

Delegated Report		Analysis sheet		Expiry Date:		16/08/2017	
		N/A / attached		Consultation Expiry Date:		17/08/2017	
Officer				Application Number(s)			
Alyce Keen				2017/3582/P			
Application Address				Drawing Numbers			
169 and 169A West End Lane LONDON NW6 2LH				GA 02/A, GA 04, GA 03/A, SV 03, SV 02, GA 01/A, SV 01/A.			
PO 3/4		Area Team Signature		C&UD		Authorised Officer Signature	
Proposal(s)							
Change of use to utilise the basement and rear ground floor (A1 use) to form a studio and 1 bedroom flat (C3 use) including the installation of a lightwell.							
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	00	No. of responses	00	No. of objections	00
				No. electronic	00		
Summary of consultation responses:		No consultation responses were received in response to this planning application.					
CAAC/Local groups* comments: *Please Specify		Even though the application site is located in the South Hampstead Conservation Area there is no relevant CAAC for this conservation area.					

Site Description

169 West End Lane lies on the corner of West End Lane and Sherriff Road opposite St James' church and to the south of the train line and West Hampstead station. The building is not listed however it is designated as a positive contributor within the northern boundary of the South Hampstead Conservation Area. The church of St James situated across Sherriff Road is designated as a Grade II listed building. The site is also located within the West Hampstead town centre.

Relevant History

05/04/2006 (2006/0442/P) Refused:

The erection of a two-storey front extension and a new second floor to the existing two storey rear wing of the building facing Sherriff Road to form a 2 bedroom maisonette on ground to 2nd floors; enlargement of the retail storage area at basement level and conversion of the residential upper floor maisonette of the main building into 2 x one bedroom flats and a studio flat, including an extension at side/rear 3rd floor roof level, and insertion of new dormer on the side roof slope; alterations to fenestration along Sherriff Road; creation of new entrances, new forecourt boundaries and new refuse areas on Sherriff Road.

Reasons

1. The proposed extensions at ground, 1st and 2nd floor levels to the rear wing of the property, by reason of their position, bulk and design, would detract from the subordinate character of that part of the building, would mask and dominate views of the neighbouring property (West Hampstead Studios) in the street scene, and would be detrimental to the character and appearance of this part of the conservation area.
2. The proposed development, by reason of the creation of additional residential units without off street parking provision, is likely to increase parking demand and add to the congestion of this Heavily Parked Street.

12/09/2006 (2006/3128/P) Planning permission with conditions and a S106 Agreement for: Change of use of existing five bedroom unit and part retail unit to one 1-bedroom dwelling, two 1-bedroom self-contained flats and one studio flat (Class C3). Erection of an extension at rear third floor level with dormer window facing Sheriff Road, creation of a new entrance and erection of boundary wall around entrance, and alterations to existing basement lightwell, boundary wall and fenestration (Sheriff Road elevation).

01/09/2010 (2010/2643/P) Planning permission with conditions and a S106 Agreement for: Change of use of existing five bedroom unit and part retail unit to one 1-bedroom dwelling, two 1-bedroom self-contained flats and one studio flat (Class C3). Erection of an extension at rear third floor level with dormer window facing Sheriff Road, creation of a new entrance and erection of boundary wall around entrance, and alterations to existing basement lightwell, boundary wall and fenestration (Sheriff Road elevation).

08/07/2011 (2011/2526/P) Planning permission was granted for: Installation of fixed glazed panels to front lightwell at existing dwelling (Class C3).

Relevant policies

LDF Core Strategy and Development Policies

Camden Local Plan 2017:

- G1 Delivery and location of growth
- H1 Maximising housing supply
- H4 Maximising the supply of affordable housing
- H6 Housing choice and mix
- H7 Large and small homes
- A1 Managing the impact of development
- A5 Basements
- C5 Safety and security
- C6 Access for all
- D1 Design
- D2 Heritage

TC2 Camden's centres and other shopping areas
CC1 Climate change mitigation
CC2 Adapting to climate change
CC3 Water and flooding
CC4 Air quality
CC5 Waste
T1 Prioritising walking, cycling and public Transport
T2 Parking and car-free development

Camden Planning Guidance:

CPG1 Design (2015)
CPG2 Housing (2015)
CPG3 Sustainability (2015)
CPG5 Town Centres, Retail and Employment (2013)
CPG6 Amenity (2013)
CPG7 Transport (2013)
CPG8 Planning Obligations (2015)

South Hampstead Conservation Area character appraisal and management strategy 2011

Assessment

Proposal

The proposed scheme is for the creation of two (2) residential units including a studio (area 37.2sqm) and 1 bedroom flat (50sqm). The studio will be located on the basement level and the 1 bedroom flat will be split across the basement and ground floor. The residential units would be access by the staircase located in the proposed lightwell. Both units will be single aspect facing into the lightwell with the 1 bedroom flat also containing a ground floor window. The lightwell measures as 6.9m x 1.3m at a depth of 2.7m.

Change of Use

The change of use of the basement and rear ground floor retail (Use Class A1) to form a studio and 1 bedroom flat (Use Class C3) is considered acceptable on the basis that the retail area at ground floor would be retained and therefore the unit would contribute to the viability and vitality of the West Hampstead Town Centre.

Design & Character

The Council's design policies are aimed at achieving the highest standard of design in all developments, including where alterations and extensions are proposed. The Local Plan policy D1 (Design) requires development to be of the highest architectural and urban design quality which improves the function, appearance and character of the area. Camden's Local Plan Document is supported by CPG1 (Design).

In principle, the installation of a lightwell on the Sherriff Road frontage is not considered acceptable. It is acknowledged that there is a lightwell at no. 169A West End Lane and at some residential properties along Sherriff Road. However it is considered that the proposed location of the lightwell is not appropriate as it is within the retail corner frontage, which should be preserved for an activated retail frontage. The introduction of a lightwell in this location would detract from the retail frontage and hinder it's potential in the future.

The building is considered to make a positive contribution to the Conservation Area and entails some key detailing and architectural features on the front facade as well as on the side elevation. The lightwell and particularly the modern glass balustrade would detract from the traditional style and character of the host building.

The proposed installation of a lightwell on Sherriff Road is considered to be contrary to policy D1 of the Camden Local Plan 2017 and the CPG1 of the Camden Planning Guidance.

Basement development

The proposed scheme includes the installation of a lightwell on Sherriff Road, which would require basement level excavation.

Policy A5 states that the Council will only permit basements where it is demonstrated to its satisfaction that the proposal would not cause harm to neighbouring properties; the structural, ground or water conditions of the area; the character and amenity of the area; the architectural character of the building; and the significance of heritage assets.

The application should have been supported with a Basement Impact Assessment to demonstrate compliance with Policy A5. If the proposed scheme were to be considered acceptable the Council would have requested a Basement Impact Assessment, which may have been subject to independent review at the cost to the applicant.

Amenity

Policy A1 of the Local Plan 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, outlook, noise and impact on daylight and sunlight. Camden's Local Plan Document is supported by CPG6 (Amenity).

Due to the siting and nature of the development the proposed residential units are not considered to impact of neighbouring amenity.

Standard of Accommodation

The Technical Housing Standards 2015 specifies that residential units should meet particular internal area requirements. From review of the plans it appears that both residential units comply with the 37sqm for a 1 person 1 bedroom unit and 50sqm for a 2 person 1 bedroom unit.

The proposed sections appear to demonstrate that the floor to ceiling height measures as 2.4m. Therefore the floor to ceiling height is compliant with the required minimum of 2.3m as specified in the Standards.

The proposed flats to be located in the basement level are considered to provide substandard residential accommodation, particularly in regard to residential standards in terms of sunlight/daylight. Insufficient information has been provided to demonstrate that sufficient light will be provided to the proposed flats. If the scheme were considered to be acceptable a BRE Sunlight/Daylight Assessment would have been requested.

The proposed residential units are not considered to provide sufficient outlook, for the reasons being that the units are to be located within the basement level with three single aspect outlook windows facing out to a confined lightwell. In addition, the 1 bedroom flat proposes the bedroom to be located at ground level with a large full height window, which would raise privacy issues.

Affordable Housing

Policy H4 in the Local Plan sets out the Council's aims to seek to negotiate the maximum reasonable amount of affordable housing. Policy H4 states "We will expect a contribution to affordable housing from all developments that provide one or more additional homes and involve a total addition to residential floorspace of 100sqm GIA or more". Policy H4 (g) states that where developments have capacity for fewer than 10 additional dwellings, the Council will accept a payment-in-lieu of affordable housing.

The addition of residential floor space for the proposed scheme is 87.2sqm. This additional GIA falls below the 100sqm trigger therefore an affordable housing contribution would not be required if the scheme were considered to be acceptable.

Sustainability

In line with policies CC1, CC2 and CC3 of the Camden Local Plan 2017, all developments in Camden

are required to make the fullest contribution to the mitigation of and adaptation to climate change, to minimise carbon dioxide emissions and contribute to water conservation and sustainable urban drainage.

If the scheme were to be considered acceptable Council would have encouraged the proposed scheme to meet the sustainability standards.

Transport

Policy T1 Prioritising walking, cycling and public transport of the Local Plan states that Council will promote sustainable transport by prioritising walking, cycling and public transport in the borough.

Construction Management Plan

It is important that effective measures are taken during demolition and construction works to ensure that damage is not caused to the host building, neighbouring buildings or the surrounding highways.

The Council requires a Construction Management Plan (CMP) for basement developments where appropriate, to manage and mitigate the greater construction impacts of these schemes. CMPs will be required for schemes on constrained sites, in conservation areas, on sites adjacent to a listed building, or in other areas depending on the scale of the development and the conditions of the site.

If the proposed scheme were to be considered acceptable the Council would have secured a Construction Management Plan via a Section 106 legal agreement. As the proposal is being refused, a reason for refusal will be based on the absence of the Section 106 agreement to secure a Construction Management Plan.

Car Parking

Policy T2, of the Local Plan states that Council will limit the availability of parking and require all new developments in the borough to be car-free.

The proposed scheme does not include any car parking. To ensure the development is car free, a Section 106 legal agreement would be used to secure this. As the application is recommended for refusal, a reason for refusal would be raised in respect of the absence of a Section 106 legal agreement.

Cycle Parking

Cycle Parking minimum standards for C3 (Dwellings) as specified in the London Plan are 1 space per studio and 1 bedroom unit or 2 spaces per all other dwellings. This development would be required to provide 2 spaces. The proposed scheme does not demonstrate cycle parking being provided on site, which is not in accordance with the London Plan requirements. However as the site is constrained by the existing built form and as it is located in a well serviced area for public transport, on balance no cycle parking being provided on-site is considered acceptable in these circumstances.

Pedestrian Movement

Policy A1 also states that the council will expect any development or works affecting highways to avoid disruption to the highway network, including the footway. The council also expects developments connecting to the highway network to avoid causing harm to highway safety or hinder pedestrian movement and avoid unnecessary street clutter.

The proposal is considered to introduce a physical obstruction to pedestrian movement, at a location where pedestrian routes converge near a junction and crossing. This would be a particular problem for people with sight impairments and could lead to safety issues. The proposal, by reducing the useable footway space, would hinder pedestrian movement. In addition, the proposal by introducing railings would constitute unnecessary street clutter.

In this instance the loss of useable footway would only diminish the existing pedestrian route and would not be in line with this policy.

Policy C6 states that the Council will expect improvements for all pedestrians including disabled people to ensure good quality access and circulation arrangements, including improvements to existing routes, surfaces and footways.

This development would not represent an improvement to the street environment. It would be detrimental as it would reduce the extent of useable footway available to the general public.

CIL

The scheme would be liable for Community Infrastructure Levy for both the Mayor of London and the London Borough of Camden.

The Mayor's CIL applies to all development that adds one or more dwellings or more than 100sqm of floorspace at a rate of £50 per sqm. The Council's CIL equally applies to all new dwellings at a rate of £500 per sqm in the Zone B (Rest of Camden) area. As the proposal is for 2 new dwellings it would be liable for both CILs.

Conclusion

For the reasons outlined above the proposed scheme, by reason of the introduction of a lightwell in this location would detract from the retail frontage and in particular the modern glass balustrade would detract from the traditional style and character of the host building and the surrounding Conservation Area. In addition, the proposed flats located in the basement level would provide substandard accommodation, particularly in regard to residential standards in terms of sunlight/daylight and outlook. In terms of transport, the proposal, by reducing the useable footway space, would hinder pedestrian movement and result in pedestrian safety issues. Consequently, the proposal would fail to accord with policies D1, D2, A1, A5, CC1, CC2, CC3, T1, T2, H6 and C6 of the Camden Local Plan 2017.

Recommendation: Refuse planning permission