

Submission to the Planning Inspectorate

Statement of Case due to the refusal of planning permission in accordance with
Section 78(1) of the Town and Country Planning Act 1990

Local Planning Authority: The London Borough of Camden

Application No: 2016/6782/P

**Statement of Case to the Planning Inspectorate for the conversion of basement into
No. 2 residential units including excavation of No. 5 lightwells and the erection of No.
2 new entrance ways within a court yard; demolition of outbuilding and an erection
of a dwelling house to the rear of site; re-landscaping communal parts to provide
access road and No. 28 off street parking bays at Warwick Lodge, Shoot Up Hill,
London, NW2 3PE**

STATEMENT OF CASE

On behalf of Carringtons (Michael Carrington & Associates Ltd)

May 2017



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Carringtons (Michael Carrington & Associates Ltd)

May 2017

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1.0 INTRODUCTION

- 1.1 This Statement of Case has been prepared for the attention of the Planning Inspectorate in accordance with Section 78(1) of the Town and Country Planning Act 1990 on behalf of the appellant, Carringtons Ltd.
- 1.2 This report provides a statement of case against the refusal of planning permission issued by the London Borough of Camden Council on 30th March 2017 for the conversion of a basement into 2 residential units, including new lightwells and the erection of 2 new entrance ways, the demolition of an outbuilding and an erection of a dwelling house and the reconfiguration of communal parts to provide an access road and 28 parking bays at Warwick Lodge, Shoot Up Hill, London, NW2 3PE.
- 1.3 The appeal is made in accordance with the Town and Country Planning Act 1990 and the Town and Country Planning (Development Management Procedure) (England) Order 2015.
- 1.4 This statement provides a clear explanation of the statement of case and directly responds to the reasons for refusal issued by the London Borough of Camden Council which was subsequently provided within their Decision Notice.
- 1.5 This application has been made with the intention of appealing via written representations and refers to documentation throughout that formed part of the application submission and is noted in the appeal submission documentation list.

2.0 STATEMENT OF CASE

2.1 Reason for Refusal

The London Borough of Camden Council refused the application for ten reasons, each of which are contested by the appellant. The statement of case against each reason for refusal is therefore noted throughout this chapter.

2.2 In summary the appellant's case is as follows

- The development provides a provision of high quality housing on site for the benefit of wider housing supply in a manner that does not offer any detriment to any existing or neighbouring receptors.
- The housing is delivered in a manner that accords with the Development Plan in terms of housing provision.
- The development creates a reconfigured parking area to satisfy an existing need in a manner that improves highway safety from the existing baseline position.
- The development delivers the works in a manner that enhance the existing architectural design for the benefit of delivery of housing.
- The development offers no detrimental impact to any environmental receptor.
- As such it is considered that the proposal meets the three mutually dependant roles of the NPPF with regards to Paragraph 7.

2.3 Reasons for Refusal 1 - 4

"1. The applicant has failed to demonstrate that the proposed basement works would avoid adversely affecting drainage and run-off, exacerbating issues of flooding or caus-

ing other damage to the water environment as well as to maintain the structural stability of the building and neighbouring properties contrary to policy CS5 of the London Borough of Camden Local Development Framework Core Strategy, policies DP23 and DP27 of the London Borough of Camden Local Development Framework Development Policies and policies A5, CC1 and CC3 of the Camden Local Plan Submission Draft 2016.

2. The proposed lightwells by reason of their scale, visual prominence, revealed basement facades and insensitively designed balustrading, would be detrimental to the character and appearance of the host building and group of buildings, contrary to policy CS14 of the London Borough of Camden Local Development Framework Core Strategy, policies DP24 and DP27 of the London Borough of Camden Local Development Framework Development Policies and policies A5 and D1 of the Camden Local Plan Submission Draft 2016. The development also remains contrary to policy 2 of the Fortune Green and West Hampstead Neighbourhood Plan (2015).

3. The proposed dwelling by reason of its siting, form and detailed design would fail to represent a high standard of design, would appear as an incongruous addition within the local area and would detract from the setting, character and appearance of the host building and group of buildings, contrary to policy CS14 of the London Borough of Camden Local Development Framework Core Strategy, policy DP24 of the London Borough of Camden Local Development Framework Development Policies and policies D1 of the Camden Local Plan Submission Draft 2016. The development also remains contrary to policy 2 of the Fortune Green and West Hampstead Neighbourhood Plan (2015).

4 .The proposed landscaping works, resulting loss of greenspace and likely loss of boundary vegetation and trees would cause harm to the setting, character and appearance of the host building, group of buildings and local area as well as increasing the pressure on the drainage network and the risk of flooding contrary to policies CS13 and CS14 of the London Borough of Camden Local Development Framework Core Strategy, policies DP23 and DP24 of the London Borough of Camden Local Development Framework Development Policies and policies D1 and CC3 of the Camden Local Plan Submission Draft 2016. The development also remains contrary to policies 2, 17 and 18 of the Fortune Green and West Hampstead Neighbourhood Plan (2015)."

- 2.4 With regards to Reasons for Refusal 1 – 4 the appellant contests the reasons for refusal. With regards to the issues relating to the basement works it is considered that the works associated with the basement are conversions rather than excavation and construction; the works associated with the delivery of the 2 basement dwellings do not require any significant structural undertaking in their delivery and as such the implementation of their delivery relates to Building Regulations and the technical specification that would identify the design approach to delivering suitable high quality residential units. It is not considered that the Basement Impact Assessment is a requirement of a basement conversion and is only relevant where a basement requires excavation to deliver its entity. As such it is not accepted that the applicant is required to identify technical specification for the delivery of the dwellings beyond the identification of light and sizing specification together with configuration of space.

- 2.5 It is considered that the delivery of the proposed lightwells offers a high quality add on feature to the existing buildings and enhances the quality of the existing façade of the buildings as opposed to offering any detriment to them. It is considered that the lightwells themselves are delivered in a manner that offers architectural interest together with the updated entrance points it compliments and enhances the site and the existing streetscene. It is not considered that the lightwells offer any design that is considered to be visually prominent or insensitively designed and that the delivery is actually of a well-designed and highly proportionate delivery of design.
- 2.6 With regards to Reason for Refusal 3 it is considered that the proposed dwelling is of a high quality design that is delivered in a suitable location to the appropriate high quality level of specification. It is not considered that the delivery of the dwelling offers any detriment to surrounding receptors nor does it offer any detriment to the existing streetscene or its relationship with existing dwellings. The dwellings contributes to localised housing supply in a manner that offers a high quality family home that it is considered should be supported in planning terms.
- 2.7 It is considered that the proposed landscaping works create a degree of order and retain attractive spaces to the curtilage of the existing dwellings that do not offer any significant harm to the existing streetscene and environment but instead facilitate a new design of high quality green spaces whilst facilitating an improvement to an existing problem for the site and surrounding area in the form of un-organised and dangerous parking provision. As such it is considered that whilst the landscaping works provide a change that such changes are considered detrimental and facilitates the delivery of a baseline improvement to the existing environment.
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2.8 Reasons for Refusal 5 and 6

“5. The proposed basement units, by reason of their inadequate level of outlook and privacy and the proposed dwelling house, by reason of its inadequate level of outlook, privacy, internal storage as well as exposure to noise; would result in substandard quality of living accommodation that would fail to provide an acceptable level of residential amenity for the prospective occupiers, contrary to policies CS5 of the London Borough of Camden Local Development Framework Core Strategy, policies DP26 and DP28 of the London Borough of Camden Local Development Framework Development Policies as well as policies A1 and A4 of the Camden Local Plan Submission Draft 2016.

6. In the absence of sufficient information it is considered that the building up of the sloped banks along the Northern boundary as well as any retaining walls or vehicular barriers required would cause detrimental impacts upon the residential occupiers at ground and first floor levels within the adjacent Kendal Court in terms of outlook, light, noise and air pollution. The development is therefore contrary to policy CS5 of the London Borough of Camden Local Development Framework Core Strategy, policies DP26, DP28 and DP32 of the London Borough of Camden Local Development Framework Development Policies as well as policies A1 and A4 of the Camden Local Plan Submission Draft 2016.

2.9 With regards to Paragraph 5 it is considered that the configuration of the dwellings are such that they meet the requisite standards of outlook and privacy and meet a suitable standard of living accommodation and residential amenity that deliver a high quality provision to housing supply. It is not considered that the development delivers a sub-

standard level of residential amenity but instead re-uses redundant footprint that can, with suitable design as proposed, provide a contribution to localised housing supply for the benefit of the Development Plan.

- 2.10 With regards to Reason for Refusal 6 it is not considered that the impact upon Ground and First Floor levels within the adjacent Kendall Court are detrimental to a point that cannot be controlled by mitigation offered through planning condition. The general consideration of the proposed landscaping and configuration is considered in principle to be proportionate and reasonable and can be subject to landscape detailing and boundary treatment detailing that mitigate against any harm identified by the change.

2.11 Reasons for Refusal 7 and 8

7. The creation of no.13 additional onsite parking spaces would fail to encourage the use of sustainable transport means in a highly accessible area, exacerbate local traffic conditions and remain contrary to the Council's strategy aims as well as policy CS11 of the Local Development Framework Core Strategy, policy DP18 of the Local Development Framework Development Policies, and policies T1 and T2 of the Camden Local Plan Submission Draft 2016. The development also remains contrary to policy 7 of the Fortune Green and West Hampstead Neighbourhood Plan (2015).

8. The development would fail to provide adequate cycle parking facilities for the residential element of the scheme and would therefore provide substandard housing development, and would fail to promote cycling as a healthy and sustainable way of travelling in this highly accessible location, contrary to policies CS6 and CS11 of the Local Development Framework Core Strategy, policies DP17 and DP18 of the Local

Development Framework Development Policies, and policy T1 of the Camden Local Plan Submission Draft 2016. The development also remains contrary to policy 8 of the Fortune Green and West Hampstead Neighbourhood Plan (2015)."

- 2.12 It is considered that the Reason for Refusal is misconstrued as it is considered by the Local Authority that the delivery of 13 additional onsite car parking spaces are in essence car parking spaces afresh that are contrary to the Councils' approach to encourage sustainable transport means given its location in a highly accessible area. The parking spaces are not provided on this basis.
- 2.13 The surrounding highway adjacent to the site is subjected to significant on-street parking problems both in relation to residents who park in the area but also in relation to commuters who use it for parking during the day. This has led to a consistent and on-going transport and parking issue that creates highways issues in the area that are considered to be significantly detrimental. By creating proper delineation for car parking and reconfiguring the car parking within the existing site this is considered to provide regularised car parking spaces for existing residents so as to reduce their reliance on parking off site and exacerbating an already existing highways infrastructure problem immediately adjacent to the site. As such the creation of the on-site car parking spaces service an existing car parking demand and do not look to increase such car parking demand as it is accepted that encouragement should be made to increase and improve the use of sustainable transport means.
- 2.14 It is not considered therefore that the works associated with the delineation of the car parking spaces are contrary to the council's local policy with regards to parking but
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instead are in accordance with it as it offers a significant improvement to highway safety immediately adjacent to the site.

- 2.15 With regards to Paragraph 8 it should be noted that it was not requested by the Council during the application process to provide cycle parking facilities on site and were it requested it would not have been an issue by the appellant to provide it. As such the appellant is happy to delineate cycle parking facilities for the residential element of the scheme as required and is happy to provide this together with the specification of those facilities by way of planning condition.

2.16 Reason for refusal 9 and 10

9. In the absence of a legal agreement to secure a Construction Management Plan and Highways Contribution, the development would fail to ensure that the development can be implemented without causing detrimental impact to residential amenity or the safe and efficient operation of the highway network in the local area or that the repair of any construction damage to transport infrastructure or landscaping and the removal of redundant crossovers and the reinstate footway surfaces following development is secured. The development would therefore remain contrary to policies CS5 and CS11 of the Camden Local Development Framework Core Strategy, policies DP20, DP21 and DP26 of the Local Development Framework Development Policies as well as policies A1 and T4 of the Camden Local Plan Submission Draft 2016. The development also remains contrary to policy 9 of the Fortune Green and West Hampstead Neighbourhood Plan (2015).

10. In the absence of a legal agreement to secure car free/capped housing in this highly

accessible location, the development would fail to encourage car free lifestyles, promote sustainable ways of travelling, help to reduce the impact of traffic and would increase the demand for on-street parking in the CPZ, all contrary to policy CS11 of the Camden Local Development Framework Core Strategy, policy DP18 of the Local Development Framework Development Policies and policy T2 of the Camden Local Plan Submission Draft 2016. The development also remains contrary to policy 7 of the Fortune Green and West Hampstead Neighbourhood Plan (2015).

- 2.17 With regards to Reason for Refusal 9 and 10 again proactive dialogue was not had with the Local Authority to secure such legal agreements during the application process and as such these reasons for refusal have first presented themselves in the delivery of the Decision Notice. To be clear where it is considered proportionate to provide a contribution to highways improvements and for the delivery of a Construction Management Plan the appellant is happy to provide these. It is considered that a Construction Management Plan could be secured sufficiently through Planning Condition and a Scheme of Works as is considered proportionate and acceptable can be secured through Planning Condition for delivery by or on behalf of the Highways Authority.
- 2.18 With regards to a legal agreement to secure car free/capped housing in this location it should be noted that it is not considered that the development looks to be contrary to the delivery of car free development, it is essentially looking to improve the existing demand for car parking spaces in the area by relocating unregulated, un-delineated parking offsite by residents back on-site under the control of a structured parking plan. As such it is not considered that any legal agreements to encourage car free lifestyles or
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promoting sustainable ways of travelling would be appropriate to the scheme given that the by-product of the scheme is a significant contribution to off-set the demand for on street parking in the area.

- 2.19 Overall it is considered that the development accords with the principals of the Development Plan by offering high quality and increased provision for housing supply and an improvement in highways safety in a manner that offers no Development Plan detriment.
- 2.20 As such it is respectfully requested that the application is supported as it is considered sustainable development in NPPF terms.

3.0 CONDITIONS OF PLANNING

- 3.1 It is considered that the appropriate conditions further to timings and the associated plans, should consist of landscape and boundary treatment plans associated with the scheme; details in relation to facing materials for the openings, lightwells and new dwelling; information related to the specification of works for the benefit of energy efficiency improvements delivered by the new dwellings; the implementation of a Construction Management Plan prior to the commencement of works; the specification of cycle parking facilities associated with the residential element of the scheme; a specification of on site and off site highways improvement works and the delivery of specification of works in conjunction with Building Regulations plans that demonstrate the suitability of the specification for the conversion of the basements into individual dwellings.

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