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The Planning Inspectorate

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RPW/PD.5024

Our Ref:

T/APP/X5210/E/96/812441/P4
T/APP/X5210/A/96/265110/P4

Date:

30 DEC 1996

Dear Sir

**TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6
PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT 1990,
SECTION 20 AND SCHEDULE 3
APPEALS BY INVERNESS SECURITIES LTD AND JH & W HEAL LTD
APPLICATION NOS: HB/9460190/R3 and PL/9401806/R3**

1. I have been appointed by the Secretary of State for the Environment to determine these appeals against the failure of the Council of the London Borough of Camden to give within the prescribed periods notices of their decisions on applications for conservation area consent and planning permission for the demolition of the existing buildings and the erection of new residential development consisting of 5 mews houses and 5 flats, with associated landscaping and 10 car parking spaces on land at 33-35 Inverness Street, London NW1. I have considered the written representations made by you, by the Council and those made by interested persons. I have also considered those representations made directly to the Council which have been forwarded to me. I inspected the site on 2 December 1996.

2. The applications as originally submitted have been extensively revised following discussions with the Council. It is now proposed to demolish the existing industrial buildings at the rear of the site, together with the partial demolition of the rear of 33 Inverness Street, and to erect 4 mews houses with associated car parking, landscaping and boundary treatment works. No 33 Inverness Street would be largely retained and extended to provide 350 sq m of accommodation for employment purposes within Class B1 of the Town and Country Planning (Use Classes) Order 1987. This is the mixed use scheme which has been assessed by the Council and I have determined the appeals on this basis.

3. From my inspection of the site and its surroundings and the representations made I consider that the main issues for me to determine in these cases are; first, whether or not the industrial premises to the rear of 33 Inverness Street should be retained in employment use,

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having regard to the Council's policies; secondly, the effect of the scheme on the Camden Town Conservation Area and whether it would serve to preserve or enhance its character or appearance; thirdly, the implications for neighbours' living conditions with particular reference to privacy, sunlight and daylight; and fourthly, the effect on the Council's traffic restraint policies of the proposed on-site parking arrangement.

4. The objection site is 0.087 hectares in extent and is currently vacant. It consists of 33 Inverness Street, a freestanding, part 3-storey and part single storey dwelling, together with single storey workshops and stores and a large 2-storey, open-sided shed which occupy the former builders' yard to the rear. The western boundary of the site is formed by the modest rear gardens to the imposing 3 and 4-storey terrace dwellings in Gloucester Crescent and Inverness Street. On the southern boundary the buildings of the Cavendish School press hard against the single storey workshops. To the east, there is a vacant site in the ownership of British Gas which appears to be in use as a car park.

5. The premises lie within the Camden Town Conservation Area and I have therefore considered these appeals in the light of the requirements of section 72(1) of the Planning (listed Buildings and Conservation Areas) Act 1990. The immediate surroundings to the site have a mixed character although they are predominantly residential. Further to the south and east lie Parkway and Camden High Street. Camden High Street is identified as a major shopping and service centre in the Borough Plan. The centre provides a wide range of business, retail and leisure facilities and is well served by bus routes and the underground system.

6. The development plan for the area comprises the Greater London Development Plan (1976) and the London Borough of Camden Local Plan (1987). A public inquiry into objections and proposed changes to the deposit draft of the London Borough of Camden Unitary Development Plan (UDP) was held in 1995. Although well advanced in the process, the UDP has yet to be adopted and the weight which I have given to its policies is limited.

7. Policies EM1 to EM8 of the local plan generally seek to maintain and encourage a wide range of economic activity within the Borough and to ensure that suitable sites and buildings are available for employment purposes. The thrust of these policies has been carried forward into the UDP and Policy EC5 (as proposed for amendment) states that the Council will seek to retain sites and buildings in employment use which are suitable because of their accessibility, size, location and condition.

8. It is argued that rear of the site is unduly cramped for employment uses and in close proximity to adjoining residential properties, and that the existing buildings are in poor condition and access for commercial vehicles is restricted. The proposal effectively exchanges the residential and employment uses between the front and rear of the site. As a result, it is contended that the existing residents in the area and the potential occupiers of the mews houses would benefit from a quieter environment away from traffic disturbance, while the proposed employment use at 33 Inverness Street would have a more prestigious street frontage.

9. While the scheme would introduce a new employment use into the area it would result in the loss of employment land which, in my opinion, is well located on the periphery of a major shopping and service centre which has good access by public transport. On the morning of my visit there was little traffic on this part of Inverness Street and it seems to me

that the entrance to the site would not unduly restrict the access of medium and small commercial vehicles of the kind generally used by light industrial or other business uses. Towards the rear of the premises the site broadens out and it would be possible, in my view, for vehicles to turn and leave the site without adversely affecting highway safety on Inverness Street.

10. While I accept that there may be some concern that the re-establishment of an industrial use in this backland site could give rise to environmental nuisance this does not seem to have caused significant problems in the past. Business uses within Class B1 are, by definition, those which may be carried out in any residential area without detriment to the amenity of that area. No evidence has been submitted to suggest that an employment use could not be found for the site and, in my opinion, the redevelopment of the land for housing purposes would be contrary to the objectives of the employment policies of the local plan and the emerging UDP.

11. I now turn to the second issue. I agree that none of the buildings on the site which were in employment use have any particular architectural or historic merit, and I have no particular concern with the appearance of the proposed mews houses. However, it seems to me that the use of this small backland site for employment purposes contributes to the interesting patchwork of land uses and activity which typifies the inner city character of the Camden Town Conservation Area. The existing buildings appear to be in relatively sound condition and may well be put to productive use in the future. For this reason I consider that consent for the demolition should not be granted until a scheme for the site as a whole has been approved.

12. The Council is concerned that the elevational treatment of the proposed side extension to 33 Inverness Street would fail to respect the importance of 37 Inverness Street in the street scene. I share this concern. No 37 Inverness Street is the end dwelling of a short terrace of a symmetrical and balanced design. The facade of 33 Inverness Street appears to be from an earlier period and is free-standing. The proposed development at first and second floor levels would infill the gap between the 2 buildings and the distinctive appearance of the terrace building would be lost and, in my opinion, the proposal would fail to enhance or preserve the character or appearance of the Camden Town Conservation Area.

13. Turning to the third issue, Development Standard DS5 of the emerging UDP states that to ensure privacy there should be a minimum distance of 18m between the habitable rooms of different dwellings which directly face each other. The Council is particularly concerned that the proposal would result in an unacceptable loss of privacy by the occupants of 22 Gloucester Crescent. In general, the distance between the properties exceeds 18m. No 22 Gloucester Crescent has a rear extension which is approximately 16m from the proposed mews dwellings. However, it is not clear to me if the accommodation within the rear extension is in the form of habitable rooms or not and I am unable to determine if the standard would be breached.

14. Policy EN27 (as proposed for amendment) of the emerging UDP states that when assessing development proposals the Council will seek to ensure that sufficient daylight and sunlight would be allowed into and between existing and proposed buildings, and onto adjoining buildings and land. Development proposals would be assessed in the light of the standards recommended in the Building Research Establishment (BRE) report: Site layout planning for daylight and sunlight - a guide to good practice (1991). The BRE guidance

states that all the main living rooms of dwellings should have a window facing within 90 degrees of due south.

15. The Council is particularly concerned that the accommodation provided by the proposed 2-storey mews dwelling (House 1) would not receive sufficient daylight or sunlight because of its north facing orientation. Although the living room of the dwelling also has a window which looks out onto a small patio on the western flank of the building it seems to me that it would be largely overshadowed by the boundary wall to the site and the proximity of the Cavendish School and the terrace dwellings in Gloucester Crescent.

16. The Council is also concerned that the proposed 3-storey mews dwellings on the eastern boundary of the site would result in an unacceptable level of overshadowing of the adjoining British Gas land. To enable the future development on nearby sites to obtain access to daylight the BRE guidance states that the height of the proposed building should not exceed the height of a line struck at an angle of 43 degrees from a point 2.0m above the boundary. The mews dwellings about the eastern boundary and would be 6.2m in height, substantially exceeding the guideline height, and there would be a loss of sunlight and daylight on the adjoining site. While the BRE advice is not mandatory and should not be applied too rigidly it seems to me that the levels of sunlight and daylight in House 1 and on the British Gas land would fall substantially short of what might reasonably be expected.

17. Finally, I turn to the fourth issue. Policy TR4 of the local plan and Policy TR13 of the emerging UDP seek to discourage the use of private vehicles for the journey to work by controlling the supply of non-residential parking spaces. The Council is concerned that the car parking spaces shown in the scheme could be used by people working in the proposed employment use at 33 Inverness Street. However, it seems to me that the number of spaces and their allocation could be satisfactorily controlled by an appropriate condition and this issue would not, in itself, sufficient to justify the refusal of planning permission.

18. I have considered all other matters raised, including the impact of the proposed development on the roof terrace on the first floor at the rear of 37 Inverness Street and the proposed provision for the storage and collection of domestic refuse, but have found nothing which outweighs the planning considerations which have led me to conclude that the proposal would seriously undermine the objectives of the Council's employment policies and result in an unacceptable form of development which would adversely affect the living conditions of neighbours.

19. For the above reasons, and in exercise of the powers transferred to me, I hereby dismiss these appeals.

Yours faithfully

RC Maxwell

R C MAXWELL MSc DA(Edin) RIBA MRTPI
Inspector