



Planning Statement

87-93 Kingsgate Road, London, NW6 4JY

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1 Introduction, Purpose and Development Proposals

1.1 Introduction

- 1.1.1 This statement constitutes the Planning Statement submitted in support of a planning application for the erection of a 3rd floor roof extension to provide 2 residential flats (Class C3) and erection of 3 storey rear extension to no. 91 to enlarge existing office and flats on 1st and 2nd floors, following demolition of the existing 2 storey closet wing, plus associated hard landscaping and new entrance facing Messina Avenue (the proposed 'development') at 87-93 Kingsgate Road, London, NW6 4JY (the 'site').
- 1.1.2 The application represents a re-submission following the refusal of an earlier planning application in July 2017 and seeks to overcome the concerns raised by the Council. This is discussed in more detail below.

1.2 Purpose

- 1.2.1 Planning law¹ requires that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise.
- 1.2.2 The Courts² have determined that it is enough that a proposal accords with the Development Plan when considered as a whole. It is not necessary to accord with each and every policy contained within the development plan. Indeed, it is not at all unusual for development plan policies to pull in different directions.
- 1.2.3 The position was also endorsed by Patterson J in his judgement in *Tiviot Way Investments Ltd v Secretary of State for Communities and Local Government and Stockton-on-Tees BC* [2015] EWHC 2489 (Admin) at paragraph 31:

"I do not accept, lest it be thought to establish the proposition, that the case of Hampton Bishop (supra) establishes that a breach of one key policy was sufficient to find conflict with the development plan as a whole."

- 1.2.4 The Planning & Compulsory Purchase Act 2004 defines the development plan for the purposes of this assessment process as the strategy for the region in which the site is located and development plan documents, taken as a whole, which have been approved or adopted for the area.
- 1.2.5 The purpose of this statement is therefore to identify development plan policies that are relevant in the assessment of the development proposals. Then to determine if the proposals conflict with their provisions and if they do, to determine whether there are material considerations which outweigh such conflict.

¹ Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990

² See for example *Laura Cummins and London Borough of Camden, SSETR and Barrett Homes Limited* [2001]; *R. v Rochdale MBC ex parte Milne* [2000] & *City of Edinburgh Council v. Secretary of State for Scotland* [1997]

1.3 Development Proposals

1.3.1 The proposal seeks the erection of 3rd floor roof extension to provide 2 residential flats (Class C3) and erection of a 3-storey rear extension to no. 91 to enlarge an existing office and flats on 1st and 2nd floors, following demolition of the existing 2 storey closet wing, plus associated hard landscaping and new entrance facing Messina Avenue.

1.3.2 The proposed development will provide the following mix of additional residential units:

FLAT	GROSS INTERNAL AREA TYPE SPACE REQUIREMENTS ³
A	55.8 m ² 1 bed 2 person 50 m ²
D	73 m ² 2 bed 4 person 70 m ²

1.3.3 The proposed development will also provide external areas for cycle storage and for refuse and recycling within the new entrance area.

1.3.4 Due to the highly sustainable location of the site it is not proposed to include any off-street parking.

1.3.5 The proposals are discussed in more detail in the Design and Access Statement.

³ Based on GLA Housing SPG (March 2016) & National Described Space Standards (March 2015)

2 Site Location, Description and Planning History

2.1 Site Location

- 2.1.1 The site is located on the eastern side of Kingsgate Road at the junction of Messina Avenue. The location is highlighted on the following map extract.



- 2.1.2 The site is approximately 650 metres from West Hampstead Underground station, 650 metres from Brondesbury Overground station, 750 metres from West Hampstead Overground station, and 850 metres from West Hampstead railway station. The site is also within walking distance of Kilburn and Kilburn High Road stations.
- 2.1.3 In addition, a number of bus routes pass close to the site with stops on West End Lane (250 metres) and Kilburn High Road (350 metres).
- 2.1.4 As a consequence, the site has a Public Transport Accessibility Level (PTAL) of 5 (Very Good).

2.2 Site Description

- 2.2.1 The site comprises 4 terraced properties with offices at ground floor and two storeys of residential uses above.
- 2.2.2 Three of the properties front Kingsgate Road whilst the fourth wraps around the corner into Messina Avenue.
- 2.2.3 The property is not listed or in a Conservation Area or in close proximity to any such designations where impact on setting would be a consideration. The property is located within the Kilburn Neighbourhood Area.



Application site in street scene

- 2.2.4 Messina Avenue rises quite sharply from the corner of the application site and is lined with significant 4 storey villa style residential properties with traditional detailing and flat roofs concealed by parapet walls.
- 2.2.5 Kingsgate Road runs parallel to Kilburn High Street with dwellings of differing heights up to 4 storeys and constructed in a varied palette of materials but predominantly brick and stucco detailing. Roofs are inverted butterfly types concealed by parapet walls.
- 2.2.6 The ground floors of the properties on Kingsgate Road in this location are mostly commercial uses, shops and offices. The properties all appear to have residential apartments on upper levels.

2.3 Planning History

- 2.3.1 From a review of the Council's online planning register the planning history of the application site shows only one application which was refused in July 2017 (Ref: 2017/1435/P).
- 2.3.2 The application sought the erection of 3rd floor roof extension to provide 3 residential flats (Class C3) and erection of 3 storey rear extension to no. 91 to enlarge existing office and flats on ground, 1st and 2nd floors, following demolition of the existing 2 storey closet wing, plus associated hard landscaping and new entrance facing Messina Avenue.
- 2.3.3 The application was refused for the following 6 reasons:

1. The proposed roof extension, by reason of its height, bulk, detailed design and location within a terrace of properties with a largely unaltered roofline, would be harmful to the character and appearance of the host buildings, the terrace to which they belong and the streetscene, contrary to policy D1 (Design) of the Camden Local Plan 2017
2. The proposed rear extension, by reason of its height, scale and detailed design, would be detrimental to the character and appearance of the host building and surrounding area, contrary to policy D1 (Design) of the Camden Local Plan 2017

3. Two of the proposed 3rd floor units (the 1 person studio and 1 person one bedroom flat) would not meet the minimum gross internal floorspace requirements for 1 bedroom units as set out in national standards, and therefore would create substandard habitable accommodation, contrary to policy H6 (Housing choice and mix) of the Camden Local Plan 2017
4. 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 and would fail to promote more sustainable and efficient forms of transport, contrary to policies T1 (Prioritising walking, cycling and public transport) and T2 (Car-free development and limiting the availability of parking) of the Camden Local Plan 2017
5. The proposed development, in the absence of a legal agreement securing necessary highway works, would fail to secure adequate provision for and safety of pedestrians, cyclists and vehicles, contrary to policies A1 (Managing the impact of development) and T1 (Prioritising walking, cycling and public transport) of the Camden Local Plan 2017
6. The proposed development, in the absence of a legal agreement securing a Construction Management Plan (CMP) and associated CMP Implementation Support Contribution, would be likely to give rise to conflicts with other road users, and be detrimental to the amenities of the area generally, contrary to policies A1 (Managing the impact of development) and T4 (Promoting the sustainable movement of goods and materials) of the Camden Local Plan 2017

- 2.3.4 In addition, the decision confirmed that without prejudice to any future application or appeal, the applicant is advised that reasons for refusal numbered 4, 5, 6 could be overcome by entering into a Section 106 Legal Agreement for a scheme that was in all other respects acceptable.
- 2.3.5 This is discussed in more detail below and the proposed development seeks to overcome the other reasons for refusal.
- 2.3.6 It is also worth noting that planning permission was granted in 2005 at 92 Kingsgate Road for the erection of a roof extension to create a new third floor to provide additional accommodation for existing maisonette, erection of a rear/side extension at first floor level, creation of two roof terraces at second and third floor levels and alterations to the fenestration at rear second floor level (Ref: 2005/3476/P).

3 Development Plan Context and Designations

3.1 Development Plan Context

- 3.1.1 The Development Plan context in Kilburn is provided by the London Plan (2016) and the Camden Local Plan (2017).

3.2 Development Plan Designation

- 3.2.1 The Proposals Map confirms that the site has no specific land use designation. However, the site is located within the Kilburn Neighbourhood Area.
- 3.2.2 In addition, the site falls within Flood Zone 1 and is therefore at the lowest risk of flooding.

3.3 Relevant Development Plan Policies

- 3.3.1 As a result of the above designations, the current use of the premises and the proposed use the following Development Plan policies are considered to be relevant in the assessment of any development proposals.

- London Plan
 - Policy 3.3 Increasing Housing Supply;
 - Policy 3.4 Optimising Housing Potential;
 - Policy 3.5 Quality and Design of Housing Developments;
 - Policy 3.8 Housing Choice;
 - Policy 5.2 Minimising Carbon Dioxide Emissions;
 - Policy 5.3 Sustainable Design and Construction;
 - Policy 6.3 Assessing effects of development on transport capacity;
 - Policy 6.9 Cycling;
 - Policy 7.3 Designing out Crime
 - Policy 7.4 Local Character
 - Policy 7.6 Architecture
- Camden Local Plan
 - Policy G1 Delivery and location of growth
 - Policy H1 Maximising housing supply
 - Policy H6 Housing choice and mix
 - Policy H7 Large and small homes
 - Policy A1 Managing the impact of development
 - Policy D1 Design
 - Policy C5 Access for all
 - Policy CC1 Climate change mitigation
 - Policy T1 Prioritising walking, cycling and public transport
 - Policy T2 Car-free development and limiting the availability of parking
 - Policy T4 Promoting the sustainable movement of goods and materials

3.4 Material Considerations – NPPF

3.4.1 The Government’s National Planning Policy Framework (March 2012) (the ‘Framework’) is a material consideration in the assessment of development proposals. The Framework confirms that the purpose of the planning system is to contribute to the achievement of sustainable development and that the policies contained in paragraphs 18-219 of the Framework, taken as a whole, constitute the Government’s view of what sustainable development means in practice for the planning system. In brief, sustainable development is about change for the better, and not only in the built environment. Sustainable development is about positive growth – making economic, environmental and social progress for this and future generations.

3.4.2 The Framework confirms that there are three dimensions to sustainable development – economic, social and environmental; and that these dimensions give rise to the need for planning to perform a number of roles:

- an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;
- a social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community’s needs and support its health, social and cultural well-being; and
- an environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.

3.4.3 The Framework emphasises that these roles should not be undertaken in isolation, because they are mutually dependent. Pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people’s quality of life.

3.4.4 The Framework confirms that at its heart is a presumption in favour of sustainable development and that for decision taking this means approving development proposals that accord with the development plan without delay. The Framework contains a set of 12 core land-use principles that should underpin plan-making and decision-taking and these include that planning should:

- not simply be about scrutiny, but instead be a creative exercise in finding ways to enhance and improve the places in which people live their lives;
- proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth. Plans should take account of market signals, such as land prices and housing affordability, and set out a clear strategy for allocating sufficient land which is suitable for development in their area, taking account of the needs of the residential and business communities;

- always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
- take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it;
- support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change, and encourage the reuse of existing resources, including conversion of existing buildings, and encourage the use of renewable resources (for example, by the development of renewable energy);
- contribute to conserving and enhancing the natural environment and reducing pollution. Allocations of land for development should prefer land of lesser environmental value, where consistent with other policies in this Framework;
- encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value;
- promote mixed use developments, and encourage multiple benefits from the use of land in urban and rural areas, recognising that some open land can perform many functions (such as for wildlife, recreation, flood risk mitigation, carbon storage, or food production);
- conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations;
- actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable; and
- take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs.

3.4.5 In terms of design, the Framework confirms good design is a key aspect of sustainable development and is indivisible from good planning. Planning decisions are required to ensure that developments:

- will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;
- optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport networks;
- respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;
- create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and
- are visually attractive as a result of good architecture and appropriate landscaping.

3.4.6 The Framework advises in paragraph 60 that *‘Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness’*.

3.4.7 An assessment of the Framework in terms of design and housing confirms that the proposed development is consistent with national planning policies and this provides further support for the proposed development.

3.5 Material Considerations - London Plan Supplementary Planning Guidance

3.5.1 The Mayor’s SPG ‘Housing’ (November 2012) contains the residential design, density and space standards that will apply to new residential developments. These reflect the space and density standards set out in the London Plan, but also provide more detailed guidance on individual room sizes and internal layouts.

3.5.2 The proposed development has been assessed against the individual room and amenity spaces standards contained within the SPG and Nationally Described Space Standard and is compliant. This is discussed in more detail below.

3.6 Material Considerations – Camden Planning Guidance

3.6.1 The following Supplementary Planning Documents have been identified as potentially relevant to the proposal:

- CPG1 Design (2015)
- CPG2 Housing (2015)
- CPG3 Sustainability
- CPG6 Amenity (2011)
- CPG7 Transport (2011)
- CPG8 Planning Obligations (2015)

3.6.2 These are discussed in more detail below where relevant.

4 Planning Assessment

4.1 Introduction

- 4.1.1 The following assessment considers the relevant Development Plan policies and material considerations identified in the preceding section and the degree to which the proposed development complies with their provisions or not as the case may be.
- 4.1.2 The principal considerations in the assessment of the development proposals for the property are considered to be as follows:
- Principle of development
 - Design / impact on the character of the area
 - Standard of accommodation;
 - Impact on neighbouring amenity;
 - Highways, access and parking;
 - Construction management;
 - Sustainability; and
 - CIL and S106 Planning Obligations
- 4.1.3 These considerations are summarised in turn below.

4.2 Principle of development

- 4.2.1 The National Planning Policy Framework (NPPF) seeks to increase the housing supply and introduces a presumption in favour of sustainable development. The proposed development clearly falls into the category of sustainable development providing much needed housing within the urban area on brownfield land and there is good connectivity to the public transport network (as demonstrated by the Public Transport Accessibility Level (PTAL) of 5 – Very Good.
- 4.2.2 Paragraph 7 of the NPPF confirms that the planning system is expected to perform an economic, social and environmental role in contributing to the achievement of sustainable development. In this case the development will assist in performing a social role by providing more housing but also an environmental role by adapting to climate change including moving to a low carbon economy and an economic role by providing a more efficient use for the site and increasing the population within the urban centre.
- 4.2.3 Paragraph 9 confirms that sustainable development includes seeking positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life, including improving the conditions in which people live, work, travel and take leisure and widening the choice of high quality homes.
- 4.2.4 The proposal will contribute to the pursuit of sustainable development by widening the choice of high quality homes in an area where the quality of the built, natural and historic environment will be unharmed.
- 4.2.5 Paragraph 17 sets out 12 core planning principles that should underpin decision-taking. Included amongst these are that planning should not simply be about scrutiny, but instead be a creative exercise in finding ways to enhance and improve the places in which people live their lives. The proposal calls out for creativity given the significant enhancement that will result in the street-scene and the highly sustainable credentials of the proposed development.

- 4.2.6 A core principle is the encouragement to make effective use of brownfield land. The site constitutes brownfield land and it is not of high environmental value.
- 4.2.7 A further core planning principle is to actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling and focus significant development in locations which are or can be made sustainable. The location of the application site will allow the fullest possible use to be made of public transport, walking and cycling.
- 4.2.8 Paragraph 47 of the NPPF aims to deliver a wide choice of quality homes and states that housing applications should be considered in the context of the presumption in favour of sustainable development. The proposal is compliant with the approach advocated in the NPPF. The site is serviceable and immediately deliverable.
- 4.2.9 Paragraph 187 of the NPPF advises LPAs that they should look for solutions rather than problems and decision-takers at every level should seek to approve applications for sustainable development where possible. In addition, Paragraph 197 confirms that in assessing and determining development proposals, LPAs should apply the presumption in favour of sustainable development. The proposal represents a form of highly sustainable development on an urban site and therefore qualifies for a grant of planning permission under this presumption.
- 4.2.10 In addition, the development of housing will help to meet the targets as set out in Policy 3.3 of the London Plan which seeks to increase the housing supply. The aim is also outlined in Policies G1 and H1 of the Local Plan.
- 4.2.11 The principle of development was accepted by the Council in the Planning Officer's Delegated Report for the 2017 refusal which confirmed that:
- The residential portion would be expanded and hence the development would increase housing supply in the borough and is welcomed in accordance with the above policies.
- 4.2.12 In addition, Policies H6 and H7 seek to secure mixed and inclusive communities and a range of self-contained homes of different sizes. All proposals should include some dwellings that meet the high priorities, as identified in the dwelling size priorities table, wherever it is practicable to do so. Council has prioritised some sizes as high priority (primarily on the basis of a high level of need relative to supply), notably 2 bedroom units.
- 4.2.13 The proposed development will provide a mix of units including a 2-bedroom unit and this is considered acceptable given the constraints of the site to provide a different mix or larger units.
- 4.2.14 In this respect the principle of development and the mix of the proposed units is considered acceptable subject to the other considerations below.

4.3 Design / impact on the character of the area

- 4.3.1 Paragraph 56 of the NPPF confirms that good design is a key aspect of sustainable development; it is indivisible from good planning and should contribute positively to making places better for people. Paragraph 58 states that planning decisions should aim to ensure that developments function well and add to the overall quality of the area; establish a strong sense of place; optimise the potential of the site to accommodate development; respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation and are visually attractive as a result of good architecture and appropriate landscaping.
- 4.3.2 Paragraph 60 advises that planning decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles; although it is proper to seek to promote or reinforce local distinctiveness.
- 4.3.3 Paragraph 61 states that although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations and planning decisions should address connections between people and places and the integration of new development into the natural, built and historic environment.
- 4.3.4 Paragraph 63 advises that in determining applications, greater weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area.
- 4.3.5 In this respect the NPPF offers support to the proposed development which is of a high quality design with limited impact on the street scene.
- 4.3.6 Policy 3.5 of the London Plan seeks that housing developments should be of the highest quality internally, externally and in relation to their context and to the wider environment, taking account of strategic policies in this Plan to protect and enhance London's residential environment and attractiveness as a place to live.
- 4.3.7 In addition, the London Plan Policy 7.4 states that development should provide a high quality design response that has regard to:
- a. the pattern and grain of the existing spaces and streets in orientation, scale, proportion and mass.
 - b. contributes to a positive relationship between the urban structure and natural landscape features, including the underlying landform and topography of an area
 - c. is human in scale, ensuring buildings create a positive relationship with street level activity and people feel comfortable with their surroundings
 - d. allows existing buildings and structures that make a positive contribution to the character of a place to influence the future character of the area
 - e. is informed by the surrounding historic environment.
- 4.3.8 At a more local level, Policy D1 states that the Council will seek to secure high quality design in development. The Council will require that development:
- a. *respects local context and character;*

The proposed development will respect the character of the area and other similar extensions exist in the local area. This is discussed in more detail below.

- b. preserves or enhances the historic environment and heritage assets in accordance with “Policy D2 Heritage”;*

There are no nearby heritage assets which are affected by the proposal. No objections were received in this regard previously

- c. is sustainable in design and construction, incorporating best practice in resource management and climate change mitigation and adaptation;*

The proposed design and construction is sustainable. No objections were received in this regard previously.

- d. is of sustainable and durable construction and adaptable to different activities and land uses;*

The proposal will be sustainable and adaptable. No objections were received in this regard previously.

- e. comprises details and materials that are of high quality and complement the local character;*

As discussed below, the proposed materials will complement the existing building and the character of the area.

- f. integrates well with the surrounding streets and open spaces, improving movement through the site and wider area with direct, accessible and easily recognisable routes and contributes positively to the street frontage;*

The proposed development will integrate with the surrounding area. This is discussed below.

- g. is inclusive and accessible for all;*

The proposal will be inclusive in accordance with Policy C5 of the Local Plan subject to the existing constraints of the site. No objections were received in this regard previously. This is discussed in more detail in the Design and Access Statement.

- h. promotes health;*

No objections were received in this regard previously.

- i. is secure and designed to minimise crime and antisocial behaviour;*

The proposed development seeks to reduce crime in accordance with the relevant standards in accordance with Policy 7.3 of the London Plan.

- j. responds to natural features and preserves gardens and other open space;*

This is not relevant to the proposed development. No objections were received in this regard previously.

- k. incorporates high quality landscape design (including public art, where appropriate) and maximises opportunities for greening for example through planting of trees and other soft landscaping,*

The proposal seeks to enhance the boundary landscaping. No objections were received in this regard previously.

l. incorporates outdoor amenity space;

The amenity space is in accordance with the relevant standards.

m. preserves strategic and local views;

This is not relevant to the proposed development.

n. for housing, provides a high standard of accommodation; and

This is discussed in detail below and the proposal complies with all relevant standards.

o. carefully integrates building services equipment.

Any services are carefully integrated into the building.

The Council will resist development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

4.3.9 As discussed in more detail below, the proposed development is a high quality design and is therefore in accordance with the above policy.

4.4 Standard of accommodation

4.4.1 Policy 3.5 of the London Plan states that the design of all new housing developments should enhance the quality of local places, taking into account physical context; local character; density; tenure and land use mix; and relationships with, and provision of, public, communal and open spaces, taking particular account of the needs of children and older people. LDFs should incorporate minimum space standards that generally conform to Table 3.3 (now superseded by the Nationally Described Space Standards).

4.4.2 In addition, Policy H6 of the Local Plan requires new development to provide an acceptable standard of accommodation in terms of internal arrangements, dwelling and room sizes and amenity space; facilities for storage, recycling and disposal of waste; facilities for bicycle storage and private amenity space.

4.4.3 As discussed above the proposed flats now comply with the Nationally Described Space Standards and therefore the revised scheme has overcome the Council's 3rd reason for refusal in the July 2017 decision.

4.4.4 In addition, the roof terraces will be in excess of the minimum standards as set out in the London Plan Housing SPG. It is noted that the Council did not object on this basis previously.

4.4.5 In this respect, it is clear that the standard of accommodation now meets the relevant standards and there can be no objections in this regard.

4.4.6 In respect of the Council's first reason for refusal for the July 2017 decision the Planning Officer's Delegated Report states that:

CPG1 on Design advises that roof alterations or additions are unlikely to be acceptable where buildings are already higher than neighbouring properties and where complete terraces have a roofline which is largely unimpaired by alterations or extensions.

The proposed roof extension would add excessive bulk and height to an unaltered roofline and would be out of keeping with the unaltered character of the terrace as a whole. As such, the proposal is considered unacceptable in principle.

- 4.4.7 However, as shown on the photograph below the building opposite has a roof addition of similar scale and appearance and therefore this proposal seeks to enhance the character of the terrace by providing matching ends of the terrace on each side of the road.
- 4.4.8 This approach is supported by the CPG1 which states that additional storeys and roof alterations are likely to be acceptable where there is an established form of roof addition or alteration to a terrace or group of similar buildings and where continuing the pattern of development would help to re-unite a group of buildings and townscape.



- 4.4.9 In this respect, the proposed development will re-unite the ends of the terrace on either side of the road.
- 4.4.10 In addition, the Planning Officer's Report stated that:

The proposal would also result in the loss of the valley roofs to the rear of the properties thereby losing a traditional roofscape feature and disrupting the existing rhythm and form of the existing row of valley roofs here. It is noted that these rear valley roofs are an important part of the roofscape and clearly visible from the public realm in Messina Avenue.

The shape and massing of the proposed extension would not relate to the proportions of the existing building particularly when viewed from the side elevation. The detailed design fails to reference the existing façade and the uniformity of the existing building is not followed through to the proposed roof extension.

In addition to the above, the size, location and design of the windows in the roof extension would not bear any resemblance to those in the main building.

- 4.4.11 The application site is not within a Conservation Area and therefore there is no statutory requirement to preserve the character of appearance of the terrace and although there is a row of valley roofs the surrounding streets contain a number of different roof forms and the other end of the terrace contains a different roof form going around the corner to Gascony Avenue.

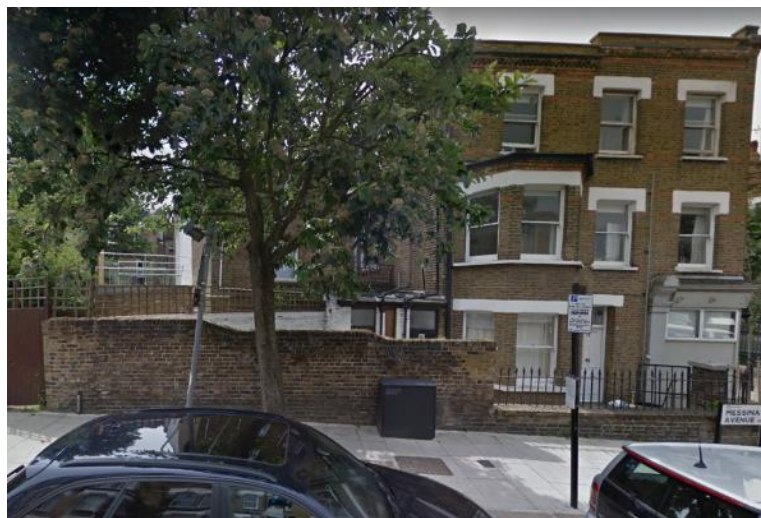
- 4.4.12 In this respect, a varied roofscape is an important contributor to the character of the area.
- 4.4.13 In addition, the roof extension will be formed by the addition of a single storey set out at the existing low point of the inverted roofs.
- 4.4.14 This will mean that approximately one third of the new storey will be concealed by the existing parapet. The new storey will also be set back from the parapet to reduce its impact on the street below.
- 4.4.15 As a result of being set back from the existing building façade the roof extension will not be visible from the pavement below.
- 4.4.16 In addition, to respect the inverted roof pattern to the rear of the properties this new revised scheme is now inset from the rear façade to express the former inverted roof pattern.
- 4.4.17 In addition, the proposed fenestration now aligns with the buildings below. In this respect, the Council's previous objections have been addressed.
- 4.4.18 In respect of the rear extension and the Council's second reason for refusal in July 2017 the Council's Delegated Report confirms that:

CPG1 indicates that unsympathetic rear/side extensions can alter the harmony and balance of a group of buildings, and that rear extensions will not be acceptable where they would diverge significantly from the historic pattern. Rear extensions that are higher than one full storey below roof eaves/parapet level, or that rise above the general height of neighbouring projections and nearby extensions, will be strongly discouraged.

The closet extensions to the rear of No 77-93 are uniform in scale and design. They are all set below main eaves level and this appears as a characteristic feature of the rear elevations on the houses, including when seen from Messina Avenue.

In this case, and in the light of the general degree of uniformity in the basic design and scale of the existing rear closet extensions, it is considered that the proposed extension would be detrimental to the harmony of the group of buildings, which are visible in part from Messina Avenue. As such, the proposal would fail to preserve or enhance the character and appearance of the area.

- 4.4.19 However, as demonstrated in the photograph below the rear / side elevations of No. 91 and 93 are unsightly and the new extension will remove and conceal this.



- 4.4.20 The new proposal will therefore create a positive frontage onto Messina Avenue rather than the residual view onto the rear of the properties as a result of the terrace not flowing around the corner.
- 4.4.21 This approach would be consistent with the other corner plots in the area and in this respect this proposal will be a significant improvement on the streetscape and road junction.
- 4.4.22 In addition, new primary windows will provide surveillance and therefore additional security benefits.
- 4.4.23 The proposed rear extension will read as one property constructed at the same time in the same style.
- 4.4.24 The existing brickwork parapet with its dentil course and brickwork details will be replicated across the new extension and will maintain a constant parapet height.
- 4.4.25 In this respect, there are no conflicts with any Development Plan policies in respect of the proposed design.

4.5 Impact on neighbouring amenity

- 4.5.1 The London Plan Policy 7.6 states that development must not cause unacceptable harm to the amenity of surrounding land and buildings.
- 4.5.2 In addition, Policy A1 of the Local Plan seeks to protect the amenity of Camden's residents by ensuring the impact of development is fully considered. Permission should only be granted for development that would not harm the amenity of neighbouring residents.
- 4.5.3 It is noted that the Council did not object on this basis previously with the Planning Officer's Delegated Report stating that:

In terms of sunlight and daylight, no impact study has been submitted; however on balance it is considered that reductions in daylight and sunlight to the neighbouring residential properties would be small. All neighbouring windows and rooms would continue to receive good daylight and sunlight amenity after development. Overall, the proposal is considered to be acceptable in this respect.

Policy A1 notes that there should normally be a minimum distance of 18 metres between the windows of habitable rooms of different units that directly face each other to prevent overlooking. This cannot be achieved at the application site.

The proposed new windows are clustered to the northern and western elevations. Located to the west of the site across Kingsgate Road are Nos. 76-92 which would appear to provide residential accommodation at first floor level and above.

Although the separation distance is less than the required standard, a similar relationship between buildings in the street already exists, thus there is unlikely to be a harmful increased level of overlooking. In a narrow urban setting such as this, some degree of overlooking between facing units would be expected by future occupiers.

- 4.5.4 In this respect, given that the revised proposal has similar window arrangements and is set back further at the rear, the same conclusion must therefore be reached for the two unit scheme.

4.6 Highways, access and parking

- 4.6.1 Paragraph 29 of the NPPF promotes sustainable transport. The use of smarter technologies can reduce the need to travel. The transport system needs to be balanced in favour of sustainable transport modes giving people a real choice about how they travel. However, different policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas. Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion.
- 4.6.2 The London Plan Policy 6.3 states development proposals should ensure that impacts on transport capacity and the transport network, at both a corridor and local level, are fully assessed. Development should not adversely affect safety on the transport network. This aim is also repeated by saved Policy 5.2 of the Southwark Plan.
- 4.6.3 Local Plan Policy T1 the Council will promote sustainable transport by prioritising walking, cycling and public transport in the borough.
- 4.6.4 The application proposal is located in an area which is genuinely accessible by public transport with a PTAL of 5 and is therefore consistent with these aims.
- 4.6.5 In this respect, Policy T2 of the Local Plan confirms that the Council will limit the availability of parking and require all new developments in the borough to be car-free.
- 4.6.6 The policy also confirms that the Council will not issue on-street or on-site 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.
- 4.6.7 The Council's fourth reason for refusal in July 2017 was the lack of a legal agreement to remove the right to a parking permit.
- 4.6.8 However, the applicant is willing to commit to such an agreement providing the requirement meets the statutory tests and applies only to the new additional units and this will overcome the Council's previous objection.
- 4.6.9 In addition, the proposed development will provide cycle parking in accordance with the minimum requirements of London Plan Policy 6.9 and 4 cycle spaces will be provided close to the site entrance.
- 4.6.10 The proposed cycle parking will be secure, convenient and weatherproof in accordance with policy and will consist of horizontal cycle parking such as 'Sheffield' stands.

- 4.6.11 In this respect the proposed development will offer sustainable transport options and is considered to be in accordance with the relevant planning policies and the NPPF.

4.7 Construction management

- 4.7.1 Policy T4 of the Local Plan states that Construction Management Plans should be secured to demonstrate how a development will minimise impacts from the movement of goods and materials during the construction process (including any demolition works). For some developments this may require control over how the development is implemented (including demolition and construction) through a Construction Management Plan (CMP).
- 4.7.2 In the Council's previous refusal of planning permission, the final reason for refusal was in relation to the lack of a legal agreement for a CMP.
- 4.7.3 The applicant is willing to enter into such an agreement, if necessary as part of any planning permission. However, it is considered that this could also be secured by condition.
- 4.7.4 In addition, the Council also considered in the 2017 refusal that it would have been necessary to secure a financial contribution for highway works (repaving the footway) directly adjacent to the site on Messina Avenue to allow for any damage caused during construction of the proposed development to be repaired. This formed the fifth reason for refusal.
- 4.7.5 This can also be secured by a S106 Agreement if planning permission was granted and the requirement for such a bond is deemed to comply with the meet three statutory tests for s106 agreements.
- 4.7.6 In this respect, it is clear that the final two reasons for refusal in July 2017 can be easily overcome with a legal agreement or conditions as appropriate.

4.8 Sustainability

- 4.8.1 A core planning principle of the NPPF is to support the transition to a low carbon future. The proposed development wholeheartedly achieves this in the promotion of highly sustainable dwellings and office space.
- 4.8.2 London Plan Policy 5.2 states that development proposals should make the fullest contribution to minimising carbon dioxide emissions in accordance with the following energy hierarchy:
- i. Be lean: use less energy
 - ii. Be clean: supply energy efficiently
 - iii. Be green: use renewable energy.
- 4.8.3 In addition, Policy 5.3 of the London Plan states that development proposals should demonstrate that sustainable design standards are integral to the proposal, including its construction and operation, and ensure that they are considered at the beginning of the design process.
- 4.8.4 Furthermore, Policy CC1 of the Local Plan notes that the Council will require all development to take measures to minimise the effects of, and adapt to, climate change and the policy encourages all development to meet the highest feasible environmental standards that are financially viable during construction and occupation.
- 4.8.5 The proposed development will seek to achieve these environmental standards, and this can be reasonably secured by condition.

4.9 CIL and S106 Planning Obligations

- 4.9.1 The additional floorspace will be liable for CIL and the application is accompanied by the relevant CIL forms.
- 4.9.2 In addition, as discussed above the applicant considers it acceptable to enter into a planning obligation to secure the following:
1. Removal of rights to parking permit to secure car free housing
 2. Construction Management Plan
 3. Any necessary highway works
- 4.9.3 However, in accordance with the CIL Regulations no financial obligations have been identified or are required.

5 Summary and Conclusion

5.1 Summary

- 5.1.1 In summary, the purpose of this statement is to identify Development Plan policies that maybe relevant in the assessment of the development proposal; and to consider whether the proposal conflicts with their provisions and, if so, whether there are material considerations that outweigh any conflict with the Development Plan.
- 5.1.2 An assessment of the relevant planning policies in the adopted Development Plans confirms that there is no significant conflict with their provisions and that the statutory test imposed by Section 70(2) of the Town and Country Planning Act and Section 38(6) of the Planning and Compulsory Purchase Act 2004 is met.
- 5.1.3 The National Planning Policy Framework is a material consideration in the assessment of the development proposal. An assessment of the Framework in terms of design and housing confirms that the proposed development is consistent with national planning policies and provides further support for the application.
- 5.1.4 Supplementary Planning Guidance has also been considered and the proposed development is compliant with this guidance.
- 5.1.5 The above confirms that:
- The principle of development is acceptable
 - The proposed height, scale and design is acceptable.
 - The site has excellent public transport accessibility and car parking is not required.
 - The proposed development will not have any impact on the amenity of neighbours.
 - There are no technical impediments to the granting of planning permission.
 - A Planning Obligation will be provided to secure car free development, a construction management plan and any highway works required.

5.2 Conclusion

- 5.2.1 In conclusion, this assessment confirms that the development proposal accords with the provisions of the Development Plan and as a consequence a presumption in favour of a grant of planning permission is derived.
- 5.2.2 Material considerations in the form of the NPPF and SPDs provide further support to a grant of planning permission.