



PLANNING SERVICES

TOWN & COUNTRY PLANNING ACT 1990 (as amended)

**HEARING
STATEMENT OF CASE**

APPEAL SITE
150 Haverstock Hill, NW3 2AY
APPELLANT
Mr A Kirkwood

SUBJECT OF APPEAL

Appeal against refusal of planning permission (ref: 2016/2507/P) on 1st of September 2016 for:

“Change of use from shop (Class A1) to provide a 2 storey, 2 bed dwelling (Class C3) with roof terrace including partial demolition of existing building, alteration to front façade, erection of front boundary wall and erection of first floor extension.”

COUNCIL REFERENCE: 2016/2507/P

PLANNING INSPECTORATE REFERENCE: APP/X5210/W/16/3163673

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1.0 SITE AND SURROUNDINGS

- 1.1 The appeal site is a single storey Class A1 unit located on the north east side of Haverstock Hill. The appeal site sits within the Parkhill and Upper Park Conservation Area and is stated as a building making a positive contribution to the area in the Parkhill and Upper Park Conservation Area Appraisal and Management Strategy. The modest shopfront includes a large fascia above pilasters with a heavy, splayed cornice, a roller shutter and a large fascia sign.
- 1.2 The site is at the end of a group of three commercial properties on Haverstock Hill, separated by a narrow alleyway to the north of the site. The site is approximately 14.2m deep and abuts 150a Haverstock Hill at the rear, which is to the north of the site and also abuts the Grade II listed building at 148 Haverstock Hill, to the south of the site. The properties to the north are four storeys with a mansard level. 150a Haverstock Hill is a three storey timber clad house with a pitched roof that sits behind 152 Haverstock Hill and is accessed via the alleyway between the subject property and 152 Haverstock Hill. The flats at 152 Haverstock Hill are also accessed via this alleyway and is divided into 3 Flats.
- 1.3 Of note are neighbouring windows to the north of the site above ground level which serve residential properties. 150a Haverstock Hill at the rear of the appeal site includes two rooflights which serve the ground floor, 2 windows in the west facing elevation at first and second floors and a glazed door and window in the south facing elevation at first and second floors. 152A Haverstock Hill includes two windows at first floor in the south facing elevation.
- 1.4 148 Haverstock Hill which abuts the site to the south is a Grade II listed building. The building is two storeys with an attic, and is setback from the street behind a front boundary wall and arched access gate which are also listed. Heading south down Haverstock Hill the listed building is clearly visible above the subject site.
- 1.5 The site is located in a PTAL of 4, meaning that the site is served by very good public transport links. The site is located in the Belsize Controlled Parking Zone (CA-B) which is highly stressed. The parking spaces to permit ratio in the CPZ is 1.10 which means that for every 100 car parking spaces there are 110 permits.

2.0 APPEAL PROPOSAL

- 2.1 The appeal is against the London Borough of Camden's refusal of an application for planning permission dated 1st September 2016.
- 2.2 The application for planning permission (ref: 2016/2507/P) was received by the Council on 4th May 2015 and was registered on 5th May 2015. The application sought planning permission for the following development:

Change of use from shop (Class A1) to provide a 2 storey, 2 bed dwelling (Class C3) with roof terrace including partial demolition of existing building, alteration to front façade, erection of front boundary wall and erection of first floor extension.

- 2.3 A site notice was displayed on Haverstock Hill from 11th May – 1st June 2016 and again on the 25th May- 15th June 2016, a press notice was advertised on 12th May 2016 and again on the 26th May 2016. 12 neighbours were consulted by letter.
- 2.4 Four letters of objection were received. The objections relate primarily to the impact on amenity for adjoining occupants including loss of privacy, loss of light, overshadowing, the daylight and sunlight report being inaccurate, overlooking, noise and air pollution, and sense of enclosure. Additionally, objections have been raised regarding dimensions of plans, the impact of solar panels, access for maintenance, the design of the privacy screen, impact on the listed building, the loss of a commercial property and the impact of cycle and bin stores in the front garden. A copy of all representations received during the course of the application was sent to the Planning Inspectorate with the Questionnaire.
- 2.5 The application was determined under Delegated Authority on 1st September 2016. A copy of the Officers Committee report is attached as **Appendix 1**. It should be noted that paragraph 2.17 in the officer report was included in error and should be disregarded. A copy of the decision notice is attached as **Appendix 2**. The reasons for refusal are as follows:
- 1. The proposed development, by reason of its siting, design, massing, scale and materials, would be detrimental to the character of the host building and the surrounding streetscene, failing to preserve or enhance the character and appearance of the surrounding 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. The proposed development, by reason of its siting, design, massing, scale and materials would be detrimental to the character, appearance and setting of the neighbouring Grade II listed building at 148 Haverstock Hill. The proposed development fails to respect the special historic and architectural interest of the Grade II listed building contrary to Policy CS14 (Promoting high quality places and conserving our heritage) of the London Borough of Camden Local Development Framework Core Strategy; and Policy DP25 (Conserving Camden's heritage)*

of the London Borough of Camden Local Development Framework Development Policies.

3. *The proposed development, by reason of its design, layout and associated deep floor plan would result in an unacceptable standard of accommodation for future occupants by way of a substandard unit and bedroom size and poor daylight and outlook for the kitchen, contrary to policies CS5 (Managing the impact of growth and development) of the London Borough of Camden Local Development Framework Core Strategy and policy DP26 (Managing the impact of development on occupiers and neighbours) of the London Borough of Camden Local Development Framework Development Policies.*
4. *The proposed development by virtue of its siting and scale would result in an undue loss of light and outlook to neighbouring properties at 150a and 152 Haverstock Hill contrary to policy CS5 (Managing the impact of growth and development) of Camden Local Development Framework Core Strategy and policy DP26 (Managing the impact of development on occupiers and neighbours) of the London Borough of Camden Local Development Framework Development Policies.*
5. *The proposed development, in the absence of a legal agreement securing a sustainability plan, would not secure the appropriate energy and resource efficiency measures, contrary to policies CS13 (Tackling climate change through promoting higher environmental standards) and CS16 (Improving Camden's health and well-being) of the London Borough of Camden Local Development Framework Core Strategy and policies DP22 (Promoting sustainable design and construction) and DP23 (Water) of the London Borough of Camden Local Development Framework Development Policies. (Please note that it is considered that this matter can be addressed by condition and this reason for refusal is hereby withdrawn. See Para 5.2 below)*
6. *The proposed development, in the absence of a legal agreement securing car-free housing, would be likely to contribute unacceptably to parking stress and congestion in the surrounding area, contrary to policies CS11 (Promoting sustainable and efficient travel) and CS19 (Delivering and monitoring the Core Strategy) of the London Borough of Camden Local Development Framework Core Strategy and policies DP18 (Parking standards and the availability of car parking) and DP19 (Managing the impact of parking) of the London Borough of Camden Local Development Framework Development Policies.*
7. *The proposal, in the absence of a legal agreement to secure highway contributions to undertake external works outside the application site, would fail to secure adequate provision for the*

safety of pedestrians, cyclists and vehicles, contrary to policies CS11 (Promoting sustainable and efficient travel), CS19 (Delivering and monitoring the Core Strategy), DP17 (Walking, cycling and public transport) and DP21 (Development connecting to the highway network) of the London Borough of Camden Core Strategy and Development Policies 2010.

3.0 RELEVANT PLANNING HISTORY

3.1 None.

4.0 PLANNING POLICY FRAMEWORK

4.1 National Policy Documents

On the 27th of March 2012 the Government published the National Planning Policy Framework (NPPF). The policies contained in the NPPF are material considerations which should be taken into account in determining planning applications. Paragraphs 14, 17, 29-30, 39, 49, 51, 56-66, 93-99 and 126-141 are most relevant.

4.2 Local and Regional Planning Policy Framework

The Development Plan for the area comprises the London Plan March 2016, and the Local Development Framework, containing the Camden Core Strategy and the Camden Development Policies.

4.3 The London Plan Policies most applicable here include policies 3.3, 3.5, 6.3, 6.9, 6.10, 7.4, 7.6 and 7.8.

4.4 Local Development Framework

Camden's Core Strategy and Development Plan Documents (Local Development Framework) were adopted in November 2010. The 4 Strategic objectives of the LDF are;

- a. A sustainable Camden that adapts to a growing population;
- b. A strong Camden economy that includes everyone;
- c. A connected Camden where people lead healthy active lives; and;
- d. A safe Camden that is a vibrant part of our world city.

4.5 The relevant LDF policies as they relate to the reasons for refusal of the application are listed below:

- CS1 - Distribution of growth
- CS5 - Managing the impact of growth and development
- CS6 - Providing quality homes
- CS7 - Promoting Camden's centres and shops
- CS11 - Promoting sustainable and efficient travel
- CS13-Tackling climate change through promoting higher environmental standards
- CS14- Promoting high quality places and conserving our heritage

CS18 - Dealing with our waste and promoting recycling
CS19- Delivering and monitoring the Core Strategy

DP2 - Making full use of Camden's capacity for housing
DP5 - Homes of different sizes
DP6 - Lifetime homes and wheelchair homes
DP12 - Supporting strong centres and managing the impact of food, drink, entertainment and other town centre uses
DP13 - Employment premises and sites
DP16 - The transport implications of development
DP17 - Walking, cycling and public transport
DP18 -Parking standards and limiting the availability of car parking
DP20 - Movement of goods and vehicles
DP22 – Promoting sustainable design and construction
DP24 - Securing high quality design
DP25- Conserving Camden's heritage
DP26 - Managing the impact of development on occupiers and neighbours

4.6 The full text of each of the policies has been sent with the questionnaire documents.

4.7 Emerging Planning Policy - Draft Camden Local Plan 2016

The emerging Camden Local Plan Submission Draft, 2016 is also a material consideration. Last summer, the Camden Local Plan was formally submitted to the government for public examination. Following the public hearings, the Council has consulted on Main Modifications to the Local Plan. Following the Inspector's report into the examination, which is expected in early-mid April 2017, policies in the Local Plan should be given substantial weight. Adoption of the Local Plan by the Council is anticipated in June or July. At that point the Local Plan will become a formal part of Camden's development plan, fully superseding the Core Strategy and Development Policies, and having full weight in planning decisions. There are no material differences between the current adopted policies and the emerging adopted policies in relation to this appeal. The importance of good design however is further emphasised. This is demonstrated in the relevant emerging policies that are set out below.

4.8 The following policies in the emerging Local Plan are considered to be relevant:

G1 Delivery and location of growth
H1 Maximising housing supply
H6 Housing choice and mix
H7 Large and small homes
A1 Managing the impact of development
D1 Design
D2 Heritage
CC1 Climate change mitigation
CC2 Adapting to climate change

CC3 Water and flooding
CC5 Waste
T1 Prioritising walking, cycling and public transport
T2 Car-free development and limiting the availability of parking
T4 Promoting the sustainable movement of goods and materials
DM1 Delivery and monitoring

4.9 **Supplementary Guidance (Camden Planning Guidance)**

The Council will also, where appropriate, rely on supplementary planning guidance as set out in the Camden Planning Guidance (CPG) insofar as it is material. The CPG was approved in 2011 and updated in 2013 and 2015.

- | | |
|-----------|-------------------------------------|
| i. CPG1 | Design |
| ii. CPG2 | Housing |
| iii. CPG5 | Town centres, retail and employment |
| iv. CPG6 | Amenity |
| v. CPG7 | Transport |

- b. Copies of the above Camden Planning Guidance documents were sent with the Questionnaire.

4.10 **Parkhill and Upper Park Conservation Area Appraisal and Management Strategy 2011**

In particular, pages 32-33 (Buildings that make a positive contribution), pages 51-52 (Current issues) and pages 53-54 (Management of change) are relevant.

5.0 **SUBMISSIONS**

- 5.1 This section sets out the Council's Case in respect of reasons for refusal 1-4 and comments on the appellants' Hearing and Appeal Statement.
- 5.2 If the Planning Inspectorate were minded to grant planning permission, it is considered the Sustainability Plan, which was proposed to be secured via a S106 legal agreement and formed reason for refusal 5, can be secured via a condition of permission. The Council therefore now proposes to withdraw this reason for refusal no.5 and replace it by a condition to secure the proposed measures in the applicant's submitted sustainability report. The suggested condition is given in **Appendix 5**.
- 5.3 Reasons for refusal 6-7 are discussed later in this statement as they relate to the absence of a legal agreement and could be overcome by entering into such agreement.
- 5.4 There is no objection to the loss of a retail unit at this location given that the unit is outside any designated shopping centre. Therefore, the loss of an A1 unit is not an issue of contention and does not form a reason for refusal.

- 5.5 The appellants' grounds of appeal have not been summarised separately, but are addressed within the Council's submission below. There is indeed no objection to the loss of an A1 unit at this location. The development would not however preserve or enhance the conservation area or the setting of the listed building next door. The standard of accommodation would be unacceptable, would not be accepted by virtue of a two bedroom unit being proposed or the inclusion of outdoor amenity space and the development would harm neighbours' amenity. Additionally if the development were the development otherwise acceptable, a s106 legal agreement would be required to secure not only a car-free development, but also a Construction Management Plan and monitoring contribution, and a highways contribution.
- 5.6 The appellant has submitted suggested revisions to attempt to address some of the reasons for refusal. These amendments have not been submitted formerly and they have not been consulted upon. They are highlighted and addressed in the council's submissions below.
- 5.7 Reason 1
"The proposed development, by reason of its siting, design, massing, scale and materials, would be detrimental to the character of the host building and the surrounding streetscene, failing to preserve or enhance the character and appearance of the surrounding 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."
- 5.8 Firstly it should be stated that the total or substantial demolition of buildings that positively contribute to the conservation area is considered unacceptable in principle. This building is considered a positive contributor to the conservation area as stated in the Parkhill and Upper Park Conservation Area Appraisal and Management Strategy. The strategy advises that positive contributors form the core reason for the significance of the conservation area and justify its designation and that they primarily include development at the end of nineteenth century, turn of the twentieth century and the 1930s. Furthermore, the statement advises the Council will not grant consent for the total or substantial demolition of an unlisted building that makes a positive contribution to the character or appearance of a conservation area (page 54).
- 5.9 The building is a modest but handsome shop, thought to date from the late 19th century. The shop is made all the more endearing by its palpably false parapet, intended to give an imposing appearance, but which can be clearly understood in side views, much like a piece of scenery. It contributes to the fine grain of the street scene by dint of its obvious oldness, its historic design details, which include the remains of console brackets, entablature and old canvas awnings, as well as plaster rosettes that have been designed to match those of the listed building that it abuts

(and which are mentioned on the list description). In addition to these known factors, there is a likelihood that other interesting features lie behind the large strip-lit box fascia.

- 5.10 The building further contributes through its position relative to the listed house next to it at 148 Haverstock Hill. The onlooker is invited to wonder how such juxtaposition came about, and what the site might once have looked like. Indeed, the conservation area statement states that the listed house, which is much older, would originally have stood alone before the suburbanisation of the area, and this modestly scaled, single-storey building helps to maintain the house's original isolation.
- 5.11 The degree to which the appellant intends to demolish the site is not clear. It is possible that the flank walls would be retained, for example, and so attempt to justify the proposal by saying that it does not involve total demolition. However, the parts of this building that contribute positively to the conservation area are its ornamental façade, its low height and its relationship with its surroundings. The proposal will lead to the total loss of this contribution, and it should therefore be assessed as though total loss of the building is envisaged.
- 5.12 It is true that the site is in poor condition, but if every positive contributor became vulnerable to demolition because it had been poorly maintained, it would be very easy to demolish positive contributors. Throughout the submission, the appellant attempts to conflate the signage and shop front with the positive contributor itself. In fact, these admittedly ugly elements are merely attached fittings that the next user of the site will almost certainly remove. Again, if the underlying building can be condemned because of transitory modern attachments, fewer and fewer positive contributors will survive.
- 5.13 In terms of design, the old façade described above would be entirely lost and replaced with a brand new, two-storey house of bland, modern design on a set-back plot, to the detriment of the character and appearance of the conservation area. A revised proposal has also been submitted by the appellant for the Inspectorates' consideration (Appendix 1 of the appellants' Hearing Statement) that retains the historic columns to either side of the shop front, but, without the rest of the building, these would lack all context and would simply appear to be gate piers. The retained sections also appear to stop below the decorative brackets, so, even by the standards of façade retention, would be entirely pointless. A pastiche fascia board is also now planned for the proposal, but this would be on a set-back building line and attached to a new-build house, so would be both bogus and historically confusing. Finally, glass screening is not considered appropriate at high level in conservation areas.
- 5.14 Since it is not desirable for house fronts to abut the street, the applicant wishes to re-site the building behind a front garden. Being a shop, the existing building steps forward to the pavement, like the adjacent commercial premises, so enclosing the street and forming a coherent

context with the shop at 152 Haverstock Hill and once pub to the north at 154. Its siting is therefore important to the character of the conservation area, and setting it back, as is proposed, would alter this character for the worse. Loss of the active frontage and comings and goings of the shop use will make this part of the conservation area less lively and so harm its character.

- 5.15 The present, low height character of the existing building, as explained above, contributes to the group, or specifically non-group, relationship between the listed house at 148 Haverstock Hill and the other positive contributors to the north. It also allows views over to the timber-clad house behind and the rears of the houses beyond that, plus their gardens. The increase in height, massing and scale would obscure these elements from public view.
- 5.16 In relation to the materials, it is not doubted that the proposed building can be rendered to resemble the existing. However the materials will not be the historic materials that currently compose the positive contributor, no matter how they might attempt to mimic them. Any onlooker will be fully aware that they are looking at a modern construction, to the detriment of the fine grain of the conservation area.
- 5.17 Paragraph 138 of the NPPF states that “loss of a building (or other element) which makes a positive contribution to the significance of the conservation area should be treated either as ‘substantial’ harm under paragraph 133 or ‘less-than-substantial’ harm under paragraph 134, as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the conservation area as a whole”.
- 5.18 The substantial demolition of this positive contributor would be considered to constitute ‘less-than-substantial’ harm to the designated heritage asset (the Parkhill Conservation Area). At paragraph 134, the NPPF states that, where a development proposal will lead to less-than-substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
- 5.19 In this instance, there is no public benefit and the asset is already in its optimum viable use, namely it is operating as a shop. The appellant has asserted that this use may end in future, but has offered no evidence either that the existing tenant wishes to leave or that he has test marketed the site. Furthermore, other commercial uses, such as office use, do not appear to have been investigated.
- 5.20 The proposal therefore fails this balancing test and is considered unacceptable in terms of its unjustified loss of a heritage asset.
- 5.21 Special attention has been paid to the desirability of preserving or enhancing the character and appearance of the conservation area, under

section 72 of the Listed Buildings and Conservation Areas Act 1990 as amended by the Enterprise and Regulatory Reform Act 2013.

5.22 Reason 2

“The proposed development, by reason of its siting, design, massing, scale and materials would be detrimental to the character, appearance and setting of the neighbouring Grade II listed building at 148 Haverstock Hill. The proposed development fails to respect the special historic and architectural interest of the Grade II listed building contrary to Policy CS14 (Promoting high quality places and conserving our heritage) of the London Borough of Camden Local Development Framework Core Strategy; and Policy DP25 (Conserving Camden’s heritage) of the London Borough of Camden Local Development Framework Development Policies”.

5.23 The proposed building would be set back behind a front garden. This would have the effect of diminishing the contrast between the fully urban street line provided by the shops and the suburban street line occupied by the listed house at 148 Haverstock Hill. As has been stated, this juxtaposition between the shop and the house is an interesting one, telling a story of rising and falling fortunes in the area. Replacing this shop with a house on a set-back building line and of conventional domestic height would reduce the impact of the set-back position of the listed house, while erasing the history of development of the site.

5.24 The relative visual isolation of 148 Haverstock Hill is mentioned in the conservation area statement. The additional massing and scale of the proposed development would further have the effect of drawing the listed house into the terrace, integrating it, reducing its status and making it appear more mundane where, at the moment, it stands in a somewhat surprising relationship to its neighbour and retains something of its original stand-alone character.

5.25 As shown by the CGI mock-ups (Appendix 6 of the appellants’ Hearing Statement) the additional storey would also dominate the listed building at 148 Haverstock Hill in views from the south, jutting in front of it on two levels, and largely concealing its upper storey in views from the north. This additional bulk and height would be to the detriment of the setting of the listed building.

5.26 The feeblest scrutiny of the existing building reveals that it is an historic one, as befits the neighbour of a listed building in a conservation area. While the juxtaposition is perhaps a strange one, it is one that has mellowed with time, and removing this old building and replacing it with either a bland modern design or a crude modern pastiche would destroy the listed house’s relationship with the surroundings that have developed around it over the past century.

5.27 As far as materials are concerned, it is not clear how much of the original building will be demolished. However even if some of the rear walls are retained, the most important parts of this building are its façade, its size

and its relationship to its surroundings. While the façade of the new house might be made to resemble the old shop in terms of surface finish, anyone who understands the historic environment will be in no doubt that they are looking at a modern facade of new materials, despite the pastiche fascia board proposed, which can only puzzle onlookers, being set behind a front garden. The only original materials that will survive are the least important, undecorated components of the historic shopfront, namely the pilasters below the corbels. Finally, to its rear, the new building will be topped with opaque glass screening, which is not considered appropriate in historic contexts such as this.

5.28 Special regard has been attached to the desirability of preserving the adjoining listed building, its setting and its features of special architectural or historic interest, under s.66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Enterprise and Regulatory Reform Act 2013.

5.29 Reason 3

“The proposed development, by reason of its design, layout and associated deep floor plan would result in an unacceptable standard of accommodation for future occupants by way of a substandard unit and bedroom size and poor daylight and outlook for the kitchen, contrary to policies CS5 (Managing the impact of growth and development) of the London Borough of Camden Local Development Framework Core Strategy and policy DP26 (Managing the impact of development on occupiers and neighbours) of the London Borough of Camden Local Development Framework Development Policies”.

5.30 The proposed development is considered to result in an unacceptable quality of accommodation for three reasons: overall the unit size is too small, the main bedroom is too small and the kitchen area proposed would have poor daylight and outlook. Combined, this would create a substandard accommodation for occupants as discussed further here. In itself the principle of creation of a 2 bedroom unit is acceptable here in accordance with policy.

5.31 As stated in the Officer's delegated report, minimum space standards are set out in Table 1 of the 'Technical housing standards- nationally described space standards March 2015'. The Gross Internal Area (GIA) required for a 2 bedroom, 3 person dwelling which is set over 2 storeys is 70sqm and that a double room be at least 11.5sqm and a single room be at least 7.5sqm. The appellant argues the proposed accommodation would be of a reasonable standard; however the dwelling would fail to comply with both the minimum unit size and the minimum bedroom size required in these standards.

5.32 The proposed new unit would have an internal floor area of 58.8sqm (10.2sqm below the requirement given in the National Technical Standard and 1.2sqm below the requirement of 61sqm given in Camden Planning Guidance CPG2: Housing (in paragraph 4.14)). It should be noted the

delegated report incorrectly states the floor area as 66sqm and the agent states the area as 58.8sqm. The appellant argues that the national standard is larger to accommodate staircases and internal circulation; however it is considered that the proposed flat layout includes a normal hallway, landing and staircase for a 2 bedroom unit. It is considered that the shortfall in size is significant and the proposal does not comply with either the Camden standard or the National standard for minimum gross internal floorspace.

5.33 Additionally, the proposed double bedroom (10.2sqm) does not meet the minimum space standard for a double bedroom, given in the National Space Standards (11.5sqm) or the Camden CPG2: Housing guidance (11sqm), being only 10.2sqm. The appellant argues that the combined room size (10.2sqm for the double and 7.7sqm for the single) exceeds the Camden guidance. However, the minimum bedroom size requirements are not calculated by combining the size of all the rooms and individually each room needs to meet or preferably exceed the standard for a double or a single room. The main bedroom is below the required size although it is acknowledged that the shortfall is about 1sqm and could be remedied by reducing the adjoining bathroom size; however as currently proposed, in combination with the other factors of substandard size and light, it is not considered the proposal lends itself to accommodation suitable for three people.

5.34 The proposed dwelling would have a layout with a very deep floorplan on the ground floor. The area labelled as 'kitchen', which would also serve as part of a main living/dining area, would only be served by a non-openable walk-on roof light along the north side of the room. The whole room sized 17sqm is considered to be a habitable room and is likely to be where future occupiers would spend a large portion of their time when within the unit. It is considered the proposed room would not have sufficient outlook nor would receive sufficient daylight. The size and location of the rooflight at the far end of the room will not provide adequate light or outlook to the middle part of the room noted as a dining area. Paragraph 4.21 of CPG2 states that 'All habitable rooms should have access to natural daylight. Windows in rooms should be designed to take advantage of natural sunlight, safety and security, visual interest and ventilation'. Paragraph 4.23 gives minimum requirements and states 'All habitable rooms, including basements, must have an external window with an area of at least 1/10 of the floor area of the room and an area of 1/20 of the floor area of the room must be able to be opened to provide natural ventilation'.

5.35 5.34 It is considered that, without a daylight study from the applicant to confirm this, the room overall is likely to have very poor daylight and ventilation. The rooflight is estimated to be sized about 0.9sqm which is less than 10% of the floorspace of this room (17sqm). Furthermore it is considered, even if this CPG test was met, it would be misleading as the rooflight is located at the extreme end of a long room, it is enclosed by a perimeter 1m high parapet upstand and it only illuminates the floor immediately below it, so that the centrally placed habitable element will not

be well lit nor have access to any outlook; moreover the rooflight appears fixed and would not allow any natural ventilation. Overall it is considered that this would create a poor standard of accommodation for the new occupants.

5.36 The proposed new dwelling would thus not provide an acceptable living environment for future occupiers, contrary to the requirements of Policy DP26, and therefore the Council is of the opinion that the development would fail to fulfil the social role necessary to achieve sustainable development as prescribed by the NPPF. There are no positive elements of the scheme which outweigh the harm.

5.37 It is noted that the applicant has provided an alternative internal arrangement within Appendix 7 of their Hearing Statement which would accommodate a one bedroom, two person dwelling over two floors. The 'Technical housing standards- nationally described space standards March 2015' require a unit of this size be 58sqm which this scheme would comply with. However, this proposal would not overcome the second part of the refusal within reason 3, regarding poor daylight and outlook to the kitchen/diner, and therefore it is not considered the revised plan would address the entire reason for refusal.

5.38 Reason 4

"The proposed development by virtue of its siting and scale would result in an undue loss of light and outlook to neighbouring properties at 150a and 152 Haverstock Hill contrary to policy CS5 (Managing the impact of growth and development) of Camden Local Development Framework Core Strategy and policy DP26 (Managing the impact of development on occupiers and neighbours) of the London Borough of Camden Local Development Framework Development Policies".

5.39 The proposal is considered to result in loss of daylight, sunlight and outlook to one property and loss of outlook to another property, both adjacent to the site. The results of the applicants' light study in Table 3.1 of the Daylight and Sunlight Impact Assessment are not disputed. Council policy on amenity is based on the use of the BRE methodology for assessing sunlight and daylight on existing and future occupiers. In terms of outlook, CPG6 Amenity states that, when designing developments, the proximity and size of structures should not have an overbearing and/or dominating effect that is detrimental to the enjoyment of adjoining residential properties.

5.40 Loss of daylight

With regard to front window (annotated as 1007 in the daylight table) to the 1st floor study of 150a, it is accepted that, although it has a technically significant reduction in daylight, this loss is only just below the BRE recommended minimum ratio of 0.8; it is considered on balance that the room overall should still have adequate daylight as it is served by another window at rear and a large glazed door at side (ref 1008) which receive ample light.

- 5.41 With regard to rooflight (ref 1009) of the ground floor lounge of 150a, it is accepted that the daylight received by this 'window' meets minimum BRE guidelines although the degree of reduction in itself (with a ratio of 0.5) is significant and thus 'noticeable' to occupants. However it could be argued that this degree of loss will be even more significant and noticeable for the room overall, given its unusual layout and context. The rooflight does not illuminate the room in the same way as a normal window would but rather only downlights one corner edge so that the interior of the lounge remains quite shaded even on a bright sunny day, as witnessed on site (see photos in **Appendix 4**). This rooflight is also effectively the main opening responsible for illuminating this whole large room as the other rooflight (ref 1010) is in an extreme corner and partially hidden by the staircase. Furthermore both rooflights are quite small in relation to the size of the whole room. Thus it is considered that, in these circumstances, the fact that the rooflights in themselves meet VSC minima is rather misleading and the degree of light reduction from this already poorly lit room would be noticeable and likely to be harmful to its habitable quality.
- 5.42 It is noted that the applicant's daylight study has not carried out a No Sky Line (NSL) analysis, despite that the consultants had apparently visited the affected flats so that the room layouts could have been surveyed for this purpose. The BRE guide recommends a 2 stage process for affected windows involving both VSC and NSL tests, and the latter would have been useful to fully analyse the impact on this lounge; VSC tests do not take account of the layout and size of a room nor that of windows serving it, which can be misleading in unusual situations.
- 5.43 **Loss of sunlight**
The appellant argues the development would not have a materially adverse impact upon the amenities of adjoining occupiers. However, their daylight & sunlight report demonstrates that there would in fact be noticeable loss of sunlight to the ground floor lounge of 150a Haverstock Hill. The annual probable sunlight hours for rooflight ref 1009 will be significantly and seriously reduced to below recommended minimum levels, ie. from 53% to 8% for the full year and 16% to 0% for winter; the ratio of reduction will be significant by 0.15 and 0.00 respectively.
- 5.44 The ground floor of 150a includes the lounge/living area and kitchen entered via the front door within the alleyway next to the appeal site. The living room is unusual in that it is only served by two rooflights on the south eastern edge next to the appeal site and annotated as windows 1009 and 1010 within the Daylight/Sunlight Assessment. Window 1010 is a sloped rooflight that is located above the staircase providing access to the first floor and, as noted above, due to the slope and location of this rooflight, most of the light which enters the property from this glazing illuminates the stairwell and the first floor rather than the ground floor living area, as evident from the photographs provided in **Appendix 4**.
- 5.45 It is accepted that the rooflight 1010 will continue to receive the minimum levels of sunlight (despite the degree of reduction being reasonably

significant). However it is considered that this will not compensate for the serious degree of loss of sunlight experienced by the other rooflight 1009. As explained above, this window 1009 is considered to be the main light source to the living room, both in terms of daylight and sunlight. It is considered the reduction in sunlight would be particularly noticeable given that 1009 is the main light source for the living room and any reduction for this window would result in an already poorly sunlit room becoming an even darker habitable space to the detriment of the occupant's amenities. This is contrary to the daylight report's conclusion that this 'room will continue to receive what is considered to be a reasonable level of sunlight'. It is thus considered that the proposed development would have a serious impact harming the quality of accommodation at 150a Haverstock Hill and the development would be unacceptable in this regard. Photos in **Appendix 4** illustrate the light sources and nature of illumination for this ground floor living room.

5.46 Loss of outlook

It is considered the proposed development would impact on outlook for both the house at 150a Haverstock Hill and the 1st floor flat at 152A Haverstock Hill. In reviewing the revised plans in Appendix 7 provided by the appellant which now show a corrected privacy screen totalling 1.8m high above the rear roof terrace (or approx. 1m above the existing roof), it is accepted now that there will be no harmful loss of outlook from this screen to the side glazed door of the 1st floor study of 150a. Although there will be an increased sense of enclosure created by the additional roof height to the front study window 1007 which would be harmful in itself, it is considered on balance that this room overall retains a reasonably adequate outlook from other glazed openings, ie. the rear window and side door.

5.47 However it is considered that the rooflight 1009 to the ground floor lounge of 150a would experience a loss of outlook and increased sense of enclosure. As explained above, this glazing provides the main source of light, outlook and ventilation to this room and the only views of the sky over the roof of the appeal site. The proposed increased height of this roof with a new side wall approx. 1.5m high will result in this rooflight enclosed by 2 side walls and will obscure views to the sky above.

5.48 The 1st floor flat at 152A Haverstock Hill includes a bathroom and bedroom window facing south over the roof of the appeal site. It is considered that window 1003 serving a bedroom would be significantly affected by the development, as a result of having a new blank flank wall almost 2m higher than the existing flat roof and at a distance of almost 2m away from the bedroom window. Although the development would not completely obscure this window, it would considerably enclose the outlook from the room, so that views are restricted to a blank wall in close proximity up to, if not above, eye level and to the higher flank wall of 148 beyond. It is considered that this impact is harmful to the amenities enjoyed by the residential occupiers here. Furthermore, in response to the appellants' comments, the fact that this is only a bedroom mainly used at night time is

misleading; although the floorplan of this flat is not known, the bedroom could be used as another habitable room by the occupants which would involve more daytime use. It is thus considered that the proposed development would have an impact harming the neighbours' accommodation at 152a Haverstock Hill and the development would be unacceptable in this regard.

5.49 S106 reason for refusal 5

This reason is proposed to be withdrawn and replaced by a new condition as explained in para 5.2 above.

5.50 S106 reasons for refusal 6-7

Reasons for refusal (RfR) 6-7 could be addressed by an appropriate S106 planning obligation. The Council is working with the appellant to prepare a legal agreement which addresses RfR 6-7 in respect of the planning appeal. However, in the event that some/all matters cannot be agreed in this way, then the Council will provide evidence to demonstrate that the requirements are justified against relevant planning policy and meet the tests laid out in the Community Infrastructure Levy (CIL) Regulations 2010 in particular Regulation 122(2) which require that for a planning obligation to constitute a reason for granting planning permission it must be (a) necessary to make the development acceptable in planning terms, (b) directly related to the development, and (c) fairly and reasonably related in scale and kind to the development, and the National Planning Policy Framework (particularly paragraphs 203-206).

5.51 Given this context, at the time of writing the Council has not received a fully signed final legal agreement document and therefore the Council reserves the right to comment further upon its contents at a later stage of the appeal proceedings.

5.52 Reason 6

"The proposed development, in the absence of a legal agreement securing car-free housing, would be likely to contribute unacceptably to parking stress and congestion in the surrounding area, contrary to policies CS11 (Promoting sustainable and efficient travel) and CS19 (Delivering and monitoring the Core Strategy) of the London Borough of Camden Local Development Framework Core Strategy and policies DP18 (Parking standards and the availability of car parking) and DP19 (Managing the impact of parking) of the London Borough of Camden Local Development Framework Development Policies."

5.53 Car-free Development

The Council requires this obligation to facilitate sustainability and to help promote alternative, more sustainable methods of transport. The site is located in the Belsize Controlled Parking Zone (CA-B) which is highly stressed. The parking spaces-to-permit ratio in the CPZ is 1.10 which means that for every 100 car parking spaces there are 110 permits. In addition, the site is also located in a PTAL of 4, meaning that the site is served by very good transport links. Given that the site has moderate links

to public transport, would contain a residential unit and is located within a Controlled Parking Zone which is considered to suffer from parking stress, it is considered the development should be secured as car-free through a S106 legal agreement if the appeal were allowed. This is in accordance with key principle 4 of the National Planning Policy Framework 'Promoting sustainable transport', and policies CS11, CS19, DP18 and DP19 of the LDF.

- 5.54 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 ongoing requirement of the development to remain car-free. 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 an additional dwelling needed 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". 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.
- 5.55 The Council has previously sought advice from counsel in relation to the legality of its car-free provisions in light of the two high court decisions (*Westminster City Council v SSCLG* and *Acons [2013] EWHC 690 (Admin)* and *R (on the application of Khodari) v Kensington and Chelsea RBC [2015] EWHC 4084*).
- 5.56 Camden's Development Policy DP18 states that it will expect development to be car free in the Central London Area, the town centres of Camden, Finchley Road/Swiss Cottage, Kentish Town, Kilburn High Road and West Hampstead and other highly accessible areas. The Council implements this policy through the use of S106 obligations which require the owner of

the development to inform incoming occupiers that they are not eligible to obtain a parking permit for on-street parking or to purchase a space in a Council-controlled car park.

- 5.57 Following the recent high court decision of R. (on the application of Khodari) v Kensington & Chelsea RLBC [2015] EWHC 4048, the court found that an obligation used by Kensington & Chelsea did not amount to restrictions on the development or use of the land nor could they be said to be requirements to use the land in a specified way and as such were not lawful planning obligations.

'The owner and lessees covenant and undertake to the council... from implementation: Not to apply to the council for a parking permit in respect of the permit free residential units nor to knowingly permit any owner or occupier of the permit free residential units to apply to the council for a parking permit and if such a permit is issued in respect of the permit free residential units it shall be surrendered to the council within seven days of written demand'.

- 5.58 The Khodari case follows the 2013 case of Acons; the 'obligation' in Acons was concerned with achieving car-free development and prevented the owner from applying for a street parking permit in the following terms:

'The owner... undertakes ... not to apply to the Council for a parking permit in respect of the land....'.

- 5.59 The obligation did not comply with the strict terms of S106(1) of the Act because it did not relate to the use of land. The restrictions did not bite on how the development needed to be built or on how the development needed to be used thereafter. Neither did it require the land to be used only in a certain way. Instead it simply sought to prevent the owner from applying for a parking permit. Consequently, the court found that it was not enforceable as provided by S106(3) and S106(5) because it was not a planning obligation. It was merely a purely personal undertaking which was not capable of being registered as a local land charge.

- 5.60 The Council's clause found at clause 4.1.2 of its draft S106 agreement contains an obligation not to occupy or use any residential unit at any time during which the occupier of the residential unit holds a Residents Parking Permit. This obligation does bite on and restricts the manner in which the land can be used in the future. It also restricts the use of the land in a specified way in line with what is necessary to meet the terms of S106(1)(a).

- 5.61 CIL Compliance:

The car-free requirement complies with the CIL Regulations as it ensures that the development is acceptable in planning terms to necessarily mitigate against the transport impacts of the development as identified under the Development Plan for developments of the nature proposed. This supports key principle 4 of the National Planning Policy Framework: Promoting sustainable transport. It is also directly related to the

development and fairly and reasonably related in scale and kind as it relates to the parking provision for the site and impact on the surrounding highway network.

5.62 Reason 7

“The proposal, in the absence of a legal agreement to secure highway contributions to undertake external works outside the application site, would fail to secure adequate provision for the safety of pedestrians, cyclists and vehicles, contrary to policies CS11 (Promoting sustainable and efficient travel), CS19 (Delivering and monitoring the Core Strategy), DP17 (Walking, cycling and public transport) and DP21 (Development connecting to the highway network) of the London Borough of Camden Core Strategy and Development Policies 2010”.

5.63 Highways contribution

Policy DP21 states that the Council will expect development connecting to the highway to repair any construction damage to the transport infrastructure or landscaping and reinstate all affected transport network links, road and footway surfaces following development. In order to cover the Council’s cost to repair any highway damage as a result of construction and to tie the development into the surrounding urban environment, a financial contribution should be required to repave the footway adjacent to the site in accordance with policy DP16 and DP21. The estimate for this work has been prepared by the Borough Engineer. The estimate is £3,174.34. This is based on 5m of kerb, 29.5m² of new ASP flags and also 1 utility cover in the footway (this section is shown in green on the Highways Plan in **Appendix 6**). It is considered that this amount is justified given the size and scale of the development.

5.64 The Council maintains that a payment for highways work should be secured through a Section 106 legal agreement, which will also combine as an agreement under Section 278 of the Highways Act 1980. CPG8 Planning Obligations states that public highways works on Borough Roads are to be undertaken through a Section 106 or 278 obligation.

5.65 The guidance also states that the Council will secure payment for required works by preparing an estimate (including fees) for the scheme that the developer will be required to pay before commencing development (paragraph 5.14). The most effective way of both securing sufficient payment and ensuring the works are carried out to the Council’s procedures and standards is for a financial contribution to be paid by the developer on commencement of the development and secured by an obligation under Section 106 legal agreement. The exact costs will be quantified on completion of the highways works and if the costs exceed the initial contribution then the developer would be required to pay the difference. The Council’s standard procedure is to secure this under the proposed S106 Planning obligation which would also act as an agreement under s278 of the Highways Act 1980. It is not possible to secure a financial contribution for highway works by condition as it relates to land outside the application site and is not under the control of the applicant.

The Planning Practice Guidance advises that financial contributions cannot be secured by condition (PPG, Using Planning Conditions paragraph 5 – Appendix 8).

5.66 CIL Compliance:

The contribution is considered to be CIL compliant. It is necessary in planning terms as identified in the development plan to mitigate against the increased impact that will be generated by the development. The contribution has been calculated taking into account the particular characteristics of the development, it is directly related to the development and is fairly and reasonably related in scale and kind to the development. It is also directly related to the development and fairly and reasonably related in scale and kind as it will provide for the new residents and mitigate impacts of the development.

6.0 OTHER MATERIAL MATTERS

6.1 If the Inspectorate is minded to grant planning permission, the Council requests that along with the other s106 legal agreement requirements requested, a Construction Management Plan and monitoring contribution (£1,140) be secured via s106 legal agreement. A planning obligation is considered to be the most appropriate mechanism for securing compliance with a CMP in this case simply because a considerable extent of the activity during construction could cause conflict with other road users or be detrimental to the amenity of the area and will necessarily take place outside the curtilage of the planning unit of the appeal site. Potential impacts for the proposed demolition/construction works which should be controlled by a CMP include traffic generation from removal and delivery of materials to the site. This could result in traffic disruption and dangerous situations for pedestrians and road users.

6.2 Under the Planning Act conditions are used to control matters on land within the developers' control. However, a CMP is designed to be an enforceable and precise document setting out how measures will be undertaken not just on site but also around the site in order to minimise as far as reasonable the detrimental effects of construction on local residential amenity and/or highway safety on the nearby roads hence, using a condition to secure the type of off-site requirements usually included in a CMP would in this case be unenforceable.

6.3 Conditions can only lawfully be used to control matters on land within the developer's control. Many of the CMP provisions will relate to off-site requirements, particularly public highway (which is not land within the developers' control). As such, a Section 106 Agreement (rather than a condition) is the most appropriate mechanism. This is in accordance with Planning Practice Guidance which states that conditions requiring works on land that is not controlled by the applicant often fails the tests of reasonability and enforceability. The CMP requirement complies with the CIL Regulations as it ensures that the development is acceptable in planning terms to necessarily mitigate against the transport impacts of the

development as identified under the Development Plan for developments of the nature proposed. It is also directly related to the development and fairly and reasonably related in scale and kind as it relates to managing impacts to neighbours and on the surrounding highways from construction at the site.

- 6.4 The £1,140 CMP Implementation Support Contribution is required to cover the costs of Council staff time in reviewing and approving the submitted CMP, the ongoing inspection and review of the plan during the construction works, and discussions to agree any amendments during the lifetime of the construction. This can take a large amount of time and this is a cost which should be covered by the developer who benefits from the planning permission rather than the tax payer. This is in accordance with paragraph 2.36 of CPG 8 which states:

Separate fees in the form of contributions payable through section 106 agreements may be negotiated where warranted and are considered necessary in planning terms and directly related to development where further costs of technical verification, inspection and on-going supervision are likely to be incurred as a direct result of a particular development. Examples of obligations which may necessitate a contribution for implementation include construction management plans and basement construction plans.

- 6.5 An advice note providing further information on this financial contribution is available on the Council's website at the following hyperlink: <http://www.camden.gov.uk/ccm/content/environment/planning-and-built-environment/two/planning-applications/making-an-application/supporting-documentation/planning-obligations-section-106/>
- 6.6 In requesting this support contribution the Council has had regard to the *Oxfordshire County Council* case law, however, that case was in relation to seeking monitoring expenses incurred in respect of one off payments made prior to commencement and which required no ongoing monitoring. The support fee requested in this instance relates to specific ongoing monitoring/management costs and so is in accordance with that case.
- 6.7 Without prejudicing the outcome of the appeal, should the Inspector be minded to approve the appeal, the Council has prepared Conditions considered to be appropriate. Such conditions can be found in **Appendix 5**.

7.0 CONCLUSION

- 7.1 The Council has set out above the reasons why planning permission was refused and why it upholds the reasons for refusal on the grounds that the proposal is unacceptable in terms of the impact of the design on the streetscene and neighbouring listed building, the quality of new accommodation and the impact on neighbours' amenity. Furthermore, a

S106 legal agreement would be required to secure a car-free development and a highways contribution.

7.2 The Inspector is therefore respectfully requested to dismiss the appeal against the refusal of planning permission 2016/2507/P.

8.0 LIST OF APPENDICES

Appendix 1 – Officer Delegated Report for 2016/2507/P

Appendix 2 – Decision Notice for 2016/2507/P

Appendix 3 – Relevant policy sections of the Draft Camden Local Plan

Appendix 4 – Photographs

Appendix 5 – Suggested conditions for 2016/2507/P

Appendix 6 – Highways Plan

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Appendix 1

| | | | | | |
|---|----------------------------|----------------------------|-------------------------------------|----------------------------------|------------|
| Delegated Report | | Analysis sheet | | Expiry Date: | 29/06/2016 |
| | | N/A | | Consultation Expiry Date: | 16/06/2016 |
| Officer | | | Application Number(s) | | |
| Tessa Craig | | | 2016/2507/P | | |
| Application Address | | | Drawing Numbers | | |
| 150 Haverstock Hill London NW3 2AY | | | See decision notice | | |
| PO 3/4 | Area Team Signature | C&UD | Authorised Officer Signature | | |
| | | | | | |
| Proposal(s) | | | | | |
| Change of use from shop (Class A1) to provide a 2 storey, 2 bed dwelling (Class C3) with roof terrace including partial demolition of existing building, alteration to front façade, erection of front boundary wall and erection of first floor extension. | | | | | |
| Recommendation(s): | | Refuse Planning Permission | | | |
| Application Type: | | Full Planning Permission | | | |

| | | | | | | |
|--|---|-----------|------------------|-----------|-------------------|-----------|
| Conditions or Reasons for Refusal: | Refer to Draft Decision Notice | | | | | |
| Informatives: | | | | | | |
| Consultations | | | | | | |
| Adjoining Occupiers: | No. notified | 12 | No. of responses | 00 | No. of objections | 00 |
| | | | No. electronic | 00 | | |
| Summary of consultation responses: | <p>A site notice was displayed 26/05/2016- 15/06/2016 and a press notice was advertised on 26/05/2016. Objections were received from:</p> <p>2A Upper Park Road; 148 Haverstock Hill; 150a Haverstock Hill; 152c Haverstock Hill.</p> <p>The objections relate to:</p> <ul style="list-style-type: none"> • Overlooking into gardens; • Loss of light; • Overshadowing; • Maintenance access; • Obscure views of listed building; • Daylight/sunlight report inaccurate; • Noise and air pollution from bathroom; • Inaccurate drawings; • Neighbouring windows missing from drawings; • Design of privacy screen; • Privacy; • Sense of enclosure; • Solar panels; • Loss of commercial property; • Cycle and bin store in front elevation | | | | | |
| CAAC/Local groups* comments: *Please Specify | Parkhill CAAC- no response received. | | | | | |

Site Description

The subject site is located on the north east side of Haverstock Hill and is a single storey A1 commercial unit in a group of three commercial frontages stretching from the subject site to the corner of Upper Park Road. The property is within the Parkhill and Upper Park Conservation Area and is a building which makes a positive contribution to the Conservation Area.

To the north of the site the buildings are four storeys high with front dormer windows. To the south is 148 Haverstock Hill a Grade II listed building which abuts the subject property. Above ground level the properties to the north are residential and to the south, the properties are residential. 150a Haverstock Hill is tucked in behind 150 Haverstock Hill and has access via a side passageway.

Relevant History

None.

Relevant policies**National Planning Policy Framework 2012**

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

London Plan March 2015

Policies 3.3, 3.5, 7.4, 7.6 and 7.8

LDF Core Strategy and Development Policies

CS1 - Distribution of growth

CS5 - Managing the impact of growth and development

CS8 - Promoting a successful and inclusive Camden economy

CS14 - Promoting high quality places and conserving our heritage

CS11 - Promoting sustainable and efficient travel

CS18 - Dealing with our waste and promoting recycling

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

DP5 - Homes of different sizes

DP6 - Lifetime homes and wheelchair homes

DP13 - Employment premises and sites

DP14 - The transport implications of development

DP17 - Walking, cycling and public transport

DP18 - Parking standards and limiting the availability of car parking

DP20 - Movement of goods and vehicles

DP24 - Securing high quality design

DP26 - Managing the impact of development on occupiers and neighbours

DP28 - Noise and vibration

Camden Planning Guidance

CPG1 (Design) Pages 9-14 and 35-38

CPG2 (Housing) Pages 59-68

CPG5 (Town centres, retail and employment) Pages 83-87

CPG6 (Amenity) Pages 25-38

CPG7 (Transport) Pages 25-28

Parkhill and Upper Park Conservation Area Appraisal and Management Strategy 2011

Assessment

1.0 Proposal

- 1.1 Planning permission is sought for the change of use of the unit from an A1 commercial use to C3 residential use and the erection of a first floor extension with rear roof terrace to form a two bedroom single dwelling house. Part of the front elevation of the existing unit would be demolished (4.2m²) to form a 1.2m setback from the street where a front boundary wall will be erected and a small forecourt will serve as a waste and cycle storage space.
- 1.2 The proposed first floor extension shall be 10m deep, 2.9m high, 4.2m wide and tapering back to 2.8m at the rear, three front elevation windows and two rear elevation glazed doors and a sedum roof are proposed. The extension shall have a flat roof and a rooflight near the middle. The terrace at the rear shall include a walk on rooflight, a 1.6m high opaque privacy screen on all sides and shall be 9.5m². The proposed materials are London stock brick and timber framed windows.

2.0 Assessment

2.1 The main issues for consideration are:

- Land use;
- Quality of accommodation;
- Design;
- Residential Amenity;
- Transport;
- Waste/refuse;
- Sustainability;
- CIL/other matters

Land Use

- 2.2 CS8 and DP13 (Employment premises and sites) seek to retain land and buildings that are suitable for continued business use and will resist a change to non-business use unless it can be demonstrated that the site is no longer suitable for its existing business use or there is evidence that the possibility of retaining, reusing or redeveloping the site has been fully explored over time.
- 2.3 The existing unit is currently occupied by hairdressers and is 42m². The property is outside of a town/neighbourhood centre and is one of a group of three commercial units. 152 Haverstock Hill has recently (2015/2016) been granted permission for change of use from A1 to D1 (dental practice) and A1 to A3 (restaurant) although neither of these permissions have been implemented yet. 154 Haverstock Hill has been given permission for change of use from A3 to C3 (residential). Given the unit is outside of a neighbourhood centre, the loss of the A1 unit is considered acceptable in this case.

Priority Dwelling sizes

2.4 The Council's LDF sets out priorities for dwelling sizes in policy DP5. This seeks to ensure that all residential development contributes to the creation of mixed and inclusive communities by securing a range of homes of different sizes. The new residential unit is two bedroom. The policy sets out that the highest priority in this tenure is for 2 bedroom units. A one bedroom unit is a low priority within the priority table. The proposed unit size is therefore acceptable in terms of number of bedrooms.

Standard of accommodation

2.5 Policy 3.5 of the London Plan promotes high quality design of housing development that takes into account its physical context, local character, density, tenure and land use mix and relationship with, and provision for public, communal and open spaces taking into account the needs of children and older people.

2.6 From 1st October 2015 the planning authority are no longer able to apply Lifetime Homes Standards, housing designed in line with our wheelchair design guide, and our space standards for dwellings in CPG2. New build residential developments now must comply with the national space standards (reflected in the London Plan) and access standards in Part M of the Building Regulations.

2.7 New development should conform to the minimum space standards set out in Table 1 of the 'Technical housing standards- nationally described space standards March 2015'. For a two bedroom three person dwelling over two floors the minimum space requirement is 70sqm. The proposed residential unit measures 66.2sqm and is therefore below the minimum space requirement for a two bed, three person dwelling with a shortfall of 3.8sqm. Furthermore the bedroom would fall short of the required 11sqm for double and first bedrooms. It is therefore considered the proposed accommodation would be substandard in terms of space. The London plan Housing SPG notes the space standards are the minimum requirements and should be exceeded, due to this shortfall the proposed unit is not considered a suitable size.

2.8 Furthermore in respect of daylight, sunlight, outlook and sense of enclosure for future occupiers of the unit. Within the ground floor level, the living room to the front would be served by a single window which would provide sufficient outlook and daylight for that room. However to the rear would be the kitchen/dining area, measuring 6.4m deep and 2.4m wide and would be served only by a rooflight to the rear elevation. This is considered to be a habitable room and is likely to be where future occupiers would spend a large portion of their time when within the unit, it is considered the proposed area would not have sufficient outlook nor would they received sufficient daylight and sunlight within this room. The applicant has not provided a daylight and sunlight assessment to demonstrate this room would receive a sufficient level of light. It is therefore considered that the proposed kitchen/dining area would not achieve an acceptable level of light and would have poor outlook to the detriment of future occupiers.

2.9 With regard to privacy, it is considered future occupiers would have a suitable level of privacy when within the unit.

Design

2.10 The Council's design policies are aimed at achieving the highest standard of design in all developments. The following considerations contained within Policy DP24 are relevant to the application - the development should consider the character, setting, context and the form and scale of neighbouring buildings, and the quality of materials used.

2.11 Camden Planning Guidance 1 (Design) paragraphs 4.10-4.15 states that extensions should be designed proportionally in relation to the existing buildings and groups of buildings and in

particular should be secondary to the building being extended in terms of form, scale and proportions.

- 2.12 At present, the gable end of the listed building, an important early 19th-century house, and the side elevation of its two-storey side extension are fully visible above ground-floor level, with the existing shop forming a modest link between them and the larger corner building. The upper parts of the front of the listed building are also visible at wide angles from along the street. The structure 150 is a modest lock-up shop of neo-Classical influence, featuring a substantial fascia atop pilasters crowned with a heavy, splayed cornice, and considered to be a positive contributor to the conservation area. While currently in poor condition and marred by garish plastic signage, the underlying shopfront is attractive and could be restored to its former splendour. Furthermore, 150 Haverstock Hill is noted as a positive contributor, which means that there is a strong presumption against its total or substantial demolition.
- 2.13 The proposal would obscure the side elevation and the long diagonal views of the front of the Grade II listed building, to the detriment of its setting and of the character and appearance of the Parkhill and Upper Park Conservation Area, to which the listed building makes a positive contribution. There would also be disruption to the drainage of the roof of the listed building's side extension, which currently overhangs the shop, while the view of the clapboard rear of 2 Upper Park Road would be interrupted. It is considered that the proposed development would harm the setting of the Grade II listed building as it would fail to pay regard to its character and proportions and would infill the gap between No.148 and No.150a and 152, causing harm to the historic character and setting of the listed building, contrary to DP25.
- 2.14 Consequently, the proposal would harm the setting and special interest of 148 Haverstock Hill, destroy the positive contributor at 150 and detract from the character and appearance of the Parkhill and Upper Park Conservation Area, contrary to DP24 and 25, and CS14.

Residential Amenity

- 2.15 Policy CS5 seeks to protect to 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, overlooking, outlook and implications on daylight and sunlight. CPG6 seeks for developments to be 'designed to protect the privacy of both new and existing dwellings to a reasonable degree' and that the Council 'aim to minimise the impact of the loss of daylight caused by a development on the amenity of existing occupiers'.
- 2.16 The applicant has provided a daylight/sunlight assessment to accompany the application. The report has numbered the neighbouring windows to the north and south of the site to explain the impact on daylight and sunlight. The report concludes that there will be a reduction in daylight and sunlight to neighbouring properties, however that the impact will be negligible under BRE guidance. The proposed development would result in a two storey building with blank flank walls approximately 1.2m away from existing windows to the north at 152 and 150a Haverstock Hill. Whilst the proposed extension does not extend fully to the rear of the site, the 1.6m high opaque screen will also impact on sense of enclosure for neighbours to the north. It is considered the proposal would be harmful in terms of loss of light and outlook for these properties and would therefore be unacceptable in terms of impact on residential amenity. This is due to the introduction of built form in such close proximity to those impacted windows.
- 2.17 The proposed development would result in overlooking from first and second floor side windows and the second floor level rear balcony of Flat 2 along with the lower ground level courtyard serving Flat 1. Prospective occupiers of the subject units would be able to overlook the

surrounding properties at 76 Crediton Hill and 324-326 to the north in particular. The development would therefore result in a significant loss of privacy for those neighbouring occupiers. It is noted the side elevation windows could be opaque glazed to overcome overlooking, however, there would still be concern due to the significant amount of overlooking and loss of privacy resulting from use of the rear terrace and lower courtyard. The current site has a commercial use and Officers consider that the introduction of a residential use along with the above would introduce a significant level of overlooking that currently does not exist.

Transport

Car parking

- 2.18 The site is located on Haverstock Hill and has a public transport accessibility level of 3. In accordance with policy DP18 as the site has moderate public transport and is located within a controlled parking zone and in order to prevent the development from adding to existing parking stress in the surrounding area, the proposed residential unit would be secured as car free by means of the Section 106 Agreement. Given the context of the recommendation this consequently forms a further reason for refusal of the application, although an informative will also specify that without prejudice to any future application or appeal, this reason for refusal could be overcome by entering into a legal agreement in the context of a scheme acceptable in all other respects.

Cycle parking

- 2.19 The Council expects cycle parking at new developments to be provided in accordance with the standards set out in the London Plan of March 2015. For residential developments this requires the provision of 2 spaces per unit.
- 2.20 The proposal includes two cycle stores on the front forecourt; however these are next to the refuse bins. The proposal should be amended so that separate cycle parking and refuse stores are provided, if possible. Locating the cycle parking next to the refuse bins would discourage residents from owning a bicycle and therefore from cycling. Details of the cycle parking facilities, access routes and cycle store would need to comply with the guidance provided within CPG7.
- 2.21 Therefore, the proposed cycle parking plans are unacceptable in their current format. As this matter could be overcome by a planning condition requiring further details of cycle parking, if the scheme was considered acceptable, this matter does not form a reason for refusal.
- 2.22 Given the level of works involved it is considered necessary to secure a financial contribution towards highways works, to make good any damaged caused as a result of the development. Such a contribution would be secured via a Section 106 legal agreement, given permission is to be refused a reason for refusal in regard of the absence of a Section 106 agreement shall be used.

Waste and Refuse

- 2.23 A bin store has been proposed at ground level in the front forecourt and this is considered to be acceptable for a single residential unit.

Sustainability

- 2.24 With regard to Sustainability, the applicant has provided a sustainability report which acknowledges that Code for Sustainable Homes is no longer in existence, however the proposal has been designed in a manner to achieve Code Level 4, and thereby would provide a sustainable development. As with all new developments a Section 106 legal agreement would

be used to secure the Sustainability Plan to ensure the appropriate energy and resource efficiency measures are employed in the detailed design and build of the development. Given permission is to be refused a reason for refusal shall be used in the absence of a Section 106 legal agreement.

CIL

- 2.25 As the proposal would involve the creation of new residential uses, it may be liable for the Mayor's and Camden's Community Infrastructure Levy (CIL). A standard informative would normally be attached to any approved decision notice drawing CIL liability to the Applicant's attention.

3.0 Recommendation

Refuse planning permission.

Appendix 2



**Regeneration and Planning
Development Management**
London Borough of Camden
Town Hall
Judd Street
London
WC1H 9JE

Tel 020 7974 4444

planning@camden.gov.uk
www.camden.gov.uk/planning

Cunnane Town Planning
Churchward House
4 Foundry Court
Gogmore Lane
CHERTSEY
KT16 9AP

Application Ref: **2016/2507/P**
Please ask for: **Tessa Craig**
Telephone: 020 7974 **6750**

1 September 2016

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Full Planning Permission Refused

Address:
**150 Haverstock Hill
London
NW3 2AY**

Proposal:

Change of use from shop (Class A1) to provide a 2 storey, 2 bed dwelling (Class C3) with roof terrace including partial demolition of existing building, alteration to front façade, erection of front boundary wall and erection of first floor extension.

Drawing Nos: Site Location Plan, HH14 01A, HH14 06C, Design and Access Statement by William Hardman Associates dated 18 March 2016, Sustainability Statement by Envision Sustainability dated 23 April 2016, Heritage Statement by Conservation Architecture & Planning dated March 2016 and Planning Statement by Cunnane Planning.

The Council has considered your application and decided to **refuse** planning permission for the following reason(s):

Reason(s) for Refusal

- 1 The proposed development, by reason of its siting, design, massing, scale and materials, would be detrimental to the character of the host building and the surrounding streetscene, failing to preserve or enhance the character and appearance of the surrounding conservation area, contrary to policy CS14



LONDON BOROUGH OF CAMDEN

(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 The proposed development, by reason of its siting, design, massing, scale and materials would be detrimental to the character, appearance and setting of the neighbouring Grade II listed building at 148 Haverstock Hill. The proposed development fails to respect the special historic and architectural interest of the Grade II listed building contrary to Policy CS14 (Promoting high quality places and conserving our heritage) of the London Borough of Camden Local Development Framework Core Strategy; and Policy DP25 (Conserving Camden's heritage) of the London Borough of Camden Local Development Framework Development Policies.
- 3 The proposed development, by reason of its design, layout and associated deep floor plan would result in an unacceptable standard of accommodation for future occupants by way of a substandard unit and bedroom size and poor daylight and outlook for the kitchen, contrary to policies CS5 (Managing the impact of growth and development) of the London Borough of Camden Local Development Framework Core Strategy and policy DP26 (Managing the impact of development on occupiers and neighbours) of the London Borough of Camden Local Development Framework Development Policies.
- 4 The proposed development by virtue of its siting and scale would result in an undue loss of light and outlook to neighbouring properties at 150a and 152 Haverstock Hill contrary to policy CS5 (Managing the impact of growth and development) of Camden Local Development Framework Core Strategy and policy DP26 (Managing the impact of development on occupiers and neighbours) of the London Borough of Camden Local Development Framework Development Policies.
- 5 The proposed development, in the absence of a legal agreement securing a sustainability plan, would not secure the appropriate energy and resource efficiency measures, contrary to policies CS13 (Tackling climate change through promoting higher environmental standards) and CS16 (Improving Camden's health and well-being) of the London Borough of Camden Local Development Framework Core Strategy and policies DP22 (Promoting sustainable design and construction) and DP23 (Water) of the London Borough of Camden Local Development Framework Development Policies.
- 6 The proposed development, in the absence of a legal agreement securing car-free housing, would be likely to contribute unacceptably to parking stress and congestion in the surrounding area, contrary to policies CS11 (Promoting sustainable and efficient travel) and CS19 (Delivering and monitoring the Core Strategy) of the London Borough of Camden Local Development Framework Core Strategy and policies DP18 (Parking standards and the availability of car parking) and DP19 (Managing the impact of parking) of the London Borough of Camden Local Development Framework Development Policies.
- 7 The proposal, in the absence of a legal agreement to secure highway contributions to undertake external works outside the application site, would fail to secure

Executive Director Supporting Communities

adequate provision for the safety of pedestrians, cyclists and vehicles, contrary to policies CS11 (Promoting sustainable and efficient travel), CS19 (Delivering and monitoring the Core Strategy), DP17 (Walking, cycling and public transport) and DP21 (Development connecting to the highway network) of the London Borough of Camden Core Strategy and Development Policies 2010.

Informative(s):

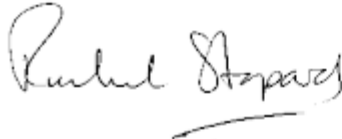
- 1 Without prejudice to any future application or appeal, the applicant is advised that reason for refusal numbers 5-7 could be overcome by entering into a legal agreement with the Council.

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.

You can find advice about your rights of appeal at:

<http://www.planningportal.gov.uk/planning/appeals/guidance/guidancecontent>

Yours faithfully



Rachel Stopard
Executive Director Supporting Communities

Executive Director Supporting Communities

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2016/2507/P

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ppendix 3

Policy G1 Delivery and location of growth

The Council will create the conditions for growth to deliver the homes, jobs and facilities to meet Camden's identified needs and harness the benefits for those who live and work in the borough.

We will deliver growth by securing high quality development and promoting the most efficient use of land and buildings in Camden by:

- a. supporting development that makes full use of its site, taking into account quality of design, its surroundings, sustainability, amenity, heritage, transport accessibility and any other considerations relevant to the site;
- b. resisting development that makes inefficient use of Camden's limited land;
- c. expecting the provision of a mix of uses in suitable schemes, in particular in the most accessible parts of the borough, including an element of self-contained housing where possible; and / or
- d. supporting a mix of uses either on site or across multiple sites as part of an agreed coordinated development approach, where it can be demonstrated that this contributes towards achieving the strategic objectives and delivers the greatest benefit to the key priorities of the Plan.

Growth in Camden will be expected to help contribute towards achieving the strategic objectives of the Local Plan and help deliver the Council's priorities set out below.

Development will take place throughout the borough with the most significant growth expected to be delivered through:

- e. a concentration of development in the growth areas of King's Cross, Euston, Tottenham Court Road, Holborn, West Hampstead Interchange and Kentish Town Regis Road;
- f. appropriate development at other highly accessible locations, in particular Central London and the town centres of Camden Town, Finchley Road / Swiss Cottage, Kentish Town, Kilburn High Road and West Hampstead; and
- g. the Council's Community Investment Programme (CIP).

The Council identifies and provides guidance on the main development opportunity sites in the borough through our Camden Site Allocations and Area Action Plans.

Development in the growth areas and other highly accessible areas should be consistent with the priorities and principles set out below.

Policy H1 Maximising housing supply

The Council will aim to secure a sufficient supply of homes to meet the needs of existing and future households by maximising the supply of housing and exceeding a target of 16,100 additional homes from 2015/16 - 2030/31, including 11,130 additional self-contained homes.

We will seek to exceed the target for additional homes, particularly self-contained homes by:

- a. regarding self-contained housing as the priority land-use of the Local Plan;
- b. working to return vacant homes to use and ensure that new homes are occupied;
- c. resisting alternative development of sites identified for housing or self-contained housing through a current planning permission or a development plan document;
- d. expecting the maximum appropriate provision of housing on sites that are underused or vacant; and
- e. where other uses are needed on the site, expecting development for a mix of uses including self-contained housing where appropriate.

We will monitor the delivery of additional housing against the housing target, and will seek to maintain supply at the rate necessary to exceed the target. In seeking to maintain the housing supply, the Council will adjust the type and mix of housing sought, having regard to the financial viability of development, the sales or capital value of different house types and tenures, and the needs of different groups.

Policy H6 Housing choice and mix

The Council will aim to minimise social polarisation and create mixed, inclusive and sustainable communities by seeking a wide variety of high quality homes suitable for Camden's existing and future households, having regard to household type, size, income and any particular housing needs.

We will:

- a. seek a diverse range of housing products in the market and affordable sectors to meet the needs across the spectrum of household incomes, and particularly promote the development of private rented homes where this will assist the creation of mixed, inclusive and sustainable communities;
- b. seek provision suitable for families with children, older people, people with disabilities, service families and people wishing to build their own homes;
- c. expect a range of dwelling types and sizes to meet the particular needs of existing and future households as set out in policy H7;

Local Plan | Meeting Housing Needs

- d. expect 10% of homes to be designed so that they are suitable for occupation by a wheelchair user or could be easily adapted for occupation by a wheelchair user, secured through Building Regulations as appropriate; and
 - e. expect all remaining housing to be designed to satisfy the principles of Lifetime Homes criteria, secured through Building Regulations as appropriate.
-

Policy H7 Large and small homes

The Council will aim to secure a range of homes of different sizes that will contribute to creation of mixed, inclusive and sustainable communities and reduce mismatches between housing needs and existing supply.

We will seek to ensure that all housing development, including conversion of existing homes and non-residential properties:

- a. contributes to meeting the priorities set out in the Dwelling Size Priorities Table; and
- b. includes a mix of large and small homes.

We will take a flexible approach to assessing the mix of dwelling sizes proposed in each development having regard to:

- c. the different dwelling size priorities for social-affordable rented, intermediate and market homes;
- d. any evidence of local needs that differ from borough wide priorities;
- e. the character of the development, the site and the area, including the impact of the mix on child density;
- f. f) site size, and any constraints on including homes of different sizes;
- g. the economics and financial viability of the development; and

Local Plan | Meeting Housing Needs

- h. the extent to which flexibility around the mix of market homes could secure the delivery of additional affordable housing.
-

Policy A1 Managing the impact of development

The Council will seek to protect the quality of life of occupiers and neighbours by only granting permission for development that does not cause harm to amenity.

We will protect the amenity of Camden's residents and those working in and visiting the borough by:

- a. making sure that the impact of developments on their occupiers and neighbours is fully considered;
- b. seeking to ensure development contributes towards strong and successful communities by balancing the needs of development with the needs and characteristics of local areas and communities; and
- c. requiring mitigation measures where necessary.

We will expect development proposals to consider:

- d. visual privacy, overlooking, overshadowing, outlook;
 - e. sunlight and daylight;
 - f. artificial lighting levels;
 - g. impact upon transport networks including the use of transport assessments, travel plans and servicing and delivery management plans;
 - h. the inclusion of appropriate attenuation measures such as Construction Management Plans;
 - i. noise and vibration levels;
 - j. odour, fumes and dust;
 - k. microclimate; and
 - l. contaminated land.
-

Policy D1 Design

The Council will require development to be of the highest architectural and urban design quality which improves the function, appearance, and character of the area.

We will require that development:

- a. is attractive and of the highest standard;
- b. respects local context and character and conserves or enhances the historic environment and heritage assets;
- c. is sustainable in design and construction;
- d. is carefully designed with regard to architectural detailing;
- e. uses attractive and high quality materials;
- f. contributes positively to the street frontage;
- g. is inclusive and accessible for all;
- h. promotes health;
- i. improves movement through areas with direct, accessible, and easily recognisable routes (legibility);
- j. is secure and designed to minimise crime and antisocial behaviour;
- k. is robust and flexible in use;
- l. responds to natural features and preserves gardens and other open space;
- m. incorporates well designed landscape design;
- n. incorporates outdoor amenity space;
- o. preserves significant and protected views;
- p. meets housing standards; and
- q. carefully integrates building services equipment.

Tall Buildings

All of Camden is considered sensitive to the development of tall buildings (i.e. those which are substantially taller than their neighbours or which significantly change the skyline). Tall buildings in Camden will be assessed against the design criteria set out above and we will also give particular attention to:

- r. how the building relates to its surroundings, both in terms of how the base of the building fits in with the streetscape, and how the top of a tall building affects the skyline;
- s. the historic context of the building's surroundings;
- t. the relationship between the building and hills and views;
- u. the degree to which the building overshadows public spaces, especially open spaces and watercourses; and
- v. the contribution a building makes to pedestrian permeability and improved public accessibility.

In addition to these design considerations tall buildings will be assessed against a range of other relevant policies concerning amenity, mixed use and sustainability.

Policy D2 Heritage

The Council will preserve and, where appropriate, enhance Camden's rich and diverse heritage assets and their settings, including conservation areas, listed buildings, archaeological remains, scheduled ancient monuments and historic parks and gardens.

In order to maintain the character of Camden's conservation areas, we will:

- a. take account of conservation area statements, appraisals and management plans when assessing applications within conservation areas;
- b. require that development within conservation areas preserves or enhances the character or appearance of the area;
- c. resist the total or substantial demolition of an unlisted building that makes a positive contribution to the character or appearance of a conservation area, unless circumstances are shown that outweigh the case for retention;
- d. resist development outside of a conservation area that causes harm to the character or appearance of that conservation area; and
- e. preserve trees and garden spaces which contribute to the character of a conservation area and which provide a setting for Camden's architectural heritage.

Development which causes harm to the significance of a conservation area will not be permitted unless there are public benefits to the development that outweigh that harm, taking into consideration the scale of the harm and the significance of the asset.

Listed Buildings

To preserve and enhance the borough's listed buildings, we will:

- f. prevent the total or substantial demolition of a listed building unless exceptional circumstances are shown that outweigh the case for retention;
- g. resist proposals for a change of use or alterations and extensions to a listed building where it considers this would cause harm to the special architectural and historic interest of the building; and
- h. resist development that it considers would cause harm to the setting of a listed building.

We will refuse permission for development which results in substantial harm to, or the loss of, a listed building unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all the following apply:

Local Plan | Design and Heritage

- i. the nature of the heritage asset prevents all reasonable uses of the site; and
- j. no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- k. conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and
- l. the harm or loss is outweighed by the benefit of bringing the site back into use.

Archaeology

We will protect remains of archaeological importance by ensuring acceptable measures are taken to preserve them and their setting, including physical preservation, where appropriate.

Other heritage assets and on-designated heritage assets

We will seek to protect other heritage assets including non-designated heritage assets (including those on and off the local list), Parks and Gardens of Special Historic Interest, and London Squares.

Policy CC1 Climate change mitigation

The Council will require all development to minimise the effects of climate change and encourage all developments to meet the highest feasible environmental standards that are financially viable during construction and occupation.

We will:

- a. require all development proposals of five or more dwellings and/or 500m sq of any floorspace to show in an energy statement how the energy hierarchy has been applied;
- b. ensure that the location of development and mix of land uses minimises the need to travel by car and help support local energy networks;
- c. support and encourage sensitive energy efficiency improvements to existing buildings; and
- d. ensure that developments maximise resource efficiency.

We will promote local energy generation by:

- e. working with our partners and developers to implement local energy networks in the parts of Camden most likely to support them;
- f. protecting existing local energy networks where possible (e.g. at Gower Street and Bloomsbury) and safeguarding potential network routes (e.g. Euston Road); and
- g. requiring all major developments to assess the feasibility of establishing a decentralised energy network or connecting to an existing network.

We will have regard to the cost of installing measures to tackle climate change as well as the cumulative future costs of delaying reductions in carbon dioxide emissions.

To ensure that the Council can monitor the effectiveness of renewable and low carbon technologies, major developments will be required to install appropriate monitoring equipment.

Policy CC2 Adapting to climate change

The Council will require development to be resilient to climate change.

We will ensure that schemes include appropriate climate change adaptation measures, such as:

- a. protecting existing green spaces and promoting new appropriate green infrastructure;
- b. not increasing and wherever possible reducing surface water run-off;
- c. incorporate green roofs, combination green and blue roofs and green walls where appropriate; and
- d. measures to reduce the impact of urban and dwelling overheating.

Sustainable design and construction

We will promote and measure sustainable design and construction by:

- e. ensuring development schemes demonstrate how adaptation measures and sustainable development principles have been incorporated into the design and proposed implementation;
- f. expecting new build housing to meet Code for Sustainable Homes Level 4 and Code Level 6 (zero carbon) by 2016 or future replacement standards;
- g. expecting developments (conversions/extensions) of 500sqm of residential floorspace or above or five or more dwellings to achieve "excellent" in BREEAM domestic refurbishment; and
- h. expecting non-domestic developments of 500sqm of floorspace or above to achieve "excellent" in BREEAM assessments from 2016 and encouraging zero carbon in new development from 2019.

Local Plan | Sustainability and climate change

The Council will have regard to the cost of installing these measures as well as the cumulative future costs of delaying them.

Policy CC3 Water and flooding

The Council will require developments to mitigate against flooding, be adaptable and reduce their water consumption.

We will ensure that development:

- a. considers the impact of development on Local Flood Risk Zones (including drainage);
- b. does not locate vulnerable development (such as basements dwellings) in flood-prone areas;
- c. achieves a greenfield run-off rate or, where this is not possible, achieve run-off rates that do not exceed those predevelopment;
- d. incorporates water efficiency measures; and
- e. avoids harm to the water environment and water quality.

Development should not increase flood risk and should reduce the risk of flooding where possible. Where an assessment of flood risk is required, developments should consider surface water flooding in detail and groundwater flooding where applicable.

Policy CC5 Waste

The Council will seek to make Camden a low waste borough.

We will:

- a. aim to reduce the amount of waste produced in the borough and increase recycling and the re-use of materials to meet the London Plan targets of 50% of household waste recycled/composted by 2020 and aspiring to achieve 80% by 2031;
 - b. deal with North London's waste by working with our partner boroughs in North London to produce a Waste Plan, which will ensure that sufficient land is allocated to manage the amount of waste apportioned to the area in the London Plan;
 - c. safeguard Camden's existing waste site at Regis Road unless a suitable compensatory waste site is provided that replaces the maximum throughput achievable at the existing site; and
 - d. make sure that developments include facilities for the storage and collection of waste and recycling.
-

Policy T1 Prioritising walking, cycling and public transport

The Council will promote sustainable transport by prioritising walking, cycling and public transport in the borough.

Walking

In order to promote walking in the borough and improve the pedestrian environment for residents and visitors, we will seek to ensure that developments:

- a. improve the pedestrian environment by supporting high quality public realm improvement works, including implementation of the West End Project at Tottenham Court Road/Gower Street;
- b. make improvements to the pedestrian environment including the provision of high quality safe road crossings where needed, seating, signage and increased tree and vegetation coverage;
- c. are easy and safe to walk through ('permeable');
- d. are adequately lit;
- e. provide high quality footpaths that are wide enough for the number of people expected to use them. Features should also be included to assist vulnerable road users such as textured paving where appropriate; and
- f. provide bridges and water crossings where appropriate.

Cycling

In order to promote cycling in the borough will seek to ensure a safe and accessible environment for cyclists, we will ensure that development:

- g. provides for and makes contributions towards connected, high quality, convenient and safe cycle routes, in line or exceeding London Cycle Design Standards, including the implementation of the Central London Grid, Quietways Network, Cycle Super Highways and Cycle Superhubs;
- h. provides for accessible, secure cycle parking facilities exceeding minimum standards and requirements outlined in Camden Planning Guidance 7: Transport supplementary document. Higher levels of provision will be also be required in areas well served by cycle path infrastructure, taking into account the size and location of the development;
- i. makes provision for high quality facilities that promote cycle usage including workplace showers and lockers;
- j. are easy and safe to cycle through ('permeable'); and
- k. provide bridges and water crossings suitable for cycle use where appropriate.

Public Transport

In order to safeguard and promote the provision of public transport in the borough we will seek to ensure that development:

- l. contributes towards improvements to the bus network including access to bus stops, shelters, passenger seating, waiting areas, signage and timetable information; and
 - m. contributes towards travel interchange facilities particularly in locations where changes to different modes of transport are expected.
-

Policy T2 Car-free development and limiting the availability of parking.

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.

We will:

- a. restrict off-street car parking to:
 - i) spaces designated for disabled people;
 - ii) any operational or servicing needs;
 - b. not issue on-street parking permits in connection with new developments and use legal agreements to ensure that future occupants are aware that they are not entitled to on-street parking permits;
 - c. resist the development of boundary treatments and gardens within existing developments to provide off-street parking; and
 - d. support the use of existing car parks for alternative uses.
-

Policy T4 Promoting the sustainable movement of goods and materials

The Council will seek to minimise the movement of goods and materials by road.

We will:

- a. encourage the movement of goods and materials by canal, rail and bicycle where possible; and
- b. protect existing facilities for waterborne and rail freight traffic and seek provision of freight consolidation facilities.

Developments that generate significant movement of goods or materials by road (both during construction and operation) will be expected to:

- c. minimise the impact of freight movement via road by prioritising use of Transport for London road Network or other major roads; and
 - d. provide Construction Management Plans, Delivery and Servicing Management Plans and Transport Assessments.
-

Policy DM1 Delivery and monitoring

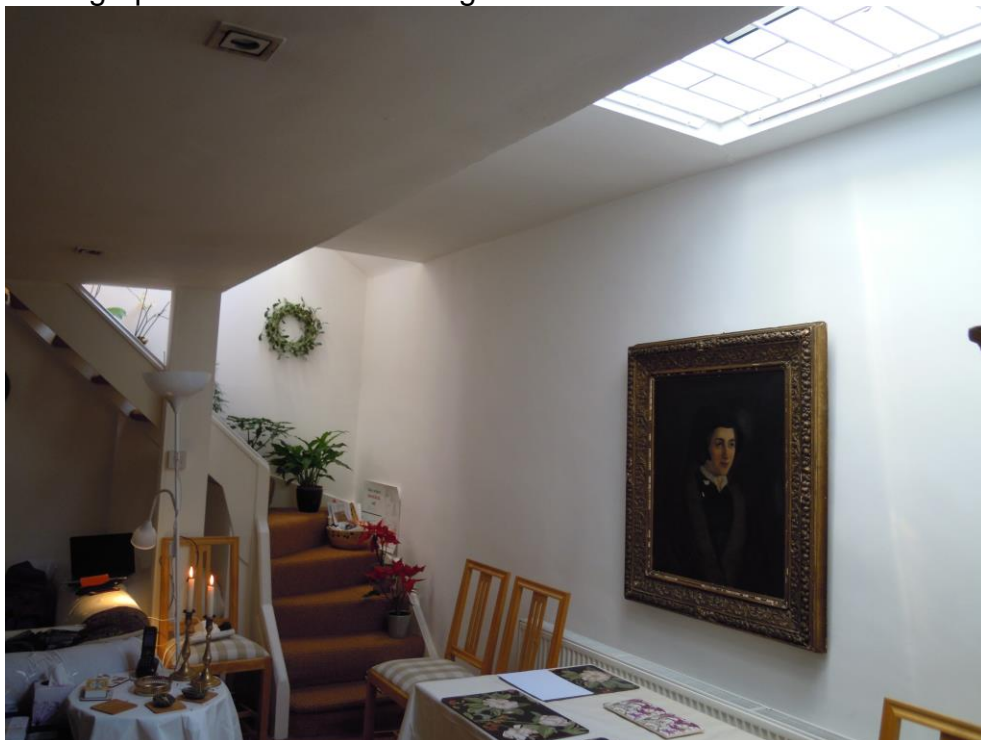
The Council will deliver the vision, objectives and policies of the Local Plan by:

- a. working with a range of partners to ensure that opportunities for creating the conditions for growth and harnessing its benefits for the borough are fully explored;
 - b. work with the relevant providers to ensure that necessary infrastructure is secured to support the growth and provide the facilities needed for the borough's communities. Information on key infrastructure programmes and projects in the borough up to 2031 are set out in Appendix 1;
 - c. use planning contributions where appropriate to;
 - i. support sustainable development;
 - ii. secure the infrastructure, facilities and services to meet the needs generated by development;
 - iii. mitigate the impact of development;
 - iv. secure appropriate scheme implementation (including multi-site developments) and control phasing where necessary;
 - d. work with neighbouring boroughs to coordinate delivery across boundaries; and
 - e. monitor the implementation of the Local Plan policies and infrastructure provision on a regular basis.
-

Appendix 4



Photograph 1- Ground floor living room of 150a Haverstock Hill



Photograph 2- Ground Floor living room of 150a Haverstock Hill, showing rooflight ref 1009 in foreground



Photograph 3- Rooflight ref 1009 of 150a Haverstock Hill



Photograph 4 – Ground floor living room of 150a Haverstock Hill

Appendix 5

Conditions and Reasons:

- 1 The development hereby permitted must be begun not later than the end of three years from the date of this permission.

Reason: In order to comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:

Reason: For the avoidance of doubt and in the interest of proper planning.
Informative(s):

- 3 Notwithstanding the details shown on plan HH14 06F, before the development commences, details of secure and covered cycle storage area for 2 cycles shall be submitted to and approved by the local planning authority. The approved facility shall thereafter be provided in its entirety prior to the first occupation of the new unit and permanently retained thereafter.

Reason: To ensure the development provides adequate cycle parking facilities in accordance with the requirements of policy CS11 of the London Borough of Camden Local Development Framework Core Strategy and policy DP17 of the London Borough of Camden Local Development Framework Development Policies.

- 4 Before the development commences details of the location, design and method of waste storage and removal including recycled materials, shall be submitted to and approved by the local planning authority in writing. The facility as approved shall be provided prior to the first occupation of the new unit and permanently retained thereafter.

Reason: To ensure that sufficient provision for the storage and collection of waste has been made in accordance with the requirements of policy CS18 of the London Borough of Camden Local Development Framework Core Strategy and policies DP26 and DP28 of the London Borough of Camden Local Development Framework Development Policies.

- 5 Detailed drawings, or samples of materials as appropriate, in respect of the following, shall be submitted to and approved in writing by the local planning authority before the relevant part of the work is begun:

- a) All facing materials;
- b) Section, elevation and plan of all windows and doors at 1:20 scale.

The relevant part of the works shall be carried out in accordance with the details thus approved. The use of the roof as a terrace shall not commence until the screen, as shown on the approved drawings, has been constructed. The screen shall be permanently retained thereafter.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance and to prevent overlooking and a loss of privacy in accordance with policies CS5 and CS14 of the London Borough of Camden Local Development Framework Core Strategy and policies DP24 and DP26 of the London Borough of Camden Local Development Framework Development Policies.

- 5 1.8 metre high screens, details of which shall have been submitted to and approved in writing by the local planning authority, shall be erected on the northwest and southeast sides of the proposed rear roof terrace prior to commencement of use of the roof terrace and shall be permanently retained.

Reason: In order to prevent unreasonable overlooking of neighbouring premises in accordance with the requirements of policy CS5 of the London Borough of Camden Local Development Framework Core Strategy and policy DP26 of the London Borough of Camden Local Development Framework Development Policies.

- 6 The development hereby approved shall achieve a maximum internal water use of 105litres/person/day, allowing 5 litres/person/day for external water use. Prior to occupation, evidence demonstrating that this has been achieved shall be submitted and approved by the Local Planning Authority.

Reason: To ensure the development contributes to minimising the need for further water infrastructure in an area of water stress in accordance with policy CS13 of the London Borough of Camden Local Development Framework Core Strategy and policies DP22 and DP23 of the London Borough of Camden Local Development Framework Development Policies

- 7 The development hereby approved shall incorporate sustainable design principles and climate change adaptation measures into the design and construction of the development in accordance with the approved sustainability statement (Envision Sustainability- Sustainability Statement 23/04/16). Prior to occupation, evidence demonstrating that the approved measures have been implemented shall be submitted and approved in writing by the Local Planning Authority.

Reason: To ensure the development contributes to minimising the effects of, and can adapt to a changing climate in accordance with policy CS13 of the London Borough of Camden Local Development Framework Core Strategy and policies DP22 and DP23 of the London Borough of Camden Local Development Framework Development Policies

- 8 The development hereby approved shall be constructed in accordance with the approved energy statement (Envision Sustainability- Sustainability Statement 23/04/16) to achieve a 21.6% reduction in carbon dioxide emissions beyond Part L 2013 Building Regulations in line with the energy hierarchy.

Reason: To ensure the development contributes to minimising the effects of, and can adapt to a changing climate in accordance with policies policy CS13 of the London Borough of Camden Local Development Framework Core Strategy and policies DP22 and DP23 of the London Borough of Camden Local Development Framework Development Policies.

- 9 Prior to first occupation of the building, detailed plans showing the location and extent of photovoltaic cells to be installed on the building shall have been submitted to and approved by the Local Planning Authority in writing. The measures shall include the installation of a meter to monitor the energy output from the approved renewable energy systems. The cells shall be installed in full accordance with the details approved by the Local Planning Authority and permanently retained and maintained thereafter.

Reason: To ensure the development provides adequate on-site renewable energy facilities in accordance with the requirements of policy CS13 of the London Borough of Camden Local Development Framework Core Strategy and policy DP22 of the London Borough of Camden Local Development Framework Development Policies.

Informatives

- 1 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts which cover aspects including fire and emergency escape, access and facilities for people with disabilities and sound insulation between dwellings. You are advised to consult the Council's Building Control Service, Camden Town Hall, Argyle Street WC1H 8EQ, (tel: 020-7974 6941).
- 2 Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You are advised to consult the Council's Compliance and Enforcement team [Regulatory Services], Camden Town Hall, Argyle Street, WC1H 8EQ (Tel. No. 020 7974 4444 or on the website <http://www.camden.gov.uk/ccm/content/contacts/council-contacts/environment/contact-the-environmental-health-team.en> or seek prior approval under Section 61 of the Act if you anticipate any difficulty in carrying out construction other than within the hours stated above.
- 3 The Mayor of London introduced a Community Infrastructure Levy (CIL) to help pay for Crossrail on 1st April 2012. Any permission granted after this time which adds more than 100sqm of new floorspace or a new dwelling will need to pay this CIL. It will be collected by Camden on behalf of the Mayor of London. Camden will be sending out liability notices setting out how much CIL will need to be paid if an affected planning application is implemented and who will be liable.

The proposed charge in Camden will be £50 per sqm on all uses except

affordable housing, education, healthcare, and development by charities for their charitable purposes. You will be expected to advise us when planning permissions are implemented. Please use the forms at the link below to advise who will be paying the CIL and when the development is to commence. You can also access forms to allow you to provide us with more information which can be taken into account in your CIL calculation and to apply for relief from CIL.

<http://www.planningportal.gov.uk/planning/applications/howtoapply/whatto-submit/cil>

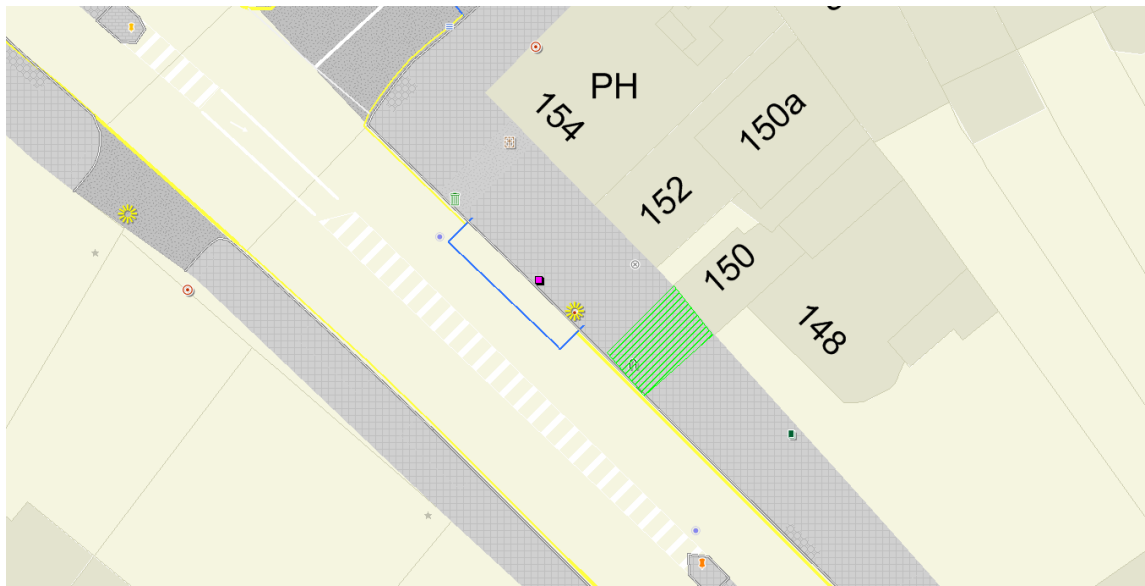
We will then issue a CIL demand notice setting out what monies needs to be paid when and how to pay. Failure to notify Camden of the commencement of development will result in a surcharge of £2500 or 20% being added to the CIL payment. Other surcharges may also apply for failure to assume liability and late payment. Payments will also be subject to indexation in line with the construction costs index.

Please send CIL related documents or correspondence to CIL@Camden.gov.uk

- 4 Some highway licenses may be required to facilitate the proposed works. This might include a temporary parking bay suspension, a skip licence, a hoarding licence, and a scaffolding licence. The applicant would need to obtain such highway licences from the Council prior to commencing work on site. Details for the highway licences mentioned above are available on the Camden website at the hyperlink below:

<http://www.camden.gov.uk/ccm/content/business/business-regulations/licensingand-permits/licences/skips-materials-and-building-licences/building-licences/>

Appendix 6



Highways Plan