

Delegated Report		Analysis sheet	Expiry Date:	08/07/2020
		N/A / attached	Consultation Expiry Date:	04/07/2020
Officer			Application Number(s)	
Obote Hope			2020/2121/P	
Application Address			Drawing Numbers	
74 Fortune Green Road London NW6 1DS			Refer to decision notice	
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature	
Proposal(s)				
Change of use of basement and part of ground floor from retail (Class A1) to residential (Class C3) comprising 1 x 2 Bed self-contained flat.				
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. notified	00	No. of responses No. electronic	01	No. of objections	01
Summary of consultation responses:	<p>A site notice was display on the 10/06/2020 until 09/07/2020</p> <p>1 objection has been received from 69 Fortune Green Road are summarized below:</p> <ul style="list-style-type: none"> • Shame to see further loss of a retail unit into a compromised residential unit purely to improve a landlord's holding value; • The proposal ends up pepper-potting a run of retail premises (which sits opposite a successfully managed and well-used public space, which could certainly attract retail tenants if appropriately rented and invested in by the landlord) impacting on the viability of adjacent units • The changes to potential units within the parade could impact on retail and leisure amenities and removes the reasons why anyone wants to live there in the first place. 					
CAAC/Local groups* comments: <small>*Please Specify</small>	<p><u>Fortune Green and West Hampstead Neighbourhood Forum – Objection</u></p> <ul style="list-style-type: none"> • There are no drawings • It states that the retail area will be reduced from 57 m2 to 37m2. This change has already been approved in 2020/0087/p. However, there is in place a granted permission to increase the retail area, by extension in the basement, from 57m2 to 119.2m2. • Should the applicant be wishing to convert 82.2 m2 of retail space to residential space then he/she should state so in a new application with drawings; and appears disingenuous 					

Site Description

The application site is a three-storey terrace property located on the east side of Fortune Green Road just north of the junction with Achilles/Ajax Road. The property includes a mix of uses consisting of a retail unit on the ground floor and basement floors with a maisonette on the first and second floors. However, the upper floors were recently granted planning permission for 3 x self-contained flats, consisting of 2 x 1 bed and 1 x studio flats (see planning history below for details).

The application site is within a designated Neighbourhood Centre (Fortune Green and West Hampstead). The application site is also within a Local Flood Risk Zone. The host building is not listed or located within a conservation area.

Relevant History

2020/0087/P – GDPO Prior Approval (Class M) - Change of use of part of the rear ground floor retail unit (Class A1) to residential (Class C3) comprising of 1 x studio flat. Prior approval **granted** 01/05/2020.

2019/3748/P - GDPO Prior Approval (Class M) Change of use of ground floor retail unit (Class A1) to residential (Class C3) comprising a 1 bedroom self-contained flat. Prior approval **refused** 02/10/2019.

Reason for refusal:

The proposed change of use of the ground floor from retail (A1) to residential (C3) would have a detrimental impact on the adequate provision of services in the area and the sustainability of a key shopping area, ie. The Fortune Green Neighbourhood Centre. This would be contrary to policy TC2 (Camden's centres and other shopping areas) of the London Borough of Camden Local Plan 2017 and policy 15 (Fortune Green Road Neighbourhood Centre) of the Fortune Green and West Hampstead Neighbourhood Plan 2015. The loss of the retail unit and its impact on a town centre would also be contrary to chapter 7 of the National Planning Policy Framework 2019.

2018/2812/P – Planning permission for erection of a mansard roof extension with front and rear dormers to provide ancillary residential floor space (Class C3). **Granted** on 17/09/2018. This permission has been implemented.

2018/4600/P – Planning permission for the excavation of the existing cellar for a new basement extension under the footprint of the building, installation of new shopfront and alterations to the rear fenestration. **Granted** subject to s106 legal agreement on 11/04/2019.

2018/4601/P – Planning permission for Infill of existing void at first and second floor level associated with subdivision of existing maisonette to form 3 x self-contained flats consisting of 2 x 1 bed and 1 x studio flats. **Granted** 22/01/2019.

Relevant policies

LDF Core Strategy and Development Policies

National Planning Framework (2019)

The London Plan (2016)

Camden Local Plan (2017)

G1 Delivery and location of growth

H1 Maximising housing supply

H2 Maximising the supply of self-contained housing from mixed-use schemes

H4 Maximising the supply of affordable housing

H6 Housing choice and mix

H7 Large and small homes

C5 Safety and security

C6 Access for all

E1 Economic development

E2 Employment premises and sites

A1 Managing the impact of development

A2 Open Space

CC3 Water and flooding

CC5 Waste
TC2 Camden's centres and other shopping areas
TC4 Town centres uses
T1 Prioritising walking, cycling and public transport
T2 Parking and car-free development
T3 Transport infrastructure

Fortune Green and West Hampstead Neighbourhood Plan 2015

Policy 15- Fortune Green Road Neighbourhood Centre

Camden Planning Guidance

CPG- Access for all (March 2019)
CPG- Design (March 2019)
CPG- Employment sites and Business Premises (March 2018)
CPG- Amenity (March 2018)
CPG- Basements (March 2018)
CPG- Transport (March 2019)
CPG- Interim Housing (March 2019)
CPG- CPG2 Housing (March 2019)
CPG- Biodiversity (March 2018)
CPG- Trees (March 2019)
CPG- Developer contributions (March 2019)
CPG- Town centres and retail (March 2018)

The Council is currently consulting on a number of draft updates to the following CPG documents. The consultation period ended on 9th October 2020. Taking into account the views the Council receive we will prepare final versions of the below documents and report them to the Cabinet Member for Investing in Communities and Inclusive Economy for formal adoption as Supplementary Planning Documents. Once adopted, the CPG documents can be 'material considerations' in planning decisions, although they will have less weight than the Local Plan or other development plan documents.

Housing CPG (this combines the two existing adopted documents (Housing CPG2 and Interim Housing) into one document
Amenity
Basements
Design
Employment sites and business premises
Town centre and retail
Transport

Assessment

Background

- 1.0 Planning permission was granted in 2018 (2018/4600/P – see ‘Relevant history’ above) for: excavation of the existing cellar for a new basement extension under the footprint of the building, installation of new shopfront and alterations to the rear fenestration. The application was granted subject to s106 legal agreement on 11/04/2019. A GDPO Prior Approval application was granted approval on 01/05/2020 (2020/0087/P) following a subsequent refusal in 2019 (2019/3748/P) on 2/10/2019 for: Change of use of ground floor retail unit (Class A1) to residential (Class C3) comprising a 1 bedroom self-contained flat.
- 1.1 Planning permission is now sought for the conversion of the basement and rear part of the ground floor from retail use to residential (Class C3).

The main issues are:

- Land Use
- Standard of residential accommodation
- Affordable Housing
- Amenity
- Transport
- Sustainability

2.0 Land use

- 2.1 Permission is sought for the change of use of the rear part of the ground floor and basement from retail to residential (Class C3). The use of the premises over the years has included commercial activity at ground floor level with residential on the upper floors, this is characteristic of most of the properties within the terrace from 56 to 94 (evens) Fortune Green Road. The mixed use nature of these properties within the terrace are well established which includes the application building. Accessed to both the residential and commercial uses are on the Fortune Green Road frontage.
- 2.2 The site is located in the Fortune Green and West Hampstead neighbourhood centre which seeks to preserve or enhance the mixed retail area with a diverse range of shops and businesses (Policy 13). The existing commercial use measures 33sqm and the basement area GIA is approximately 54sqm.
- 2.3 As per Policy TC2 of the Camden Local Plan, policy 13 of the Fortune Green and West Hampstead NP and the Town Centre CPG, the Council will ensure that development in its centres is appropriate to the character and role of the centre in which it is located and does not cause harm to neighbours, the local area, or other centres.
- 2.4 The change of use of the rear ground floor retail area (Use Class A1) to form a 2 bedroom flat (Use Class C3) is considered acceptable on the basis that the front part of the retail area at ground floor measuring 29 sq. m would be retained with a reasonable tradable area and therefore the unit would continue to contribute to the viability and vitality of the West Hampstead Town Centre. The proposal would therefore satisfy the objectives of Policy TC2, policy 13 of the FGWH NP and the Town Centre CPG. The basement area of shop units has no policy protection.
- 2.5 Given that the loss of part of the retail floor area (Class A1) is considered to have been justified in policy terms, the principle of the proposed residential use is considered appropriate and consistent with the immediate area, in line with Policy H1.

3.0 Standard of Accommodation

- 3.1 The proposal would create a 2Bed 3person unit for market residential (Class C3) accommodation of 56sqm at basement floor level and 20sqm at ground floor level.
- 3.2 The London Plan Housing Standards SPG sets out acceptable room sizes, based on the number of potential occupiers and bedrooms. This maisonette provides 76sqm of accommodation for 3Person unit and meets the London Plan Housing standards for a 2 bed 3 person unit which is 70sqm (due to the accommodation extending over 2 floors). The bedrooms are of a sufficient size to accommodate 2 double beds which would result in the flat falling short of the minimum space standards for a 2 bed

4 person unit by 3 sq. m (min 79 sq. m required). However the shortfall would be modest and would not, in itself, form a reason for refusal.

- 3.3 The proposed rear section of the ground floor would include a bedroom. This would be served by a set of 3 paned full height bi-folding doors. The level of daylight received into the ground floor habitable room would be considered satisfactory due to the size of the room, the size of the door opening and the fact that the glazed door opening is unobstructed for 3.5m. The remainder of the accommodation of the flat would be at basement level. The proposed basement floor plan includes a bedroom / study at the front and kitchen / living area at the rear. These habitable rooms would be served by sliding doors that face onto modestly sized lightwells - one of which is enclosed at the front facing onto Fortune Green Road. The lightwells measure 1.16m in depth and 1.85m in depth respectively. The kitchen / living area would be long (9.47m) and narrow (3.7m tapering down to 3m) and would be served by one set of sliding double doors that would face onto the back of the rear lightwell that is 1.85m away. Although no elevations have been submitted as part of the application the basement plans associated with the 2018/4600/P permission show the basement floor to ceiling height as 2.49m. No daylight / sunlight assessment has been submitted and no assessment of light into the new flat appears to have been undertaken as part of the application. Notwithstanding this, officers have undertaken a desktop assessment of daylight into the basement area of the new unit and found that the proposal fails to meet the 25 degree rule in elevation as light into the basement rooms would be obstructed by the retaining wall of the lightwells. It must also be noted that the kitchen area which is centrally located within the basement floor plan and lies between 5.5m and 9.5m from the sliding doors would probably require continuous artificial lighting when in use particularly in the winter months. The bedroom at the front part of the basement would be served by sliding double doors that lead out into a modestly sized enclosed lightwell which only receives light from above from a flush glazed brick walk-on panel at street level. The rear part of the property is north west facing and the modestly sized back garden is enclosed by neighbouring properties to the north, south and east daylight received into the back of the property would be limited. Taking all of this into consideration it can therefore be concluded that the daylight into the basement area of the new flat would be poor and inadequate. This would result in creation of substandard residential accommodation and would not be considered acceptable.
- 3.4 An access walkway appears to have been included in the 2018 approved plans to provide access from the ground floor flat to the rear garden area. This has not been shown on the current application drawings. If this has been constructed in accordance with the approved plans it would further compromise the level of daylight received into the basement living / kitchen area.
- 3.5 The outlook from the habitable rooms in the basement would also be poor due to the fact that they are served by full height doors that front onto modestly sized lightwells. The outlook from the living room in the rear part of the basement would be towards a 2.5m high retaining wall that is 1.82m away. The lightwell is enclosed by a ground floor glazed screen that would further reduce outlook from this habitable room. The outlook from the bedroom / study at the front part of the basement would be more compromised as there is no view of the sky as the modestly sized lightwell that it faces out onto is enclosed by a glazed walk-on roof panel.
- 3.6 Although basement flats with limited natural daylight or outlook have been accepted historically in London, the NPPF, London Plan, Camden Local Plan and planning guidance seek to improve residential quality and design standards for new residential units. In this instance, the majority of the new residential unit and its main habitable spaces would only be served by window/door onto light wells between 1.0m - 2m away which are terminated by brick walls. In addition, the perimeter of the rear lightwell would be bound with glazed balustrading which would harmfully compound of the quality of outlook for the prospective occupiers of this flat and as such is considered wholly inadequate and contrary to Policy A1 and would again justify a reason for refusal.

4.0 Affordable Housing

- 4.1 Policy H4 in the Local Plan sets out the Council's aims to seek to negotiate the maximum reasonable amount of affordable housing. Policy H4 states "We will expect a contribution to affordable housing from all developments that provide one or more additional homes and involve a total addition to residential floorspace of 100sqm GIA or more". Policy H4 (g) states that where developments have capacity for fewer than 10 additional dwellings, the Council will accept a payment-in-lieu of affordable housing.

- 4.2 The proposed scheme would create a new residential unit that measures 76 sq. m. This quantum of floorspace falls below the 100sqm trigger therefore an affordable housing contribution would not be required if the scheme were considered to be acceptable in all other respects.

5.0 Amenity

- 5.1 Policy A1 of the Local Plan seeks to ensure that development protects the quality of life of occupiers and neighbours by only granting permission to development that would not harm the amenity of neighbouring residents. This includes privacy, outlook, noise and impact on daylight and sunlight. Camden's Local Plan Document is supported by CPG6 (Amenity).

- 5.2 Paragraph 7.17 of the Local Plan 2017 states "The way an area is designed and managed can have a significant impact on people's quality of life, health and wellbeing and planning has a key role in promoting good physical and mental health by creating spaces and buildings which allow and encourage healthy lifestyles". Due to the nature of the proposal (change of use within an existing building), there are no external alterations being proposed. Thus, the proposal would not result in harm to neighbouring residential properties in terms of sunlight/daylight, loss of privacy, sense of enclosure or noise nuisance.

6.0 Transport

- 6.1 Policy A1 seeks to ensure that standards of amenity (the features of a place that contribute to its attractiveness and comfort) are protected. Policy T1 of the Local Plan promotes sustainable transport by prioritising walking, cycling and public transport in the borough. Policy T2 seeks to limit the availability of parking and requires all new developments in the borough to be car-free.

Car Parking

- 6.2 The site does not currently benefit from any on-site car parking facilities and none are proposed. Policy T2 of the Local Plan requires all new development in the borough to be car free regardless of PTAL rating. The development would be required to be car-free and this should be secured by legal agreement if planning permission were to be granted. In the absence of an acceptable scheme (and hence no section 106 agreement) this forms a reason for refusal.

Cycle parking

- 6.3 Cycle Parking minimum standards for residential dwellings as specified in the London Plan are 2 spaces per 2 bedroom units. This development would be required to provide 2 spaces. The proposed scheme does not include any cycle parking. However due to site constraints it is not considered justifiable to refuse the scheme on this issue. Two bikes could be stored internally either in the ground floor hallway, under the internal staircase or in the rear lightwell at basement level. Therefore the lack of secure, enclosed cycle parking spaces is accepted in this instance. A revised plan was submitted during the course of the application to change the use of one of the bedrooms to a study however was not accepted as an amendment by the case officer. This plan included a cycle parking area at ground floor level to the front of the commercial unit. This area appears to fall outside of the applicant's site ownership (see the site location plan). If this is the case the cycle stands could result in additional clutter on the street that could pose a hazard to passing pedestrians safety. The design of the cycle stands would not comply with the Council's design guidance for cycle parking as it is not enclosed or secure. This would fail to comply with T1 of the Camden Local Plan and would have formed a reason for refusal had it been accepted as an amendment.

7.0 Conclusion

- 7.1 For the reasons outlined above the proposed scheme, by reason of the substandard accommodation, particularly in regard to inadequate daylight, poor outlook and sense of enclosure would fail to provide a satisfactory standard of residential accommodation and would be contrary to policies A1, H6, T1 and T2 of the Camden Local Plan 2017.