



Planning Statement

17 Fordwych Road, London, NW2 3TN

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1 Introduction, Purpose and Development Proposals

1.1 Introduction

- 1.1.1 This statement comprises the Planning Statement submitted in support of a planning application for a ground floor rear extension plus a loft conversion and dormer extensions to increase the number of rooms to an existing HMO (the proposed 'development') at 17 Fordwych Road, London, NW2 3TN (the 'site').

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 endorsed by Patterson J in the *Tiviot Way Investments Ltd v Secretary of State for Communities and Local Government and Stockton-on-Tees BC* [2015] EWHC 2489 (Admin) judgement 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 In addition, *R (Kverndal) v Hounslow LBC* [2015] EWHC 3084 (Admin) confirms that the Development Plan must be read as a whole so that conflict with one or more policies does not mean that planning permission should be refused
- 1.2.5 Furthermore, the NPPF (2018) also recognises this in paragraph 3 where it is made clear that the Framework should be read as a whole.
- 1.2.6 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.
- 1.2.7 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 At ground floor level the proposed development seeks the removal of the existing unsightly outbuildings and the erection of a rear extension of approximately 6 metres in depth and 6.5 metres in width.
- 1.3.2 This extension seeks to relocate the existing Room 3 (14m²) to create an additional Room 8 (17m²) along with the addition of a bathroom and common room.
- 1.3.3 At second floor level the extension of the staircase will create access to a loft conversion which will provide a further additional room (Room 9). This room will be 17m² in size and also involve the creation of front, rear and side dormer windows.

2 Site Location, Description and Planning History

2.1 Site Location

- 2.1.1 The site is located on the eastern side of Fordwych Road towards the southern end of the road and the junction with Maygrove Road.
- 2.1.2 The site is approximately 290 metres from Kilburn Underground Station, 500 metres from Brondesbury Overground Station and 750 metres from West Hampstead Railway Station.
- 2.1.3 In addition, a number of bus routes pass close to the site with the closest stops on Kilburn High Road (200 metres).
- 2.1.4 As a consequence the site has a good Public Transport Accessibility Level (PTAL) of 4.
- 2.1.5 In addition, the site is within close walking distance of the shops and services in Kilburn and West Hampstead.

2.2 Site Description

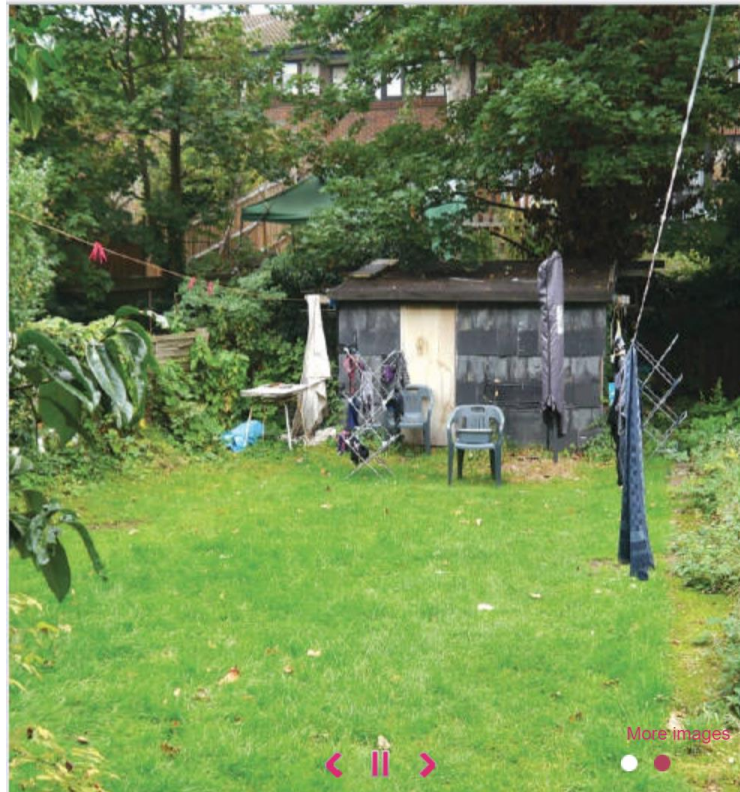
- 2.2.1 The site comprises a 3-storey semi-detached property which is currently used as a House in Multiple Occupation consisting of 7 rooms with shared kitchen and bathroom facilities. This use has persisted for a number of years.
- 2.2.2 The street contains a mix of building types and styles with a number of short 3 storey terraces with front dormers close to the application site and more modern infill flats opposite.
- 2.2.3 The majority of properties are in use as flats or HMOs.
- 2.2.4 The property is not listed or in a Conservation Area and is not located in proximity to such designations where impact on setting would be a material consideration.



Application site in street scene



Rear of property



2.3 Planning History

- 2.3.1 A review of the Council's online planning register has not found any planning applications relating to the property.

3 Development Plan Context and Designations

3.1 Development Plan Context and Designation

- 3.1.1 The Development Plan context in Kilburn is provided by the London Plan (2016) and the Camden Local Plan (2017).
- 3.1.2 The Proposals Map confirms that the site has no specific land use designation. In addition, the site falls within Flood Zone 1 and is therefore at the lowest risk of flooding.

3.2 Relevant Development Plan Policies

- 3.2.1 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 to any proposals.
- London Plan
 - 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 7.4 Local Character
 - Policy 7.6 Architecture
 - Camden Local Plan
 - Policy G1 Delivery and location of growth
 - Policy H6 Housing choice and mix
 - Policy H7 Large and small homes
 - Policy A1 Managing the impact of development
 - Policy D1 Design
 - Policy CC1 Climate change mitigation
 - Policy T1 Prioritising walking, cycling and public transport
 - Policy T2 Car-free development and limiting the availability of parking.

3.3 Material Considerations – NPPF

- 3.3.1 The Government's National Planning Policy Framework (July 2018) (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.
- 3.3.2 The Framework confirms that achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways:

- an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

- a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being; and
- an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

- 3.3.3 The Framework emphasises that these objectives should be delivered through the preparation and implementation of plans and the application of the policies in this Framework; they are not criteria against which every decision can or should be judged.
- 3.3.4 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 an up-to-date development plan without delay.
- 3.3.5 An assessment of the Framework confirms that the proposed development is consistent with national planning policies and this provides further support for the proposed development. This is discussed below where necessary.

3.4 Material Considerations – Camden Planning Guidance

- 3.4.1 The following Supplementary Planning Documents have been identified as potentially relevant to the proposal:
- CPG1 Design (2015)
 - CPG6 Amenity (2011)
- 3.4.2 These are discussed in more detail below where relevant.

3.5 Material Considerations – Emerging Development Plan Policy

- 3.5.1 The Mayor has confirmed that the Draft New London Plan is a material consideration in planning decisions, and this is discussed where relevant. The Draft Plan is currently subject to examination.

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;
 - 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) introduces a presumption in favour of sustainable development. Although making no reference to HMOs it is clear that the proposed development falls into the category of sustainable development providing much needed accommodation within the urban area on brownfield land and where there is good connectivity to the public transport network.
- 4.2.2 Policy G1 of the Local Plan seeks to support development that makes best use of its site, taking into account quality of design, its surroundings, sustainability, amenity, heritage, transport accessibility and any other considerations relevant to the site and sets a target for additional dwellings.
- 4.2.3 In addition, Policy 3.8 of the London Plan promotes housing choice and acknowledges in the supporting text that shared accommodation or houses in multiple occupation are a strategically important part of London's housing offer, meeting distinct needs and reducing pressure on other elements of the housing stock, though its quality can give rise to concern and states that where it is of reasonable standard it should generally be protected.
- 4.2.4 This view is also promoted in Policy H11 of the draft London Plan.
- 4.2.5 In addition, Policies H6 and H7 of the Local Plan seek the provision of a choice of housing in terms of tenure and size.
- 4.2.6 In this respect, it is clear that the principle of extended HMO accommodation is supported by all levels of planning policy subject to design and amenity considerations and those matters discussed below.

4.3 Design / impact on the character of the area

- 4.3.1 In respect of design considerations Paragraph 124 of the NPPF confirms that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
- 4.3.2 Paragraph 127 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; are sympathetic to local character and history, and are visually attractive as a result of good architecture, layout and appropriate and effective landscaping.
- 4.3.3 Paragraph 130 advises that where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development
- 4.3.4 Paragraph 131 advises that in determining applications, great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.
- 4.3.5 In this respect the NPPF offers support to the proposed development which is of a high quality design and will have not have any detrimental impact on the character of the area.
- 4.3.6 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.
- 4.3.7 Furthermore, Policy 7.6 of the London Plan states that buildings and structures should:
 - a. be of the highest architectural quality
 - b. be of a proportion, composition, scale and orientation that enhances, activates and appropriately defines the public realm
 - c. comprise details and materials that complement, not necessarily replicate, the local architectural character
 - d. not cause unacceptable harm to the amenity of surrounding land and buildings, particularly residential buildings, in relation to privacy, overshadowing, wind and microclimate. This is particularly important for tall buildings
 - e. incorporate best practice in resource management and climate change mitigation and adaptation
 - f. provide high quality indoor and outdoor spaces and integrate well with the surrounding streets and open spaces
 - g. be adaptable to different activities and land uses, particularly at ground level
 - h. meet the principles of inclusive design
 - i. optimise the potential of sites.

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.

- 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.

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

The proposal will be sustainable and adaptable.

- 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 subject to the existing constraints of the site.

- h. promotes health;*

This is not relevant to the proposed development.

- 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;*

The proposed development will enhance the use of the garden.

- 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 will have no impact on the landscape.

l. incorporates outdoor amenity space;

The amenity space will be more accessible as a result of the proposals.

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.

4.3.10 The Council's design aspirations are outlined in more detail in the Camden Planning Guidance and in this respect it is clear that the proposed rear extension will:

- be secondary to the building being extended, in terms of location, form, scale, proportions, dimensions and detailing;
- respect and preserve the original design and proportions of the building, including its architectural period and style;
- respect and preserve the existing architectural features;
- respect and preserve the historic pattern and established townscape of the surrounding area, including the ratio of built to unbuilt space as similar large extensions existing in the area.
- not cause a loss of amenity to adjacent properties (as discussed below)
- allow for the retention of a reasonable sized garden and will improve access to it;
- retain the open character of existing natural landscaping and garden amenity.

4.3.11 In addition, the height of the proposed rear extension will be no higher than the existing roof level to the rear and its width is not visible from the street and respects the rhythm of existing rear extensions.

4.3.12 The removal of the existing outbuildings will improve the appearance of the rear of the building.

4.3.13 In addition, the Camden Planning Guidance confirms that when proposing roof alterations and extensions, the main considerations should be the scale and visual prominence, the effect on the established townscape and architectural style and the effect on neighbouring properties.

4.3.14 The CPG confirms 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;
- Alterations are architecturally sympathetic to the age and character of the building and retain the overall integrity of the roof form;
- There are a variety of additions or alterations to roofs which create an established pattern and where further development of a similar form would not cause additional harm.

4.3.15 In this respect it is clear that the area is characterised by an established pattern of roof additions as shown below:



- 4.3.16 It is clear that the surrounding area consists of a number of similar properties to the application site containing front, side and rear dormers and therefore the proposed roof additions will not result in any additional harm to the character of the area.

4.4 Standard of accommodation

- 4.4.1 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.
- 4.4.2 The proposed new HMO rooms will comply with the relevant standards in respect of room sizes and are in excess of the minimum standards as set out in the Licensing of Houses in Multiple Occupation (Mandatory Conditions of Licences) (England) Regulations 2018 and the Council's own HMO standards³.
- 4.4.3 Therefore it is clear that there can be no objections in this regard.

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 In terms of sunlight and daylight it is considered that any reductions in daylight and sunlight to the neighbouring residential properties would be imperceptible due to the set back of the dormers and all neighbouring windows and rooms would continue to receive good daylight and sunlight amenity.
- 4.5.4 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. The proposed windows at ground floor level are screened by the boundary (which will include a new 1.8m fence) and will not have any impact on amenity. In the loft the proposed windows, where facing, are all in excess of 18 metres away.
- 4.5.5 In addition, there will not be any significant overlooking of any neighbouring gardens due to the position of the proposed windows.

³ London Borough of Camden, MINIMUM HMO STANDARDS, Housing Act 2004 - Effective May 2016

4.6 Highways, access and parking

- 4.6.1 The NPPF promotes sustainable transport and in addition 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.
- 4.6.2 Local Plan Policy T1 the Council will promote sustainable transport by prioritising walking, cycling and public transport in the borough.
- 4.6.3 The application proposal is located in an area which is genuinely accessible by public transport with a PTAL of 4 and is therefore consistent with these aims.
- 4.6.4 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.
- 4.6.5 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.
- 4.6.6 The current property does not have any on-site parking provision, and none is proposed to support the additional rooms.
- 4.6.7 In this respect the proposed development will offer sustainable transport options and is in accordance with the relevant planning policies and the NPPF, which advises that 'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe'.

4.7 Sustainability

- 4.7.1 A core planning principle of the NPPF is to support the transition to a low carbon future.
- 4.7.2 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.
- 4.7.3 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.
- 4.7.4 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.
- 4.7.5 The proposed development will seek to achieve these environmental standards in any extension and this can be reasonably secured by condition if appropriate.

4.8 CIL and S106 Planning Obligations

- 4.8.1 The additional floorspace will be liable for CIL and the application is accompanied by the relevant CIL forms.
- 4.8.2 In accordance with the CIL Regulations no financial or other obligations have been identified.

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, transport 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 of the extensions are acceptable and compatible with the character of the area.
 - The site has good 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.

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.