

Delegated Report		Analysis sheet		Expiry Date:	25/12/2020
		N/A		Consultation Expiry Date:	10/01/2021
Officer			Application Number(s)		
Nathaniel Young			2020/5040/P		
Application Address			Drawing Numbers		
48 Mornington Terrace London NW1 7RT			See decision notice		
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature		
Proposal(s)					
Change of use of the lower ground floor from residential to office (retrospective).					
Recommendation(s):		Refuse planning permission			
Application Type:		Full planning permission			
Conditions or Reasons for Refusal:		Refer to Decision Notice			
Informatives:					
Consultations					
Adjoining Occupiers:		No. of responses	02	No. of objections	02
Summary of consultation responses:		<p>Site notice: 16/12/2020 – 09/01/2021 Press notice: 17/12/2020 – 10/01/2021</p> <p>Two objections were received from the occupiers of No 52A Mornington Terrace and an unknown address who raised the following concerns:</p> <ul style="list-style-type: none"> • Mornington Terrace is a residential street (commercial use out of keeping) • Entirely unnecessary to use basement as an office when vacant purpose-built office space is available throughout Camden. • Business use has resulted in continuous stream of visitors resulting in increased disturbance and excess waste. • Inadequate waste storage and management. Highway blocked by excess of bins. • Unusual arrangement where internal staircase is retained leading from office to residential dwelling above – relationship between properties needs investigating. • Other objections raised regarding internal/external alterations (related to 2020/5037/L) 			

	<p><u>Officer response</u></p> <ul style="list-style-type: none"> • Officers agree with the points raised above. Refusal is recommended due to the unacceptable net loss of residential floorspace. It is however considered that, while there may be issues regarding increased footfall entering and exiting the property and increased waste production, these would not cause sufficient material harm as to warrant refusal on these grounds. The blocking of the public highway with bins (on non-collection days) is illegal under the Highways Act and should be reported to the Council's environmental services team. • Any objections raised related to the physical alterations made to the property is addressed under application ref: 2020/5037/L. The subject application is solely related to the change of use of the lower ground floor level from residential to office.
--	--

<p>Camden Town CAAC</p>	<p>Objection:</p> <ul style="list-style-type: none"> • The use of the lower ground floor as self-contained office employing a number of people is not acceptable. It neither preserves nor enhances sub-area 2 of the conservation area which is residential in nature. • The loss of a residential unit is not appropriate, especially where there are a high number of empty properties in commercial sub-area 1 of the conservation area close by. • Important for the health of the Town Centre and its vitality that businesses are located in the commercial sub-area. • Morning Terrace is listed for its group value as a coherent terrace of residential dwellings and should remain in that use class. • There remains a need for greater numbers of residential units in the conservation area, not fewer. <p><u>Officer response</u></p> <ul style="list-style-type: none"> • Officers agree on all points raised. There would however be a loss of residential floorspace as opposed to a 'unit' in this instance.
--------------------------------	---

Site Description

The application site is located on the eastern side Mornington Terrace and relates to an early Victorian mid-terrace residential property.

The site is located within the Camden Town Conservation Area, it is a Grade II listed building and is identified as making a positive contribution to the character of the conservation area.

Relevant History

48 Mornington Terrace (application site)

09/10/2018 - Listed building consent **granted** for details of existing landscaping and proposed maintenance as required by Condition 1 of appeal decision relating to enforcement notice EN14/0974 issued 10/11/2017 (**Ref: 2018/3880/L**)

21/07/2015 - Planning permission and listed building consent refused for the erection of full width rear extension at lower and ground floors (retrospective) (**Refs: 2014/7441/P & 2014/7506/L**). The applications were refused for the following reason:

The proposed development, by reason of its design, scale, bulk and location, has a detrimental impact on the appearance, setting and special interest of the host listed building and on the setting of the wider terrace of listed buildings. As such the proposal would be contrary to policy CS14 (Promoting high quality places and conserving our heritage) of the London Borough of Local Development Framework Camden Core Strategy and policy DP25 (Conserving Camden's heritage) of London Borough of Camden Local Development Framework Development Policies.

21/07/2015 - Planning permission and Listed Building Consent refused for the erection of a garden room in the rear garden (retrospective) (**2014/7412/P** and **2014/7447/L**). The reason for refusal is as follows:

The development, by reason of its design, scale, bulk and location, has a detrimental impact on the character and appearance of the Camden Town conservation area, on the appearance and setting of the host listed building and on the setting of the wider terrace of listed buildings. As such the proposal is contrary to policies CS5 (Managing the impact of growth and development) and CS14 (Promoting high quality places and conserving our heritage) of the London Borough of Local Development Framework Camden Core Strategy and policies DP24 (Securing high quality design) and DP25 (Conserving Camden's heritage) of London Borough of Camden Local Development Framework Development Policies.

An enforcement notice was subsequently issued on 10th November 2017(Ref: EN14/0974). The notice required that within 3 months of it taking effect the owner is required to:

Totally remove the black metal and glass outbuilding from the rear garden, and
Make good any damage done as a result of the above works.

The notice was subsequently appealed against on ground A and the appeal was allowed and the notice quashed on 29th June 2018 (APP/X5210/C/17/3191981, 3191982 & 3191983)

08/04/2014 - Planning permission and listed building consent **granted** for external and internal alterations for erection of single storey rear extension on basement level, new rear lightwell with balustrade and replacement of rear ground floor windows of rear extension to dwellinghouse and associated internal alterations (Class C3). (Ref: **2013/6592/P** & **2013/6742/L**)

02/09/2013 - Planning permission and listed building consent **refused** for the erection of rear extension at lower ground floor level of existing dwelling (Class C3), associated landscaping and internal alterations. (Ref: **2013/4379/L**, **2013/4286/P**). The applications were refused for the following reason

The proposed extension, by reason of its bulk, mass, and inappropriate detailed design (including use of the roof as a terrace with the balustrade and steps), would be an uncharacteristic addition which would detract from the appearance and special architectural and historic interest of the grade II listed building, wider terrace and Conservation Area. This would be contrary to policy CS14 (Promoting high quality places and conserving our heritage) of the London Borough of Camden Local Development Framework Core Strategy and policies DP24 (Securing high quality design) and DP25 (Conserving Camden's Heritage) of the London Borough of Camden Local Development Framework Development Policies.

13/06/2013 - Planning permission and listed building consent **refused** for the erection of basement and ground floor rear extension with first floor rear extension above, new rear lightwell with associated landscaping, glass canopy over front lightwell and internal alterations to existing dwelling (Class C3). (Refs: **2013/2239/P** & **2013/2343/L**). The applications were refused on the following grounds:

Planning permission:

1. *The proposed extensions, by reason of their inappropriate detailed design, scale, bulk and height on the rear elevation would be an incongruous and obtrusive addition to the building which would detract from the appearance and special architectural and historic interest of this terrace of Grade II listed buildings and the wider Conservation Area contrary to policy CS14 (Promoting high quality places and*

conserving our heritage) of the London Borough of Camden Local Development Framework Core Strategy and policies DP24 (Securing high quality design) and DP25 (Conserving Camden's Heritage) of the London Borough of Camden Local Development Framework Development Policies.

2. The proposed glass canopy would be an uncharacteristic feature to the existing building and would have an adverse impact on the special architectural interest of the listed building, contrary to policy CS14 (Promote high quality places) of the London Borough of Camden Local Development Framework Core Strategy and policies DP24 (Securing high quality design) and DP25 (conserving Camden's heritage) of the London Borough of Camden Local Development Framework Development Policies.

3. By virtue of their size and position the proposed rear extensions would have a detrimental impact on the daylight received by the residents at 49 Mornington Terrace. This would be contrary to policy CS5 (Managing the impact of growth and development) of the London Borough of Camden Local Development Framework Core Strategy and to policy DP26 (Managing the impact of development on occupiers and neighbours) of the London Borough of Camden Local Development Framework Development Plan.

Listed Building consent:

1. The proposed extensions, by reason of their inappropriate detailed design, scale, bulk and height on the rear elevation would be an incongruous and obtrusive addition to the building which would detract from its appearance and special architectural and historic interest contrary to policy CS14 (Promoting high quality places and conserving our heritage) of the London Borough of Camden Local Development Framework Core Strategy and policy DP25 (Conserving Camden's Heritage) of the London Borough of Camden Local Development Framework Development Policies.

2. The proposed glass canopy would be an uncharacteristic feature to the existing building and would have an adverse impact on the special architectural interest of the listed building, contrary to policy CS14 (Promote high quality places) of the London Borough of Camden Local Development Framework Core Strategy and policy DP25 (conserving Camden's heritage) of the London Borough of Camden Local Development Framework Development Policies.

3. The proposed internal alterations at second floor level would harm the historic plan form of the listed building and thereby detract from its special interest, contrary to policy CS14 (Promoting high quality places and conserving our heritage) of the London Borough of Camden Local Development Framework Core Strategy, and policy DP25 (Conserving Camden's heritage) of the London Borough of Camden Local Development Framework Development Policies.

09/10/2008 – Listed building consent **granted** Mass concrete underpinning to the single storey rear extension (**Ref: 2008/3295/L**)

17/09/1984 – Planning permission **granted** for the change of use of the basement to a self-contained dwelling unit, including works of conversion (**Ref: 34063(R1)**)

06/06/1973 - Planning permission **refused** for the change of use of the first, second and third floors, including works of conversion, to provide three self-contained flats. (**Ref: 28246**)

Relevant Enforcement History:

07/10/2014 - Complaint received in respect to considerable modifications to the basement, in addition to a large building being constructed of breeze-blocks at the bottom of the garden **EN14/0974** – *unauthorised outbuilding-Subject to enforcement. Notice issued on 10/11/2018 and subsequently quashed on appeal. Case closed*

EN15/0212 - Unauthorised works to listed building including rear ground floor and basement extensions, partial change of use in basement to architect's office and various other alterations throughout without planning or listed building consent. **Subject to enforcement**

EN20/0163 - Change of use of the basement from residential to an office, unauthorised lower ground and ground floor extension and internal works. **Subject to enforcement**

Relevant policies

National Planning Policy Framework (2019)

The London Plan (2021)

Camden Local Plan (2017)

Policy A1 Managing the impact of development

Policy H3 Protecting existing homes

Policy E1 Economic development

Policy E2 Employment sites

Policy T1 Prioritising walking, cycling and public transport

Policy T2 Parking and car free development

Policy CC5 Waste

Camden Planning Guidance (2021)

CPG Housing

CPH Employment sites and business premises

CPG Amenity

CPG Transport

Camden Town Conservation Area Statement (2007)

Assessment

1.0 Proposal

1.1 Planning permission is sought in retrospect for the change of use of the lower ground floor from Class C3 residential to Class B1a office which has already taken place. Permission is not sought for any external alterations under this application.

2.0 Assessment

The material considerations for this application are summarised as follows:

- Land use
- Residential Amenity
- Transport
- Waste

2.1 Land use

2.1.1 Policy H3 aims to protect existing homes and confirms that the Council will resist development that would involve a net loss of residential floorspace. Commentary in paragraph 3.68 of policy H3 further goes on to say "To tackle Camden's housing needs, the Council aims to maximise the supply of additional homes and regards self-contained housing as the priority land-use of the Local Plan. In tandem with these objectives the Council also aims to protect all types of existing housing against development that would involve a net loss of residential floorspace".

2.1.2 The change of use of the lower ground floor to a commercial office is considered to be unacceptable in principle as it is contrary to Policy H3 which prevents a net loss of residential floorspace. The principle of allowing the lower ground floor for a commercial use is considered to materially alter the characteristic of the residential use at lower ground floor level. The office use is not considered to constitute a traditional home office as, at the time of the site inspection, 6 desks were witnessed at basement level and staff were arriving for work each day. The company is called Undercover Architecture Ltd and lists the site as one of the addresses for the office.

<https://www.undercoverarchitecture.com/Practice>

2.1.4 The applicant has argued in a supporting cover letter that the upper floors would be retained and continue to function as a single family dwellinghouse and therefore is compliant with policy H3 (see paragraph below).

2.1.3 *“The use of the lower ground floor, as studio office, has not resulted in the main dwelling above becoming unfunctional as a dwelling. Whilst the office use has therefore resulted in a net reduction in housing floorspace, there has been no net reduction in housing stock, and the office has not been severed from the main dwelling. It is therefore asserted that the change of use of the lower ground floor to office, linked internally to the upper residential accommodation, complies with Policy H3 of the Camden Local Plan 2017.”*

2.1.5 Policy H3 states that a net loss of residential floorspace is unacceptable (not housing stock). In any instance, it is not uncommon for large single family dwellings, particularly with lower ground floors and roof extensions to be converted into a number of flats (and lead to an increase in housing stock). By changing this residential floorspace into an independent office, the possibility of this property being converted into flats (and increasing housing stock) in the future is prevented.

2.1.6 Policy E2 prevents the loss of office space once it has been established. If this unlawful office space were to be regularised, it is unlikely that it would revert to residential use in the future even if conditioned. Once this land use is established it will set an unwanted precedent which undermines the residential nature of Mornington Terrace.

2.1.7 The change of use is an unacceptable loss of residential floorspace and contrary to Policy H3. The fact that the upper floors would be retained and would continue to function as a single family dwelling does not make the proposal acceptable.

2.1.8 The applicant continues to argue in the supporting letter that Policy E1 seeks to support small to medium size businesses - *“Policy E1 Economic Development of the Camden Local Plan 2017 states that the Council will support businesses of all sizes, in particular start-ups, and small and medium-sized enterprises. The Local Plan further advises that the Council “recognises the importance of creative industries, especially the contribution they make to the unique character and vitality of the borough”. In this regard, it is considered that the Applicant’s architectural practice at 48 Mornington Terrace aligns with the Council’s strategy, being a small-medium sized enterprise, and which the Council should be seeking to support in the current uncertain economic climate.”*

2.1.9 However this support for businesses should not be achieved at the loss of residential floorspace. Housing is the priority land use identified in the Local Plan. There is a pronounced housing shortage, and the Council’s economic development policies do not outweigh its housing policies.

2.1.10 The proposed office would fall under Class E, a commercial use; it is important that such uses are located in commercial areas in order to contribute to their vibrancy and vitality (as opposed to being interspersed within residential neighbourhoods). The vitality of the borough’s high streets and commercial areas is of particular importance in the current economic climate and proposals such as the subject undermine this strategic goal.

2.2 Residential Amenity

2.2.1 Policy A1 seeks to protect the amenity of Camden's residents by ensuring the impact of development is fully considered. It seeks to ensure that development protects the quality of life of occupiers and neighbours by only granting permission for development that would not harm the amenity of neighbouring residents.

2.2.2 There would be an increased level of activity from having 6 staff members commuting to and from the application site along with potential clients visiting. This increased entering/exiting of the property for business purposes would be atypical of this residential street and would lead to increased noise and disturbance. However this noise and disturbance is not considered to cause sufficient material harm as to warrant refusal on these grounds.

2.2.3 The proposed operating hours of 0900-18:00 Monday-Friday are not considered to cause undue harm. Appropriate operating hours could be secured by way of a condition if the proposal were to be acceptable. No significant loss of light, outlook or privacy would be caused as a result of the development.

2.3 Transport

2.3.1 In line with Policy T1 of the adopted Local Plan, cycle parking is expected to be provided in accordance with the standards set out in the London Plan. None is provided. However sufficient space exists within the rear garden area to accommodate cycles if required and further details could be secured by way of a condition if the proposal were to be acceptable. As such, refusal on these grounds is not warranted.

2.3.2 With regard to Policy T2 of the adopted Local Plan, the applicant has indicated that they are willing to enter into a Section 106 Legal Agreement in respect of ensuring the lower ground floor office cannot obtain on-street business parking permits. This would prevent the occupants from adding to existing on-street parking pressures, traffic congestion and air pollution, whilst encouraging the use of more sustainable modes of transport such as walking, cycling and public transport. However as the scheme is being refused without any such draft S106 in place, this absence of a S106 securing car-free business also forms a reason for refusal.

2.4 Waste

2.4.1 It is stated within the application form that refuse and recycling is to be stored within the lower ground floor vault. No waste storage is indicated on any of the submitted drawings, nor is it referenced in the supporting documents. Insufficient information has been submitted to demonstrate that sufficient waste storage and management arrangements would be provided in order to accommodate a business in addition to a single family dwelling above.

2.4.2 Further information is required, particularly as an objection has been received stating that the use of the lower ground floor for businesses purposes has resulted in a significant rubbish problem which requires five large bins to be parked on the public highway which blocks the pavement and pedestrian movement.

2.4.3 It appears there would be sufficient space within the lower ground floor vault and rear garden for adequate waste storage. Further details and appropriate management could be secured by way of conditions if the proposal were to be acceptable. As such refusal on these grounds is not warranted.

3.0 **Recommendation**

3.1 Refuse planning permission