

<b>Delegated Report</b>		<b>Analysis sheet</b>	<b>Expiry Date:</b>	31/10/2017
		N/A / attached	<b>Consultation Expiry Date:</b>	29/09/2017
<b>Officer</b>			<b>Application Number(s)</b>	
Robert Lester			2017/4304/P	
<b>Application Address</b>			<b>Drawing Numbers</b>	
34 - 38 Eversholt Street London NW1 1DA			P101, P102, P104, P201, P203, Daylight/Sunlight & Overshadowing Report 15-1632, Design & Access Statement Aug 2017, S.106 Statement.	
<b>PO 3/4</b>	<b>Area Team Signature</b>	<b>C&amp;UD</b>	<b>Authorised Officer Signature</b>	
<b>Proposal(s)</b>				
Third floor extensions to existing building, including a mansard addition and flat roofed rear extension, to create 2 x 2 bed residential flats (C3) together with the reconfiguration of access steps and new cycle storage enclosures at ground floor level.				
<b>Recommendation(s):</b>		Refuse permission		
<b>Application Type:</b>		Full Planning Permission		

<b>Conditions or Reasons for Refusal:</b>	<b>Refer to Draft Decision Notice</b>					
<b>Informatives:</b>						
<b>Consultations</b>						
<b>Adjoining Occupiers:</b>			No. of responses	1	No. of objections	1
<b>Summary of consultation responses:</b>	<p>One objection received from a neighbouring property at 10 Edith Neville Cottages:</p> <ul style="list-style-type: none"> <li>Noise and disturbance.</li> <li>Loss of daylight and sunlight.</li> </ul> <p>Officer Response: See the amenity impact section within the main body of the report below</p>					
<b>CAAC/Local groups comments:</b>	The application site is not located in a conservation area.					

### Site Description

The site is located on the eastern side of Eversholt Street on the corner of Doric Way, close to Euston Station. It is currently occupied by a nightclub at ground and basement levels with 6 residential units on the first and second floors. The main entrance to the nightclub is on Eversholt Street with the residential units gaining access through an independent entrance on Doric Way. The units benefit from existing waste and cycle storage.

The property is not within a conservation area and is not subject to a statutory listing.

The building and adjacent terrace at 34-70 Eversholt Street are designated as locally listed buildings, defined in the Council's Local List as a terrace of early 19th Century terraced houses with shops at ground floor. All are 3 storey with basement. In terms of size, proportions, materials and repetition this complete section of terrace is an important part of the townscape with a collective identity.

The host building has already been significantly extended with two storey extensions leading to additional floors.

### Relevant History

- CTP/L13/8/C/11084: Planning permission was granted on 28/07/1971 for the conversion of 34, 36 and 38 Eversholt Street to a basement and ground floor restaurant with two floors of residential accommodation above.
- 2009/5174/P: A planning application was withdrawn on 10/02/2010 for "The erection of a three storey side extension at first, second and third floor levels, erection of a roof extension on main building to create new third floor, installation of new roof terrace on eastern side at third floor

level and minor alterations to western and southern elevations, in association with the conversion and extension of existing flats and office (Class B1) on upper floors and eastern part of ground floor, to provide 9 residential units (2 x 1-bed, 5 x 2 bed, 1 x 3-bed and 1 x 4-bed).

- 2010/2940/P: Planning permission was granted subject to a Section 106 Legal Agreement on 21/12/2010 for the “Conversion of the upper floors and erection of two storey extension above existing nightclub to create 4 x 2 bed units and 2 x 1bed units (class C3) and change of use of the existing ancillary office space to 1 x 4 bed unit (class C3) and associated external alterations.” This permission has been implemented.
- 2011/1283/P: Planning permission was granted on 09/05/2011 for “Alterations to entail retained mansard roof with creation of 2 x rear dormer windows at first floor level (as an amendment to planning permission ref: 2010/2940/P granted on 21/12/2010 for the conversion of the upper floors and erection of two storey extension to create 4 x 2 bed units and 2 x 1bed units and change of use of the existing ancillary office space to 1 x 4 bed unit (class C3))”.
- 2015/4296/P. Planning permission was granted subject to a S106 Agreement on 02/02/2016 for a mansard roof extension to create a third floor to the building, to provide a 2 bedroom flat.
- 2016/4038/P. Planning permission was refused on 28/09/2016 for third floor extensions to existing building, including a mansard addition and flat roofed rear extension, to create 2 x 2 bed residential flats (C3) together with the reconfiguration of access steps and new cycle storage enclosures at ground floor level.

## **Relevant policies**

### **National Planning Policy Framework 2012**

### **London Plan 2016**

### **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

C5 Safety and security

C6 Access for all

A1 Managing the impact of development

A4 Noise and vibration

D1 Design

D2 Heritage

CC1 Climate change mitigation

CC2 Adapting to climate change

CC5 Waste

T1 Prioritising walking, cycling and public transport

T2 Parking and car-free development

T3 Transport infrastructure

T4 Sustainable movement of goods and materials

### **Camden Planning Guidance (CPG)**

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

## **Assessment**

### 1.0 Background

1.1 Planning permission was granted in 2010 for the conversion of the upper floors and a two storey extension above the nightclub on the Doric Way frontage to provide 7 residential units (2 x studios, 4 x 2 bed and 1 x 4 bed). In granting permission the Council's report made clear that the 2 storey extension above the nightclub fronting Doric Way was appropriate in terms of height and design due to it being subordinate to the main building on Eversholt Street and a similar height to the adjacent Doric Way building

1.2 In 2011 an amendment was approved to the 2010 permission to allow the retention of a small mansard roof section to the rear of the existing Doric Way building.

1.3 The 2010-2011 permissions have been built and completed.

1.4 In 2014 pre-application advice was obtained for the erection of a third floor extension above the buildings consisting of a mansard addition to the building fronting Eversholt Street and an additional floor to the building fronting Doric Way, all to provide 4 x studio flats. The Council's pre-application advice stated that the proposed roof extension would appear incongruous and harmful to the appearance of the adjacent terrace at 40-70 and detrimental to the character and appearance of the area generally. The extensions were considered to be incongruous and detrimental to this prominent corner site.

1.5 Planning permission was later granted in 2015 for a traditional mansard roof extension to the building fronting Eversholt Street to provide an additional 2 bedroom flat. It is noted that the plans originally submitted with that application also included a third floor extension to the building fronting Doric Way. This element was subsequently removed following negotiations due to its unacceptable design and impact on the surrounding area.

1.6 In 2016 planning permission ref 2016/4038/P for third floor extensions to the existing building, including a mansard addition fronting Eversholt Street and flat roofed rear extension fronting Doric Way to create 2 x 2 bed residential flats (C3) together with the reconfiguration of access steps and new cycle storage enclosures at ground floor level was refused on 28/09/2016.

### 2.0 Proposal

2.1 The current application is a resubmission of application 2016/4038/P for the same development. The application seeks planning permission for the construction of a third floor extension above the existing buildings consisting of a mansard addition to the building fronting Eversholt Street and an additional floor to the building fronting Doric Way. The additional level would provide 2 x 2 bed residential flats together with the reconfiguration of access steps and new cycle storage enclosures at ground floor level.

### 3.0 Main Issues

3.1 The main issues to consider on this application are an assessment of i) the design and visual

impact of the proposed extensions, ii) the amenity impact on neighbouring properties, iii), the transport implications of the development, iv), the standard of accommodation provided and v) the required affordable housing contribution.

#### 4.0 Design and Visual Impact

4.1 Policy D1 (Design) states that the Council will seek to secure high quality design in development. The Council will require that development respects local context and character and preserves or enhances the historic environment and heritage assets in accordance with policy D2 Heritage.

4.2 Policy D2 (Heritage) states that the Council will seek to protect other heritage assets including non-designated heritage assets (including those on and off the local list). The effect of a proposal on the significance of a non-designated heritage asset will be weighed against the public benefits of the proposal, balancing the scale of any harm or loss and the significance of the heritage asset.

4.3 The Council's Design Guidance (CPG1) provides detailed policy guidance on roof extensions and additional storeys and states that they are likely to be acceptable where there is an established form of roof addition on the terrace, the extension is architecturally sympathetic or there is variety in the existing roof form and the extension would not result in harm. CPG1 (Design) advises that roof extensions are likely to be unacceptable where it would have an adverse effect on the street scene, the existing terrace has an unimpaired roof, and the building already has additional storeys and where the scale and proportions of the building would be overwhelmed.

4.4 The part of the existing building fronting Eversholt Street is a 3 storey building with a flat roof. The roof of the building contains a single storey stair overrun, projecting above the roof on its southern side and safety railings around the perimeter of the roof. The overrun is largely concealed by a party wall upstand (parapet) fronting Doric Way. The adjoining terrace at 40-70 Eversholt Street is also 3 storeys in height and has a traditional butterfly roof set behind a parapet. The part of the existing building fronting Doric Way is now 3 storeys, as planning permission 2010/2940/P for a first-second floor infill extension has now been constructed on the site. Its 3 storey height is now considered to be in keeping with the other buildings on Doric Way whilst remaining subservient to the main structure on Eversholt Street as it is set below and maintains a shadow gap. The side/rear return element fronting Doric Way is 3 storeys in height with a flat roof. There is a minor difference in the height between the section immediately to the rear of the Eversholt Street building, which was previously extended, and the part of the building further to the east along Doric Way which was originally 3 storeys in height. The adjacent/adjoining 3 storey building to the east, Ian Hamilton House is lower in height.

4.5 In relation to the part of the building fronting Eversholt Street. The proposed mansard addition would have a traditional design with a steep front pitch and traditional materials/window design to match the existing building and terrace. However, the proposed mansard addition would project forward of the angled side parapet. This is different to the previously approved mansard extension at this site (ref: 2015/4296/P), where the mansard was set back behind the side parapet to conceal its appearance. This additional forward projection beyond the parapet would make the mansard addition highly visible within the street scene on this prominent junction location. In a traditional mansard design, the side and end parapets would typically project forward of the front of the mansard. It is therefore considered that the proposed mansard addition would have an incongruous and unsympathetic design, which would harm the character and appearance of this roofscape and locally listed terrace contrary to policies D1 and D2 of the Camden Local Plan 2017, The London Plan (2016) and National Planning Policy Framework (2012).

4.6 In relation to the part of the building fronting Doric Way the proposed third floor extension would have a vertical front wall which would be set back from the front building line along Doric Way by 2 m (approx.). It would have a maximum increase in height of 2.5 m (approx.) dropping to 1 m in height above existing parapet level (when viewed from the street) in the rear part of the site. This part of the

building has been extended in the past by virtue of a first/second floor infill addition (ref: 2010/2940/P) meaning it has already had two additional storeys. The proposed development would result in a third floor addition which is a further incremental increase in scale.

4.7 The additional storey would extend to a height just below the stair overrun/side parapet of the main front part of the building fronting Eversholt Street. In addition, although the rear part of the extension would be set down, it would not relate well to the height and scale of the adjacent lower 3 storey building at Ian Hamilton House. In granting permission for the now constructed 2 storey extension above the nightclub fronting Doric Way (ref: 2010/2940/P) the Council's report made clear that it was appropriate in terms of height and design, because it was subordinate in height to the main building on Eversholt Street and a similar height to the adjacent Doric Way building. This part of the existing building and the adjacent Ian Hamilton House are sited in between the higher buildings fronting Eversholt Street and Edith Neville Cottages, which effectively form bookends to the lower built form in-between. The proposed development would disrupt this pattern of development and would harm the visual appearance of the building on the streetscene.

4.8 Overall, it is considered that the proposed third floor extension to the building fronting Doric Way would appear as an incongruous and dominant addition which would fail to be subordinate to the main building or relate well to neighbouring buildings. It would be visually harmful to the building, the terrace and streetscene on this prominent corner site contrary to policies D1 and D2 of the Camden Local Plan (2017), The London Plan (2016) and National Planning Policy Framework (2012).

4.9 Further to the above, the cumulative impact of the existing and proposed extensions would result in a building that is materially out of scale with the original building and adjoining structures. The additional elements are considered to be unacceptable by way of their scale, height and massing and this would be exacerbated by the poor design of the proposal. Especially the rear elements on Doric Way which although have a setback from the parapet of the building, would be visually incongruous as crudely designed flat roofed additions.

## 5.0 Amenity Impact

5.1 Camden Local Plan Policy A1 (Managing the impact of development) seeks to ensure that the amenity of communities, occupiers and neighbours is protected. The factors we will consider include visual privacy, outlook; sunlight, daylight and overshadowing.

5.2 The application has been submitted with a Daylight and Sunlight Assessment which considers the impact on the closest neighbouring properties including the side/rear (west) facing elevation at Ian Hamilton House, the rear elevation of the properties at 10 & 12 Edith Neville Cottages (referred to as 10-12 Doric Way in the report) and the block to the south at Euston House. This concludes that the proposed extension would not result in a daylight impact on these neighbouring properties based on Vertical Sky Component (VSC) calculations. In relation to sunlight, the report concludes that the proposed extension would have some minor impacts on neighbouring properties in Ian Hamilton House and 10-12 Doric Way based on percentage Annual Probable Sunlight Hours (APSH). However, the impact would fall within BRE Guidance thresholds and are not considered to result in a harmful amenity impact.

5.3 The proposed extension along the side rear return fronting Doric Way would result in a minor increase in the level of enclosure/loss of outlook to side facing windows on the western side/rear elevation of Ian Hamilton House, and to a lesser extent the rear elevations of 10 & 12 Edith Neville Cottages. However, the rear part of the extension would only extend 1 m above parapet level which is not considered to result in a material amenity impact on these neighbouring properties.

## 6.0 Standard of Accommodation

6.1 The development would provide 2 x 2 bed flats; flat 7 would be a 2 bed / 3 person unit with a floorspace of 63 sq. m and flat 8 would be a 2 bed / 4 person unit with a floorspace of 84 sq. m in accordance with the National Space Standards/Camden Space Standards. However, the development would not provide adequate internal storage space and would fail to provide a suitable vertical stacking arrangement as the proposed bedrooms would be provided above existing living rooms/kitchens to the flats below which would result in noise impacts. Overall, it is considered that the development would provide reasonable living conditions for future occupiers. Had the development been otherwise acceptable, these issues could have been resolved by obtaining details of internal storage and floor/ceiling insulation by planning condition. It is also noted that no section has been submitted through the eastern part of the building fronting Doric Way to ensure that the headroom meets the minimum requirement of 2.3 m.

## 7.0 Transport Issues

7.1 The site has a Public Transport Accessibility Level (PTAL) of 6B (excellent) and is within a controlled parking zone. Camden Local Plan Policy T1 (Prioritising walking, cycling and public transport) states that the Council will promote sustainable transport by prioritising walking, cycling and public transport in the borough. Policy T2 (Parking and car-free development) states that the Council will limit the availability of parking and require all new developments in the borough to be car-free. The Council will not issue on-street or on-site parking permits in connection with new developments and will use legal agreements to ensure that future occupants are aware that they are not entitled to on-street parking permits. The proposed 2 x residential flats in this development would therefore need to be car free units, which would be secured by legal agreement. In the absence of a section 106 planning agreement to secure car-free housing, the development would fail to promote car-free lifestyles, promote sustainable ways of travelling or reduce the impact of traffic in this highly accessible Central London location contrary to Camden Local Plan policies T1 and T2.

7.2 Camden Local Plan Policy A1 states that the Council will need to repair any construction damage to transport infrastructure and reinstate all affected transport network links and road and footway surfaces following the completion of the development. Local Plan Policy T3 (Transport infrastructure) states that the Council will protect existing transport infrastructure. The construction of the development would be likely to cause damage to the public highway directly adjacent to the site (e.g. due to the siting of plant and equipment such as skips and cranes on the highway).

7.3. A highway contribution therefore needs to be secured to allow the Council to repair any such damage following completion of the development. The appellant would be able to request a refund if it can be demonstrated that highway repair works are not required following the completion of the development. A highways contribution of £12,000 was required on former application ref 2010/2940/P, however, the Council's records show that this has not yet been paid in breach of the s.106 agreement on that application. A highways contribution of £13,399 was requested via a S106 agreement for application 2015/4296/P, however this scheme was not implemented. A highways contribution of £13,399 would also be required for this new application which would need to be secured by s.106 agreement.

7.4 In the absence of a section 106 planning agreement to secure a financial contribution to repair any construction damage to transport infrastructure and reinstate all affected transport network links and road and footway surfaces following the development, the development would be likely to harm the Borough's transport infrastructure contrary to Camden Local Plan policies A1 and T3.

7.5 Camden Local Plan Policy A1 states that disturbance from development can occur during the construction phase and measures to reduce the impact of demolition and construction works must be outlined in a Construction Management Plan (CMP). A list of reasons why a CMP may be required is provided and it includes developments with poor or limited access on site; developments that are accessed via narrow residential streets; developments in areas with a high number of existing active

construction sites; and, developments that could cause significant disturbance due to their location. The development site is located in a constrained location. The adjacent streets of Eversholt Street and Euston road are congested and pedestrian flows are also high in the area. The development itself would involve large extensions at roof level and the construction would need to be serviced directly from the adjacent public highway and this would have a significant impact on road users (particularly cyclists and pedestrians) if not adequately mitigated and managed. The construction of this development would also coincide with construction in and around Euston Station as part of the HS2 Euston Station upgrade due to start in 2018. Eversholt Street would be a key construction route for these proposed works, and while this development is not considered to be a large scale development, due to the location of the site and its proximity to Euston Station and location on Eversholt St, a CMP would need to be secured as a Section 106 planning obligation if planning permission is granted.

7.6 The Council also has a formal charge to support the implementation of Construction Management Plans and Demolition Management Plans on the 19th April 2016, to be secured as a financial contribution as part of Section 106 agreements. A financial contribution of £3,136 to cover the construction management plan implementation support by the Council would therefore also be required secured as a section 106 planning obligation if the appeal is allowed. In the absence of a legal agreement to secure the implementation of the Construction Management Plan, the development would contribute unacceptably to traffic disruption and dangerous situations for pedestrians and other road users and would be detrimental to the amenities of the area generally contrary to Camden Local Plan Policies A1 and T4.

7.7 Camden Local Plan Policy T1 states that the Council will seek to ensure that development provides for accessible, secure cycle parking facilities exceeding minimum standards outlined within the London Plan 2016 and design requirements outlined within our supplementary planning document

7.8 The supporting information and plans show that 4 cycle parking spaces will be provided in an external cycle store, in addition to the 6 spaces secured through application 2010/2940/P. This meets the minimum requirements of the London Plan. The proposed cycle store is not fully compliant with the guidance in CPG7, however due to the limited space available on site and the fact that the applicant has met the minimum standards of the London Plan, the cycle parking is acceptable in this instance.

## 8.0 Affordable Housing

8.1 Camden Local Plan policy H4 (Maximising the supply of affordable housing) states that the Council will aim to maximise the supply of affordable housing and exceed a borough wide strategic target of 5,300 additional affordable homes from 2016/17 - 2030/31, and aim for an appropriate mix of affordable housing types to meet the needs of households unable to access market housing. This policy requires a contribution to affordable housing from all developments providing one or more additional residential units with an increase in floorspace of 100m<sup>2</sup> (GIA) or more. The sliding scale target, starting at 2% for one home and increasing by 2% for each home added to capacity, is applied to the additional floorspace proposed. The affordable percentage is calculated on the basis that 100m<sup>2</sup> (GIA) is sufficient 'capacity' for a single home. Schemes providing between 1-9 units are expected to make a payment in lieu (PIL) of affordable housing, subject to viability.

8.2 The draft affordable housing calculation is set out below.

- Based on the proposed residential GIA of 148m<sup>2</sup> the percentage target would be 2%
- The existing PIL figure is £2,650 per m<sup>2</sup>\*, based on GEA
- The proposed increase of floorspace in GEA is 163 m<sup>2</sup>
- GEA floorspace target is 2% x 163m<sup>2</sup> = 3.26m<sup>2</sup>
- Financial contribution calculated as 3.26 m<sup>2</sup> x £2,650 per m<sup>2</sup> = £8,639



- A PIL of £8,639 would therefore be required and secured via a Section 106 legal agreement.

*\*Camden Planning Guidance 8 (Planning Obligations) explains at paragraphs 6.8-6.12 how the payment in lieu level of is £2,650 per m<sup>2</sup> has been set in Camden based on housing research.*

8.3 It is the Council's case that in the absence of a legal agreement to secure the necessary affordable housing contribution, the development would fail to make its required contribution towards the provision of affordable housing in the borough, contrary to Local Plan policy H4 (Maximising the supply of affordable housing).

## 9.0 Conclusion

9.1 This application is a resubmission of application 2016/4038/P for the same development, and the Council considers the original reasons for refusal to be relevant.

9.2 Overall, it is considered that the proposed mansard addition to the building fronting Eversholt Street by virtue of its forward projection beyond the side parapet would have an incongruous and unsympathetic design, which would harm the character and appearance of this roofscape and locally listed terrace. The proposed third floor extension to the building fronting Doric Way would appear as a bulky and over-dominant extension, which would fail to be subordinate to the host and surrounding buildings and be visually harmful to the character and appearance of those structures and the surrounding area generally on this prominent corner site.

9.3 In the absence of a section 106 planning agreement to secure car-free housing, the development would fail to promote car-free lifestyles, promote sustainable ways of travelling or reduce the impact of traffic in this highly accessible Central London location.

9.4 In the absence of a section 106 planning agreement to secure a financial contribution to repair any construction damage to transport infrastructure and reinstate all affected transport network links and road and footway surfaces following the development; the development would be likely to harm the Borough's transport infrastructure.

9.5 In the absence of a legal agreement to secure the implementation of the Construction Management Plan, the development would contribute unacceptably to traffic disruption and dangerous situations for pedestrians and other road users and would be detrimental to the amenities of the area generally.

9.6 In the absence of a legal agreement to secure the necessary affordable housing payment in lieu, the development would fail to make its required contribution towards the provision of affordable housing in the borough.

9.7 It is acknowledged that the applicant has submitted a s.106 document stating they would agree to enter into a s.106 agreement for low car housing and a highways contribution. However, this document is not a formal legal s.106 planning obligation, therefore the Council's reasons for refusal on these grounds would be maintained.