

Delegated Report (Refusal)		Analysis sheet		Expiry Date:	27/07/2020
		N/A / attached		Consultation Expiry Date:	05/07/2020
Officer			Application Number(s)		
Jonathan McClue			2020/2406/P		
Application Address			Drawing Numbers		
65-69 Holmes Road London NW5 3AN			Refer to Decision Notice		
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature		
Proposal(s)					
Erection of 7th of roof extension to facilitate the creation of 27 student accommodation rooms (Sui Generis) to existing student accommodation					
Recommendation(s):		Refuse Permission			
Application Type:		Full Planning Permission			

Conditions or Reasons for Refusal:	Refer to Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:					No. of objections	
Summary of consultation responses:	<p>The application was advertised in the local press on 11/06/2020 and site notices were posted around the site on 05/06/2020. Overall, approximately 23 objections were received from local occupiers. This includes residents on Willes Road, Azania Mews and Holmes Road. The main objections are summarised below:</p> <ul style="list-style-type: none">• Object to any further development here. The current building is bad enough, containers covered in concrete that ruin the aesthetic of the area and bring in concentrated numbers of transient residents who do not respect the area• It would significantly impact on the outlook from the rear of my property and the amount of light• Concerns over this application setting a precedent for the area that will certainly have a negative impact in all regards• There has been issues with this from day one. It took 6 months of complaining every night to the council (up to 4am people smoking and partying in the street right) to get something done. The extra amount of people would make things worse than it already is. We have had to have meetings with the building and we are all concerned particularly about the long summer months when it will be difficult to stop students partying in the street outside• The building already dominates the street with its sheer bulk and height and is completely out of proportion with surrounding buildings - adding to this is not acceptable• The residents of Simone House have already lost light through their windows with this building going up. It is not fair that even more light would be lost with an extension, just to cram in another 27 students. In addition, the drawings make the proposed extension look invisible as they show the sight line of somebody standing on the pavement looking up. This would not be the case for Simone House residents - the extension would be clearly visible from residents' windows and would block out more light• Local residents have already suffered years of noise and disruption with the building works - to have to endure this again would have a detrimental effect on residents' lives and wellbeing• Do not agree with this 7th floor roof extension, this building is already massive and no need more student accommodation in Kentish Town• Very surprised to see this new application given that the previous one was refused on appeal. The existing block is massive and overlooks the surrounds and into the residential block directly. I can see into the					

	<p>student rooms and they can see into mine. Another floor would be a disaster. We have already put up with 5 years of excessive noise and building works from the developer (this is still ongoing) and further works will have a serious impact on the mental health and well-being of the people who live nearby</p>
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| | <ul style="list-style-type: none">• We have lost light and building has overshadow our area, wall between Azania Mews and the building is like we are in prison, they have left the wall uncovered and exposed cement which was not agreed. The nightmare we all faced during the build, our parking area was taken over by the contractors, they discarded the residents. The noise from the building work the dust lack of sleep has impacted a lot of a resident and a lot of residents are vulnerable adults with mental health |
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'We wish to object to this application to build an extra floor onto the existing 7 storey (ground floor plus 6 storeys) building. The extension will take the final building to 8 storeys.

The grounds for the objection is that the final 8 storey building, if the extension is allowed, fails under Policy D3 of the Kentish Town Neighbourhood Plan as follows;

- a) Proposals must be based on a comprehensive understanding of the site and its context*
- b) Proposals must be well integrated into their surroundings and reinforce and enhance local character....*

The proposed 8th floor will result in an increase in the way the building will come to dominate the local area. It will increase its visual dominance from large parts of the Inkerman Conservation area. For example, if you stand at the junction of Raglan Street and Anglers Lane, the building already dominates the sight line and it has only reached the construction of the 6th floor. The proposal to construct an 8 storey building in this location fails both D3 (a) and (b) above.

I have attached a photograph taken in the Inkerman Conservation Area. You can see how the existing 7 storey building already dominates the terraces of houses and the streets in Conservation Area. An extra 8th floor will not enhance the local character of the area – quite the opposite.

In our view the proposed 8th floor extension has tipped the balance of the building. Previously under the existing consented scheme, at least the 7th floor is subservient to the rest of the building. The extra floor proposed increases the prominence of the 7th floor. And the proposed new 8th floor increases the height prominence of the building overall. This massing at the upper two levels creates an overall imbalance to the building and to the context of the surrounding area contrary to Policy D3 in the Neighbourhood Plan.

We hope that you will refuse the application.

On a non-planning point, common sense suggests that the building must have been designed from the outset to accommodate 8 storeys - you can't just add an extra storey unless it was integrated into the original design. If such an application had been submitted there is a chance the entirety of the scheme may have failed in gaining planning consent. The incremental creep in height and massing which will arise as a result of the addition of an additional 8th floor should be considered in the context of the entire 8 storey building, and not just in the context of the addition of a single extra storey'.

18/06/2020:

'At 6 storeys, it already looms over Azania Mews and Inkerman Road, and the proposed increased height would worsen that domination and impact on the Conservation Area.

However our main objection to this application is on the grounds of noise and disturbance. While 27 additional rooms is not a large increase as a percentage of the whole, there is strong evidence of existing noise and disturbance, which will only be increased by additional rooms to let. We note a number of statements in the application which we would like to address.

6.1.22 "The modest increase in student accommodation would act to reduce the pressure on existing private rented stock"

There is no evidence for this statement. On the contrary, the existing accommodation has not been filled, and has at times – and in breach of the developer's planning consent – been advertised on the airbnb site.

6.1.25 "In this instance the accommodation will be linked to one or more of the higher education organisations accredited by the British Council and this would be secured through a section 106 legal agreement. The requirement for affordable housing provision will not exist if the accommodation is robustly secured for students which is the intention in this case."

The "linkage" proposed would not appear to be exclusive. Some of the main occupation to date has been from groups of language school students who stay for short courses and are not long-term residents. They contribute nothing to the area except nuisance (see below).

6.2.4 "In considering the earlier appeal in 2011, the Planning Inspector stated that noise issues appeared to be isolated or assumptions; that the area was not a quiet suburban residential area; and that in this mixed-use urban location, residents could reasonably expect some degree of noise. At that time, the applicant carried out a noise impact assessment of the existing students and the inspector agreed that 90% of the noise incidences were not from students. The inspectorconcluded that a Student Management Plan could deal with ... issues on this site."

The experience of our members since the building opened to students in 2019 paints a different picture, as you might expect from the actual existence of the current building. While we are aware that there is a Student Management Plan, this does not appear to apply to the very large groups of language school students who use the accommodation and have caused considerable nuisance. A Holmes Road resident observes that groups of up to 100 students go out together and sometimes return late, blocking the pavements and creating noise.

An additional problem highlighted by a resident of the neighbouring

**Inkerman Area
Residents
Association objection
18/06/2020 and 16/07/2020**

	<p><i>building, 55 Holmes Road, is this:</i></p> <p><i>"there have been significant issues with their customers congregating in the small hours around the area to smoke and socialise outside. Directly outside the building smoking is banned, therefore they have directed them to other parts of the street - directly in front of other residences. They are apparently in advanced discussions with Camden Council about this issue and there appears to be no solution"</i></p> <p><i>Evidently the student management plan has failed to deal with these issues, and any increase in the number of occupants can only exacerbate the situation.</i></p> <p><i>Please reject this application. If it is referred to committee, please notify us of the hearing date.'</i></p> <p><u>16/07/2020:</u></p> <p>The Inkerman Residents Association provided evidence that the application site has been advertising rooms for let on Air BnB. They stated that it is pretty clear from the reviews that the applicant has had guests staying since at least October 2019 and that some of the guests are tourists visiting London. The Inkerman Residents Association also stated that they are aware that a local resident (who is not a student) has rented a room there that they found on Air BnB. It was mentioned that local residents are very concerned that this building is being used at least in part as a hotel, in breach of its planning consent.</p>
<p>Thames Water comments on 16/06/2020</p>	<p><i>'Waste Comments</i> <i>Thames Water would advise that with regard to the COMBINED WASTE WATER network infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.</i></p> <p><i>Water Comments</i> <i>On the basis of information provided, Thames Water would advise that with regard to water network and water treatment infrastructure capacity, we would not have any objection to the above planning application. Thames Water recommends the following informative be attached to this planning permission. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx. 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.</i></p> <p><i>If you are planning on using mains water for construction purposes, it's important you let Thames Water know before you start using it, to avoid potential fines for improper usage. More information and how to apply can be found online at thameswater.co.uk/buildingwater.'</i></p>

Site Description

The application site comprises an 'L' shaped plot of land. It was formerly occupied by Magnet Kitchen Showroom and Warehouse with customer car parking and two vehicular access points. The approved development under 2013/7130/P (as amended under 2017/6786/P) has been substantially implemented for a seven storey building (plus two basement levels) with student accommodation, warehouse and café uses. Part of the development is occupied. A number of minor-material amendment applications have been approved (these are summarised in the relevant history section below).

The Kentish Town Regis Road Growth Area is to the north of the site and the Kentish Town - Town Centre is within walking distance. The site lies within the boundaries of the Kentish Town Neighbourhood Forum and is subject to the adopted Neighbourhood Plan.

The Inkerman Conservation Area lies adjacent to the site's western boundary, on the opposite side of Cathcart Street. The substantially completed building is visible from various parts of Conservation Area.

Relevant History

The application site has a significant history including 3 refusals, 2 of which were appealed by way of Public Inquiry (one was allowed and one was dismissed), before the original permission was approved under 2013/7130/P dated 06/03/2014. Furthermore, a recent application for an additional storey to the main building (providing further student living accommodation) was refused under 2018/4871/P. The refusal was subsequently dismissed at appeal (ref: APP/X5210/W/19/3229042) for design/conservation, quality of living accommodation and neighbouring amenity reasons. A brief summary of the most relevant history is listed below in chronological order (by application type) below.

Full Planning Applications

2008/4795/P (withdrawn): Erection of a part six, part three storey building with two basement levels to provide student accommodation comprising 411 self-contained study rooms and ancillary facilities (Sui Generis), restaurant/cafe use (Class A3) at ground floor level, and part change of use of upper basement level of 55-57 Holmes Road for use as ancillary facilities (refuse store, common room) for the student accommodation. (Following the demolition of the existing warehouse building). *The application was withdrawn 27 January 2009.*

2009/3187/P (Refused, appeal withdrawn): Erection of a part six, part three storey building with three and two basement levels respectively to provide student accommodation comprising 358 self-contained study rooms with ancillary facilities (Sui Generis), storage and distribution use (Class B8) at lower basement and ground floor level and restaurant (Class A3) at ground floor level. (Following the demolition of the existing warehouse building). *The application was refused on 13 October 2009 for 26 reasons, including an excessive proportion of student accommodation and a loss of employment space. A Public Inquiry appeal was withdrawn by the Appellant on 9 February 2010.*

2010/6039/P (Refused, appeal allowed): Erection of a part six, part three storey building with two basement levels to provide student accommodation comprising 268 student rooms housed within 245 units with ancillary facilities (Sui Generis), storage and distribution use (Class B8) at lower basement and ground floor level and coffee shop (Class A1) at ground floor level. *The application was refused on 4th February 2011 for 19 reasons including failure to deliver an appropriate mix of housing types, over-concentration of student housing (that would be harmful to the established mixed and inclusive community, and result in a loss of amenities to existing residents) and loss of employment floorspace.*

An appeal was submitted (ref: APP/X5210/A/09/2116161) and subsequently allowed on 1st December 2011. A unilateral undertaking (UU) was submitted during the appeal to satisfactorily address the majority of the reasons for refusal (9 to 19).

2012/6548/P (Refused, appeal dismissed): Erection of part seven, part three storey building with two basement levels to provide student accommodation comprising 313 student rooms housed within 278 units with ancillary facilities (sui generis), office use (Class B1) at lower basement and ground floor level. *The application was refused on 25 March 2015. The main reasons for refusal were based on the unacceptable loss of employment floorspace; the over-concentration of student accommodation; lack of external amenity space for students and due to the height, bulk, massing and design of the proposal there was considered to be an adverse impact on the character and appearance of the area and potential impacts on sunlight/daylight of neighbouring properties.*

An appeal was submitted (ref: APP/X5210/A/13/2197192) and subsequently dismissed on 4 October 2013. The appeal was dismissed due to the loss of employment space, the over-concentration of student accommodation and the lack of external amenity space for students.

2013/7130/P (Granted Subject to a Section 106 Legal Agreement): Erection of part seven, part three storey building above two basement levels to provide student accommodation comprising 273 units (337 rooms and 439 bed spaces) with ancillary facilities (sui generis), warehouse (Class B8) at basement and ground floor levels and a coffee shop (Class A1) at ground floor level following demolition of existing B8 buildings. *Planning permission was granted subject to a Section 106 Legal Agreement on 06/03/2014. The scheme was essentially an amalgamation of the acceptable elements (as deemed by the Planning Inspectorate) from the two appeal proposals ref: 2010/6039/P and 2012/6548/P.*

A number of planning obligations and conditions were included such as financial contributions, the restriction of occupation of student accommodation until the commercial element has been let and occupied, restricting occupation to student accommodation only and not permanent residential accommodation, the development must be linked to a Higher Education Funding Council for England (HEFCE) funded institution, a student management plan, travel plan, Construction Management Plan, Service Management Plan, car-free development, restrictions on use of external amenity space, external noise level compliance and no increase in student bedspaces (i.e. capped at 439).

2018/4871/P (Refused, appeal dismissed): Erection of 7th floor extension to facilitate the creation of 42 student accommodation rooms (Sui Generis) to existing student accommodation. *The application was refused on 4 March 2019. The main reasons for refusal were based on the height, scale, massing and detailed design causing harm to the building and adjoining Conservation Area; poor internal ceiling height, room sizes and outlook leading to substandard living accommodation and a material loss of outlook and daylight to neighbouring occupiers.*

An appeal was submitted (ref: APP/X5210/W/19/3229042) and subsequently dismissed on 25 September 2019. The appeal was dismissed on all the substantial reasons for refusal and the Inspector's Decision is attached as Appendix 1.

2018/4877/P (Granted subjected to conditions): The formation of a mezzanine floor (at basement level) to provide study rooms, administration, storage areas, kitchen and gym facilities within the student area of the building (partially retrospective) approved on 02/05/2020.

2020/3698/P: Change of use of warehouse space (Use Class B8) to office/light industrial/studio space (Use Class B1), including the installation of a mezzanine basement level over a part of the double height warehouse space in order to create 957 sqm of additional space for B1 use. Registered on 20/08/2020 and currently being considered.

Minor-Material Amendments (Section 73 applications)

2015/5435/P (Granted Subject to a Section 106 Legal Agreement): Variation of Condition 20 (approved plans) of planning permission 2013/7130/P was approved on 27/05/2016 with a Deed of Variation to the original legal agreement. The main changes included extension of the lower basement level to relocate part of the warehouse (B8) use from the mezzanine floor, internal reconfigurations,

introduction of social space and study rooms on the mezzanine level, changes between double and twin rooms, lift overrun, new rooflights and lightwells.

2016/4664/P (Granted Subject to a Section 106 Legal Agreement): Variation of Condition 20 (approved plans) of planning permission 2013/7130/P was approved on 03/05/2017 with a Deed of Variation to the original legal agreement. The main changes included reconfiguration of the warehouse levels and ground floor to provide an enlarged social area for the student accommodation use; an additional row of windows on the Holmes Road elevation; additional rooflights into basement and changes to positioning of windows.

2017/6786/P (Granted Subject to a Section 106 Legal Agreement): Variation of Condition 20 (approved plans) of planning permission 2013/7130/P was approved on 27/07/2018 with a Deed of Variation to the original legal agreement. The main proposed changes include lowering the basement level by 950mm, internal changes, an increase to the volume and area of warehouse space and reduction of ancillary student space. This version of the consent has been implemented.

Approval of Details

2016/5269/P (Granted): Submission of details to discharge conditions 4 (contamination), 5 (landscaping), 6 (waste), 10 (CHP), 15 (access) and partial discharge of 16 (SuDs) of planning permission 2013/7130/P. The application was approved on 03/03/2017.

2016/5496/P (Granted): Submission of details to partially discharge condition 2 (materials and details) of planning permission 2013/7130/P. The application was approved on 30/12/2016.

2016/6245/P (Granted): Submission of details to discharge conditions 14 (details, calculations, method and design of groundworks) and 22 (appointment of engineer) of planning permission 2013/7130/P. The application was approved on 03/03/2017.

2017/6568/P (Refused): Submission of details to discharge condition 2 (details of the layout, sections, elevations of windows, door framing and roof plant equipment) of planning permission 2013/7130/P. The application was refused on 12/01/2018 as the proposed materials and details would not safeguard the character and appearance of the premises and the wider area as per the requirement of the planning condition.

Advertising Consent

2019/1927/A (Granted): Display of external non-illuminated mural on the side wall of hostel building facing Cathcart Street. The application was approved on 10/06/2019 and is in situ.

Relevant policies

National Planning Policy Framework 2019

London Plan 2016

Intention to Publish version of the London Plan 2019

Camden Local Plan 2017

Policy G1 Delivery and location of growth

Policy C1 Health and wellbeing

Policy C5 Safety and security

Policy C6 Access for all

Policy E1 Economic development

Policy E2 Employment premises and sites

Policy A1 Managing the impact of development 1

Policy A2 Open space

Policy A3 Biodiversity

Policy A4 Noise and vibration
Policy D1 Design
Policy D2 Heritage
Policy CC1 Climate change mitigation
Policy CC2 Adapting to climate change
Policy CC3 Water and flooding
Policy CC4 Air quality
Policy CC5 Waste
Policy T1 Prioritising walking, cycling and public transport
Policy T2 Parking and car-free development
Policy T3 Transport infrastructure
Policy T4 Sustainable movement of goods and materials
Policy DM1 Delivery and monitoring

Camden Planning Guidance (CPG)

- CPG Housing (interim)
- CPG 2 Housing May 2016 updated March 2018)
- CPG Amenity
- CPG Biodiversity
- CPG Employment sites and business premises
- CPG Planning for health and wellbeing
- CPG Public Open Space
- 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)

Inkerman Conservation Area Statement March 2003

Kentish Town Neighbourhood Forum Neighbourhood Plan - Adopted 19 September 2016

Assessment

1.0 Background

1.1 The main development that is substantially completed was originally approved under 2013/7130/P. This approval was an amended scheme following a number of refusals and appeals at the site: 2012/6548/P (refused then dismissed at appeal in 2013); 2010/6039/P (refused then appeal allowed in 2011) and 2009/3187/P (refused then appeal withdrawn). The approved scheme under 2013/7130/P is effectively an amalgamation of the two decided appeal proposals (2012/6548/P and 2010/6039/P), combining the elements that were considered acceptable by the respective Inspectors. The scheme was considered the maximum quantum of development at the time by the Council, in terms of height and student numbers. In summary, the approval under 2013/7130/P included the provision of student accommodation and warehouse (B8) floorspace in the same building and site layout as approved by 2010/6039/P, with an additional storey as considered acceptable in the appeal decision for 2012/6548/P.

1.2 The table below (Table 1) sets out a brief comparison of the previous three full planning schemes (all GIA), including 2010/6039/P (refused and allowed on appeal), 2012/6548/P (refused and dismissed on appeal) and 2013/7130/P (approved):

Table 1 (below): Comparison of Previous Planning Applications

	2010/6039	2012/6548	2013/7130
Student	245 units	278 units	273 units
accommodation	268 rooms	313 rooms	337 rooms
	417 beds 27 wheelchair 92 single 288 twin (144 rooms) 10 double (5 rooms) 30 cluster beds in 4 units (3 double rooms = 6 beds, 24 single rooms) (appears that 3 cluster flat double rooms were missed from calculation as approved plans show 420 beds)	550 beds 30 wheelchair 11 single 402 twin (201 rooms) 62 double (31 rooms) 45 cluster beds in 5 units (5 double rooms=10 beds, 40 single rooms) (133 bed/32% increase on 2010/6039/P)	439 beds 28 wheelchair 107 single 196 twin (98 rooms) 72 double (36 rooms) 36 cluster beds in 4 units (4 double rooms = 8 beds, 28 single rooms) (22 bed/5% increase from 2010/6039/P)
Useable landscaped area	584m ² total two areas of 544m ² on podium and 40m ² at lower basement	163m ² total two areas of 123m ² and 40m ² at lower basement	582m ² total two areas of 542m ² on podium and 40m ² at lower basement
Study/social area	789m ² Including 611m ² study/social/reading/ meeting/screening; 47m ² laundry; 131m ² gym,	722m ² Including 672m ² communal study area; 50m ² laundry room	780m ² Including 520m ² study/social/reading/ meeting; 92m ² screen room; 55m ² laundry room; 131m ² gym
Commercial	2,073m ² (B8 warehousing) Comprising 510m ² at LB, 920m ² at UB, 460m ² at mezz and 183m ² at G showroom	1,660m ² (B2 industrial)	2,103m ² (B8 warehousing) Comprising 510m ² at LB, 937m ² at UB, 465m ² at mezz and 191m ² at G showroom.
Goods yard	189m ²	0m ²	189m ²
Coffee shop	54m ²	0m ²	43m ²

1.3 The approved development under 2013/7130/P involved the demolition of the existing buildings and the erection of a building varying in height from 7 storeys to the Holmes Road and Cathcart Street frontages, with a single storey (above ground) link adjoining a 3 storey section at the rear part of the site. The approval was underlain by a 2 storey basement level (storey depth at the western end of the site). The approval provided 2,103sqm of warehouse (B8) floorspace at ground, lower basement and upper basement floor levels, along with a mix of student single, double and twin bedrooms, including cluster flats. The 'purpose built' student accommodation comprised 273 units, with 337 rooms and 439 bedspaces.

Refused permission under 2018/4871/P and appeal dismissed under APP/X5210/W/19/3229042

1.4 Planning permission was recently refused and subsequently dismissed at appeal for a similar development. The refused (and dismissed by the Planning Inspectorate)) proposals were also for the erection of a 7th floor extension; however, it was for the creation of 42 single student accommodation rooms (Sui Generis). The main issues in the previous appeal decision were the effect of the proposal on:

- the character and appearance of the appeal property and the adjacent Inkerman Conservation Area (ICA);
- the living conditions of the occupiers of the appeal property by way of room sizes and outlook;

and

- The living conditions of the occupiers of No's 74 and 55-57 Holmes Road by way of outlook and daylight.

1.5 On whether the proposal would affect the character and appearance of the property and adjacent Conservation Area, the Inspector found that the *'arrangement would detract from the architectural approach chosen for the building however, as the increase in over cladding would unbalance the current relationship that exists between the current upper floor and the stories beneath. As a result, the proposed larger extent of mesh over cladding would read as a top heavy addition to the building, making it appear unduly prominent within the streetscene'*. The Inspector further stated that *'such an arrangement would also result in the appeal building becoming more prominent in views within the ICA, in particular around the junction of Holmes Road and Calthcart Street. As a result, the proposal would be harmful to the architectural interest of the ICA. Accordingly, I conclude that the proposal would be harmful to the character, appearance and significance of the ICA.'*

1.6 For the second issue (quality of living conditions for future occupiers of the proposal) the Inspector found that the *'deficiency in floor to ceiling height would nevertheless be harmful to the living conditions of occupiers. This would be due to the inadequate levels of light or ventilation that would be achieved, which would be particularly harmful in such a high density, flatted proposal in this location. As a result, I find the ceiling heights proposed would be harmful to the living conditions of occupiers.'* Furthermore, it was noted that *'the proposed rooms would all be single aspect, with their windows positioned behind the mesh over cladding panels that are to be used on the uppermost parts of the building.....Such an arrangement would exacerbate the cramped nature of these rooms.'* It was therefore considered by the Inspector that for these *'collective reasons, the proposal would fail to provide an acceptable standard of living accommodation for the prospective occupiers of the rooms.'*

1.7 The Inspector also dismissed the appeal based on the impact on the living conditions of adjoining occupiers. The appeal decision notes that *'the additional floor of accommodation proposed would further increase the overall height and massing of the appeal property, which at 7 storeys in height is already significant when considered within its surroundings. This increase in height would have a harmful overbearing effect upon the flats and balconies that the appeal property faces towards, as it would create a greater sense of enclosure than at present. Such an arrangement would therefore be harmful to the outlook of the occupiers of the neighbouring flats.'* Other concerns from the Inspector included the fact that *'there are a number of instances where best practice guidelines for daylight availability would not be met, meaning that a number of flats would lose significant levels of daylight.'* On this basis the Inspector concluded that *'the proposal would be harmful to the outlook and living conditions of the occupiers of 74 and 55-57 Holmes Road.'*

1.8 This recent refusal and dismissed appeal are a material planning consideration and should be given great weight in any decision. Officers consider that the concerns from the Inspector as well as their own assessment of the application against planning policy conclude that a further extension to this large building is not appropriate in principle.

2.0 Proposal

2.1 Planning permission is sought for the erection of a 7th floor extension to facilitate the creation of 27 single student accommodation rooms (Sui Generis) to the existing student accommodation. The new 8th storey would be constructed on top of the substantially completed 7 storey building.

2.2 The extension would be above the substantially completed development under 2017/6786/P (a minor-material amendment of 2013/7130/P). It would increase the student accommodation from 273 units and 439 bedspaces to 300 units and 466 bedspaces. Access to the proposed new floor would be via an extended lift and stair cores.

2.3 The additional 7th floor would be approximately 2.6m high and glazed in appearance. It would extend the majority of the width (the extension would total approximately 61m in width) of the

building's frontage (on Holmes Road) and have a setback of approximately 2.6m from the front elevation and 2.2m from the rear. The proposed additional floor would be constructed on top of an existing top floor addition that is over clad in aluminium mesh panels. A green roof is proposed above the extra floor.

2.4 The additional 27 rooms would be single occupancy rooms (studios) with a size of 16sqm. The internal room height in the 7th floor rooms would be 2.4m. All of the rooms would be single aspect and have their window (which are presumably non-openable) over clad with a glazed extension in front of it. None of the rooms would provide for disabled occupiers.

2.5 The proposed extension would have a GIA of 585.5sqm and a GEA of 634.5sqm.

3.0 Land Use

3.1 The principle of a student accommodation on the site is acceptable as it has been consented and implemented. The proposal seeks to add further student accommodation. None of the other consented land uses on the site are considered to be materially affected by the proposal.

Increase in student accommodation

3.2 The matter of student concentration and subsequent impacts has been a contentious issue on this site historically and has received objections from neighbouring residents and businesses. A brief summary of the history of student numbers is included below:

- 2010/6039/P refused and the appeal allowed. One of the reasons for refusal was over-concentration of student housing. The Inspector considered 417 beds acceptable: *'I do not find the proposal would result in an undesirable over-intensification of purpose built student accommodation (PBSA) or harm the overall social balance of the wider community, but rather serve to redress it by bringing the proportion of students in Kentish Town up to the Borough average.'*
- 2012/6548/P refused and the appeal dismissed. Over-concentration of student accommodation (550 bed spaces) was a reason for refusal and it was upheld by the Inspector. The Inspector's main considerations are copied below:

'37. Having considered the previous inspector's findings on this matter, and having also heard the evidence to this inquiry - some of it new, some repeated from the previous inquiry - I find it impossible to say categorically whether the proposed increase (133, or about 30% compared with the approved scheme) in student numbers would bring about a harmful over-concentration. However, I am cautiously inclined to believe that it might cross an ill-defined threshold. I am in little doubt that there would be more occasions or events of noise and disturbance locally, arising from the effects of the aforementioned student exuberance, and this would be likely to provoke more complaints from the general public living in the area. And I note that there are many more new flats in the immediate vicinity than there were a few years ago. To my mind, this consideration, while not by itself decisive in the appeal, does little to commend the current scheme.'

'40. In sum, it is not clear whether the proposal would conflict with relevant policies for student accommodation, as they tend to pull in opposite directions. In other words, the policies are broadly supportive, but with important caveats intended to safeguard locally resident communities. But in the final analysis I agree with the Council that there are some reasonable grounds for concern about a likely increase in noise and disturbance from the significant proposed increase locally in student numbers. This might, just, bring about or reflect an undesirable over-concentration.'

- 2013/7130/P granted by the Council. 439 bed spaces were approved. The Committee Report relating to that permission states:

'In conclusion, the provision of a large student accommodation block on this site was not NPPF, London Plan, LDF policies and CPG remains the same in this regard. There has also not been any material change in the site context. It is therefore considered that an increase of 22 students on site would not have any significant or noticeable impact on the area in terms of noise or result in an overconcentration of students. S106 clauses are recommended to secure a Student Management Plan and linking occupation to a HEFCE-funded institution.'

3.3 The proposal would result in a further 27 bed spaces over those approved under 2013/7130/P. This falls between the approved figure and the one dismissed at Public Inquiry under 2012/6548/P. To prevent a refusal based on the increase in student bed spaces, the applicant would need to demonstrate that this increase would not lead to unacceptable noise and disturbance locally. It is likely there would be some impact from a larger student population.

3.4 The proposal would take the scheme to 466 bed spaces, which is well under the 550 that was dismissed at appeal under 2012/6548/P. It would result in an increase of 27 beds over the scheme approved as part of the appeal under 2010/6039/P (417 spaces). Officers do not consider that this would result in a harmful over-concentration that would lead to unacceptable noise and disturbance locally. It is noted that this was not a reason for refusal under 2018/4871/P and numbers have decreased with this application. Any planning permission would be subject to a student management plan being secured via legal obligation. In the absence of a legal agreement, this would form a reason for refusal.

Affordable student accommodation

3.5 Policy H9 of the Local Plan requires: *'an undertaking in place to provide housing for students at one or more specific education institutions, or otherwise provide a range of accommodation that is affordable to the student body as a whole.'*

3.6 Any planning approval would therefore need to either provide for one or more specific education institutions or 30% of the new spaces as affordable. The affordable requirement (in lieu of securing a specific institution) is based on the Mayor's Housing SPG. The cost of affordable student housing would have to be no more than 55% of average student income for a UK full time student living in London away from home. As the maximum maintenance grant is £10,702p.a this would equate to the maximum affordable rent being £155 per week. As such, the Council would reasonably expect 30% of new student housing to be affordable at a rate of no more than £155 per week (if not linked to one or more specific education institutions).

3.7 The applicant has stated that the new student accommodation would be linked to one or more of the higher education organisations accredited by the British Council and that this would be secured through a section 106 legal agreement. Due to the application being refused, and thus a legal agreement not entered into, the failure to secure housing for students at one or more specific institutions or affordable accommodation would form a further reason for refusal.

4.0 Design, Character and Appearance, Conservation

4.1 The implemented development was originally approved under 2013/7130/P. This consented the erection of a part seven, part three storey building above two basement levels. The rationale for the approval was that the proposal was not significantly different from the scheme under 2012/6548/P, where the Inspector at the Public Inquiry did not dismiss the appeal on the grounds of design/impact on the surrounding area. As part of the appeal decision, the Inspector concluded that there was a good case in townscape terms for a 7 storey building of the overall height proposed and that it would complement its neighbours without appearing excessive in height in either street elevation or otherwise over-dominant. He also indicated that the scheme represented an acceptable maximum for the site (i.e. that anything above 7 storeys would not be acceptable). The relevant paragraph from the appeal decision is quoted below, with emphasis added to illustrate the point regarding the scheme being the maximum development acceptable:

*'51. In my view, there is a good case in townscape terms for a 7 storey building on the appeal site, of the overall height proposed. It would complement its neighbours without appearing excessive in height in either street elevation, or otherwise over-dominant. And I see no necessity in design or policy terms for the upper storey(s) to be set back from the main elevation. That said, and accepting the inevitable degree of subjectivity in such a judgement, **the current scheme probably represents an acceptable maximum for the site**, in terms of the site coverage, and the height, bulk and massing of the building.'*

4.2 A previous application was refused under 2018/4871/P, with the appeal dismissed under APP/X5210/W/19/3229042. The Inspector found that this proposal would *'would unbalance the current relationship that exists between the current upper floor and the stories beneath', 'appear unduly prominent within the streetscene' and result in the 'I building becoming more prominent in views within the ICA, in particular around the junction of Holmes Road and Calthcart Street. As a result, the proposal would be harmful to the architectural interest of the ICA. Accordingly, I conclude that the proposal would be harmful to the character, appearance and significance of the ICA.'* Officers consider that the conclusions apply to the current proposals. The accommodation which now occupies the site 65-69 Holmes Street is already a building which stands taller than the existing average height within the neighbourhood. The building is prominent in views both south-west and north-east along Holmes Road. Currently there is a rough symmetry in building heights either side of Holmes Road and a pleasant openness due to the presence of sky. Additional height has the danger to create a canyon as the buildings that line the route are ever-more present in the view. The height and width of the current building sit comfortably within the existing streetscape. Additional height (even when set back) has the danger of making the building appear top-heavy especially as this building can be viewed from middle distance from both the end of Holmes Road and over-shadow the current openness of the school site.

4.3 The proposed extension would add a further storey to the approved scheme which is substantially completed. Officers consider that the substantially completed development maximises what is suitable for this particular site. The implemented scheme has been designed as a render main façade with a wide crenulated parapet above. It has mesh covered upper storeys which have been designed to signify the terminating or roof storey of the development. In this respect the design is considered to be a complete composition. The Council's guidance on roof extensions is clear, stating that roof extensions are unlikely to be acceptable where the building is a complete composition (para 5.8 of CPG – Design). The proposal would add a further recessed glazed box above the completed building, which already has a large upper storey elements. This leads to a convoluted design and one that significantly detracts from the architectural merit of the building. Officers also consider that the proposed glazed material does not limit the impact of the proposal. Through the use of glazing the applicant is not eliminating the impact of the proposal (as it would still be visually prominent) and are adding an additional material which is at odds with the existing building. The additional glazed floor would create a visual intrusion to the streetscene and skyline.

4.4 Furthermore, the proposal would result in a form and design which is at odds with the character and appearance of the host building. The extension would be seen in short and long range views of the building and be viewed in private views inside and outside of the Inkerman Conservation Area. The site is located inside a dogleg on the south side of Holmes Road. This location means that there are prominent views of the building looking south-west from the adjacent road junction as well as north-east due to the openness of the school site that sits adjacent; a fine former school building, built 1873-74, (Kentish Town Centre, Kingsway College and attached walls) listed Grade II. Thus the building has greater visual presence in the streetscape than had it been located elsewhere on a more linear section of Holmes Road. It is considered that the extension would appear incongruous to an already large building that has resulted in a significant change to the character of the area. The proposal would result in additional scale and massing to the building which would cause harm to its appearance and the visual amenity of the surrounding area.

4.5 An analysis of the surrounding area has indicated that the proposal would have a significant visibility and be incongruous from surrounding views. The extension would result in a top heavy development, and this element would result in dominant upper levels that would be prominent from

long views within a significant coverage of the surrounding area. There would also be visibility from within the Inkerman Conservation Area. This would be most apparent on Cathcart Street, from the junction with Holmes Road to around the Azania Mews entrance.

4.6 In addition to the above, officers are concerned with the impact of any paraphernalia on the roof (such as overruns, plant, any other projections etc.). Officers consider that limited details have been provided of this date.

4.7 Overall, the increased height and massing of the additional storey would be over dominant, visually inharmonious, and significantly harmful to the character and appearance of the host building, streetscene, surrounding townscape and the adjacent Inkerman Conservation Area. The proposal would fail to accord with policy D1 (Design) of the Local Plan, which seeks (among other things) to secure high quality design in development that respects local context and character. It also states that 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. Furthermore, due to the impact of the additional storey on the adjacent Inkerman Conservation Area, particularly from Cathcart Street, it is considered that the proposed development would not maintain the character and appearance of the conservation area as required by policy D2 (Heritage). The proposal similarly fails

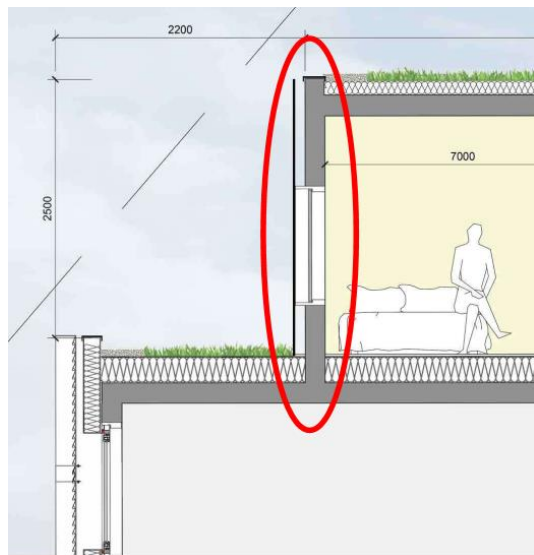
to comply with policy D3 of the Kentish Town Neighbourhood Forum Neighbourhood Plan, which requires proposals to be well integrated into their surroundings, be of an appropriate scale, height, massing and architectural detailing and be of the highest quality.

5.0 Standard of Student Accommodation

5.1 The proposed new student accommodation would contain single units, with a floor area of 16sqm per studio. Officers note this is a very small area, meaning that due to this limited size that the quality of living accommodation would likely be poor but not a reason for refusal in its own right given the considerations of the Inspector in the recent appeal under APP/X5210/W/19/3229042.

5.2 The proposals have been improved since the refusal under 2018/4871/P, with the ceiling height no 2.4m for all of the rooms.

5.3 All of the proposed units would be single aspect (with one window in one direction per studio) with the outlook from each room significantly compromised by having a glazed panel in front of it. This would make the mean that the windows could not be opened and they windows would not have direct outlook at it would be through a window pane looking into a glass panel. The resulting units would therefore have poor outlook and ventilation, meaning there would be a substandard quality of living accommodation for the potential student residents. This is highlighted in a screenshot of from a proposed section below:



5.4 Policy D1n. of the Local Plan requires a high standard of accommodation from development. Paragraph 7.32 of the supporting text requires all residential development to create high quality homes, which have good ceiling heights and room sizes, good natural light and ventilation and to be dual aspect except in exceptional circumstances. This would be another reason for refusal.

6.0 Neighbouring Amenity

6.1 The application site is surrounded by residential development to the north on the other side of Holmes Road (predominantly 74), to the east by 61-63 and 55-57 Holmes Road and to the south by 45 Holmes Road and housing at Azania Mews.

6.2 The proposed development would add a further storey to the main block (Block 1) fronting Holmes Road. It would make the building 8 storeys high overall. The main properties impacted by the development are considered to be the south facing residential units at 74 Holmes Road, which lie within a 5 storey building (including attic storey), and the southwest flats within 55-57 Holmes Road. In particular, significant concern exists as to the impact of the additional height on the south facing flats within 74. The approved plans for this development show that 14 of the dwellings are single aspect and south facing towards the proposal. A number of the units have projecting or Juliet balconies. As such these units rely on this outlook and the level of existing light achieved from the extant permission at the host property. Furthermore, these properties are located on the opposite side of a narrow street. 55-57 lies immediately to the southeast of the proposed extension. A number of the units on the adjacent elevation are single aspect and have their external amenity spaces on this frontage. Due to the height, scale, siting and massing of the proposed development and the resulting height of the building, it is considered that it would result in a material level of harm to the adjoining occupiers at nos 74 and 55-57 by way of loss of outlook, overbearing impact and a significant increase in terms of sense of enclosure. These issues demonstrate the inappropriateness of the additional height, with the building considered to have reached its maximum potential, causing harm to residential amenity as well as to the character and appearance of the host building and surrounding area.

6.3 The above was endorsed by the Planning Inspector under APP/X5210/W/19/3229042 who found that *'the additional floor of accommodation proposed would further increase the overall height and massing of the appeal property, which at 7 storeys in height is already significant when considered within its surroundings. This increase in height would have a harmful overbearing effect upon the flats and balconies that the appeal property faces towards, as it would create a greater sense of enclosure than at present. Such an arrangement would therefore be harmful to the outlook of the occupiers of the neighbouring flats.'*

6.4 The application is supported by a Daylight and Sunlight Study dated 11th May 2018. The report is authored by Right of Light Consulting, who have based their study on the various numerical tests laid down in the Building Research Establishment (BRE) guide 'Site Layout Planning for Daylight and Sunlight: a guide to good practice, 2nd Edition' by P J Littlefair 2011. The submitted document claims that all neighbouring windows (that have a requirement for daylight or sunlight) pass the relevant BRE diffuse daylight and direct sunlight tests. Officers note that there are some transgressions in terms of winter sunlight hours. Despite this, officers concur with the summary of the report, which states that the proposed development would have a low impact on the light receivable by its neighbouring properties.

6.5 Notwithstanding the daylight/sunlight findings, the proposed development would result in a significant level of harm to the living conditions of the adjoining occupiers, particularly those at 74 Holmes Road. The resulting harm would primarily be loss of outlook, overbearing impact, and an increased sense of enclosure. While the site has recently been developed, leading to residential amenity being compromised over the pre-existing situation, the cumulative impact of the above would be unacceptable.

7.0 Transport

7.1 Table 6.3 of the London Plan stipulates the following minimum requirements for cycle parking

provision:

- Long stay for residents and staff - 1 space per 2 beds
- Short stay for visitors – 1 space per 40 beds

7.2 The proposal would therefore need to include the provision of 14 long stay cycle parking spaces. The submitted details indicate that 32 long-stay spaces would be provided on-site in addition to the existing consented spaces. It is unclear if these spaces would be provided in the existing basement cycle stores and if there is sufficient space in there. Officers however consider that this matter could be resolved by way of a planning condition, if the development were to be approved. As part of a potential appeal the applicant should clarify on the above and the types of racks provided.

7.3 As per the previously approved scheme, the new development would need to be car-free, and secured by a legal agreement if planning permission is granted. This would prevent future occupiers from obtaining on-street parking permits. Given the application is to be refused this would form a reason for refusal.

7.3 Construction of the previously approved development is completed or nearing completion. A new Construction Management Plan (CMP) and an additional highways contribution would need to be secured as section 106 planning obligations. This would be accompanied by a CMP implementation support contribution of £7,564.50. In addition, a Construction Impact Bond of £15,000 would also be required. The failure to secure these obligations/contributions (as the application is being refused) results in further reasons for refusal.

7.4 Other planning obligations secured against the previously approved development would also need to be applicable to the new development. This would include the servicing management plan, the student management plan and the travel plan.

8.0 Sustainability

8.1 The proposal comprises a 7th floor extension with 27 rooms and approximately 585.5sqm of additional floor space. The policy requirements include:

- An energy statement showing how the development would meet the following –
 - Follow the hierarchy of energy efficiency, decentralised energy and renewable energy technologies set out in the London Plan (2016) Chapter 5 (particularly Policy 5.2) to secure the maximum feasible CO2 reduction beyond Part L 2013. GLA guidance on preparing energy assessments and CPG3 should be followed. In particular, improvements should be sought on the minimum building fabric targets set in Part L of the building regulations
 - Camden's Local Plan (section referring to CC1) requires all developments to achieve a 20% reduction in CO2 emissions through renewable technologies (the 3rd stage of the energy hierarchy) wherever feasible, and this should be demonstrated through the energy statement.
- A sustainability statement showing how the development would –
 - Implement the sustainable design principles as noted in policy CC2
 - Achieve a BREEAM 'Excellent' rating and minimum credit requirements under Energy (60%), Materials (40%) and Water (60%) as set out in CPG3.

8.2 Based on the information submitted as part of the planning application, the proposed development would be unacceptable for the following reasons:

- The Be Lean shows only a 6.6% reduction, below the 10%/15% targets for domestic/non-domestic majors
- The proposals incorrectly target BREEAM Very Good and are incorrectly based on BREEAM 2008 method. This development is required to meet BREEAM Excellent, plus minimum individual section credits, applying the latest BREEAM version (currently version 2018, previously version 2014)
- The applicant proposes to incorporate the new into an existing BREEAM New Construction 2014 registration for a separate planning application. The approved target for the other application is Very Good and section scores exceeding the minimum targets. The applicant states that the Design Stage assessment for the separate application is already completed and certified, and the Post Construction already completed and not yet certified. This is unacceptable as:
 - No supporting evidence has been submitted to confirm the addition of the present scheme into the applicant's separate pre-existing assessment/registration
 - It is not clear if Design Stage certification can be retrospectively inserted into an existing certified assessment. There is no way to certify this application's BREEAM Assessment at Design Stage as normally required
 - The current requirement would expect the BREEAM 2018 version to be applied and to reach Excellent
- Supporting evidence (BRUKLs) – these match the declared percentage stage reductions but for every stage, the BRUKL absolute emissions are 32% greater than the declared figures. A degree of floor area adjustment is expected from ideal geometric model, but this discrepancy seems high

8.3 Based on the above, the development would fail to minimise the effects of climate change and to meet the highest feasible environmental standards during construction and occupation.

9.0 Planning Obligations

9.1 If the proposal was considered to be acceptable it would be the subject of a Section 106 legal agreement. Many of the obligations required have been discussed above and are included as reasons for refusal. Below is a summary of the heads of terms that would be sought for a successful scheme:

- Securing housing for specific education institutions
- Student Management Plan
- Construction/Demolition Management Plan including implementation support contribution of £7,564.50 and Construction Impact Bond of £15,000
- Car-free development
- Local employment plan including apprentices and a support fee
- Highways contribution
- BREEAM 'Excellent' (with minimum sub-targets for Energy, Water and Materials)
- Energy efficiency and renewable energy plan (including a Combined Heat and Power (CHP) Air Quality Assessment)

- Travel Plan
- Public open space contribution of £12,600

Student Management Plan

9.2 Policy H9 of the Local Plan requires new student housing to contribute to the creating of a mixed, inclusive and sustainable community that does not create a harmful concentration of such a use in the local area or cause harm to nearby residential amenity. It states that where the scale or concentration of student housing proposed is likely to harm the balance and sustainability of the community or otherwise harm local amenity, the Council will seek a range of mitigating measures such as management plans. A student management plan is required for all planning applications involving student accommodation (as per Camden's Local Area Requirements for Planning Applications (2018)). It is required to be secured via S106 and to include details on health and safety standards and procedures; maintenance and repairs; environmental quality; landlord and tenant relationship; student welfare; anti-social behaviour and disciplinary procedures; administration, accreditation and compliance procedures; secured by design principles and student tenancy agreement.

Restricting occupation of student units

9.3 Policy H9 of the Local Plan requires an undertaking in place to provide housing for students at one or more specific education institutions, or otherwise provide a range of accommodation that is affordable to the student body as a whole. Any planning approval for a student development needs to either provide for one or more specific education institutions or 30% of the new spaces as affordable. This would therefore need to be secured through a S106 legal agreement. The requirement is based on the London Plan 2016 and section 3.9 of the Mayor's Housing SPG 2016, and arises from concern amongst higher education institutions and student bodies that high housing costs in London are harming their ability to attract students from less wealthy backgrounds and compete with institutions elsewhere.

Public Open Space contribution

9.4 Local Plan Policy A2 requires developments to secure new and enhanced open space and ensure that development does not put unacceptable pressure on the Borough's network of open spaces. The policy states that the Council will seek developer contributions for open space enhancements using S106 agreements and to address the additional impact of proposed schemes on public open space taking into account the scale of the proposal and the number of future occupants and the land uses involved. Given the nature of the appeal proposal the Council would accept a financial contribution in lieu of securing new public open space on-site. The public open space contribution of £12,600 is based on policy A2 and CPG Public open space. For student accommodation, the Council secures 9sqm per single room and 18sqm per double room. However, this is multiplied by a factor of 0.75 recognising that student accommodation is often not used for part of the year.

Local employment and apprenticeships agreement

9.5 As per CPG Employment sites and business premises (March 2018) a range of training and employment benefits would need to be secured in order to provide opportunities during and after the construction phase for local residents and businesses. The package of recruitment, apprenticeship and procurement measures would need to be secured by S106 legal agreement.

10.0 Community Infrastructure Levy

10.1 If the proposal was deemed acceptable it would be liable for both Mayoral and Camden CIL. The CIL form submitted with the application indicates that the development would have an uplift of 585.5sqm GIA. Based on the Mayor's CIL2 and Camden's CIL charging schedules and the information submitted the charges would be approximately £281,040. This is calculated as £46,840 for Mayoral CIL2 (585.5sqm x £80) and £234,200 for Camden CIL (585.5sqm x £400 (Student

Housing Zone B). The above is an estimate only and would be subject to the verification of the proposed floor area and calculations by the Council's CIL team.

11. Conclusion

11.1 For the reasons set out in the report above, the application is considered to be contrary to the Development Plan in regard to the design of the proposal and its impact on the host building, surrounding area and conservation area; would lead to a substandard quality of living accommodation; cause harm to neighbouring amenity and fail to secure relevant energy and sustainability requirements.

12.0 Recommendation: Refuse Planning Permission

Appendix 1: Appeal Decision for 2018/4871/P dated



Appeal Decision

Site visit made on 15 August 2019

by Jamie Reed DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 September 2019

Appeal Ref: APP/X5210/W/19/3229042
65-69 Holmes Road, London NW5 3AN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Chi Tang against the decision of the Council of the London Borough of Camden.
 - The application Ref 2018/4871/P, dated 4 October 2018, was refused by notice dated 4 February 2019.
 - The development proposed is the erection of roof extension to facilitate the creation of 42 student accommodation rooms.
-

Decision

1. The appeal is dismissed.

Background

2. The appeal site has a significant planning history, including a series of applications for varying forms of development for the existing building on top of which the proposal will be constructed. The Council has advised that it is currently investigating whether the existing building has been constructed in accordance with the relevant approved plans and legal agreements that have been entered into. Such matters do not form part of the proposal that is before me and consequently have no bearing on my decision.
3. Both parties have made reference to a previous appeal¹ on the site where the Inspector suggested that the appeal property in its current form may represent a maximum quantum, in terms of height. I have noted that this decision was made a number of years ago and since then further applications have been approved nearby² for developments of a similar height. As a result, it is clear that the surrounding area has changed since this previous appeal¹ and as such, the weight attached to the previous Inspector's decision has diminished.

Main Issues

4. The main issues are the effect of the proposal on:
 - the character and appearance of the appeal property and the adjacent Inkerman Conservation Area (ICA);

¹ Appeal ref: APP/X5210/A/13/2197192

² Planning Applications ref No's 2016/1986/P, 2017/6322/P and 2018/0622/P

- the living conditions of the occupiers of the appeal property by way of room sizes and outlook; and
- The living conditions of the occupiers of No's 74 and 55-57 Holmes Road by way of outlook and daylight.

Reasons

Character and appearance

5. The appeal property is a large building of modern appearance located on the corner of Holmes Road and Cathcart Street. The opposite side of Cathcart Street and to the rear of the appeal property lies the predominantly residential ICA. This generally consists of small mid-Victorian 2 and 3 storey terraced houses on narrow streets, interspersed with institutional, educational, light industrial and commercial uses. This mix of uses and dense urban grain give the ICA a lively characteristic. When moving out of the ICA onto Holmes Road, there is a marked change in building typography, featuring a mix of larger scale, modern accommodation of which the appeal property, in its current form is one of the tallest.
6. A key feature of the appeal property is that there is a marked distinction between its lower and upper stories, with the current top floor being set-back from the lower white-rendered stories beneath. On the Holmes Road elevation, this set-back extends down a further 2 floors in places, in order to break up the large expanse of this elevation and to add visual interest. The façades of these upper floor set-backs are then over clad with mesh panels of a metallic finish. Such an arrangement results in the windows of these uppermost parts of the building being largely obscured, giving a more subservient appearance when compared to the larger expanse of white-rendered floors beneath. These, in contrast, are uniformly punctuated with windows of identical proportions throughout.
7. The proposal seeks to add a further upper floor of accommodation to the appeal property, which would be over clad in the same manner, as a continuation of the chosen architectural style. The appellant considers the existing design of the building lends itself to extension in the manner proposed and that this would not result in any harm to the character and appearance of the area. Such an arrangement would detract from the architectural approach chosen for the building however, as the increase in over cladding would unbalance the current relationship that exists between the current upper floor and the stories beneath. As a result, the proposed larger extent of mesh over cladding would read as a top heavy addition to the building, making it appear unduly prominent within the streetscene.
8. Such an arrangement would also result in the appeal building becoming more prominent in views within the ICA, in particular around the junction of Holmes Road and Cathcart Street. As a result, the proposal would be harmful to the architectural interest of the ICA. Accordingly, I conclude that the proposal would be harmful to the character, appearance and significance of the ICA.
9. Consequently, the proposal would be contrary to Policies D1 and D2 of the London Borough of Camden Local Plan (LP) (2017) and Policy D3 of the Kentish Town Neighbourhood Forum Neighbourhood Plan (NP) (2016). When read together, policies D1 and D3 require proposals to achieve a high standard of

design that respects and reinforces local context and character and preserves or enhances the historic environment. Policy D2 requires proposals outside of conservation areas to not cause harm to any conservation areas and preserve and where appropriate, to enhance them for the future.

10. As this harm to the significance of the ICA would be less than substantial, it is therefore necessary, in accordance with paragraph 196 of the Framework, to balance it against any public benefits from the proposal. Whilst it is acknowledged that the proposal would help to deliver a currently unmet demand for student accommodation in London, such public benefits would not outweigh the great weight I must attach to the harm that the proposal would cause to the ICA.

Living conditions of the occupiers of the appeal property

11. The proposal seeks to deliver 42 rooms of student accommodation, which the Council has raised concerns regarding their size and outlook, referring to the requirements that are set out under Policy 3.5 of the London Plan (Consolidated with Alterations 2016) and the Nationally Described Space Standards (NDSS). By way of explanation, the London Plan advises that single person dwellings of less than 37 m sq, as would be the case in this instance, may be permitted if the proposal can demonstrate that it would be of exemplary design and contributes to the achievement of any of its other objectives and policies.
12. The appellant has suggested that the proposal would indeed contribute to another objective, that of delivering the unmet demand for student accommodation and that as a result of this tenure that regulations relating to licensed Houses in Multiple Occupation would be more contextually appropriate in assessing room sizes. With this in mind, whilst the proposal does not meet the NDSS, it does exceed the standard set out in the Licensing of Houses in Multiple Occupation Regulations 2018. Furthermore, when taking into account that there would also be over 1700 m sq of floorspace provided in the building for communal facilities for the occupiers to use, I find that the floor areas of the accommodation rooms to be provided would be acceptable in this instance.
13. In terms of ceiling heights, the NDSS sets a minimum requirement of 2.3 m. The London Plan strongly recommends that this distance is increased to 2.5 m, however, in order to address the increased temperatures that are regularly experienced and the distinct density and flatted nature of many of its residential developments. This ensures that adequate levels of light, ventilation and a sense of space are achieved. Consequently, the Council has raised concerns that the living conditions of occupiers would be harmed as a result of the sloping roof design of the extension, which would result in over 35% of the gross internal area of the rooms having less than 2.3 m height in which to stand.
14. Whilst the appellant has argued that NDSS should again not be applicable, they have duly acknowledged that the proposal would not meet this requirement, which I consider to be particularly important in such a high density, flatted form of development. By way of justification, the appellant has explained that a large proportion of those areas where head height is reduced would either be in storage areas or where beds would be positioned. As a result, the appellant does not consider the requisite height to be necessary, due to the decreased likelihood of occupiers standing in these spaces. Whilst I acknowledge that this

may be the case and that the proposal would contribute to delivering the unmet demand for student accommodation, this deficiency in floor to ceiling height would nevertheless be harmful to the living conditions of occupiers. This would be due to the inadequate levels of light or ventilation that would be achieved, which would be particularly harmful in such a high density, flatted proposal in this location. As a result, I find the ceiling heights proposed would be harmful to the living conditions of occupiers.

15. In terms of outlook, the proposed rooms would all be single aspect, with their windows positioned behind the mesh over cladding panels that are to be used on the uppermost parts of the building. The appellant asserts that such an arrangement would be acceptable, as occupiers would be able to see through these panels and across the rooftops due to the height of the building. Additionally, the occupiers would also have access to communal space on the lower floors, where panels are not present. Whilst this may be the case, the panels in the proposed rooms would still, nonetheless, be highly visible by their occupants. The presence of the panels in those parts of the rooms where ceiling heights would be at its lowest would further emphasise the reduced levels of space that would be provided in these areas. Such an arrangement would exacerbate the cramped nature of these rooms.
16. Accordingly, I conclude that for the above collective reasons, the proposal would fail to provide an acceptable standard of living accommodation for the prospective occupiers of the rooms. Consequently, the proposal would be contrary to policies A1 and D1 of the LP and policy 3.5 of the London Plan. When read together, these policies require proposals to be of the highest quality design both internally and externally whilst protecting the quality of life of occupants.

Living conditions of the occupiers of No's 74 and 55-57 Holmes Road

17. The Council has raised concerns regarding 2 buildings in particular, which are close to the appeal property; 74 Holmes Road, on the opposite side of the road to the north and 55-57 Holmes Road, which is on the same side but further east, following a turn in the road. No 74 has a number of south facing flats featuring balcony areas that look out onto the appeal property opposite. Similarly, flats to the rear of No's 55-57 have their main outdoor balcony space facing towards the appeal property, due to the orientation of the building.
18. The additional floor of accommodation proposed would further increase the overall height and massing of the appeal property, which at 7 storeys in height is already significant when considered within its surroundings. This increase in height would have a harmful overbearing effect upon the flats and balconies that the appeal property faces towards, as it would create a greater sense of enclosure than at present. Such an arrangement would therefore be harmful to the outlook of the occupiers of the neighbouring flats.
19. A Daylight and Sunlight Availability Study and Summary accompany the appeal. Whilst the study concludes that the proposal would be acceptable in terms of the number of Annual Probable Sunlight Hours that neighbouring properties would experience, there are a number of instances where best practice guidelines for daylight availability would not be met, meaning that a number of flats would lose significant levels of daylight.

20. Accordingly, I conclude that for the above collective reasons, the proposal would be harmful to the outlook and living conditions of the occupiers of 74 and 55-57 Holmes Road. Consequently, the proposal is contrary to Policy A1 of the LP which requires developments to protect the quality of life of neighbours.

Other Matters

21. In addition to matters relating to character and appearance, local residents have also raised other concerns, including the behaviour of the existing occupiers of the appeal property. Whilst I can empathise with these concerns, the appeal is being dismissed for other reasons and as such, these matters would not alter my decision.
22. The Council's decision notice cites 12 reasons for refusing the application. An informative note on the decision notice advises that reasons for refusal 5-12 could be overcome by entering into a s106 agreement. In addition, the Council and the appellant have agreed that reason for refusal 4 could also be overcome in such a manner. A copy of a signed and engrossed s106 agreement to this effect is before me, containing the relevant obligations that would come into effect in the event that the appeal is allowed and planning permission is granted. Given that the proposal is unacceptable for other reasons however, it has not been necessary for me to consider such matters in any further detail.

Conclusion

23. For the reasons given above, I conclude that the appeal is dismissed.

Jamie Reed

INSPECTOR