

Delegated Report		Analysis sheet		Expiry Date:		27/08/2018	
		N/A / attached		Consultation Expiry Date:		19/08/2018	
Officer				Application Number(s)			
Gideon Whittingham				2018/3113/P			
Application Address				Drawing Numbers			
169 West End Lane London NW6 2LH				SV 00; SV 01 /A; SV 02; SV 03; GA 01 /B; GA 02 /B; GA 03 /B; Basement Impact Assessment, dated May 2018, prepared by LAD construction limited; Daylight and Sunlight Study, dated 15 January 2018, prepared by Right of Light Consulting.			
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 single flat (C3 use) including the installation of a lightwell.							
Recommendation(s):		Refuse					
Application Type:		Full Planning Permission					
Conditions or Reasons for Refusal:		Refer to Decision Notice					
Informatives:							
Consultations							
Adjoining Occupiers:		No. notified	00	No. of responses	00	No. of objections	00
Summary of consultation responses:		Site notice – 25/07/2018 expired 18/08/2018 press notice – 26/07/2018 expired 19/08/2018 No consultation responses were received in response to this planning application.					
CAAC/Local groups comments:		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 and within the secondary frontage.

Relevant History

2017/3582/P: 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.

Refused 22/09/2017:

- The proposed lightwell by virtue of its scale, footprint and detailed design would appear as an incongruous development that would have an adverse impact on the character and appearance of the host building, adjacent buildings and the South Hampstead Conservation Area. The application is therefore contrary to Policies D1 (Design), D2 (Heritage) and A5 (Basements) of the Camden Local Plan 2017.
- In the absence of sufficient supporting information regarding the sunlight and daylight impact of the proposed development the applicant has failed to demonstrate that the development would not cause a harmful loss of sunlight or daylight to the future occupiers of the proposed units contrary to policy A1 (Managing the impact of development) of the Camden Local Plan 2017.
- The proposed residential units, by reason of insufficient outlook would result in substandard living accommodation to the detriment to future occupiers, contrary to policy A1 (Managing the impact of development) of the Camden Local Plan 2017.
- In the absence of sufficient supporting information regarding the basement level excavation the applicant has failed to demonstrate the impact of the basement level development contrary to policy A5 (Basements) of the Camden Local Plan 2017.
- The proposed development, in the absence of a legal agreement securing a highway contribution for necessary highway works, would fail to secure adequate provision for the safe movement of pedestrians and have an unacceptable impact on the public highway, contrary to Policies A1 (Managing the impact of development) and T3(Transport Infrastructure) of the Camden Local Plan 2017.
- The proposed development, in the absence of a legal agreement to secure the residential units as 'car-free' housing, would be likely to contribute unacceptably to parking stress and congestion in the surrounding area and promote the use of nonsustainable modes 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.
- The proposed development, in the absence of a legal agreement securing a construction management plan, 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(Sustainable movement of goods and materials) of the Camden Local Plan 2017.

2006/0442/P: 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.

Refused 05/04/2006:

- 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.
- 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.

2006/3128/P: Change of use of existing five bedroom unit and part retail unit to one 1-bedroom dwelling, two 1bedroomself-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). Granted 12/09/2006

2010/2643/P: Change of use of existing five bedroom unit and part retail unit to one 1-bedroom dwelling, two 1-bedroom selfcontained 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). Granted 01/09/2010

2011/2526/P: Installation of fixed glazed panels to front lightwell at existing dwelling (Class C3). Granted 08/07/2011.

Relevant policies

National and Regional Policy

National Planning Policy Framework (NPPF) 2018
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
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

Fortune Green & West Hampstead Neighbourhood Plan (2015)

Camden Planning Guidance:

[CPG Housing \(interim\)](#)

[CPG 2 Housing May 2016 updated March 2018\)](#)

[CPG Amenity](#)

[CPG Basements](#)

[CPG Town centres](#)

[CPG 1 Design \(July 2015 updated March 2018\)](#)

[CPG 3 Sustainability \(July 2015 updated march 2018\)](#)

[CPG 6 Amenity \(September 2011 updated March 2018\)](#)

[CPG 7 Transport \(September 2011\)](#)

[CPG 8 Planning obligations \(July 2015 updated March 2018\)](#)

South Hampstead Conservation Area character appraisal and management strategy 2011

Assessment

1. Background:

- 1.1 Permission (2017/3582/P) was refused on 22/09/2017 for the 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.
- 1.2 The substantive reasons for refusal related to:
- The scale, footprint and detailed design of the lightwell
 - The absence of sufficient supporting information regarding the sunlight and daylight for the future occupiers of the proposed units
 - Insufficient outlook for the future occupiers of the proposed units
- 1.3 The applicant now seeks to overcome these substantive matters with a revised scheme, namely:
- Rather than proposing 2 flats as per 2017/3582/P, this revision proposes a single unit with a bedroom on the ground floor and a second bedroom in the basement
 - Amendment to fenestration treatment and basement floor level entranceway
 - Enlarged lightwell landing area

2. Proposal:

- Change of use from retail (Use Class A1) at basement and ground floor level to form a flat (Use Class C3) with a bedroom on the ground floor and a second bedroom in the basement (81.5sqm)
- The introduction of a lightwell at basement floor level (fronting Sheriff Road) providing access to the newly formed flat. The lightwell would be bound by glazed balustrading at ground floor level. The newly formed lightwell would feature metal framed windows and doors to the newly formed flat.

- Replacement of shutter at ground floor level with window.

3. Assessment:

3.1 The main considerations material to the determination of this application are summarised as follows:

- Change of Use
- Standard of Accommodation
- Affordable Housing
- Design & Character
- Basement development
- Amenity
- Transport
- Sustainability

4. Change of Use

4.1 As per Policy TC2 and the Town Centre CPG, the Council will ensure that development in its centres is appropriate to the character and role of the centre in which it is located and does not cause harm to neighbours, the local area, or other centres.

4.2 The retail unit consists of 61sqm at ground floor level and 95sqm at basement floor level, although the tradable area is likely around 45sqm and solely at ground floor level.

4.3 The change of use of the basement and rear ground floor retail area (Use Class A1) to form a 1 bedroom flat (Use Class C3) is considered acceptable on the basis that the retail area at ground floor would be retained with a reasonable tradable area and therefore the unit would continue to contribute to the viability and vitality of the West Hampstead Town Centre. The proposal would therefore satisfy the objectives of Policy TC2 and the Town Centre CPG.

4.4 Given that the loss of Class A1 is considered to have been justified in policy terms, the proposed residential use is considered appropriate and consistent with the immediate area, in line with Policy H1.

5. Standard of Accommodation

5.1 The proposal would provide a 2 person 1 bedroom unit for market residential (Class C3) accommodation of 77sqm at basement floor level and 15sqm at ground floor level.

5.2 The London Plan Housing Standards SPG sets out acceptable room sizes, based on the number of potential occupiers and bedrooms. This flat, providing 92sqm of accommodation for 2 people would far exceed the requirement of 58sqm (due to 2 storey accommodation). If the ground floor level room, depicted on plan as a 'snug/study/bedroom' were to be a bedroom, the unit would still comply (the requirement for a 2b2p flat is 79sqm).

5.3 The general layout of the unit is acceptable providing functional and practical spaces. The proposed sections indicate 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.

5.4 Due to the constraints of the site, the flat would receive limited daylight, sunlight and outlook, within single aspect accommodation.

5.5 The unit would be 92sqm in total, of which 77sqm (83%) would be at basement floor level and this space would include the kitchen, living room and bedroom, typically the primary habitable spaces within accommodation. The ground floor level is depicted on plan as a snug/study/bedroom and accounts for 15sqm (17%) of the total accommodation.

- 5.6 The majority of the unit is located at basement floor level and would be served by windows onto the lightwell at a distance of 1.4m - 2.9m in width.
- 5.7 Although basement flats with little natural light or outlook have been accepted traditionally in London, the NPPF, London Plan, Local Plan and planning guidance seek to improve standards. In this instance, the majority of the unit and its main habitable spaces would only be served by windows onto a light well 1.4m - 2.9m away and terminated by brick walls. In addition, the perimeter of the lightwell would be bound with glazed balustrading which would compound the issues of outlook for the prospective occupiers of this flat and as such is considered wholly inadequate and contrary to Policy A1 and would again justify a reason for refusal.
- 5.8 The applicant has submitted a BRE Sunlight/Daylight Assessment in support of the application, specifically interior daylighting. The analysis indicates approximately 45% of the bedroom and kitchen and 25% of the living room at basement floor level would receive no direct sky light.
- 5.9 With regard to ADF, the analysis indicates the living room at 1.8% (compliance is 1.5%), bedroom at 1.6% (compliance is 1.0%) and snug/study/bedroom at 4.5% (compliance is 1.5%) would all comply with the requirements of BRE.
- 5.10 The kitchen however fails at 0.6% (compliance is 2%), the analysis states however this area is not habitable by virtue of its size and the flat has a separate dining area, therefore the criteria need not apply in this instance and can be treated as a non-habitable room.
- 5.11 Whilst the sunlight/daylight available to the potential occupiers is considered limited, it is adequate given the criteria of the BRE and the constraints of the site.

6. Affordable Housing

- 6.1 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.
- 6.2 The addition of residential floor space for the proposed scheme is 92sqm. 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.

7. Design & Character

- 7.1 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). Policy D2 requires that development within conservation areas preserves, where possible, enhances the character or appearance of the area. In addition, the Fortune Green & West Hampstead Neighbourhood Plan (2015) seeks to achieve that all development shall be of a high quality of design, which complements and enhances the distinct local character and identity of Fortune Green and West Hampstead.
- 7.2 Under section 72 of the Planning (listed building and conservation area) Act 1990 requires special attention to be paid to the desirability of preserving and enhancing the character and appearance of a conservation area. This has been given great weight and importance as is

required by law

- 7.3 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 its potential in the future.
- 7.4 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.
- 7.5 Taking the above matters into consideration, it is concluded that the proposal would fail to preserve the character and appearance of the Conservation Area and would not meet the requirements of section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 7.6 The proposed installation of a lightwell on Sherriff Road is considered to be contrary to policies D1 and D2 of the Camden Local Plan 2017 and the CPG1 of the Camden Planning Guidance.

8. Basement development

- 8.1 The applicant has submitted a Basement Impact Assessment in support of the application, which has been independently reviewed by Campbell Reith who confirmed the following:
- The qualifications of the authors are in accordance with LBC guidance.
 - Appropriate site investigation works have been undertaken to prove the existence of the current foundations and ground conditions for design purposes.
 - It is accepted that the proposed development will not impact the stability of surrounding structures.
 - The proposed development will not impact the wider hydrological or hydrogeological environments.
 - The BIA meets the requirements of CPG Basements.
- 8.2 The BIA meets the criteria of CPG Basements, policy A5 of the Local Plan and A15 of the Fortune Green & West Hampstead Neighbourhood Plan.
- 8.3 Campbell Reith have not recommended that a Basement Construction Plan be secured. If planning permission were to be granted a condition would secure details of a relevantly qualified basement engineer overseeing the development.

9. Amenity

- 9.1 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).
- 9.2 Due to the nature of the proposal (change of use within an existing building), the scope and scale of alterations proposed (introduction of a lightwell and fenestration changes) and its proximity to sensitive residential areas the proposal would not result in detrimental harm to neighbouring residential properties in terms of sunlight/daylight or noise nuisance.

10. Sustainability

- 10.1 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.
- 10.2 If the scheme were to be considered acceptable, the Council would have encouraged the proposed scheme to meet the sustainability standards via condition.

11. Transport

- 11.1 Policy A1 seeks to ensure that standards of amenity (the features of a place that contribute to its attractiveness and comfort) are protected. Policy T1 of the Local Plan promotes sustainable transport by prioritising walking, cycling and public transport in the borough. Policy T2 seeks to limit the availability of parking and requires all new developments in the borough to be car-free. Policy T3 sets out how the Council will seek improvements to transport infrastructure in the borough and Policy T4 addresses how the Council will promote the sustainable movement of goods and materials and seek to minimise the movement of goods and materials by road.

Car parking

- 11.2 The site does not currently benefit from any on-site car parking facilities and none are proposed. Policy T2 of the Local Plan requires all new development in the borough to be car free regardless of PTAL rating. The development would therefore be car-free and this should be secured by legal agreement if planning permission were to be granted. In the absence of an acceptable scheme (and hence no section 106 agreement) this becomes a reason for refusal.

Construction Management Plan

- 11.3 Construction management plans (CMPs – and the implementation support contribution) are used to minimise impacts from the movement of goods and materials during the construction process (including any demolition works), particularly basement developments where appropriate and this would be secured by legal agreement if planning permission were to be granted. In the absence of an acceptable scheme (and hence no section 106 agreement) this becomes a reason for refusal.

Cycle Parking

- 11.4 Cycle Parking minimum standards for residential dwellings as specified in the London Plan are 1 space per 1 bedroom unit. 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

- 11.5 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.
- 11.6 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.

- 11.7 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.
- 11.8 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.
- 11.9 The applicant would be required to submit an 'Approval In Principle' (AIP) report to our Highways Structures & Bridges Team within Engineering Services as a pre-commencement Section 106 planning obligation. This is a requirement of British Standard BD2/12. The AIP would need to include structural details and calculations to demonstrate that the proposed development would not affect the stability of the public highway adjacent to the site. The AIP would also need to include an explanation of any required mitigation measures.
- 11.10 The AIP and an associated assessment fee of £3,600 would need to be secured via a planning obligations if planning permission is granted. In the absence of an acceptable scheme (and hence no section 106 agreement) this becomes a reason for refusal.

12. CIL

- 12.1 An acceptable scheme would be liable for Community Infrastructure Levy for both the Mayor of London and the London Borough of Camden.
- 12.2 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 1 new dwelling it would be liable for both CILs.

13. Conclusion

- 13.1 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 flat would provide substandard accommodation, particularly in regard to residential standards in terms of 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