

Delegated Report		Analysis sheet		Expiry Date:		04/02/2020	
		N/A / attached		Consultation Expiry Date:		10/02/2020	
Officer				Application Number(s)			
Kristina Smith				2019/6164/P			
Application Address				Drawing Numbers			
128 Camden Road London NW1 9EE				Refer to Draft Decision Notice			
PO 3/4		Area Team Signature		C&UD		Authorised Officer Signature	
Proposal(s)							
Erection of additional storey plus mansard roof and single storey rear extension at ground floor level; change of use of part of ground floor and first floor from shop (A1) to residential (C3) to create 2x1-bed units; shopfront alterations.							
Recommendation(s):		Refuse planning permission					
Application Type:		Full Planning Permission					
Conditions or Reasons for Refusal:		Refer to Draft Decision Notice					
Informatives:							
Consultations							
Adjoining Occupiers:		No. of responses		01		No. of objections	
						01	
Summary of consultation responses:		One objection was received on the following grounds: <ul style="list-style-type: none"> These change of use applications should be rejected unless to create "realistically" affordable housing. <i>Officer response: a lack of contribution to affordable housing constitutes a reason for refusal. Refer to section 5 of the report.</i>					
CAAC / Local Groups response:		None received					

Site Description

The site comprises a two storey mid-terrace Victorian building with a retail unit at ground floor level and ancillary accommodation / storage at first floor. On either side of the building are three storey plus mansard buildings. The building is the last in the Camden Road terrace before the buildings turn the corner down Saint Pancras Way. As a result its footprint is 'L' shaped with a significantly shallower principal section than its neighbours to allow for windows on the rear / flank elevation of its adjoining neighbour at 128b Camden Road. At ground floor level only, it has a front extension in common with 128b Camden Road, causing the building to project beyond the building line established by the rest of the terrace

The property is located in the Camden Broadway Conservation Area and is referred to making a positive contribution to the character and appearance of the conservation area. Both adjoining properties are also positive contributors. No's 157-159 St Pancras Way are Gr II listed.

The property is also situated in a Neighbourhood Centre.

Relevant History

2017/5197/P - Change of use from retail (Class A1) to restaurant/cafe (Class A3) use.
Prior Approval Required – Prior Approval Refused 20/10/2017

2017/2874/P - Change of use from retail (Class A1) to hot food take-away (Class A5) and installation of extract ducting on rear elevation. **Refused 01/06/2017**

8400788 - Change of use from residential to shop use on first floor and alterations to ground and first floors. **Refused 22/10/1984**

Relevant policies

National Planning Policy Framework 2019

London Plan 2016

Draft London Plan consolidated with suggested changes 2019

Camden Local Plan 2017

A1 Managing the impact of development

H1 Maximising housing supply

H4 Maximising the supply of affordable housing

H6 Housing choice and mix

H7 Large and small homes

D1 Design

D2 Heritage

T1 Prioritising walking, cycling and public transport

T2 Parking and car-free development

DM1 Monitoring

Camden Planning Guidance

CPG Design (2019)

CPG Amenity (2018)

CPG2 Housing (March 2019)

CPG Town Centres (2018)

CPG Transport (2019)

CPG Developer's contributions (2019)

Camden Broadway Conservation Area Appraisal and Management Strategy (2009)

Assessment

1 Proposal

The application seeks planning permission for the following works in association with the provision of 2x1-bed (Class C3) units.

- erection of an additional storey plus mansard roof;
- erection of a two-storey 'outrigger' extension with plus mansard roof
- single storey rear extension at ground floor level;
- change of use of part of ground floor and first floor from shop (A1) to residential (C3);
- shopfront alterations; and

1.1 No revisions have been undertaken during the course of the application.

2 Assessment

2.1 The main considerations in the determination of the application are:

- Land use
- Standard of residential accommodation
- Affordable Housing
- Design and Heritage
- Amenity of neighbouring occupiers
- Transport considerations

3 Land use

Housing

3.1 Self-contained housing is regarded as the priority land-use of the Camden Local Plan and Policy H1 states that the Council will make housing its top priority when considering the future of unused and underused land and buildings. The proposal would provide two additional 1-bed residential units (Use Class C3) and is therefore compliant with policy H1 in terms of land use.

3.2 Policy H7 seeks to provide a range of unit sizes to meet demand across the borough and regards 2 and 3 bed units as high priority whilst 1-bed are identified as lower priority. The Council can however take a flexible approach when assessing development against Policy H7 taking into account taking into account the character of the development, the site and the area.

3.3 Due to the limited floorplate of the building, providing a high priority unit i.e. a 2 or 3-bed would involve spreading the accommodation over 3 floors in order to achieve an amount of floorspace compliant with the nationally described space standards. In light of this, the 1-bed maisonettes are considered an acceptable mix for the site.

Retail

3.4 The application site is located within a Neighbourhood Centre and recognised as an area that provides for the day-to-day needs of people living or working nearby. Within these areas, the Council will seek to retain convenience shopping for local residents in Camden's Neighbourhood Centres and will ensure that development in them does not harm the function, character or success of that centre. As a guide, the Council will resist schemes that result in less than 50% of ground floor premises being in retail use.

3.5 The proposal would retain a retail unit of reduced size at ground floor level. The planning

statement suggests the existing occupant – a barber – would return to the unit following the works. There is no way to ensure this happens but nonetheless, the unit would appear to be an acceptable size for a barber shop. Furthermore, the surrounding environment demonstrates around 50% of ground floors to be in retail uses with others being in non-retail uses that support the character, function and vitality of the centre including food and drink, pubs and professional services. On balance, the reduced size of the retail unit is considered acceptable. It is recognised that its complete loss would be subject to further planning permission and could be resisted at that point.

4 Standard of residential accommodation

Space standards

- 4.1 CPG Housing requires development to provide high quality housing that provides secure, well-lit accommodation that has well-designed layouts and rooms. All habitable rooms should have access to natural daylight and the strong preference is for dual aspect units. In this instance, both units would be triple aspect (though views to the north-east would be somewhat limited by the neighbouring building), and all habitable rooms would be well served by windows.
- 4.2 The London Plan introduced new Nationally Described Space Standards in March 2015, setting out minimum gross internal floor areas (GIA) and accommodation standards for new/converted residential units. The GIA standard for the 1-bed 2 person units, as proposed, is 50sqm. The proposed 1-bed units would provide 66.2sqm (ground and first) and 59 sqm (second and third). It is noted the space standards require additional space to be provided when dwellings are provided over a number of floors – in this case two – although the sizes over multiple floors are not specified for a 1-bed. The proposed units comfortably exceed the standards and incorporate a good amount of built in storage.
- 4.3 Neither of the proposed units would have access to external amenity space. Some garden area could have been provided at ground floor level for one of the flats; however, the proposed rear extension would fill the site leaving no external space. Given only two units are being proposed and it's not possible to provide it for the flat at upper floors, the lack of amenity space is considered acceptable in this instance.

5 Affordable Housing

- 5.1 Policy H4 expects a contribution to affordable housing from all developments that provide one or more additional homes and involve a total addition to the residential floorspace of 100sqm GIA or more. The proposal involves an uplift of approx. 138sqm (GIA) of residential floorspace via extensions and change of use from retail to residential. Therefore, a contribution in the form of a payment in lieu is required.
- 5.2 Under policy H4, for developments with a capacity of less than 25 units, the affordable housing contribution is based on a sliding scale with the target starting at 2% for an additional home (at 100sqm) and is increased by 2% for each home added to the capacity. Based on the floorspace uplift (rounded to the nearest 100sqm), for the development excluding the tower, the affordable housing contribution would be 2% (based on a GIA of 138 sqm). This 2% is then applied to the proposed gross external area (GEA) (141.5 sqm using standard multiplier of 1.025) of the scheme resulting in 2.83 sqm. This value is then multiplied by £2,650 (the multiplier factor to calculate payment-in-lieu for a market residential scheme) to get the required additional affordable housing contribution of £7,499.50.
- 5.3 Were the scheme to be supported, the additional affordable housing contribution would be achieved via a Section 106 legal agreement upon approval of the proposal. A document setting out proposed heads of terms for a section 106 agreement has been submitted with the application; however, there is no reference to an affordable housing contribution.

5.4 In the absence of a legal agreement to secure the affordable housing contribution, the proposal cannot be supported as this would not assist the Council meet housing needs for households in the borough that are unable to access market housing. The lack of affordable housing contribution shall therefore constitute a reason for refusal.

6 Design and Heritage

Upwards extension

6.1 As the application site is situated within the Camden Broadway Conservation Area, the statutory provision relevant to the determination of the application is Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Enterprise and Regulatory Reform Act 2013. Section 72 of the Act requires that in considering whether to grant planning permission for development in a Conservation Area, special attention should be paid to the desirability of preserving or enhancing the character or appearance of the conservation area.

6.2 As pointed out at pre-application stage, vertical extension of the site to match its neighbours is considered to be harmful to the character and appearance of the conservation area. The site is a rear infill of the garden behind the house on Brecknock Crescent as illustrated by the below map, which also shows both terraces existing before the application building was built:



6.3 This means that the site is not simply part of the Camden Road frontage that was unaccountably built low. While it is unusual for the side return to run along the major road -- the more normal typology being for the garden elevation to return along the minor road -- this situation nonetheless marks the difference between the 1824 street and the 1832 crescent, and herein lies its purpose and subsequent interest. While anomalous, this relationship is not harmful and is not in need of being “corrected” via a substantial height increase. On the contrary, allowing this low site to be enlarged to the size of its principal-frontage neighbours would mask the pattern of historic development, to the detriment of the conservation area. This would be true of allowing any corner backland site to rise to the same height as the frontage houses on the major and minor road.

6.4 The heritage and conservation statement asserts that the building “is quite different to that which was originally on this site before the second world war”; however, there is no evidence provided for this, beyond the bomb map, which shows neighbouring houses on both Camden Street and Brecknock Crescent as “doubtful if repairable”. Why every other house in the vicinity should have been “restored to their former scale and appearance”, but not this one, is not explained. On the balance of probabilities, this building too was restored to its previous form after the war.

6.5 The lesser visual qualities of the building, in comparison with its neighbours on Camden Street and its host building on Brecknock Crescent, clearly suggest that it is a later, subordinate infill and never intended to be a frontage building in its own right. It does not match the 1820s houses to its south, with their elegant blind-arched windows, because it was built after them, and for a different purpose. It does not, therefore, necessarily appear correct to say that the building only takes its current form because it was bombed and not properly rebuilt, unlike every other nearby building.

Again, once this is understood, increasing the building's scale to that of its neighbours conceals the pattern of development, to the detriment of the conservation area.

- 6.6 The site is, in effect, a rear extension of the most westerly building on the crescent, no.128b Camden Road. It is emphasised that originally, this property would have addressed the crescent but insensitive alterations have altered it so it now addresses Camden Road at ground floor level (and subsequently has taken on a Camden Road, rather than St Pancras Way address). Nonetheless, at levels above, the principal elevation is clearly that which faces the crescent. CPG Altering and extending your home states rear extensions should not exceed the height of one storey below eaves, which it already is.
- 6.7 In addition to the harm outlined above caused by allowing the façade to be extended upwards, the L-shaped mansard roof is a non-traditional and contrived form and one which would be excessively bulky. The junction with the existing mansard at no.128b would also be problematic as it would leave an awkward gap between the angled roof slope of its neighbour and its sheer brick gable wall.
- 6.8 The plot width of the application site is wider than that of both neighbours, but particularly its Camden Road neighbour. This is due to the building originally being a rear outrigger to Pancras Way rather than part of the Camden Road terrace. The additional brick storey would continue the proportions and rhythm of the existing windows upwards in an attempt to change it into a building in its own right. The result is a poor quality front façade with excessive window spacing that jars with its neighbours.
- 6.9 The existing two-storey closet wing would also be extended upwards, becoming a three-storey-plus-mansard closet wing. This would create an unacceptably bulky and non-subordinate rear extension, to what is already, itself, in essence a rear extension.
- 6.10 The proposed mansard would be detailed with two dormer windows to the front and rear. Were the upwards extension to be supported, these would typically be proportioned to respect the hierarchy of windows, reducing in size up the building.

Rear extension

- 6.11 It is proposed to extend the existing closet wing by 3.5m at ground floor level, filling the entire site and preventing any scope for a garden that could be used as amenity space for the flat. The depth of the 'closet wing' relative the footprint of the building is already disproportionate and the proposed extension would only exacerbate that relationship. As such, the rear single-storey extension shall constitute a reason for refusal.

Shopfront alterations

- 6.12 The existing shop front is poor quality and detracts from the character and appearance of the conservation area. The proposed shopfront has its merits, including the provision of a stall riser and centralised entrance door; however, the introduction of the residential entrance has taken frontage away from the retail unit and resulted in a solid area of rendered wall. Given the aforementioned improvements; however, the proposed alterations are acceptable.

7 Impact on the amenity of surrounding occupiers

Daylight, sunlight and outlook

- 7.1 The proposal would introduce built form in front of several windows on the south west / rear facing elevations of 128b Camden Road and 159 St Pancras Way, directly abutting two windows at 128b Camden Road and located at a distance of 2.8m from two windows at 159 St Pancras Way.
- 7.2 The amenity concerns raised at pre-application stage remain and no further information (e.g.

evidence of the rooms the windows serve, neighbouring windows shown on plans daylight and sunlight assessment) has been provided with the application to enable assessment. The planning statement speculates that the windows appear to serve non-habitable rooms but no evidence has been provided to demonstrate to the Council's satisfaction that this is the case. However, regardless of the uses of the rooms, it is highly expected the impact would be significant and unacceptable.

7.3 In terms of daylight, the increased height and massing at such close proximity to 128b Camden Road and 159 St Pancras Way would bring about substantial daylight losses to these windows and given that the application site is located to the south, would also have a significant impact on sunlight received to these windows. In the absence of a daylight / sunlight assessment, loss of daylight and sunlight to four windows shall constitute a reason for refusal.

Privacy

7.4 The new window openings in the north east facing elevation of the extended 'closet wing' at second and third floor levels, as well as the existing ground and first floor level windows, are all situated on the boundary with no. 159 Pancras Way at a distance of 2.8m from the windows on the rear elevation. A small courtyard area which appears to be used as a residential amenity space directly abuts the closet wing of the application site.

7.5. The existing side elevation windows currently serve rooms ancillary to the use of the barbershop (A1) that will be used infrequently relative to rooms in residential use. The activity of the rooms will be intensified by the proposed change of use, leading to greater overlooking of the neighbour's amenity space and rear windows.

7.6. No information regarding the existing windows and their relationship with the proposed has been demonstrated on plans and it is therefore not possible to assess the full extent of the impact. This issue could be overcome with obscure glazed windows that are fixed shut below a FFL of 1.7m; however, this design detail has not been shown on plans. As such, it is expected that the existing and proposed windows would result in an unacceptable loss of privacy to windows on the rear elevation and courtyard area.

7.7 The single storey ground floor extension would incorporate a window opening right on the boundary with no. 157 Pancras Way. This would allow for views from the ground floor kitchen window across the neighbour's garden. This is considered to be an unneighbourly location for a window and would lead to a significant loss of privacy.

7.8 As such, the development is expected to have an unacceptable impact on daylight, sunlight, outlook and privacy of rear windows at 128b Camden Road and 159 St Pancras Way.

8 Transport Considerations

8.1 In line with Policy T1 of the Local Plan, the Council expect cycle parking at new developments to be provided in accordance with the standards set out within the London Plan (1.5 spaces for 1b2p units). A policy compliant provision would therefore be three secure and accessible cycle spaces. The plan indicates that two vertical wall mounted cycle racks would be provided. The Council do not support vertical wall mounted cycle racks as not all users are physically able to lift their bicycles. However, when taking into consideration the space constraints of the site, there is insufficient space for three cycle spaces and therefore inadequate cycle parking provision shall not constitute a reason for refusal.

8.2 Policy T2 requires all redevelopment schemes to be car-free in order to reduce air pollution and congestion and improve the attractiveness of an area for local walking and cycling. The applicant has indicated willingness to enter into a legal agreement for a car-free development via the submission of proposed section 106 heads of terms; however, in the absence of a finalised legal

agreement being in place at the time of determination, the lack of such agreement shall constitute a reason for refusal.

8.3 As the site is located on a busy main road and a substantial amount of construction work is proposed, the proposals have potential to cause significant disruption unless carefully managed. In accordance with policy A1, where development sites have the potential to cause significant disturbance due to their location or the anticipated length of construction period, measures required to reduce the impacts of construction works must be secured via a Construction Management Plan (CMP). The applicant has indicated willingness to enter into a legal agreement for a Construction Management Plan via the submission of proposed section 106 heads of terms; however, in the absence of a finalised legal agreement being in place at the time of determination, the lack of such agreement shall constitute a reason for refusal.

9 Recommendation

9.1 Refuse Planning Permission