

<b>Delegated Report</b>		<b>Analysis sheet</b>		<b>Expiry Date:</b>		14/09/2020		
		N/A		<b>Consultation Expiry Date:</b>		15/08/2020		
<b>Officer</b>				<b>Application Number(s)</b>				
Kristina Smith				2020/2782/P				
<b>Application Address</b>				<b>Drawing Numbers</b>				
Garages to the south of 27a West End Lane West Hampstead London NW6 4QJ				See decision notice				
<b>PO 3/4</b>		<b>Area Team Signature</b>		<b>C&amp;UD</b>		<b>Authorised Officer Signature</b>		
<b>Proposal(s)</b>								
Demolition of existing garages and redevelopment of the site with a three storey building (plus basement) to provide 6 residential units (Use Class C3) with associated landscaping, cycle and bin stores								
<b>Recommendation(s):</b>		<b>Refuse Planning Permission</b>						
<b>Application Type:</b>		<b>Full Planning Permission</b>						
<b>Conditions or Reasons for Refusal:</b>		<b>Refer to Draft Decision Notice</b>						
<b>Informatives:</b>								
<b>Consultations</b>								
<b>Adjoining Occupiers:</b>		No. of responses			<b>0</b>	No. of objections		<b>0</b>
<b>Summary of consultation responses:</b>		Three site notices were displayed in the surrounding area on 22/07/2020 (expiry 15/08/2020).  No responses were received.						
<b>CAAC/Local groups* comments:</b> <small>*Please Specify</small>		No responses received.						

## Site Description

The application site comprises 8 single storey garages and a forecourt, accessed off West End Lane.

The site is surrounded by residential development including three storey houses to the east and west and three storey flatted sheltered housing blocks to the north (Sycamore Court). The surrounding buildings appear to have been constructed as part of the same mid-late 20<sup>th</sup> century development.

The site has an 'excellent' PTAL rating of 6a in close proximity to Kilburn Park Underground/Overground stations.

The site is not located in a conservation area and there are no listed buildings in the vicinity.

## Relevant History

**2016/5031/P** - Demolition of the existing eight garages and the erection of a two to three storey terrace of 3x3bed townhouses (Class C3) and associated landscaping - **Granted Subject to a Section 106 Legal Agreement - 15 September 2016**

## Relevant policies

### National Planning Policy Framework 2019

### London Plan 2021

#### Camden Local Plan 2017

G1 Delivery and location of growth  
H1 Maximising housing supply  
H6 Housing choice and mix  
H7 Large and small homes  
C6 Access for all  
A1 Managing the impact of development  
A5 Basements  
D1 Design  
CC1 Climate change mitigation  
CC2 Adapting to climate change  
CC3 Water and flooding  
CC4 Air quality  
CC5 Waste  
T1 Prioritising walking, cycling and public transport  
T2 Parking and car-free development  
T4 Sustainable movement of goods and materials  
DM1 Delivery and monitoring

#### Supplementary Planning Guidance

CPG Access for all (2019)  
CPG Amenity (2021)  
CPG Basements (2021)  
CPG Design (2021)  
CPG Developer contributions (2019)  
CPG Energy efficiency and adaptation (2021)  
CPG Housing (2021)  
CPG Transport (2019)  
CPG Trees (2019)  
CPG Water and flooding (2019)

## Assessment

### 1. Proposal / Background

- 1.1. The applicant seeks planning permission for the demolition of the existing garage structures and the erection of a part two, part three storey (plus basement) building comprising 6 flats.
- 1.2. As outlined in the planning history section, planning permission was granted in 2016 for a part two, part three storey building (no basement) to accommodate 3 townhouses. The overall massing and the architecture of the building was very similar to the current application. Instead of being accessed via a communal entrance fronting West End Lane, the approved scheme comprised private entrance doors with two accessed from a side path adjacent to Sycamore Court car park and the third from West End Lane.
- 1.3. The officer's report for the previous consent for 3 homes makes reference to two previous applications for a 2-4 storey block comprising 6 units that were withdrawn following officer advice that the proposals could not be supported on the grounds of scale, bulk and subsequent impact on residential amenity.

## ASSESSMENT

- 1.4. The main issues of consideration are:

- Land use
- Design
- Housing
- Amenity of neighbours
- Basement impact
- Energy and sustainability
- Water and drainage
- Air quality
- Transport considerations

### 2. Land use

- 2.1. The principle of residential development on the site has been established by planning permission ref. 2016/5031/P and remains acceptable. The additional provision of residential units in this location is also acceptable in principle.
- 2.2. The existing garages are not in use and as such their demolition would not increase parking pressures in the local area.

### 3. Design

- 3.1. Camden Local Plan policy D1 on Design states that- *The Council will seek to secure high quality design in development. The Council will require that development:*
  - a. *respects local context and character;*
  - b. *preserves or enhances the historic environment and heritage assets in accordance with "Policy D2 Heritage"... etc.*
- 3.2. Para 7.2 of this policy is particularly relevant here as it says- *The Council will require all developments, including alterations and extensions to existing buildings, to be of the highest standard of design and will expect developments to consider:*
  - *character, setting, context and the form and scale of neighbouring buildings;*
  - *the character and proportions of the existing building, where alterations and extensions are proposed;*
  - *the prevailing pattern, density and scale of surrounding development;*

- *the impact on existing rhythms, symmetries and uniformities in the townscape;*
- *the composition of elevations;*
- *the suitability of the proposed design to its intended use;*
- *inclusive design and accessibility;*
- *its contribution to public realm and its impact on views and vistas; and*
- *the wider historic environment and buildings, spaces and features of local historic value.*

3.3. The design has remained very similar to the consented scheme - perhaps with the expectation that it will be a safe route to permission. However, whilst the design suited 3 townhouses, it is not compatible with the provision of 6 flats and has resulted in awkward and inefficient layouts and windows that do not align well with the rooms they serve. This is covered in more detail in the residential standards section of the report.

3.4. Furthermore, the previous scheme allowed for an active frontage along the Sycamore Court car park elevation which offered the space activity and surveillance which is no longer the case now the entrance is solely to the front of the building.

3.5. In terms of the external appearance of the building, there are subtle differences that cumulatively weaken the design. The building has become wider resulting in a squatter, more horizontally proportioned building, which is exacerbated by the windows to the front elevation generally becoming wider.

3.6. Whilst these changes are considered to be backwards moves, it is not considered sufficient to warrant a refusal based on the external appearance. The poor internal layouts and the unsuitability of the building to accommodate the proposed number of units, however, does constitute a reason for refusal.



Consented front elevation



Proposed front elevation

#### 4. Housing

## *Housing mix*

4.1. The proposal for 6 units comprises 1 x 1-bed; 4 x 2-beds; and 1 x 3-bed. Policy H7 requires developments to a.) meet the needs of the Dwelling Size Priorities and b.) provide a mix of large and small homes. The housing mix complies well as it would provide 5 units that are regarded as high priority (2 and 3-beds) as well as a mix of large and small homes (1-bed and a 3-bed). There is therefore no objection to the principle of the proposed housing mix.

## *Residential standards*

4.2. The proposed development would consist of 6 units as follows:

- Flat 1 – 2b4p / 94 sqm – basement / ground floor duplex
- Flat 2 – 3b6p / 101 sqm – basement / ground floor duplex
- Flat 3 – 2b4p / 86 sqm – basement / ground floor duplex
- Flat 4 – 2b3p / 61sqm – first floor
- Flat 5- 1b2p / 50sqm – first floor
- Flat 6 – 2b4p / 70sqm – second floor

4.3. Whilst all units would meet the Nationally Described space standards and have access to some private outdoor amenity space, there are significant issues with the layouts of the units that would result in an unacceptable standard of living accommodation. The issues are mainly to do with the living rooms which are excessively cramped and in several cases the usable space is not sufficient to accommodate the required amount of furniture for the intended number of occupants. For example, Flat 2 - a 3bed 6 person family sized unit - includes a living room that also functions as a hallway and circulation space to access the WC, kitchen, front door and stairs to basement level resulting in a usable space of approx. 11sqm. Combined with the kitchen of 7sqm this results in a combined kitchen living area of approx. 18sqm which falls short of the 23sqm recommended by the London Housing Design Guide. The front door to Flat 3 opens directly into the living room with no room for storage of coats, shoes etc. The living room also serves as the through route to the rest of the flat. In Flat 4 there is clearly no room for a dining table in the very small living room-cum-hallway which is shown as overlapping the doors to the terrace. In Flat 6, the living room is situated in the centre of the floor plan with all other rooms leading off it and having no direct access to the terrace. This also result in the living room having poor outlook which is discussed in more detail in paragraph 4.5.

4.4. The use of space within some of the units is very poor and inefficient. For instance, Flat 1 (2bed) has 2 bathrooms and 1 WC (none of which are en-suite) but a very small living area. This a result of it not being possible to provide daylight into the north part of the dwelling at basement level and so much of the space has been put to use as rooms that do not require natural light i.e. bathrooms and storage space. This demonstrates that the building envelope does not lend itself to be used as 6 flats.

4.5. The quality of outlook from certain rooms is unacceptable and contributes to the reason for refusing the proposed development. The outlook from bedrooms at basement level is particularly poor. Whilst they meet ADF standards, the quality of outlook onto a very narrow lightwell would be far from acceptable. In the case of Flats 2 and 3, the arrangement of the bedrooms would mean the only window serving the room would have little privacy from the other bedroom(s) that also opens onto the lightwell.

4.6. In an effort to stay true to the consented design, the windows have remained in the same position but with a very different internal layout which squeezes in more rooms than previously. This has resulted in internal walls separating many of the windows at first floor level, dividing a single window between two rooms. In one instance (second bedroom of Flat 4), half of a window is covered by internal wall to accommodate the required amount of furniture.

4.7. Given the constrained nature of the site with neighbouring windows in close proximity, many windows comprise privacy screens / louvers. At first floor level all south west windows include

privacy screens that completely cover the window in order to prevent views to the rear windows of 2-8 Mutrix Road located approx. 10m away. In the approved scheme, these windows served secondary bedrooms but in the current iteration, the windows serve living rooms and main bedrooms. At second floor level, the living room / kitchen area of Flat 6 is served by two windows with opaque glazing and one window that is part concealed by privacy louvres resulting in far from adequate outlook from the main habitable room of the flat.

4.8. Curiously, more windows than necessary include privacy screens, for example at ground floor level the south west facing windows have privacy screens but views towards 2-8 Mutrix Road would be prevented by the boundary treatment. Similarly, on the north east elevation, the windows are part concealed by privacy screens but these rooms would overlook a car park. If privacy to the new dwellings is a concern then this can be addressed by curtains/blinds by future occupiers. Some privacy screens are therefore considered superfluous and would result in very poor outlook from several habitable rooms.

4.9. New dwellings are required to be accessible and adaptable in accordance with Building Regulation. In new developments, 90% of units should be M4(2) and 10% M4(3) accessible resulting in the requirement for 5 M4(2) units and 1 M4(3) unit in this development. The proposed plans accord with the requirement and were planning permission to be granted, compliance would be secured by condition.

#### *Affordable housing*

4.10. Policy H4 expects a contribution to affordable housing from all developments that provide one or more additional homes and involve a total addition to the residential floorspace of 100sqm GIA or more. This is based on an assessment where 100sqm of floorspace is considered to be capacity for one home. In developments that provide less than 10 units, affordable housing contributions can take the form of a payment in lieu.

4.11. The affordable housing target as detailed in policy H4 and its supporting text is based on a sliding scale with the target starting at 2% for an additional home (at 100sqm) and is increased by 2% for each home added to the capacity. The residential floorspace provided is c.551 sqm GIA; therefore rounded up to 600 sqm for this purpose resulting in the affordable housing target being 12% for this scheme.

4.12. In accordance with CPG Housing 2021, the target floorspace is then multiplied by £5,000 sqm (affordable housing payment in lieu rate) to obtain the total required contribution of £330,600. This would ordinarily be secured by Section 106 agreement but in the absence of such an agreement, the lack of a contribution to affordable housing will constitute a reason for refusal.

### **5. Amenity of neighbours**

5.1. A daylight and sunlight test that assesses the impact on neighbouring occupiers has not been submitted with the application and instead the planning statement makes reference to the principle of development being established by the previous consent. A daylight and sunlight assessment was submitted with the previous application and in terms of daylight, demonstrated that all windows with the exception of a rear first floor window at no.2 Mutrix Road would satisfy BRE criteria. It is noted that this window comprises an overhang which, if removed, would achieve BRE compliance. In terms of sunlight, all relevant windows were tested and all achieved BRE compliance with the exception of one window at on.41 Sycamore Court. The officer report notes that based on external observations it is unlikely the window serves a main living room. A test was also carried out on overshadowing of neighbouring gardens which achieved BRE compliance.

5.2. Whilst this assessment was based on a slightly different building envelope, the height remains the same with the only change being an extension of the north east flank wall of approx. 1.5m. It

is expected that this would alter results slightly but not to an extent that would result in a significant adverse impact and a refusal on neighbouring amenity grounds is not considered justified.

5.3. In terms of overlooking, all new windows facing existing windows would either have privacy screens or be opaque glazed and therefore any impact would be avoided.

5.4. As such, there are no seriously significant amenity concerns that are considered to warrant a reason for refusal in relation to the proposed development.

## **6. Basement impact**

6.1. Policy A5 on Basements and associated CPG guidance requires all new basements to be assessed to ensure they maintain the structural stability of the building and any neighbouring properties, avoid adversely affecting drainage and run-off or causing other damage to the water environment, and avoid cumulative impacts on structural stability or the water environment in the local area.

6.2. A Basement Impact Assessment (BIA) plus additional follow up information has been submitted and reviewed by the Council auditors, Campbell Reith who have found the BIA to be compliant. The following conclusions were reached:

- The BIA was prepared by technical consultants with suitable qualifications.
- The BIA has confirmed that the proposed basement will be founded within London Clay. Perched water is present on site.
- It is proposed to undertake the basement excavation following construction of contiguous pile perimeter retaining wall, supported with temporary props. An outline retaining wall propping layout has been provided.
- On the basis of the existing and proposed site conditions, the underlying unproductive strata and the concurring statements in the site investigation report and BIA, the hydrogeological assessment is accepted. There will be no impact to the wider hydrogeological environment.
- In the updated submissions, the flood risk assessment has been amended. The site is at low risk of flooding. Attenuation SUDs will be implemented. There will be no impact to the wider hydrological environment.
- It is understood that no trees are proposed to be felled as part of the works and that appropriate root protection measures will be adopted during construction.
- A ground movement assessment has been presented and was found to be appropriate for the development. Control measures are suggested to reduce ground movement during construction.

6.3. The basement complies with the size and locational criteria f - m of policy A5- it is single storey only and mostly underneath the footprint of the new houses with the exception of relatively small front and side lightwells. The excavation does not involve loss of any green space or impinge on the root protection areas of any trees.

6.4. If planning permission was to be granted, compliance with the BIA and the submission of details for the appointed engineer overseeing the works would be secured by condition.

## **7. Energy and sustainability**

7.1. In line with policies CC1 and CC2, the Council will require development to incorporate sustainable design and construction measures. The development is classed as a medium development (5-9 units / between 500 – 1000 sqm) by *CPG Energy Efficiency and adaptation* All medium applications for new dwellings should demonstrate that they meet sustainable design principles and are also required to meet a target of 19% reduction in carbon emissions below Part L of the Building Regulations 2013, of which 20% is achieved by on-site renewable

technologies.

7.2. In terms of renewables, the development proposes a PV array at roof level and further details would be secured by condition were planning permission to be granted. The combination of all sustainability measures together would result in a 40.37% reduction in CO2 emissions beyond part L of the Building Regulations 2013. Further information has been sought from the applicant as to what proportion of this reduction is accounted for by renewable technologies; however, no response has been received. It is expected, given the sizable reduction, that a 20% reduction is achievable and were planning permission granted, further information could be secured by condition. The proposed development is therefore considered policy compliant in this respect.

## **8. Water and drainage**

8.1. The existing site is built on hardstanding so offers little in the way of drainage, nonetheless redeveloping the site is an opportunity to improve upon this and reduce flood risk in the area. All developments are expected to manage drainage and surface water on-site or as close to the site as possible, using Sustainable Drainage Systems (SUDS) and the hierarchy set out in CPG Water and Flooding.

8.2. A green roof is proposed at main roof level which is an improvement on the existing situation. Full details of SUDS would be conditioned were planning permission to be granted.

8.3. All new build dwellings should achieve a maximum internal water use of 110 litres per person per day (this includes 5 litres for external water use), which if approved would be secured by condition.

## **9. Air Quality**

9.1. The proposed development does not trigger the requirement for an Air Quality Assessment as it is not a major development, located in an area of poor air quality or has the potential to significantly change road traffic.

## **10. Transport considerations**

### *Car parking*

10.1. Policy T2 requires all new residential developments in the borough to be car-free. Parking is only considered for new residential developments where it can be demonstrated that the parking to be provided is essential to the use or operation of the development (e.g. disabled parking). It should be noted that Policy T2 is wide ranging and is not merely about addressing parking stress or traffic congestion. It is more specifically aimed at improving health and wellbeing, encouraging and promoting active lifestyles, encouraging and promoting trips by sustainable modes of transport (walking, cycling and public transport), and addressing problems associated with poor air quality in the borough. Thus, car-free housing is required in the borough, regardless of any parking stress that may or may not locally exist. Were planning permission to be granted, the new units would be secured as car-free by Section 106 legal agreement; however, the absence of such agreement to secure this will constitute a reason for refusal.

### *Cycle parking*

10.2. Policy T1 requires cycle parking facilities to be provided in accordance with the London Plan. For the 6 units, 12 long stay and 2 short stay cycle spaces would be required to meet the policy requirement. 14 long stay cycle spaces are shown on the proposed plan and 2 of these located by the entrance door could easily be converted to short stay. As such, subject to further details which could be secured by condition, the cycle provision is acceptable.

### *Highway matters*

10.3. Policy A1 on Amenity states in para 6.12 that 'Disturbance from development can occur during the construction phase. Measures required to reduce the impact of demolition, excavation and construction works must be outlined in a Construction Management Plan.' In the light of the location and constraints of this site, a sensitive residential location in close proximity to adjacent dwellings, it is considered that in this case a Construction Management Plan (CMP) would be required. Paragraph 6.13 of Policy A1 also suggests that CMPs should be secured where sites are adjacent to listed buildings.

10.4. The Council would therefore want to secure a CMP, a CMP implementation support contribution of £3,136 to mitigate the impact on the safety and operation of the local road and pedestrian networks. A CMP bond of £7,500 would also be required in case the contractor fails to abide by the CMP and the Council has to take action to remediate issues. The fee would be fully refundable on completion of the works should there be no breach.

10.5. Policy A1 also states in para 6.11 that highway works connected to development proposals will be undertaken by the Council at the developer's expense. A highways contribution is therefore required to pay for repairing any damage to the public highway.

10.6. All the aforementioned items would, if planning permission were to be granted, be secured by a Section 106. However, in the absence of such an agreement they will constitute a reason for refusal.

#### *Approval in Principle*

10.7. The proposal would involve basement excavations close to the public highway. The Council has to ensure that the stability of the public highway adjacent to the site is not compromised by the proposed basement excavations. Were planning permission to be granted, the applicant would be required to submit an 'Approval in Principle' (AIP) report to the Council's Highways Structures & Bridges Team within Engineering Services. This is a requirement of British Standard BD2/12. The AIP report would need to include structural details and calculations to demonstrate that the proposed development would not affect the stability of the public highway adjacent to the site. The AIP would also need to include an explanation of any mitigation measures which might be required. Were planning permission granted, the AIP report and an associated assessment fee of £1,863.54 would need to be secured via a legal agreement. The absence of such an agreement securing the AIP report and financial contribution therefore constitutes a reason for refusal.

## **11. Recommendations**

11.1. Refuse planning permission on the following grounds:

1. The proposed development, by reason of the building's form and design not being suited to the proposed number of units, has resulted in poor internal layouts and outlook, which has led to unacceptable residential living standards, contrary to policies D1 (Design) and H6 (Housing choice) of the London Borough of Camden Local Plan 2017.

2. The proposed development, in the absence of a legal agreement to secure a contribution to affordable housing, would fail to maximise the contribution of the site to the supply of affordable housing in the borough, contrary to policy H4 (Maximising the supply of affordable housing) of the Camden Local Plan 2017.

3. The proposed development, in the absence of a legal agreement securing an Approval in Principle, would fail to mitigate the impact of the basement works on the adjacent public highway contrary to policies A1 (Managing the impact of development), T3 (Transport Infrastructure) and DM1 (Delivery and monitoring) of the London Borough of Camden Local Plan 2017.

4. The proposed development, in the absence of a legal agreement securing car-free housing, would be likely to contribute unacceptably to parking stress and congestion in the surrounding area and fail to promote more sustainable and efficient forms of transport and active lifestyles, contrary to policies T2 (Parking and car-free development) and DM1 (Delivery and monitoring) of the London Borough of Camden Local Plan 2017.

5. The proposed development, in the absence of a legal agreement securing necessary highway works, would fail to secure adequate provision for and safety of pedestrians, cyclists and vehicles, contrary to policies A1 (Managing the impact of development), T1 (Prioritising walking, cycling and public transport) and DM1 (Delivery and monitoring) of the London Borough of Camden Local Plan 2017.

6. The proposed development, in the absence of a legal agreement securing a Construction Management Plan (CMP) and associated contributions to support the implementation of the CMP, would be likely to give rise to conflicts with other road users and be detrimental to the amenities of the area generally, contrary to policies A1 (Managing the impact of development), T4 (Sustainable movement of goods and materials) and DM1 (Delivery and monitoring) of the London Borough of Camden Local Plan 2017.