

**APPEAL BY MR A BACON**

**AGAINST NON-DETERMINATION BY THE LONDON BOROUGH OF CAMDEN  
FULL PLANNING PERMISSION**

**Erection of a roof extension with balcony, above two existing retails units to  
facilitate the creation of 1x 1-bedroom flat (Class C3).**

**65 & 66 Chalk Farm Road, London, NW1 8AN**

**LPA APPLICATION REF: 2020/4232/P  
DATE OF DECISION: N/A  
DATE OF APPEAL: 5<sup>th</sup> March 2021**

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## 1.0 SITE & SURROUNDINGS

- 1.1 In terms of context the site is located within the administrative area of the London Borough of Camden, a Borough in north-west London (partly within inner London) divided into 18 three-member wards. The application site is located within the administrative ward of Haverstock.
- 1.2 The site is located on the north side of Chalk Farm Road within the designated Camden Town Centre and primary shopping frontage. The site location plan can be found at Appendix 1. The site comprises a single storey commercial building (plus basement), located to the front of the site, which forms part of an established shopping parade (Figure 1). The ground floor units are in retail use. Existing floor and elevation plans can be found at Appendices 2-4.



Figure 1: 65 and 66 Chalk Farm Road from the front of the site (Chalk Farm Road).

- 1.3 Surrounding development is largely characterised by commercial uses to ground floors including shops, restaurant and entertainment uses, with residential uses located above on upper floors.
- 1.4 The buildings on site are not statutory or locally listed, and the site is not located within a conservation area. However, the northern boundary of the Primrose Hill Conservation Area is located on the opposite side of the road and extends up to the south side of Chalk Farm Road. The building is located near to several listed buildings including the grade II\* listed The Round House (list no. 1258103) and Horse Hospital and Boundary Wall (list no. 1258100), the grade II listed Cattle Trough opposite Debouchment of Belmont Street (list no. 1258104) (Figure 2).

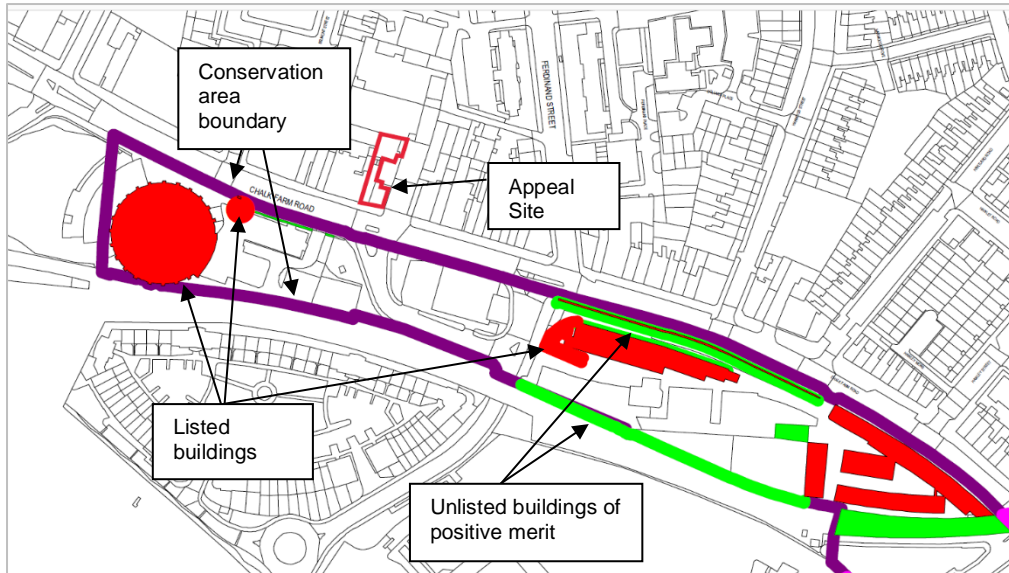


Figure 2: Relationship between the appeal site with the conservation area boundary, nearby listed buildings and unlisted buildings of positive merit (adapted from Camden's townscape appraisal).

- 1.5 The site is well served by public transport and is within walking distance to the Chalk Farm Underground Station and several bus routes located along Chalk Farm Road. It's accessible location is reflected in the site being located in an area with a Public Transport Level Rating of 6a.
- 1.6 A more detailed description of the site and its surroundings is contained in the planning and design and access statement, see Appendices 5 and 6.

## 2.0 THE APPLICATION

- 2.1 The application was received by the Local Planning Authority (LPA) on the 16<sup>th</sup> September 2020 and made valid on the 23<sup>rd</sup> October 2020. The application was assigned reference number 2020/4232/P.
- 2.2 The application sought full planning permission for the erection of a roof extension with balcony, above two existing retail units to facilitate the creation of 1x 1-bedroom flat (Class C3).
- 2.3 The extension is to be of a mansard style finished in pattered Corten steel cladding and dark stained timber windows. Proposed to the extension is a green roof which will cover the entirety of the flat roof area measuring 65 sqm. The flat is to have a balcony on the east facing elevation and planting to the rear. Please see figure 2 below which provides an indicative elevation of the proposed extension. Proposed elevation plans can also be found at Appendices 7-9.



Figure 2: Proposed front/ side elevation CGI from Chalk Farm Road.

- 2.4 The proposed flat is to have an internal floor space of 57 square metres comprising of a kitchen/living/ dining area, bathroom and bedroom. The flat is to have a suspended balcony facing east which measures 4.7 square metres. Proposed floor plans can be found at Appendices 10 and 11. The flat is to be accessed via a shared gated side passage adjacent to no.66 Chalk Farm Road. The occupant of the flat will have access to existing refuse storage areas shared by no. 65a and no. 66 Chalk Farm Road. Secure cycle parking is provided at ground floor level.

### **3.0 PLANNING HISTORY**

- 3.1 Planning permission was granted on the 29<sup>th</sup> May 1963 (reference TP4599/2311) for the removal and installation of a new shopfront.
- 3.2 Planning permission was granted (to the rear of the site) on the 21<sup>st</sup> April 2009 (reference 2008/1889/P) for the erection of a first and second storey extension, including terraces to rear, to provide 2 x 1 bedroom maisonettes, including a change of use from office (Class B1) to residential (Class C3) at loft/first floor level. On the 24<sup>th</sup> of November 2009, permission was granted to reconfigure the internal layout to provide 3 residential flats and external alterations to provide balconies at first and second floor level.
- 3.3 Planning permission was refused on the 15<sup>th</sup> August 2008 (reference 2008/2139/P) for the Change of use from shop (Class A1) to restaurant (Class A3).
- 3.4 Planning permission was refused on the 28<sup>th</sup> May 2009 (reference 2008/5137/P) for the change of use from tyre retail/fitting shop (sui generis) and recording studio (Class B1) to a restaurant (Class A3).
- 3.5 Planning permission was granted on the 24<sup>th</sup> May 2010 (reference 2010/1647/P) for the change of use of front basement area (Class B1) to shop (Class A1) in conjunction with A1 unit on ground floor level.
- 3.6 On the 7<sup>th</sup> August 2017 a lawful development certificate was granted (reference 2015/2969/P) for the use of the building as 8 x self-contained flats at no. 65a Chalk Farm Road (located to the rear of the site).

## **4.0 NATIONAL PLANNING POLICY/LEGISLATION**

### **LEGISLATION**

- 4.1 Section 38 of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.
- 4.2 Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 requires special attention to be paid to the desirability of preserving or enhancing the character and appearance of conservation areas.

### **NATIONAL PLANNING POLICY**

#### ***The National Planning Policy Framework (2019)***

- 4.3 At the heart of the NPPF is a presumption in favour of sustainable development (paras 7-14) and paragraphs 8, 9 & 11 are helpful in applying this presumption.
- 4.4 Paragraph 11 sets out how this is to be applied. It states that, for decision-taking, this means:
- *Approving development proposals that accord with an up-to-date development plan without delay; or*
  - *Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless*
    - *the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
    - *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*
- 4.5 The NPPF introduces three dimensions to 'Sustainable development' (Economic, Environmental & Social - para 8), and advises that they are interdependent and need to be pursued in mutually supportive ways.
- 4.6 In applying this approach, firstly, development must be considered to be sustainable taking into account all three of the dimensions of sustainable development; a development that is sustainable in only one dimension would not be considered sustainable for the purposes of the presumption. The appellant considers that the development meets all three threads of sustainable development.
- 4.7 Secondly, the decision-taker is required to consider whether the development accords with an up-to-date development plan – and if it does planning

permission should be granted unless material considerations indicate otherwise. The appellant considers that the development accords with the development plan.

4.8 Thirdly, the decision-taker is required to determine whether there are any relevant development plan policies, or the policies which are most important for determining the application, are out-of-date and if not, grant permission unless:

- *the application of policies in this Framework (NPPF) that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
- *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.*

4.9 Section 5 refers to delivering a sufficient supply of homes. Paragraph 59 reiterates the government's objective of significantly boosting the supply of homes and states the importance of a sufficient amount and variety of land to come forward where it is needed and that land with permission is developed without delay.

4.10 Paragraph 68 states that small sites can make an important contribution to meeting the housing requirement of an area. Criterion c advises that local planning authorities should support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes. Criterion d states that local planning authorities should work with developers to encourage the subdivision of large sites where this could help to speed up the delivery of homes.

4.11 Section 11 refers to the effective use of land and paragraph 117 states that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. It states further at Paragraph 122(a) that planning policies and decisions should support development that makes efficient use of land; taking into account the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it.

4.12 Section 12 refers to achieving well-designed places. Paragraph 127 states that planning policies and decisions should ensure that developments; (b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping, (c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change, (e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development and (f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.



- 4.13 Paragraph 130 states that where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development.
- 4.14 Section 16 refers to conserving and enhancing the historic environment. Paragraph 193 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be) irrespective of the level of harm to its significance. Paragraphs 195 and 196 set out that where development proposals lead to harm to a designated heritage asset this harm should be weighed against the public benefits of the proposal.

## **5.0 THE DEVELOPMENT PLAN**

- 5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.
- 5.2 For the purposes of this appeal, the adopted Development Plan for the London Borough of Camden comprises the London Plan (2021), the Camden Local Plan (2017) and Camden's Planning Guidance Documents (CPG's).
- 5.3 The following policies are considered relevant to the determination of this application:

### **The London Plan 2021 (LP)**

GG1 – Building strong and inclusive communities  
GG2 – Making the best use of land  
GC3 – Creating a healthy city  
GG4 – Delivering the homes Londoners need  
GG6 – Increasing efficiency and resilience  
SD6 – Town centres and high streets  
D3 – Optimising site capacity through a design-led approach  
D5 – Inclusive design  
D6 – Housing quality and design standards  
D7 – Accessible housing  
D12 – Fire safety  
H1 – Increasing housing supply  
H2 – Small sites  
HC1 – Heritage conservation and growth  
G6 – Biodiversity and access to nature  
SI2 – Minimising greenhouse gas emissions  
SI4 – Managing heat risk  
SI6 – Digital connectivity and infrastructure  
SI13 – Sustainable drainage  
T1 – Strategic approach to transport  
T4 – Assessing and mitigating transport impacts  
T5 – Cycling  
T6.1 – Residential parking

### **Camden Local Plan 2017 (CLP)**

G1 – Delivery and Location of Growth  
H1 – Maximising Housing Supply  
H6 – Housing Choice and Mix Policy  
A1 – Managing the Impact of Development  
A2 – Open Space  
D1 – Design  
D2 – Heritage Policy

CC1 – Climate Change Mitigation  
CC2 – Adapting to Climate Change  
TC2 – Camden’s centres and other shopping areas  
T1 – Prioritising Walking, Cycling and Public Transport Policy  
T2 – Parking and car free development

**Camden Planning Guidance Documents (CPG)**

Amenity CPG (2018)  
Design CPG (2021)  
Energy Efficiency (2019)  
Adaptation CPG  
Transport CPG  
Regent’s Canal Conservation Area Appraisal and Management Strategy  
(2008)

- 5.4 The full wording of the policies and that are most pertinent to the determination of the application can be found at Appendices 12 and 13.
- 5.5 The appellant considers the proposal to be in accordance with the adopted development plan. Paragraph 11 of the NPPF sets out that decision makers should be approving development proposals that accord with an up-to-date development plan without delay.
- 5.6 The planning application was submitted to Local Authority on 16<sup>th</sup> September 2020, was subsequently validated on the 23<sup>rd</sup> September 2020 with a decision due to be issued on the 18<sup>th</sup> November 2020. The Local Authority has failed to determine the application in a reasonable and timely manner.

## **6.0 THE APPELLANTS CASE**

6.1 The key considerations in determining this appeal are considered to be:

- 1) Principle of development
- 2) Design and visual impacts
- 3) Heritage impacts
- 4) Neighbour amenity impacts
- 5) Living conditions for future occupants
- 6) Access and Highway impacts
- 7) Energy and water efficiency

### Principle of development

6.2 Paragraph 59 of the NPPF outlines the Government's objective to significantly boost housing supply. Policy 68 of the NPPF recognises that small/ medium sites can make an important contribution to meeting housing needs.

6.3 Policy GG2 of the London Plan (LP) sets out that in order to create successful sustainable places there is a need to make the best use of land. LP Policy SD6 sets out that the vitality and viability of London's town centres should be promoted and enhanced by encouraging the provision of a diverse range of uses, including residential uses and by realising the potential for new housing in town centres that makes the best use of land. LP Policies H1 and H2 sets out a 10-year housing target for Camden of 10,380 dwellings by 2028/2029 and a 3,280 dwelling target on small sites (below 0.25 hectares in size).

6.4 The Camden Local Plan (CLP) identifies that the borough has a growing population, that self-contained housing is a priority land use and that the Council need to make the best use of the borough's limited land resources by making the most efficient use of land whilst delivering sustainable housing. CLP Policies G1 and H1 seek to secure a sufficient supply of homes to meet the needs of existing and future households by maximising supply across the borough. Policy TC2 promotes the provision of housing within existing centres, including above shops where it does not prejudice the function of the town centre, particularly with regard to ground floor town centre uses.

6.5 The proposal is to extend an existing commercial building at first floor level to provide a dwelling. The proposal has independent access from the commercial uses. The ground floor commercial uses will be retained and there would be no net loss in existing ground floor commercial floor space. The proposed residential use is compatible with the ground floor retail uses. The proposal would not prejudice the function of the existing ground floor retail uses and would introduce a much needed residential development as part of a mixed use site.

- 6.6 The proposal accords with LP Policies GG2, SD6, H1 and H2 and CLP Policies G1, H1 and TC2. The proposed development is considered to be acceptable in principle.

Design and visual impacts

- 6.7 Paragraph 127 of the NPPF outlines that decisions should ensure that developments are visually attractive and are sympathetic to local character. Paragraph 130 states that where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development.
- 6.8 LP Policy D3 sets out that all development must make the best use of land by following a design-led approach. The policy also states that developments should enhance local context, encourage active travel, facilitate efficient servicing, provide active frontages, respect local character and be of high-quality architecture.
- 6.9 CLP Policy D1 requires development to be of the highest architectural and urban design quality, having regard to design and visual impact and to the context within which it is placed, and the contribution it makes to the landscape qualities of the area.
- 6.10 The aims of CLP Policy D1 are further reinforced by guidance contained within the Camden Planning Guidance (CPG) on Design. In relation to mansards, it states that these are likely to be acceptable where; good quality materials and details are used and the visual prominence, scale and bulk would be appropriate having regard to the local context, and where alterations are architecturally sympathetic to the age and character of the building and retain the overall integrity of the roof form. It advises that roof additions will be unacceptable where it would have an adverse impact on the appearance of the building or the street scene.
- 6.11 The appeal site comprises a single storey commercial building which forms part of a wider shopping parade. Whilst the building is physically attached to the neighbouring commercial units to the west, the application building has a distinctly different appearance insofar as the neighbouring buildings form a 4-storey terrace. The juxtaposition between the buildings exposes a large graffitied flank wall to the neighbour terraced building. To the rear of the site is a four storey rendered, bay fronted building, the top floor of which comprises a mansard roof.
- 6.12 The existing building does not relate well to the scale and proportions of the existing buildings in the part of Chalk Farm Road in which the appeal building is located. The appeal building is of little architectural or visual interest. Owing to the shop front design and the significant difference in scale between the application building and the neighbouring building, the appeal site is considered to have a negative impact upon the character and appearance of the area.

- 6.13 The proposed mansard roof extension would introduce an additional storey resulting in a two-storey building. By virtue of the scale of the neighbouring terrace, the proposed extension would continue to step down from this building maintaining a subservient appearance. The single storey height of the extension would also ensure the resulting building massing would not be overly prominent when viewed within the street, and would continue to allow the building to the rear of the site to be appreciated. The proposed height and massing is therefore of an appropriate scale in this context. Further, the extension would be located directly above the existing building footprint where it would respect the existing building line of the property and neighbouring properties along this part of Chalk Farm Road.
- 6.14 Due to the four-storey scale of the adjacent building, the existing building does not form part of the complete composition of this terrace. As a result, the existing property reads as an individual site and it would be inappropriate to mimic the neighbouring site. Consequently, the individually designed extension, that relates specifically to the massing and size of the existing building, would result in a far more appropriate development. For these reasons, the proposed mansard is considered an appropriate design, which would not undermine the architectural style of the existing terrace.
- 6.15 In any case, several mansard roof extensions exist locally including those to the adjacent terrace and to the rear of the site, and the proposed extension would seek to replicate these in terms of their profile and massing. The extension has been designed with large traditional openings proposed to the front elevation to ensure an active frontage, similar to those neighbouring upper floors, whilst the use of modern steel detailing to elevations would add visual interest and a contemporary finish to its appearance.
- 6.16 The proposal respects the existing building line and is a sympathetic form of extension which would harmonise with the streetscape, respect its local context and not harm the appearance of the building. The proposal complies with the design aspirations of LP Policy D3, CLP Policy D1 of the CLP and the adopted Camden Planning Guidance (CPG) on design.

#### Heritage impacts

- 6.17 Case law dictates that decision makers are required to give great weight to any harm to the significance of a heritage asset. Section 16 of the NPPF reflects the statutory duty insofar as it requires a consideration as to whether the proposal preserves and enhances the significance of the heritage asset, making a balanced judgement having regard to the scale of harm or loss and the significance of the heritage asset (paragraphs 192-196).
- 6.18 LP Policies D1 and HC1 require development proposals that affect heritage assets and their settings to conserve their significance and appreciation within their surroundings.

- 6.19 CLP 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.
- 6.20 The appeal building is not listed and the site is not located within a Conservation Area. The northern boundary of the Regent's Canal Conservation Area is however located opposite the site of the road, which extends up to the south side of Chalk Farm Road. The appeal site is also located near to several listed buildings including the grade II\* listed The Round House (list no. 1258103) and Horse Hospital and Boundary Wall (list no. 1258100), the grade II listed Cattle Trough opposite Debouchment of Belmont Street (list no. 1258104).
- 6.21 The Regent's Canal Conservation Area Appraisal and Management Strategy (2008) sets out that the special character of the area is largely derived from the canal itself, its crossings and the historic industrial buildings. In particular, its hidden nature and the way in which the surrounding built form and pattern of development turns its back on the canal and creating a tranquil space. The appeal site is adjacent to sub area one (Euston Mainline Railway Bridge to Southampton Bridge). Negative features within the area include the proliferation of signage on Chalk Farm Road and new window openings which are out of scale and inappropriately designed. The appraisal sets out that the area is varied in scale and that new design should respect the scale of the particular location and building heights should not interfere with views or landmarks and enhance views from within and outside the conservation area.
- 6.22 The appeal building forms part of an existing block of commercial buildings located on the north side of Chalk Farm Road. The building is not of any significant architectural or historic merit. The commercial signage and graffiti to the neighbouring building results in the site having a negative impact on the setting of the conservation area and the nearby listed buildings. The development of the site would not adversely impact upon any important views into or out of the conservation area or to and from the nearby listed buildings owing to the surrounding larger scale intervening built form.
- 6.23 The proposed extension is modest in scale and would appear as a sympathetic and subservient addition to the existing building. The proposal would improve the visual relationship between the existing building and surrounding larger scale buildings and would not have a detrimental impact upon the street scene or the character of the area. The proposal is considered to enhance the setting of the conservation area and the nearby listed buildings.
- 6.24 Should any harm be identified (this is a view not shared by the appellant), at worst, this would be towards the lowest end of less than substantial harm. Such harm would be clearly outweighed by the public benefits associated with the provision of a dwelling at a time of significant housing need.
- 6.25 It is therefore considered that the proposal preserves the contribution that the site currently makes to the setting and significance of the conservation area

and the nearby listed buildings. The proposal therefore accords with LP Policies D1 and HC1 of the London Plan and CLP Policy D2.

#### Neighbour amenity

- 6.26 Paragraph 127 of the NPPF sets out that decisions should create places which are safe, inclusive and accessible which promote health and well-being, with a high standard of amenity for existing and future users.
- 6.27 LP Policy D3 states that proposals should deliver appropriate outlook, privacy and amenity. LP Policy D6 sets out that the design of development should provide sufficient daylight and sunlight to new and surrounding housing that is appropriate for its context, whilst avoiding overheating, minimising overshadowing and maximising the usability of outside amenity space.
- 6.28 CLP Policy A1 seeks to protect the amenity of Camden's residents by ensuring the impact of development is fully considered and ensuring that development protects the quality of life of occupiers and neighbours by not granting permission that would give rise to amenity harm to neighbouring residents.
- 6.29 The amenity aspirations of CLP Policy A1 are expanded upon within the adopted Amenity CPG (2018) which sets specific amenity standards for development.
- 6.30 Three neighbour objections were received in response to the public consultation. Two objections were from occupants/owners of flats within no.65 Chalk Farm Road which is located immediately to the rear of the proposed development, whilst the address of the third objector was not publicly available at the time of writing. The reasons for the objections include loss of view from a first floor living room window, concerns over maintenance of the proposed planting, and the loss of rental and value of neighbouring flats. Please see Appendices 14-16 for the full neighbour comments.
- 6.31 Neither loss of view nor loss of property value are material planning considerations. The proposed planting is intended to be low maintenance and comprises a modest area of planting which would not require extensive maintenance. In any case, access to maintain the planting could be achieved via a ladder and movement across the flat roofed area immediately behind the dwelling. If deemed necessary, landscaping and maintenance arrangements can be secured by condition.
- 6.32 The proposed dwelling is to have 3 windows to the front (south facing) elevation and glazed doors with a balcony on its east facing elevation. No windows are proposed to the rear elevation of the extension which is the elevation directly facing the windows serving the front second floor flat at no. 65a Chalk Farm Road. The proposed balcony is located such that the proposed extension would prevent direct overlooking of the windows of no.65a. The proposed balcony and side facing doors would not directly face the windows serving habitable rooms



of no. 60-62 Chalk Farm Road but would directly face its roof terrace. However, the oblique angle of view along with the circa 18 metre separation distance and intervening screening is sufficient to ensure that the proposal would not be harmful to the privacy of this neighbour.

6.33 In terms of outlook, the proposed extension is located in close proximity of south facing windows of the neighbouring residential units at no.65a Chalk Farm Road. The existing outlook from these windows is the flat roof and associated plant of the existing building as well as the highway, Morrison's petrol station and railway beyond.

6.34 The proposed extension is modest in height and has been designed to improve the outlook from the neighbouring windows at no. 65a Chalk Farm Road. In particular, the proposal has a curved roof form with a Sedum roof and climbing trough planting to the rear. The proposal would result in an outlook comprising of a modest amount of textured cladding, green landscaping and open skyline (Figure 3). The proposal is considered to have a positive impact upon neighbour outlook.

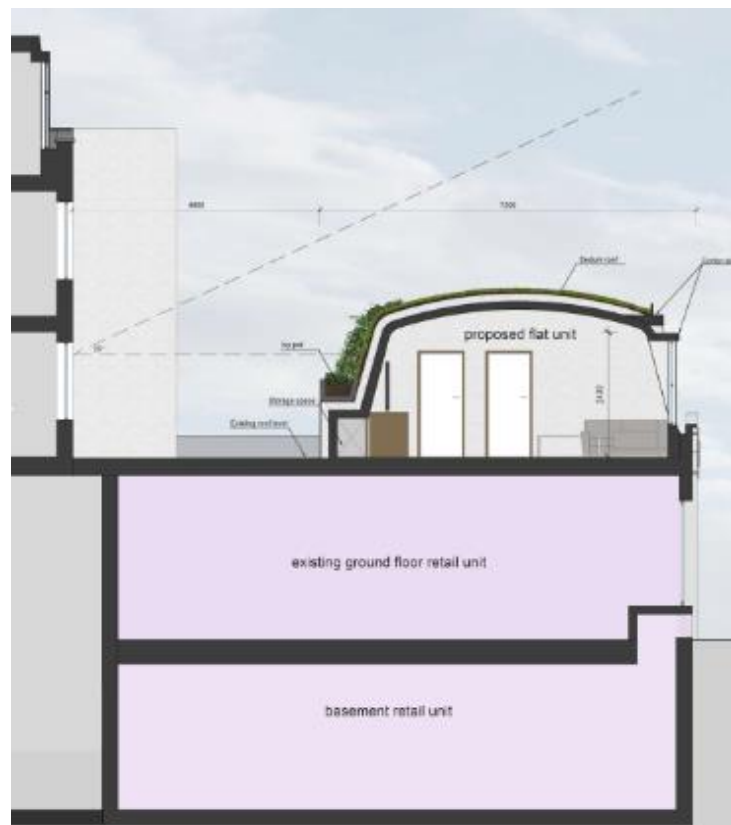


Figure 3: Section drawing showing the relationship of the proposed dwelling in the context of the most affected elevation at no.65a Chalk Farm Road.

6.35 A daylight and sunlight assessment report has been submitted with this appeal which considers the potential impact on neighbouring daylight and sunlight. The report concludes that proposal generally passes the 25 degree and 45 degree tests cited in the BRE's Site layout planning for daylight and sunlight: A guide to good practice. Furthermore, all windows with a requirement for daylight pass

the vertical sky component test with the exception of window 4 at 65a Chalk Farm Road, which achieves a reduction ratio of 0.78 against the BRE target of 0.8. However, it should be identified that this window is one of two windows serving a dual aspect living/kitchen/dining room. The second window (window 7 within the report) serves the same room and passes the vertical sky component test. All rooms with a requirement for daylight pass the distribution test and all windows with a requirement for sunlight pass both the total annual sunlight hours test and the winter sunlight hours test. With respect to overshadowing to gardens, the proposed development will not create any new areas which receive less than two hours of sunlight on 21<sup>st</sup> March.

- 6.36 As demonstrated within the supporting daylight/sunlight assessment, the proposal will therefore have an acceptable impact on light receivable by neighbouring windows and amenity areas having regard to the BRE guidance. Please refer to Appendix 17 for the daylight and sunlight assessment report.
- 6.37 In respect to overbearing impacts, the proposed extension would result in building that is notably smaller in scale than the immediate neighbouring buildings. The degree of separation between the proposed extension and the second floor south facing windows of no.65a, the modest height of the extension, its curved design and landscaping is such that it would not give rise to unacceptable overbearing impacts on the neighbouring residential occupiers.
- 6.38 The proposed development would not give rise to any unacceptable neighbour amenity impacts and there would be no conflict with the amenity objectives of LP Policies D3 and D6, CLP Policy A1 or the Amenity CPG (2018).

#### Living conditions for future occupants

- 6.39 Paragraph 127(f) of the NPPF states that planning decisions should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.
- 6.40 LP Policy D6 states that housing development should provide adequately-sized rooms with comfortable and functional layouts which are fit for purpose and meet the needs of Londoners. The policy continues that the development should provide sufficient daylight and sunlight for its context whilst avoiding overheating, minimise overshadowing and maximise the usability of outside amenity space and that developments are required to meet the minimum standards set out in part F of the policy.
- 6.41 CLP Policy H6 states that in all developments the Council will encourage design of all housing to provide functional, adaptable and accessible spaces, and expect all self-contained homes to meet the national derived space standards. The CLP advises that private amenity space is also important in adding to residents' quality of life and CLP Policy D1 requires development to incorporate outdoor amenity space.

- 6.42 The proposed single storey, 2 person, 1 bedroomed dwelling measuring 57.3 square metres of internal floor space exceeds the minimum gross internal floor space (50 square metres) as set out in the Technical housing standards – nationally described space standard and table 3.1 of the London Plan.
- 6.43 The proposed double bedroom at 12 square metres exceeds the minimum (11.5 square metres) set out in LP Policy D6 (f). The balcony at 4.5 square metres falls marginally below the recommended minimum (5 square metres) set out in LP Policy D6 (f). However, given the overall size of the dwelling and the fact that the site is located within 500 metres of existing public open space (Castlehaven Community Park and Talacre Gardens) the modest amenity space deficit it is not considered result in a poor quality living environment for the future occupants of the dwelling.
- 6.44 The proposed dwelling has openings on south and east facing elevations which ensures that the spacious habitable rooms of the property will receive ample light, air circulation and have an acceptable outlook.
- 6.45 The proposed development constitutes a high quality design which would provide a comfortable and spacious living environment for the future occupants. The proposal is considered to comply with the occupant amenity objectives of LP Policies D3 and D6 and CLP Policies H6 and D1 and paragraph 127 of the NPPF.

#### Access and highway impacts

- 6.46 Section 9 of the NPPF promotes sustainable transport. Paragraph 109 sets out that development should only be refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 6.47 LP Policy T2 sets out that development proposals should deliver patterns of land use that facilitate residents making shorter, regular trips by walking and cycling. LP Policy T5 sets out that 1.5 cycle parking spaces are required per 2 person 1 bedroomed dwelling. LP Policy T6.1 sets out that residential development in all areas with a PTAL rating of 5-6 shall be car free.
- 6.48 CLP Policies T1 and T2 of the Local Plan highlight the importance of prioritising walking and cycling as a sustainable mode of transport and indicate that car-free development across the borough is a key aim.
- 6.49 The site is located in an area with a PTAL rating of 6a meaning that the site is highly accessible via public transport. The site and surrounding roads are subject to controlled parking restrictions between the hours of 08.30 and 23.00 Monday – Friday and 09.30 and 23.00 Saturday- Sunday.

- 6.50 The site has ready access to local shops, open spaces, bus stops, train stations, underground stations and places of employment within reasonable walking and cycle distance. The proposal is for a car free development which is considered to be acceptable on this site.
- 6.51 The future occupants would have access to a secure cycle store at ground floor level which is capable of providing parking for 2 bicycles.
- 6.52 The proposed development would provide a car free development with adequate cycle parking and would not result in any severe highway safety impacts. The proposed development is in line with LP Policies T2 and T6.1 of the and CLP Policies T1 and T2.

#### Energy and water efficiency

- 6.53 LP Policy SI2 sets out that residential development should achieve a minimum 10% reduction beyond current building regulation requirements. LP Policy SI5 sets out that development proposals should achieve mains water consumption of 105 litres per head per day (excluding an allowance of up to 5 litres for external water consumption). LP Policy SI13 promotes sustainable drainage solutions.
- 6.54 CLP Policy CC1 requires all development to minimise the effects of climate change and encourage all developments to meet the highest feasible environmental standards. CLP Policy CC2 requires all development to be resilient to climate change and to adopt appropriate climate change adaptation measures. CLP Policy CC3 seeks to ensure that development does not increase flood risk.
- 6.55 CLP Policies CC1 and CC2 is supplemented by the Energy efficiency and adaptation CPG (2019) which requires carbon emissions to be reduced following the energy hierarchy.
- 6.56 The proposal has adopted the London Plan energy hierarchy Be Lean, Be Clean and Be Green enabling the development to achieve a carbon emissions saving of 49.1% above that required by the 2013 building regulation requirements. Specific measures adopted include flow control devices and water efficient fixtures and fittings to target a maximum internal daily water consumption of 105 litres per person per day, highly insulated materials, maximising passive solar gain, high degrees of air tightness, energy efficient fixtures, fittings and lighting, air source heat pump and a green roof. Please refer to the Energy and Sustainability Statement at Appendix 18 for further details of the proposed sustainability measures.
- 6.57 The proposed building is located in a highly accessible location with the dwelling designed to achieve high levels of water and energy efficiency. The proposal is for a car free development in a highly accessible location whereby the future occupants have ready access to essential day to day services and

facilities by foot, bicycle and public transport. The green roof and landscaping provides a sustainable urban drainage solution whilst delivering ecological benefits. The proposed development accords with LP Policies SI2, SI3 and SI13, CLP Policies CC1, CC2 and CC3 and the adopted Energy efficiency and adaptation CPG (2019).

## **7.0 SUMMARY AND CONCLUSION**

- 7.1 The appeal seeks planning permission for the erection of a single storey mansard roof extension to create a 1 bed residential unit above the existing retail units at 65-66 Chalk Farm Road.
- 7.2 The NPPF sets out that all development should be considered in the context of a presumption in favour of sustainable development and that for decision making this means approving development proposals that accord with an up-to-date development plan without delay.
- 7.3 The proposed development makes the best of use of a previously developed site in a highly accessible town centre location, contributing positively to a significant local housing need.
- 7.4 The proposed development constitutes high quality design which is sympathetic to the host building and the local context. The proposal preserves the contribution in which the site makes to the character and significance of the Regent's Canal Conservation Area and the nearby grade II and II\* listed buildings.
- 7.5 The extension has been carefully designed to avoid giving rise to adverse neighbour amenity impacts with respect to loss of privacy, loss of light, loss of outlook and overbearing impacts.
- 7.6 The development provides a high standard of accommodation which provides ample internal and external amenity space, ready access to day to day services and facilities, safe access and adequate waste storage and cycle parking arrangements.
- 7.7 The dwelling has been designed to achieve high levels of energy and water efficiency and incorporates a sustainable form of drainage in its green roof, which also would provide ecological benefits.
- 7.8 The proposal fulfils the three dimensions of sustainable development and fully accords with the adopted development plan. There are no material planning considerations which indicate that the development shall be determined against anything in accordance with anything but the adopted development plan. It is therefore respectfully requested that planning permission is granted.