to serve the units currently under construction. However, evidence of this arrangement needs to be submitted in support of this proposal. It is not therefore considered that sufficient information has been submitted to address officers concerns.

6.5 A Construction Management Plan was previously secured against the approved scheme and this has been signed off as being acceptable. It is therefore considered unnecessary to secure a further CMP as long as the principal contractor continues to abide by the approved CMP. It is understood that access to the construction site is currently taken from the side access road which is owned by the Council's housing department and that a separate agreement will need to be secured to ensure that this can continue to be achieved to the satisfaction of both parties.

6.6 A Section 106 highways contribution for repaving the footway adjacent to the front of the site on Leighton Road was previously secured against the approved scheme. It is therefore considered that a further contribution is unnecessary in this instance as any damage caused during construction can be repaired using the funding already secured against this site.

6.7 It is therefore considered that the proposal fails to accord with policies CS11, DP18, DP19, DP20 and DP21 of Camden's Local Development Framework.

## **7. Sustainability**

7.1 Policy CS13 requires that all developments (existing and new build) achieve a 20% reduction in



on-site carbon dioxide emissions through renewable technologies, unless demonstrated that such provision is not feasible. Policy DP22 notes that proposals should demonstrate how sustainable design and construction principles have been incorporated into the design and proposed implementation. New residential dwellings will therefore be required to demonstrate how this has been met by following the energy hierarchy in an energy statement.

- 7.2 New residential development is required to demonstrate that the development is capable of achieving a maximum internal water use of 105 litres per person/day, with an additional 5 litres person/day for external water use.
- 7.3 The sustainability statement submitted in support of this application demonstrates that the development achieves a 28% improvement over Part L as well as reduction in water use below 105l/person/day which is considered acceptable. The proposal also seeks to install a green roof on the proposed roof extension in a similar vein to the previously approved scheme. It is therefore considered that the proposal accords with policies CS13 and DP22 of Camden's Local Development Framework. A condition would be attached to secure this were the application to be considered acceptable.

## **8. Conclusion**

- 8.1 The erection of an additional storey to the rear block of the application site is considered unacceptable by virtue of its scale, bulk, massing, height and design and is contrary to policies CS14 and DP24 of Camden's Local Development Framework.
- 8.2 The applicant has also failed to enter into a legal agreement to secure a car free legal agreement contrary to policies DP18 and DP19 of Camden's Local Development Framework.
- 8.3 No detail has been submitted in support of the application to demonstrate the cycle parking arrangements. The proposal is therefore also contrary to policies CS11, DP18, DP19, DP20 and DP21 of Camden's Local Development Framework.

## **9. Recommendation**

- 9.1 Refuse planning permission.