

Delegated Report (Refusal)	Analysis sheet	Expiry Date:	19/10/2020
	N/A / attached	Consultation Expiry Date:	11/10/2020

Officer			Application Number(s)
Joshua Ogunleye			2020/3274/P
Application Address			Drawing Numbers
92 Fortune Green Road London NW6 1DS			See draft decision notice
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature

Proposal(s)
The part change of use of a ground floor retail unit (Class A1) to a 1 bed flat (Class C3) and associated installation of additional door to shopfront.

Recommendation(s):	Refuse planning permission
Application Type:	Full Planning Application
Conditions or Reasons for Refusal:	Refer to Draft Decision Notice
Informative:	

Consultations				
Adjoining Occupiers:	No. of responses	00	No. of objections	00
Summary of consultation responses:	Site notice consultation: 09/09/2020 until 03/10/2020 No responses were received from neighbouring properties.			
Fortune Green and West Hampstead Neighbourhood Forum	No comment submitted			

Site Description
<p>1.1. The subject property is a three storey mid-terraced Victorian property on the eastern side of Fortune Green Road. The property is currently in mixed use, with the ground floor in commercial retail (Class A3) use and the first and second floors in residential (Class C3) use.</p> <p>1.2. The application property is not located in a conservation area; however, it is within the Fortune Green and West Hampstead Neighbourhood Plan area. The property is not subject to any statutory or local listing.</p>

Relevant History

2004/3500/P: Change of use of the ground floor, excluding rear mews building, from Class A1 shop use to Class A3 restaurant use plus erection of ventilation duct on the rear elevation. Application refused on 14/01/2005.

Refused for the following reason

The proposed change of use to a restaurant would result in the loss of an existing Class A1 retail unit within an area designated for its local shopping function. The loss of the unit would result in retail representation in the Neighbourhood Shopping Centre falling to an unacceptably low level to the detriment of the general vitality and viability of the Centre, contrary to Policies SH9 and SH18 of the London Borough of Camden Unitary Development Plan 2000.

Relevant policies

National Planning Policy Framework 2019

London Plan 2021

Camden Plan 2017

A1 Managing the impact of development

D1 Design

H1 Maximising Housing Supply

H6 Housing Choice and mix

H7 Large and Small Homes

T1 Prioritising walking, cycling and public transport

T2 Parking and car-free development

TC2 Camden's centres and other shopping areas

Fortune Green and West Hampstead Neighbourhood Plan 2015

Policy 1: Housing

Policy 2: Design and Character

Policy 7: Sustainable Transport

Policy 8: Cycling

Policy 15: Fortune Green Neighbourhood Centre

Camden Planning Guidance

Home Improvement (2021)

Design (2021)

Amenity (2021)

Transport (2021)

Assessment

1. Proposal

- 1.1. Planning permission is sought for the change of use of 61sqm of the retail (Class A1) floor space, located to the rear at ground floor level, to form a 1bed 2person self-contained flat, and the associated alteration to the existing shopfront to form an additional entrance door.

2. Revisions

No revised drawings was sought in the consideration of this application.

3. Assessment

- Land use
- Standards of residential accommodation
- Design and character
- Transport Considerations

4. Land use

Note on Use Classes

- 4.1. On 21 July 2020, the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 (the "Regulations") were laid before parliament and came into force on 1 September 2020. The Regulations revoke Parts of the Town and Country Planning (Use Class Order) 1987 (as amended) from 01 September 2020.
- 4.2. Regulation 4 of the Regulations provides that if before 1 September 2020 an application for planning permission is submitted which refers to uses or use classes specified in the Town and Country Planning (Use Class Order) 1987 (as amended) (the "Use Classes Order") as it applied on 31 August 2020, that application must be determined by reference to the Use Classes Order as at 31 August 2020. This application was submitted on 23 July 2020 and must therefore be determined by reference to the Use Classes Order as it applied on 31 August 2020 (i.e. referring to Use Class A and not the new Class E).

Creation of Housing

- 4.3. 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. The proposal would provide one additional 1-bed residential unit (Use Class C3) and is therefore compliant with policy H1 in terms of land use.
- 4.4. Policy H7 seeks to provide a range of unit sizes to meet demand across the borough and regards 2 and 3 bed units as high priority whilst 1-bed units are identified as lower priority. The Council can however take a flexible approach when assessing development against Policy H7 taking into account the character of the development, the site and the area. Policy 1 of the Fortune Green and West Hampstead Neighbourhood Plan also requires a provision of a range of different unit sizes, including 3 and 4 bedroom homes suitable for families.
- 4.5. Due to the limited floorplate of the building, providing a high priority unit i.e. a 2 or 3-bed would involve spreading the accommodation over 3 floors in order to achieve an amount of floor space compliant with the nationally described space standards. In light of this, the 1-bed unit is considered an acceptable dwelling size for the site.

Loss of Retail

- 4.6. The application site is located within the Fortune Green Road Neighbourhood Centre and is

recognised as an area that provides for the day-to-day needs of people living, working or staying nearby. Within these areas, the Council will seek to retain convenience shopping for local residents and will ensure that development in them does not harm the function, character or success of that centre. The Town Centres CPG sets out that the Council will resist schemes that result in less than 50% of ground floor premises being in retail use; or more than 3 consecutive premises being in non-retail use. The Council will also take into account any history of vacancy in the centre and the viability retail use at that location.

4.7. Policy 15 of the Fortune Green and West Hampstead Neighbourhood Plan also requires development to preserve or / and enhance the character of the neighbourhood centre and provide for a diverse range of shops, businesses and economic activity.

4.8. The proposal would result in the loss of 60sqm of retail floor space, retaining a retail unit measuring 43sqm fronting onto Fortune Green Road. Although the unit would be reduced in size, 43sqm is considered sufficient for a viable retail space and would retain the commercial character and function of the Neighbourhood Centre.

5. Standard of residential accommodation

Space standards

5.1. CPG Housing requires development to provide high quality housing that provides secure, well-lit accommodation that has well-designed layouts and rooms. All habitable rooms should have access to natural daylight and the strong preference is for dual aspect units. The proposed dwelling would be single aspect with a single window onto a shallow light well.

5.2. The London Plan introduced new Nationally Described Space Standards in March 2015, setting out minimum gross internal floor areas (GIA) and accommodation standards for new/converted residential units. The GIA standard for the 1-bed 2 person units, as proposed, is 50sqm. The proposed 1-bed unit would provide 55sqm at ground floor level. The proposed unit comfortably exceeds the standards and incorporate a good amount of floorspace. However, it is not considered that the proposed floor layout would be functional/practical, given the plan's awkward layout and lack of integrated storage space. It is therefore, considered that the proposed space would constitute a cramped and oppressive layout.

5.3. The habitable rooms comprise an open plan living room and an inner bedroom. The only source of outlook offered by the proposal would be 1.1m deep light well fronting the rear boundary wall of 92 Fortune Green. Whilst the living room would be single aspect with regards to outlook, the proposed inner bedroom have no windows and no outlook. The bedroom would only get light from a rooflight in the ceiling. Therefore, officers consider the outlook provided to both habitable rooms would be very poor. Furthermore, officers have been unable to confirm the development would have acceptable floor to ceiling height in the absence of section plan drawings.

5.4. The proposed unit would have access to external amenity space, however, the proposed space would be very enclosed with limited outlook. No daylight / sunlight assessment has been provided, and in the absence of this, officers are unsatisfied that future occupants would receive satisfactory levels of daylight / sunlight. Overall, it is considered that the development would provide substandard residential accommodation, and this forms a further reason for refusal.

Design

5.5. The Council's design policies are aimed at achieving the highest standard of design in all developments, including where alterations and extensions are proposed. Policy D1 of the Local Plan requires development to be of the highest architectural and urban design quality, which improves the function, appearance and character of the area.

5.6. Paragraph 7.11 of the Design CPG states that Shopfront alterations should respect the detailed

design, materials, colour and architectural features of the shopfront and building itself, the following will need to be considered:

- Historic, locally distinctive or characteristic shopfronts which contribute to the townscape should be retained. In some cases the reinstatement of missing features will be encouraged.
- New shopfronts should be designed as part of the whole building and should sensitively relate to the scale, proportions and architectural style of the building and surrounding facades.
- Shopfronts forming part of a larger new development should be considered as an integral part of the overall design.
- Standardised “house-style” frontages may have to be amended in order to harmonise with the surrounding context and respect the building, particularly in conservation areas and for listed buildings.
- All shopfronts should be designed to provide access into the premises for all.

5.7. Policy 3 of the Fortune Green and West Hampstead Neighbourhood Plan states that:

- i) Development that enhances or preserves Conservations Areas and heritage assets in the Area – as well as their distinct character, appearance, and setting – will be supported.
- ii) Proposals which detract from the special character, and/or, architectural and/or historic significance, and setting of Conservation Areas and heritage assets in the Area will not be supported.

Local Character

5.8. The surrounding area comprises predominantly mixed use Victorian properties. The eastern side of the road is characterised with three storey properties of a uniform scale and massing. The existing shop front is similar to other shopfronts on the parade. Its proportions typically comprises 1 door leading to the upper floors and another to the commercial space at ground floor level.

5.9. The existing shopfront is of a poor quality and detracts from the character and appearance of the street scene. The proposed alterations involve the installation of an additional entrance door to match the existing. Given the existing modern shopfront design and the matching design of the new door, the visual impact on the building and wider streetscene would be limited.

5.10. Thus it is considered that the proposed shopfront would not harm the character and appearance of the neighbouring properties and surrounding parade which it forms part, and the wider streetscene.

6. Impact on Neighbouring Amenity

6.1. Given the modest scale of the proposed works it is unlikely that the development would give rise to adverse neighbour impacts. The only window would look out onto a small lightwell to the rear, and the new rooflight would not afford direct views into neighbouring windows.

7. Transport

7.1. In line with Policy T1 of the Local Plan, the Council expects cycle parking at new developments to be provided in accordance with the standards set out within the London Plan (1.5 spaces for 1b2p units). A policy compliant provision would therefore be two secure and accessible cycle spaces. No cycle parking has been provided on site. However, taking into consideration the

space constraints of the site, there is insufficient space for two cycle spaces and therefore the non-provision of cycle parking shall not constitute a reason for refusal.

- 7.2. Policy T2 requires all redevelopment schemes to be car-free in order to reduce air pollution and congestion and improve the attractiveness of an area for local walking and cycling. The applicant has indicated willingness to enter into a legal agreement for a car-free development via the submission of proposed section 106 heads of terms; however, in the absence of a finalised legal agreement being in place at the time of determination, the lack of such agreement shall constitute a reason for refusal.

7.3. **Conclusion**

- 7.4. The proposed dwelling, by reason of its layout, insufficient outlook and daylight and standard of external amenity space would result in sub-standard residential accommodation for future occupants, contrary to Policy H6 (Housing Choice and mix) of the Camden Local Plan 2017.

- 7.5. The proposed development, in the absence of a legal agreement to secure car-free housing, would be likely to contribute unacceptably to parking stress and congestion in the surrounding area and fail to promote more healthy or sustainable transport choices, contrary to policy T2 (Parking and car-free development) of the Camden Local Plan 2017 and Policy 7 (Sustainable Transport) of the Fortune Green and West Hampstead Neighbourhood Plan 2015.

8. **Recommendation**

- 8.1. REFUSE planning permission