

PLANNING STATEMENT

PROPOSED DEVELOPMENT AT 3-5 VINE HILL, LONDON EC1R 5DX

Introduction

1. This Planning Statement (PS) has been prepared by Keystone Law on behalf of its clients, Mr Neil Webster and Mrs Janet Webster (“the Websters”).
2. The PS is written in support of a planning application by the Websters in respect of their property at 3-5 Vine Hill, London EC1R 5DX (the Property).
3. This PS is set out in the following six sections:
 - i. This introduction;
 - ii. A description of the application site;
 - iii. The proposed development;
 - iv. The relevant planning history;
 - v. Considerations; and
 - vi. Assessment

The application site

4. The application site comprises a two storey building plus basement on Vine Hill in the Hatton Garden Conservation Area.
5. The building dates from the Victorian era. The plan of the building is irregular. The southern end of the building – which contains the stairs - is quite narrow and has a sloping roof. The building open up to the north and has a flat roof. Evidence suggests that this roof was at one time pitched. This part of the roof was subsequently changed to a flat roof into which are set three sky-lights.
6. The building is built in brick and has two entrance doors at street level – steps leading up to a single door on the side of the building and in the centre, a set of double doors with glazed panels. There are seven metal-framed windows facing the front (street) elevation. Above the double doors is a Juliet balcony behind which there are full height double windows.



7. It is currently used as a workshop for Jays Displays – a sign writing business - on the ground floor with living accommodation on the upper parts.
8. Vine Hill is a short cul-de-sac off Clerkenwell Road (the A5201). A stepped pedestrian passage at far end connects the northern end of Vine Hill to Roseberry Avenue.
9. The application site is surrounded by a mixture of commercial and residential development most of which is larger in scale than the application site.

The proposed development

10. The planning application seeks permission for the following form of development:

The conversion of the existing building to one B1(a) unit on the ground floor and one duplex residential studio flat on the first floor (with its own separate access to the street), re-instatement of hipped roof, the insertion of a mezzanine floor, new fenestration and a security roller-shutter over the door to the business unit.

11. The application comprises the following documents:

- a. Application form;
- b. Site location plan bearing drawing ref. no. SKP13 Rev A;
- c. Proposed plans bearing drawing ref. no. 10196-PAA1 Rev C;
- d. Proposed elevations and sections bearing drawing ref. no. 10196-PAA2 Rev C;
- e. Proposed section drawing indicating impact on daylight bearing drawing ref. no. 10196-PAA3 Rev B;
- f. Proposed elevations shown on drawing ref. no. SKP09 Rev B
- g. Proposed fenestration shown on drawing ref. no. SKP12 Rev A;
- h. Existing interior and exterior drawing ref. no. 10196-SKE01 Rev B;



- i. Design and Access Statement prepared by BDS Architecture and Interior Design;
- j. This Planning Statement;
- k. Covering letter; and
- l. The application fee of £462.

Planning history

- 12. It appears from historical signage that the Property was at one stage used as a bakery before being used for solely commercial purposes and then subsequently used as a mixed use building.
- 13. The Property at one stage had a hipped roof. This roof form changed several decades ago and the Property now has a flat roof. A photo of the existing roof is shown at Appendix 1.
- 14. There are four planning decisions of relevance to this application. Two relate to the Property itself and two relate to its immediate neighbours.
- 15. The first one of relevance was issued on 14 December 1999 by the London Borough of Camden – the Local Planning Authority (the LPA) – under its ref. no. PS9904767/R2. This granted planning permission for the following form of development: *Change of use from B1 to residential (C3) to provide one two bedroom unit as shown by drawing numbers 2024/P04/A, 2024/p05B, 2024/P06B, 2024/P07A & 2024/P08A*. A copy of this decision notice is found at Appendix 2.
- 16. This planning permission was implemented by Mr Webster in November 2004 who converted the top storey of the Property to residential use. Mr Webster wrote to the LPA for confirmation that these works were sufficient to implement the planning permission. The LPA duly confirmed by letter dated 10 January 2005 that the works Mr Webster had carried out would mean that “the permission would still be extant”. This correspondence is attached at Appendix 3.
- 17. In effect this means that the further implementation of that planning permission would be lawful as it complied with the “standard condition” requiring its implementation “not later than five years from the date of this permission”, i.e., by 14 December 2004.



18. It follows that the Websters could use the whole of the Property for residential use – as one two bedroom unit in accordance with the planning permission - without requiring any further consent.
19. The second decision of relevance is the appeal decision issued by a Planning Inspector on behalf of the Secretary of State on 29 October 2003. A copy of this decision is attached at Appendix 4.
20. In this decision letter – which related to two refused planning applications – the Inspector dismissed appeals seeking a roof top extension to the residential units to make an additional bedroom.
21. In the decision letter the Inspector found that the proposals would not affect the character of the Conservation Area and indeed it would enhance its appearance; see paragraph nos. 20 and 23. He also held that the proposals would not have a material impact on the daylight levels enjoyed by neighbouring occupiers; see paragraph 11. However the appeal proposals were dismissed because of the adverse impact on the neighbours’ sense of enclosure and their loss of outlook; see paragraphs 8 and 14.
22. It should be noted that the roof extensions in that proposal were materially different from the one proposed by way of this application. As noted above this proposal seeks to re-instate a previously existing roof form. From many perspectives the new roof will not affect outlook because it will sit below the existing parapet. The drawings attached at Appendix 5 show the differences.
23. The third planning decision of relevance is the roof extension permitted at the neighbouring property to the north at no.11 Vine Hill. This was issued by the LPA on 5 September 2007 under its ref. no. 2007/1525/P. The decision notice and officer’s report are attached at Appendix 6. In that case the additional storey was not found to cause harm.



24. The fourth decision of interest is the planning permission bearing ref. no. 2011/2676/P issued on 11 November 2011 relating to development opposite the application site at 16 Vine Hill. A copy of this planning permission is attached at Appendix 7. This decision is relevant as this application seeks authorisation for updated fenestration which is of the same character as that found at this property. It also like the development at no. 16 seeks permission for a roller shutter over the door.

Planning considerations

25. The determination of a planning application has to be made in accordance with the law. This is found in Section 38(6) of the Planning and Compensation Act 2004, Sections 70(2) and (4) as amended of the Town and Country Planning Act 1990. In brief these require decision makers to determine applications in accordance with the Development Plan unless there are material considerations that indicate otherwise.

26. The Development Plan in this case comprises the LPA's Local Plan (2017) and the Mayor of London's London Plan. Material considerations relevant to the determination include the LPA's supplementary planning documents, the National Planning Policy Framework 2018 (the NPPF) and the planning history of the building and its neighbours.

27. The statutory provisions therefore require a consideration of the relevant development plan policies and a consideration of the other material considerations. A judgment needs to be made in respect of various considerations and if necessary a balance struck between them as to whether an application should be permitted or refused.

28. Sitting alongside these legal principles is the Government's policy on the determination of planning applications set out in the NPPF. This requires an assessment of whether a particular



development amounts to “sustainable development” and if so a presumption operates in its favour.

29. The key planning considerations at issue here fall into three parts: design, amenity and use. Each issue is considered in turn below.

Design

30. The relevant development plan policy relating to design is found in the LPA’s Local Plan issued in 2017.

31. Policy D1 Design states that the Council will seek to secure high quality design in development and requires proposals to respect local context and character, preserve or enhance the historic environment, sustainable in design and construction methods and integrates well with the surrounding streets among other factors.

32. Policy D2 Heritage requires development in conservation areas to preserve or where possible enhance the character of the area.

33. Other policy documents which are: the Camden Planning Guidance – Altering and extending your home Draft 2018 (“the CPG”); and the Hatton Garden Conservation Area Statement (“the HGCA”).

34. The CPG sets out the type of roof extensions that may be acceptable. Paragraph 4.10 of the CPG relates to the type of extension found here. It holds that such proposals must have regard to the following general principles: visual prominence, materials, sympathetic design and relationship to the main building.

35. The HGCA describes Vine Hill as “a narrow lane with a strong sense of enclosure.” See para. 5.3. The Property itself is not included on the list of those properties in the Conservation Area as



making a positive contribution to its character. In respect of roof extensions, paragraph 9.10 states these are unlikely to be acceptable where:

- i. *“They would detract from the form and character of the existing building;*
- ii. *The property forms part of a group or terrace with a unified, designed roofscape;*
- iii. *The roof is prominent in the townscape or in long views.*

36. These policies are assessed below in the next section.

Amenity

37. LPA Local Plan policy A1 – Managing the impact of development sets out the LPA’s approach to amenity considerations. The policy seeks to ensure that the amenity of communities, occupiers and neighbours is protected, requiring mitigation measures where necessary.

38. The LPA through this policy states that the following factors will, among others, be considered in assessing the impact upon amenity: visual privacy, outlook, sunlight, daylight and overshadowing.

Use

39. In terms of the use it is noted above that the Property comprises two parts. The top storey has been converted to residential use pursuant to the implemented 1999 planning permission. The ground floor remains in B1 use. Both parts are occupied by the same occupier, our client, as part of one mixed use planning unit. He uses the first floor part as a one bedroom flat and the ground floor part for his business.

40. It is clear that this use is lawful by way of the operation of Section 56 Town and Country Planning Act 1990. This section sets out what has to be done in order to implement a planning permission. At subsection (4)(e) it states *“any change in the use of any land which constitutes material development”* amounts to a *“material operation”*. The carrying out of such a material operation



in respect of the 1999 Planning Permission prior to 14 December 2004 means that the carrying out of the balance of the development would be lawful and does not require planning permission.

41. It follows from this that by keeping the two existing uses – C3 on the upper part and B1 on the lower part – in place, there is no requirement to assess policies relating to change of use. There is no change of use.
42. The only consideration in respect of use is whether it is appropriate to occupy the two parts of the Property separately. This turns largely on the question of amenity and is addressed below in the assessment section.

Assessment

43. This section should be read together with the Design and Access Statement. That document sets out the suitability of the proposed design. It reflects the PS in demonstrating that the development complies with the relevant design policies.
44. It shows that, in accordance with Policy D1, the proposal will secure a high quality design, respecting the local context and character. It will enhance the historic environment and use sustainable design and construction methods which integrate well with the surrounding streets.
45. The proposal will, in accordance with Policy D2, in the view of the scheme's architects enhance the character of the area. An assessment with which we agree.
46. The proposed "extension" accords with the CPG in that it will not be visually prominent, uses appropriate materials, has a sympathetic design and a good relationship with the main building. The change is acceptable in terms of the HGCA as it would not detract from the form and character of the existing building.



47. The proposed changes to fenestration are considered to represent an improvement in the overall design of the building and reflect the changes that have been permitted on the opposite side of the road.
48. In terms of amenity the developments protects the amenities of neighbouring occupiers. It succeeds in this objective through a design that will not compromise the visual privacy, outlook, sunlight, daylight and overshadowing of neighbours.
49. In terms of the proposed uses, as has been noted, the development proposes that the Property is divided into two units – one residential, the other commercial. On the ground floor the existing B1 use is retained while on the first floor, the part implemented residential use is retained but reconfigured and extended, creating a duplex studio apartment using the volume created by the roof extension to enable the insertion of a mezzanine floor and in the process creating a modern and spacious living arrangement.
50. It is considered that there are no adverse amenity impacts arising from this separation. Moreover, part of the character of this area is its mix of uses. This often happens within the same building, as here, and commonly with commercial uses at the ground floor with residential uses above.
51. It follows from the above that the proposal complies with the relevant development plan policies and the assessment in respect of the other material considerations all point in in favour of the grant of planning permission. Finally, the development should be regarded as amounting to “sustainable development” and therefore the presumption is that permission should be granted.

