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Contact: Evelyn Jones
Direct line: 020 7974 2783
Email: evelyn.jones@camden.gov.uk

Planning Solutions Team
Planning and Regeneration
Culture & Environment
Directorate
London Borough of Camden
2nd Floor, 5 Pancras Square
London
N1C 4AG

Tel: 020 7974 4444
www.camden.gov.uk/plannin

Charm McFarlane
The Planning Inspectorate
Temple Quay House
2 The Square
Bristol, BS1 6PN

Dear Charm McFarlane,

Town and Country Planning Acts 1990 (as amended)
Appeal by Mr Chaim Freed
Site at Former 59-61, Leighton Road, London, NW5 2QH

I write in connection with the above appeal against the refusal of planning permission (Ref: 2016/4687/P) for the ***erection of a single storey roof extension to existing northernmost three-storey building as approved by 2013/1614/P dated 18/06/2013 to provide 1 x 2 bedroom unit; alterations to existing staircase.***

- 1.1 The Council's case is set out in detail in the attached Officer's Report (Appendix A) and it will be relied on as the principal Statement of Case. Copies of the relevant LDF policies and accompanying Camden Planning Guidance have also been sent with the questionnaire.
- 1.2 In addition to these submissions, I would be pleased if the Inspector would also consider various matters set out below relating to the confirmation of the status of policy and guidance, comments on the grounds of appeal and conditions that the Council requests should the Inspector be minded to grant permission.
- 1.3 The appeal form was submitted originally with the reason being that the Council had failed to determine the application within 8 weeks. However, the appellant's statement goes on to deal with the reasons for refusal and does not mention the failure to determine again. Therefore, the Council will not be addressing the issue of non-determination within its statement and will just focus on the appellant's case against the reasons for refusal.

2.0 Summary

- 2.1 The appeal site is currently under construction for the erection of two buildings, one four storey mixed use office (Class B1) and residential (Class C3) and one three storey residential building granted on 18/06/2013 under reference 2013/1614/P.
- 2.2 The application is for amendments to this scheme that include the erection of a roof extension to the three storey building to provide 1 x 2 bedroom unit and alterations to the previously approved staircase.
- 2.3 The site falls just outside of the Kentish Town Conservation Area and is not subject to any other policy designations.

3.0 Status of Policies and Guidance

- 3.1 In arriving at its current decision, the London Borough of Camden has had regard to the relevant legislation, government guidance, statutory development plans and the particular circumstances of the case.

The London Borough of Camden Local Development Framework was formally adopted on the 8th November 2010. The policies of relevance to the appeal scheme are:

Camden LDF Core Strategy 2010

- CS5 – Managing the impact of growth and development
- CS6 – Providing quality homes
- CS11 – Promoting sustainable and efficient travel
- CS14 – Promoting high quality places and conserving our heritage

Camden Development Policies 2010

- DP2 - Making full use of Camden's capacity for housing
- DP5 - Homes of different sizes
- DP16 – Transport implications of development
- DP17 – Walking, cycling and public transport
- DP18 - Parking standards and limiting the availability of car parking
- DP19 – Managing the impact of parking
- DP24 – Securing high quality design
- DP25 – Conserving Camden's heritage
- DP26 – Managing the impact of development on occupiers and neighbours

These policies have been superseded by the London Borough of Camden Local Plan 2017, which was adopted 3 July 2017. Policies CS5 and DP26 have fed into policy A1 and do not materially differ from the adopted policy. Policies CS14, DP24 and DP25 have formed the basis for policies D1 and D2 and the aims of the previous policies are reflected in the new policies. Policies CS6, DP2 and DP5 have fed into the new housing policies H1, H6 and H7 and policies CS11, DP16, DP17, DP18 and DP19 have influenced the Local Plan transport policies T1, T2 and T3. The relevant London Borough of Camden Local Plan 2017 policies are as follows:

- H1 – Maximising housing supply
- H6 – Housing choice and mix

- H7 – Large and small homes
- A1- Managing the impact of development
- D1 - Design
- D2 - Heritage
- T1 – Prioritising walking, cycling and public transport
- T2 – Parking and car free development
- T3 – Transport infrastructure

The Council also refers to supporting guidance documents.

CPG1 – Design (2015) – Section 5

CPG2 – Housing (2015) – Section 4

CPG6 – Amenity (2011) – Chapter 7

- 3.3 The Councils current adopted policies do not materially differ from the Council's superseded policies and the NPPF policies in relation to this appeal.

4.0 Reasons for Refusal

- 4.1 The application for the ***erection of a single storey roof extension to existing northernmost three-storey building as approved by 2013/1614/P dated 18/06/2013 to provide 1 x 2-bedroom unit; alterations to existing staircase*** which is the subject of the appeal was refused for the following reason:

1. The proposed development, by virtue of its scale, bulk, massing, height and design would represent an incongruous addition to the application site whilst also being harmful to the general character and appearance of the surrounding area and the adjacent Kentish Town Conservation Area, contrary to policy CS14 (Promoting high quality places and conserving our heritage) of the London Borough of Camden Local Development Framework Core Strategy, and policies DP24 (Securing high quality design) and DP25 (Conserving Camden's heritage) of the London Borough of Camden Local Development Framework Development Policies.
2. The proposed development, in the absence of a legal agreement to secure car-free housing for the residential unit 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 policy DP18 (Parking standards and the availability of car parking) of the London Borough of Camden Local Development Framework Development Policies
3. The applicant has not demonstrated that step-free cycle parking will be provided on site, contrary to policies CS11 (Promoting sustainable and efficient travel) of the London Borough of Camden Local Development Framework Core Strategy and policy DP17 (Walking, cycling and public transport) of the London Borough of Camden Local Development Framework Development Policies

5.0 Comments on the Appellants' Grounds of Appeal

Reason for refusal 1: Design

- 5.1 *The appellant states that the proposal has been carefully designed to ensure it complements the existing development and sits comfortably in the surrounding context.*
- 5.2 The Council disagrees that the roof extension would sit comfortably in the surrounding context. An application (Ref: 2012/5996/P) for a similar scheme was refused prior to the original scheme being approved in 2013. This first application in 2012 was for the erection of two buildings, one five storey mixed use office (Class B1) and residential (Class C3) and one four storey building comprising of residential (Class C3). This application was refused on the grounds of scale and bulk of the buildings and the amended application in 2013 took heed of officer's advice and reduced the height of the buildings to four-storeys and three-storeys. Therefore, the proposal in 2016 to add an additional storey to the building has ignored the reasons for refusal in the 2012 scheme regarding height, bulk and massing.
- 5.3 The proposed additional bulk to the building is considered to be detrimental to the appearance of the carefully designed previously approved scheme. The 2013 scheme currently being implemented has been designed to ensure the second building remains secondary and subservient to the five storey mixed use building fronting Leighton Road, adjacent to the Kentish Town Conservation Area and the Grade II listed building of Our Lady Help of Christian Church and hall. This reasoning is picked up in paragraphs 2.5 - 2.7 of the officer's delegated report, and explains how the 2013 approval carefully ensured that the 'design language' of the two blocks were read as a singular entity with lowered heights to sit well within their context. Therefore, by increasing the height of the rear block in the current appeal, this relationship would be destroyed in terms of subservience to the front block and it would compete with it.
- 5.4 The officer report clearly sets out the negative impact the alterations to the staircase would have on the appearance of the development in paragraph 2.9, raising concerns with the scale and additional bulk of the proposed staircase, leading to these elements of the development being more dominant when seen from the adjacent Kentish Town Conservation Area and Grade II listed church given the siting of the staircase.

Reason for refusal 2: S106 Legal agreement

- 5.5 *The appellant has stated willingness to enter into a Section 106 Unilateral Undertaking to secure car free development for the additional unit proposed at the site.*

- 5.6 The Council's car free policy requirement is detailed in Policy T2 (Parking and car free development) of the London Borough of Camden Local Plan 2017 which was adopted on 3rd July 2017.
- 5.7 The car free policy is not merely aimed at reducing parking stress and traffic congestion. It plays a fundamental part in the Council's efforts to address air quality problems in the borough by encouraging a reduced reliance on motor vehicles. It also plays an important part in efforts to encourage active and healthy lifestyles by encouraging and promoting trips by sustainable modes of transport. This includes walking and cycling, in addition to public transport. Walking and cycling helps to improve the health and wellbeing of people who live and/or work in and/or visit the borough.
- 5.8 The appellant is willing to enter into a Section 106 Unilateral Undertaking with regard to the requirement for car free development. This is welcomed by Transport Strategy and would overcome reason for refusal 2. However, the appellant has not yet provided a specific wording that the Undertaking would take, despite this being addressed in their statement, and therefore the Council would like sight of that before commenting further.

Reason for refusal 3: Lack of cycle parking

- 5.9 *The appellant argues that required cycle parking facilities (i.e. 2 covered, secure and fully enclosed cycle parking spaces) will be accommodated within the existing cycle store on the ground floor of the existing building. The appellant goes on to acknowledge that the proposed location of the existing and additional cycle parking facilities are not labelled on the proposed ground floor plan (drawing number P / 02-1).*
- 5.10 It is acknowledged that these existing cycle parking facilities would accommodate the requirement for step free access from street level. However, it is unclear if the existing cycle store could actually accommodate 2 additional bicycles (i.e. the policy requirement for this appeal application). The Council's cycle parking policy requirement is also detailed in Policy T1 (Prioritising walking, cycling and public transport) of our Local Plan which was adopted on 3rd July 2017.
- 5.11 It is worth noting that condition 7 of previously approved scheme 2013/1614/P stated:
- *Before the development commences, details, including access control and securing structure type of the cycle storage area for 11 cycles (for the approved C3 units) shall be submitted to and approved by the local planning authority in writing. The approved facility shall thereafter be provided in its entirety prior to the first occupation of any of the new (C3) units 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.*

- 5.12 This condition has never been formally discharged. However, the cycle parking details shown on the approved ground floor plan for 2013/1614/P were subsequently amended as part of a non-material amendment application 2014/0582/P. The revised ground floor plan for that application included 12 cycle parking spaces within a dedicated cycle storage room and a further 7 cycle parking spaces within the courtyard. The 12 cycle parking spaces within the dedicated cycle storage room were fully policy compliant in that they were designed in accordance with Camden Planning Guidance document CPG7 (Transport). However, the 7 cycle parking spaces within the courtyard were not policy compliant, as they appeared to consist of vertical cycle parking facilities (i.e. contrary to CPG7 requirements).
- 5.13 The 12 policy compliant cycle parking spaces discussed above relate to the previously approved schemes Ref: 2013/1614/P and 2014/0582/P. It remains unclear where 2 additional policy compliant cycle parking spaces designed in accordance with CPG7 requirements could be located. This information needs to be clearly shown on a revised ground floor drawing.
- 5.14 Reason for refusal 3 could be overcome if the appellant were to submit a revised ground floor plan clearly showing the location of additional policy compliant cycle parking facilities capable of accommodating 2 standard bicycles. Such cycle parking facilities would need to be designed in accordance with CPG7 requirements.

6.0 Conclusion

- 6.1 Based on the information set out above, and having taken account of all the additional evidence and arguments made, it is considered that the proposal remains unacceptable in that it would add increased bulk and massing to the building resulting in harm to the character and appearance of the Leighton Road Streetscene and adjacent conservation area.
- 6.2 The information submitted by the appellant in support of the appeal does not overcome or address the Council's concerns. For these reasons, the proposal fails to meet the requirements of policy and therefore the Inspector is respectfully requested to dismiss the appeal. However, in the event of the appeal being allowed please refer to the recommended conditions below in Appendix 1.

Yours sincerely,

Evelyn Jones

Planning Officer - Planning Solutions Team
Supporting Communities Directorate
London Borough of Camden

Appendix 1: recommended conditions should the appeal be allowed

Conditions

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) All new external work shall be carried out in materials that resemble, as closely as possible, in colour and texture those of the existing building, unless otherwise specified in the approved application.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of Policy D1 of the London Borough of Camden Local Plan 2017.

3) The development hereby permitted shall be carried out in accordance with the following approved plans: P/00; P/01; P/01-1; P/02; P/02-1; P/03; P/03-1; P/04; P/04-1; P/05; P/05-1; P/06; P/06-1; P/07; P/07-1; P/08; P/08-1; P/09; P/09-1; P/10; P/11; P/12; P12-1 Rev P2. Cover letter prepared by PPM Planning dated 23rd August 2016; Design & Access Statement dated July 2016; Daylight & Sunlight Assessment prepared by Prive & Myers dated 9th August 2016; Sustainability Statement prepared by Price & Myers dated 9th August 2016; BS5837 Arboricultural Report prepared by Indigo Surveys dated August 2012.

Reason: For the avoidance of doubt and in the interest of proper planning.

4) Before the development commences, details of secure and covered cycle storage area for two 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 any of the new units, and permanently retained thereafter.

Reason: To ensure the development provides adequate cycle parking facilities in accordance with the requirements of policy T1 of the London Borough of Camden Local Plan 2017.