

Delegated Report		Analysis sheet		Expiry Date:		21/07/2020	
		N/A		Consultation Expiry Date:		01/08/2020	
Officer				Application Number(s)			
Adam Greenhalgh				2020/2313/P & 2020/2842/L			
Application Address				Drawing Numbers			
25a Mornington Crescent, NW1 7RE				See decision notice			
PO 3/4		Area Team Signature		C&UD		Authorised Officer Signature	
Proposal(s)							
Change of use from office (Class A2) to residential (Class C3) to create a one bedroom flat including erection of a single storey ground floor rear extension; creation of a first floor roof terrace including raising front and rear parapet walls and alterations to street frontage including erection of metal railings, provision of a refuse store and two cycle parking space within front garden; removal of the existing front canopy; replacement of front door and fanlight; replacement of secondary front door with a window and refurbishment of front elevation wall to match existing; replacement windows, installation of new opening and door to first floor side elevation to provide access to the roof terrace; installation of a timber gate to side access.							
Recommendation(s):		Refuse planning permission and Listed Building Consent					
Application Type:		Full planning permission & Listed Building Consent					
Conditions or Reasons for Refusal:		Refer to Decision Notice					
Informatives:							
Consultations							
Adjoining Occupiers:		Number of responses		3		Number of objections	
						3	
Summary of consultation responses:		<p>Three objections received: one from an address in Mornington Crescent, one from an address in Mornington Place and one unaddressed. Objections raised relate to :</p> <ul style="list-style-type: none"> • Overlooking from first floor terrace • Obscuring of neighbouring windows and loss of light and outlook • Inadequate quality of residential accommodation • Overdevelopment/overcrowding and increased noise disturbance • Harm to the fabric, features, character and setting of the Listed Building • Harm to Conservation Area • Inappropriate alterations/extensions to a Listed Building • Inadequate cycle parking facilities and outward opening door onto highway • Loss of security 					

- Previous works undertaken without Listed Building Consent

Officer comments:

Overlooking from first floor terrace (see 'Amenity of surrounding occupiers' below)

Obscuring of neighbouring windows and loss of light and outlook (see 'Amenity of surrounding occupiers' below)

Inadequate quality of residential accommodation (see 'Quality of accommodation' below)

Overdevelopment/overcrowding and increased noise disturbance (see 'Design and Conservation' and 'Amenity of surrounding occupiers' below)

*Harm to the fabric, features, character and setting of the Listed Building
Harm to Conservation Area (see 'Design and Conservation' below)*

Inappropriate alterations/extensions to a Listed Building (see 'Design and Conservation' below)

Inadequate cycle parking facilities and outward opening door onto highway (see 'Highways and Transport' below)

Loss of security (see 'Other matters' below)

Previous works undertaken without Listed Building Consent (This is a matter for separate investigation. The lawfulness of any other works to the building should be investigated separately).

Site Description/Background

The site comprises an end of terrace 4 storey (with basement) period building (25 Mornington Crescent) with a 4 storey closet wing on Mornington Place. No 25A is accessed from Mornington Place and occupies the ground floor and a small mezzanine of the closet wing plus the recently added single storey infill structure to the west. There are doors in the four storey and single storey part and there is a strip of paving on front. No. 25a is vacant and the last use was as an office, with a reception, small office and W.C on the ground floor and storage space in the mezzanine. There is a gate/path at the side (next to 1b Mornington Place) and a courtyard at the rear. 25 Mornington Crescent (including the application premises) is Grade II listed and the site is located within the Camden Town Conservation Area within the Residential Sub Area 2.

No. 1b Mornington Place has two storeys with a sunken lower ground floor and raised ground floor. It is 1.5m higher than the neighbouring single storey part at the application site.

Relevant History

25a Mornington Crescent - LEX0300002 – Demolition of existing timber and tin constructed rear/side extension and the erection of a single storey rear extension. - Listed building consent refused 16/04/2003 due to insufficient information. Unit 25A shown on plan as “shop/office”.

Relevant policies

National Planning Policy Framework 2019

The London Plan 2016, consolidated with alterations since 2011

Camden Local Plan 2017

Policy A1 Managing the impact of development

Policy A3 Biodiversity

Policy D1 Design

Policy D2 Heritage

Policy D3 Shopfronts

Policy E2 Employment premises and sites

Policy H1 Maximising housing supply

Policy H4 Maximising the supply of affordable housing

Policy H6 Housing choice and mix

Camden Planning Guidance

Design (March 2019)

Amenity (March 2018)

Employment sites and business premises CPG (March 2018)

Transport (March 2019)

Camden Town Conservation Area Statement (October 2007)

Assessment

1.0 PROPOSAL

1.1 The application proposes an extension and various alterations in association with the change of use of the premises to a one bedroom two person dwelling. The proposals can be summarised as follows:

- Erection of rear extension to existing single storey side extension (2m deep and 3,25m wide, this would be 3 in height)
- Formation of roof terrace on existing single storey side extension (This would include a raised parapet wall at the front and rear and soft landscaping along its side wall)
- Use of ground floor (including new s/storey rear extension) and mezzanine as a 28 sqm 1 bed 2 person dwelling
- Alterations to window and door in rear elevation (rear courtyard to be used a garden)
- Provision of metal railings along front boundary
- Provision of two cycle parking spaces and refuse store and soft landscaping on forecourt area
- Removal of door in side extension and installation of window
- Removal of existing canopy on front elevation and installation of new entrance door
- Installation of new side access gate (and removal of existing wall above gate)

1.2 A Listed Building Consent application (2020/2842/L) is also submitted and internal works are indicated such as removal of existing walls, formation of spiral staircase, encasement of stairs.

2.0 ASSESSMENT

2.1 The material considerations for this application are as follows:

- The principle of the development
- Design and Conservation; effects on character and appearance of Conservation Area and architectural and historic merits of Listed Building
- Amenity of surrounding occupiers
- Quality of proposed accommodation

- Highways and transport
- Community Infrastructure Levy

2.2 Principle of development

2.2.1 The premises are vacant. The application form indicates a change of use from Class A2 and the existing drawing indicates an office use. Either way there are no 'in principle' objections to the loss of the small area of Class A2 or B1 office floorspace. The site is not located in a town centre and there is no specific policy protecting A2 uses in this location. Thus the loss of an A2 use does not conflict with any policy.

2.2.2 Policy E2 (Employment premises and sites) states that the Council will protect premises that are suitable for continued business use, in particular premises for small businesses and employment sites for local residents. The existing premises at the ground floor is subdivided into two small rooms measuring 7.5 sqm and 6sqm. They could only reasonably accommodate one person. The first floor room/mezzanine level provides a further 6 sqm but as it is accessed by a hatch, it is only practical for storage. The addition of a staircase would further restrict the functional area of the premises. The existing rooms would only be suitable for 1 worker at any time for any B1a office use, with no flexibility to expand, and is considered to have limited value as a commercial office space.

2.2.3 Additionally, the premises are not suitable for present day use for office purposes without substantial refurbishment. The split-level nature of the unit, internal subdivision and lack of stairs severely limits its functionality. On balance, the unit is sub-optimal as an employment premises and the loss of a B1a use would not be contrary to the criteria of Policy E2.

2.2.4 There are no objections in principle to a new residential use at the site. The site lies in an existing residential area and national (NPPF), London and Camden planning policies and guidance state a presumption in favour of sustainable residential development in existing residential areas.

2.2.5 Policy G1 of the Camden Local Plan is concerned with creating the conditions for growth to meet Camden's identified needs in terms of homes, jobs and infrastructure. In order to do this, the Council will support development that makes best use of its site, taking into account such considerations as quality of design, context, sustainability, amenity, heritage and transport accessibility. Self-contained housing is regarded as the priority land-use of the Camden Local Plan and Policy H1 states that the Council will make housing its top priority when considering the future of unused and underused land and buildings.

2.2.6 Notwithstanding the acceptability of the principle of the proposed residential use, consideration must now be given to all the relevant policies within the Development Plan (and any other material considerations).

2.3 Design & Conservation

2.3.1 Local Plan Policies D1 (Design) and D2 (Heritage) are aimed at achieving the highest standard of design in all developments. Policy D1 requires development to be of the highest architectural and urban design quality, which improves the function, appearance and character of the area; and Policy D2 states that the Council will preserve, and where appropriate, enhance Camden's rich and diverse heritage assets and their settings, including conservation areas and listed buildings.

2.3.2 The Camden Town Conservation Area Management Strategy requires development proposals to preserve or enhance the character or appearance of the Conservation Area. It notes that the appearance of buildings within the Conservation Area is harmed by the removal or loss of original architectural features and the use of inappropriate materials. Unit 25A, albeit different in occupancy and in ownership, still forms part of the listed building of no.25.

2.3.3 The proposal includes alterations which are considered to be unsympathetic to the architectural and historic merits of the Listed Building and the character and appearance of the Conservation Area. The increased height of the single storey part to form a roof terrace would diminish views through to the rear and harm the appearance of the Mornington Place streetscene.

2.3.4 The new front door with a portico is not appropriate for the rear/side wing. The existing street-facing envelope should be retained or replicated. The proposed window on the roadside façade of the rebuilt single storey element should match the neighbouring windows at 1b Mornington Place in terms of proportions and brick soldier-arch lintel and it should be more aesthetically located within the front façade. The proposed railings should mimic those of the neighbouring property 1 Mornington Place – that is to say, the upstand/dwarf wall below the railings should be taller whilst the overall height of the railings should be brought down to match that of the neighbouring railings. In the absence of a sectional drawing of the proposed wet room, it is not considered that this could be achieved with sufficient head height, without the loss of the historic fabric of the listed building. Finally, the proposed bins and bicycle store shown on the proposed ground floor plan would result in excessive clutter in the streetscene, and be harmful to the character and appearance of the listed building and Conservation Area.

2.3.5 The harm to the heritage assets is considered to be ‘less than substantial’. Nevertheless, the public benefits associated with the proposals by creating one new residential unit (which is itself substandard as discussed further below) would not be sufficient to over-ride the harm caused to the Listed Building and Conservation Area.

2.3.6 Special regard has been attached to the desirability of preserving the listed building, its setting and its features of special architectural or historic interest, under s.16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Enterprise and Regulatory Reform Act 2013.

2.3.7 Special attention has been paid to the desirability of preserving or enhancing the character or appearance of the conservation area, under s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Enterprise and Regulatory Reform Act 2013.

2.4 Amenity of surrounding occupiers

2.4.1 Policy A1 (Managing the impact of development) of the Camden Local Plan seeks to ensure that the existing residential amenities of neighbouring properties are protected, particularly with regard to privacy, outlook, sunlight, daylight and overshadowing, noise and vibration levels.

Privacy

2.4.2 The new roof terrace would have a raised wall which would prevent overlooking to the rear. The existing 4 storey rear wing would screen the rooms and amenity space at the rear of the original building (25 Mornington Crescent) from overlooking from the new roof terrace. There are no windows in the facing elevation of the neighbouring property in Mornington Place (1B Mornington Place) so there would be no overlooking any rooms (or amenity areas) at this site.

2.4.3 The proposal includes a rear garden immediately adjacent to the rear courtyard of the four storey building on Mornington Crescent (i.e. 25 Mornington Crescent). This would abut a bedroom window on the ground floor and a basement lightwell window both at 25 Mornington Crescent and it would be 2m opposite the rear windows. No screening is shown on the proposed rear elevation and, due to its siting in relation to the windows of habitable rooms and amenity area at the rear of 25 Mornington Crescent, it would result in an unacceptable loss of privacy for occupiers at this site. A rear garden for a dwelling is likely to result in a greater level of overlooking into the neighbouring windows than a courtyard to an office use.

Noise and Disturbance

2.4.4 The one bed 2 person dwelling should not generate excessive noise over and above noise levels caused by the residential units on the upper floors and in neighbouring buildings. Additionally the 5.5sqm roof terrace would be unlikely to result in excessive noise over and above noise levels emanating from adjoining flats. However, the proposed rear garden, immediately abutting the basement courtyard and windows of the at the rear of 25 Mornington Crescent, would be very unneighbourly at such close proximity and cause unacceptable disturbance for occupiers of this building. Again as noted above, it is likely to result in a greater level of disturbance than a courtyard to an office use.

Light and outlook

2.4.5 The raised wall to enclose the roof terrace would not project beyond the existing building line of the four storey wing at the rear and it would not result in any significant increase in overshadowing or overbearing impacts for the occupiers of any neighbouring buildings. The single storey rear extension would sit alongside a solid wall at the neighbouring property to the west, 1b Mornington Place, so again it would not result in any overshadowing or overbearing effects upon any rooms or amenity areas at this site. However, the proposed 3.5m high single storey rear extension, situated just 4m from the rear elevation of the original building at 25 Mornington Crescent (which has a window and courtyard at basement level) would be overbearing and result in an unacceptable sense of enclosure and loss of outlook. Furthermore, in the absence of any daylight reports to demonstrate otherwise, it is likely that it would result in loss of light to the neighbours, especially the basement lightwell window where it would have an unobstructed daylight angle of approx. 47 degrees from its centre as a result of this extension;- this exceeds the BRE recommended maximum angle of 20 degrees to achieve adequate daylight. No Daylight & Sunlight Assessment report has been submitted to assess the impact on daylight and sunlight at this site following the development.

2.5 Quality of proposed accommodation

2.5.1 Policy H6 states that the Council will expect all self-contained homes to meet the nationally described space standard of the London Plan, and encourage design of all housing to provide functional, adaptable and accessible spaces. The minimum gross internal floor area for a 1 bedroom 2 person dwelling over 2 storeys is 58 sqm. The proposed 1 bedroom 2p unit would measure approximately 28 sqm over two floors, and significantly does not meet the minimum area required. The unit would also appear to fall short of the minimum of 1.5 sqm of built-in storage required. The nationally described space standards advise that a double bedroom should have a minimum floor area of 11.5 sqm and that it should be at least 2.75m in width. The proposal includes a 11 sqm combined double bedroom and sitting room which is 2.5m in width. It would result in an inadequate living environment for any future occupiers. The headroom of the sitting room/bedroom would be adequate. Therefore the proposed unit is seriously substandard in its floorspace and habitability.

2.6 Highways and Transport

2.6.1 Policy T2 of the Camden Local Plan states that the Council will limit the availability of parking and require all new developments in the borough to be car-free. The Council will not issue on-street parking permits in connection with new development and use legal agreements to ensure that future occupants are aware that they are not entitled to on-street parking permits.

2.6.2 No on-site parking is proposed as part of the current proposal and the proposed unit would not be eligible for an on-street parking permit. The car-free requirement should be secured by a legal agreement if the scheme is considered acceptable. In the absence of an acceptable scheme (and hence no section 106 agreement) this becomes a reason for refusal.

2.6.3 Policy T1 of the new Camden Local Plan requires developments to provide cycle parking facilities in accordance with the minimum requirements of the London Plan and the design requirements outlined in CPG7. The two cycle parking spaces shown at the front of the site would meet this requirement.

2.6.4 The bin stores proposed at the front of the site would facilitate the efficient and sustainable storage

and disposal of waste and recyclables in accordance with the Council's waste management policies.

2.7 Community Infrastructure Levy

2.7.1 Unless exempt, the creation of a new dwelling is liable for both the Mayor of London's CIL and Camden's CIL. No CIL Liability Form has been submitted. If planning permission is granted then the Council should implement the levy.

3.0 CONCLUSION

3.1 The proposal would fail to meet the London Plan and nationally described housing standards and it would therefore provide an inadequate quality of residential accommodation. The proposal would involve alterations which would be inappropriate to and harmful to the architectural and historic merits of the Listed Building and the character and appearance of the Conservation Area. The proposal would result in a loss of privacy, increased noise and disturbance, increased sense of enclosure and loss of outlook, and a loss of light (in the absence of being demonstrated otherwise by a Daylight/Sunlight Assessment) for occupiers in 25 Mornington Crescent. Furthermore, in the absence of a legal agreement preventing future occupiers from obtaining car parking permits the proposal is contrary to the Council's and London Plan policies for sustainable transport.

4.0 RECOMMENDATION

4.1 Refuse planning permission