

DESIGN AND ACCESS STATEMENT

Alterations to existing unauthorised residential unit at rear of 148 Camden Street, London NW1 9PA to form 1person 1bed non self-contained studio apartment

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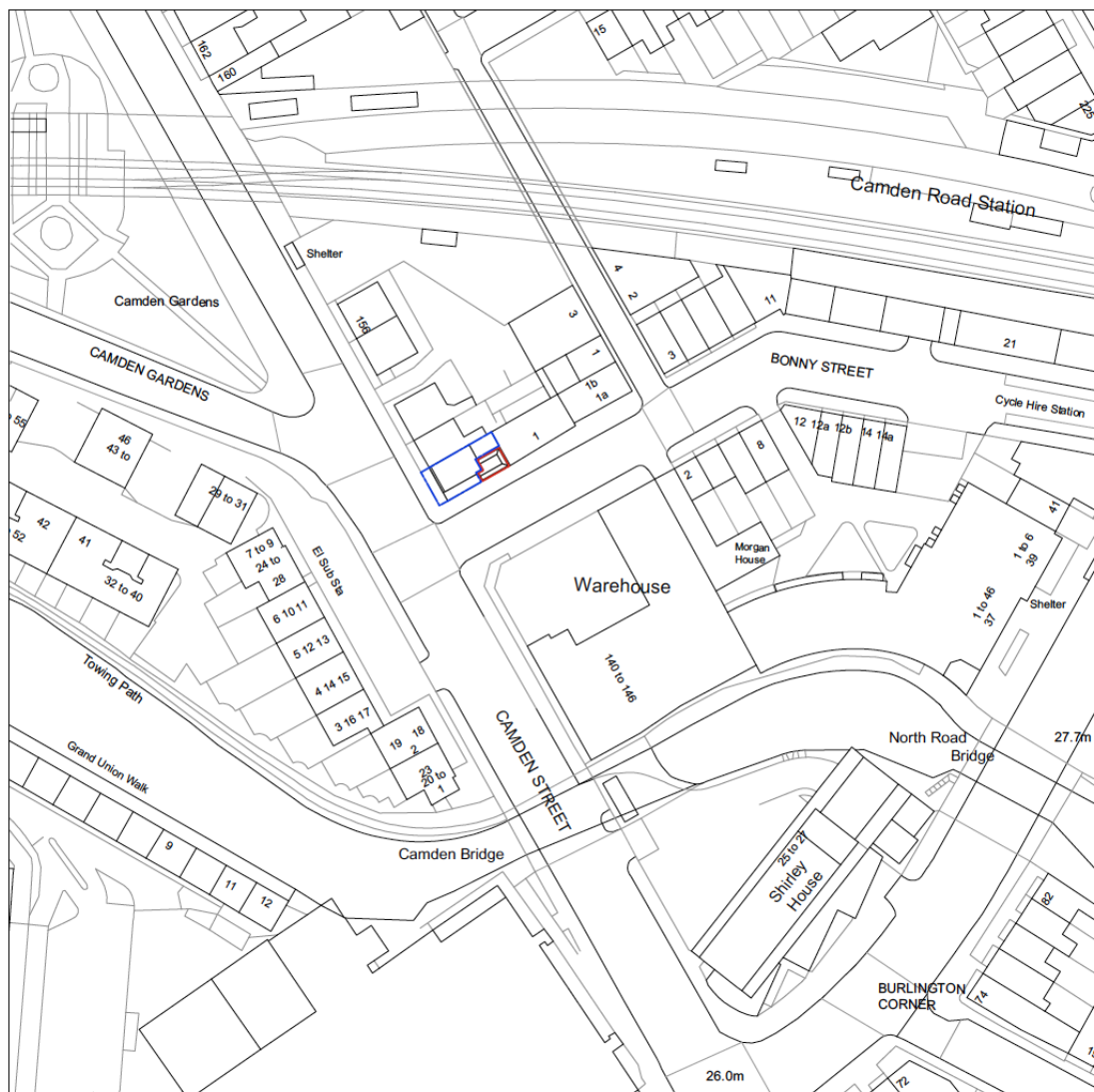
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1.0 The Surroundings

- 1.1 The site lies just to the north of the Grand Union Canal, formerly the Regents Canal built by about 1820, and to Camden Road, created just slightly later.



2.0 The Property

- 2.1 This is one of a terrace of three properties that are some that remain from the early period.
- 2.2 The property lies on the corner of Camden Street and Bonny Street just to the north of Camden Road and the canal.
- 2.3 Number 148 forms the southernmost portion of the terrace of three houses all of which have been altered to varying degrees whilst still retaining their overall character.



- 2.4 A subservient rear extension was constructed at lower ground floor and ground floor level recently and beyond which lies a commercial office building fronting Bonny Street.
- 2.8 The site lies within the Jeffreys Street Conservation Area.

3.0 Planning History

- 3.1 There is a protracted planning history concerning the rear of 148 Camden Street.
- 3.2 Initially consent was granted in August 2013 for a ground level extension Reference 2013/3462/P forming an additional bedroom to the existing ground floor flat. It was not considered that this extension would be detrimental to either neighbour at 1 Bonny Street nor 150A Camden Street. It was also felt unobtrusive and would not impact adversely upon the character of the conservation area. The ground floor extension was to be built over an open area at basement level to the rear of the existing lower ground floor flat.
- 3.3 In September 2014 application was made to regularise the construction of a lower ground floor extension under the previously consented ground floor extension. Reference 2014/6189/P. The application did not refer to the fact that the intended additional second bedroom to the ground floor flat was in fact a self-contained studio with a kitchen, living room and bed space and accessing the unauthorised bathroom below. Whilst it was not considered that the additional lower ground floor flat extension would be detrimental to existing amenity provision nor to the character of the conservation area, the application was refused on the grounds that it would represent "by reason of the internal arrangement and the lack of sufficient floor space for a dwelling create poor quality accommodation contrary to policy CS6.... and policy DP26....". Enforcement action was to be taken for alleged breach of planning control.
- 3.4 In March 2015 application was made again to regularise the actual construction of the ground floor rear extension, with an integral lower ground floor rear extension now to form a non self-contained studio unit, the proposal including a communal toilet Reference 2015/1529/P. The existing ground floor flat would also become non self-contained. Whilst it was not considered that the additional lower ground floor extension would be detrimental to existing amenity provision nor to the character of the conservation area, the application was again refused on the grounds that it would represent "the conversion of self-contained accommodation at ground level would result in the loss of a self contained flat contrary to policy CS6.... and policy DP9....". Enforcement action was to be continued for alleged breach of planning control.
- 3.5 In May 2015 application was made to again seek retrospective approval for the lower ground floor development and to convert rooms at ground level to non self-contained accommodation. In this proposal the existing ground floor flat would remain self-contained with a WC but the new unit created would be non self-contained with the WC

positioned to the corridor outside the additional non self-contained flat Reference 2015/2906/P. The Council had resolved to approve this arrangement subject to a legal agreement to secure the new unit as car free. The agreement was not signed so the resolution withdrawn and the application refused. The Council noted the PTAL rating for the site was 6B excellent and that such agreements had been secured since 1997. The refusal stated "the proposed development, in the absence of a legal agreement to secure car-free housing, would likely contribute to parking stress and congestion in the surrounding area contrary to policies CS11 and CS19 and policy DP18". Again a reminder was issued concerning enforcement.

- 3.6 In March 2016 an Enforcement Notice ref. EN14/0717 was issued by the Council requiring either permanent removal of the two-storey rear extension or execution of consent Reference 2013/3462/P (erroneously numbered 2013/3562P in the notice).
- 3.7 In January 2017 an Appeal Decision was issued concerning the Enforcement Notices issued in March 2016. References APP/X5210/C/16/3149980 and APP/X5210/W/16/3152151. The Inspectors decision is enlightening. He concludes that 2013/3462/P through lack of headroom to a staircase was in fact incapable of being implemented and the car-free undertaking offered was not bound to title. All Appeals were dismissed however the applicant was given grace to cease the use of the accommodation within the two storey extension as a residential unit by removing the kitchen and/or toilet within it rather than demolition of the whole of the extension.
- 3.8 In June 2017 an application was made for change of use of the lower ground floor and ground floor rear extension to short term let accommodation (Sui Generis) from residential (Class C3). Reference 2017/2659/P. It was noted that whilst the Appeal Decision in January 2017 sought removal of the kitchen and/or toilet, that did not in it self extinguish the use of the existing floor space as residential. It was considered therefore that such a change of use would result in a net loss of residential floor space. The refusal stated
"The change of use of the lower and ground floor rear extension to short term let accommodation..... by reason of net loss of residential floor space..... would be detrimental to the amount of permanent residential floor space in the borough contrary to policy H3..... and A1.....". Compliance with the enforcement was also reminded. The decision was not issued until after an Appeal was lodged for non-determination.
- 3.9 In March 2018 an Appeal Decision was issued concerning the non-determination of application Reference 2017/2659/P. Ref APP/X5210/W/17/31847473. The inspector saw

no reason why there was any obstacle to using the existing rear extensions as part of the existing long-term accommodation nor would short lettings be compatible with the residential use of the remainder, and dismissed the Appeal.

- 3.10 In May 2019 application was made to enlarge the existing rear extension by adding a storey to form a one bed one person self contained dwelling ref 2020/1480/P which was refused in November 2020 on conservation grounds.

4.0 The Proposals

- 4.1 The current application is simply to regularise the use of the rear extension into a non self-contained unit due to its small area not conforming to area requirements for self contained accommodation. The proposal removes the toilet from the existing rear basement shower room and restores the kitchenette in the rear ground floor studio area. There is an existing communal toilet in the existing passageway outside of the demise of the proposed non self contained unit.
- 4.2 Other existing self contained apartments within the existing building are not altered in any way by this proposal so, unlike with Application 2015/1529/P which was refused on the grounds of a loss of self contained accommodation, there would now be no such loss.
- 4.3 It should be added that Application 2015/2906/P previously assessed for an identical proposal was resolved to grant permission in September 2015 subject to a legal agreement to secure the unit as car free which unfortunately the applicant did not sign and hence in the absence of such agreement that application was also refused.
- 4.4 As part of this proposal the applicant is now prepared to sign a legal agreement to secure the unit as car free and bear required costs.

5.0 Impact of the Proposals

- 5.1 Externally the proposal has no impact upon the host building nor upon the Conservation Area.

5.2 Internally the proposals only impact is on the minor layout alterations required.

6.0 Accessibility

6.1 The host building can only be accessed by a step to the front and this proposal does not create any worse situation.

7.0 Transport

7.1 A new lockable cycle space is provided within the basement vault.

7.2 As referred to in paragraph 4.4 the applicant would now be prepared to enter into a car free agreement in accordance with Council requirements as the site has a PTAL rating of 6B excellent.

8.0 Summary

8.1 It is not considered that the proposals cause any harm to neighbours, the host building nor the conservation area nor to the internal arrangements of other self contained units within the building.

8.4 It follows a previous Council recommendation and comments made by both Inspectors at Appeal.