

Delegated Report		Analysis sheet		Expiry Date:	08/06/2021
		N/A		Consultation Expiry Date:	31/08/2021
Officer			Application Number(s)		
David Peres Da Costa			2021/1782/P		
Application Address			Drawing Numbers		
Glebe House 15 Fitzroy Mews London W1T 6DP			Refer to draft decision notice		
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature		
Proposal(s)					
Erection of an additional storey to create a residential dwelling.					
Recommendation(s):		Refuse Planning Permission			
Application Type:		Full planning permission			

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	00	No. of responses	32	No. of objections	32
Summary of consultation responses:	A site notice was displayed from 19/05/21 to 12/06/21 and the application was advertised in the local paper on 20/05/21 (expiring 13/06/21).					
	Thirty one objections have been received from the occupiers of the following properties: 1, 8, 9, 11, 14 and two unidentified flats at Glebe House (15 Fitzroy Mews), 3 occupiers of 131-133 Cleveland Street, Flat 10 Carlton house, two occupiers of 127-129 Cleveland street, two occupiers of 86 - 90 Cleveland Street, 1B, 7 and two occupiers of 9 Fitzroy Mews, 2, 25, 25A, 25b, 25E, 26, 26A, 27, 28 Fitzroy Square and one unidentified property in Fitzroy Square, 10 Fitzroy Ltd and one unidentified property.					
	The following concerns were raised:					
	Design and impact on Conservation Area					
	<ul style="list-style-type: none"><li>• Change the character of the street</li><li>• The attractive character of the present top floor will be lost</li><li>• Glebe house is already taller than the other existing buildings along Cleveland Street and Fitzroy mews. Adding an extra floor will make Glebe house stand out considerably more and will amount to an over development in a conservation area.</li><li>• The size and scale of the increased height of the proposed development, impact not only on the western side terraces of Fitzroy Square but also the Robert Adam houses (on the east side of Fitzroy Square) in this conservation area of major historic significance.</li><li>• The scale and proportion of the proposed development will be overwhelming to Fitzroy Mews and out of proportion to adjoining properties</li><li>• Would harm the historical charm of Fitzroy Square.</li><li>• The visual impact is not that of a single storey extension as stated in the application, but of a two-storey, 5.33m high extension at the building face. At present the top floor of the building is set back to minimise the impact on the daylight and sunlight in the Fitzroy Mews and Fitzroy Square houses. The new proposal not only adds a dominant floor to the Mews face of the existing building but also in so doing, blocks the present light angles from the set-back of the floor below.</li><li>• Application will certainly impact on these Grade 1 &amp; 2* Listed buildings and the immediate conservation area, particularly the Western Terrace</li><li>• You've got ugly television antennas already on top of the building, we presume these won't be boxed away or moved on top of any new structure - compromising things further.</li><li>• Cleveland Street should retain the rhythm and character of the Georgian and Victorian houses.</li></ul>					

- Concerns about metal cladding, colour and reflective nuisance. White horizontal cladding is inconspicuous and blends in with the sky, a dark zinc clad colour will be prominent against the sky line and more imposing, especially when exposed at greater height from neighbours windows and their sight lines.
- Longer views have not been considered thoroughly, e.g. the proposal is also visible from Carburton Street

#### Amenity

- House 131 on the Westminster side of Cleveland Street will receive even less sunlight. Cleveland Street is a narrow street that does not get much sunlight anyway and this would reduce it even further.
- The proposed additional floor would restrict the sunlight into the flats opposite on Cleveland Street, as the only sunlight to reach them on their Cleveland Street side comes in the early morning when the sun is relatively low in the sky.
- The proposed planning application would result in our flat being both overlooked and the light being blocked! (127-129 Cleveland street)
- The additional floor would also increase the amount the flats opposite on Cleveland Street are overlooked, and again from a top floor flat point of view this is considerable. Especially as the street is so narrow.
- We will no longer be able to see the trees in Fitzroy Square
- 2 skylights situated in my flat will disappear and my east facing terrace will be covered, further contributing to loss of daylight.
- It will be impossible for me to live in the flat because of the construction noise directly above me and the lift will be out of action for many weeks while it is being replaced.
- As a tenant living in the 3rd floor (Flat 11), this would create a lot of noise whilst we are now in a 'work from home' mode.
- This is a quiet and residential street and the construction would be a major disruption to quality of life, especially as many of us are now permanently working from home post-pandemic.
- Loss of privacy and light to 9 Fitzroy Mews
- Loss of daylight and sunlight to 1B Fitzroy Mews – it would obstruct the 45 degree line
- Would create feeling of being hemmed in for residents of Fitzroy Mews
- Fitzroy Square Grade 1 & 2\* listed houses, particularly the western terrace, will be adversely affected by overlooking, loss of daylight and sunlight from their basements to 1st floor levels. The 2nd and 3rd floors will be overlooked. The development is extremely close to the rear windows of the Western Terrace (just 19m away). Adding another storey and even better vantage point into our bedroom is unacceptable.
- The noise pollution in Fitzrovia needs to stop. Residents need a BREAK. The noise in the past 2 years impacts physical and mental health.
- Overlooking from balcony
- Noise would cause substantial impact to our working conditions, and the added traffic and congestion on the streets causing significant impact to local noise and pollution levels, not to mention the safety of local residents and pedestrians.

- The studio flat 25E, is in closer proximity to Glebe House and has roof windows. These will be overlooked including their bathroom/WC.

#### Accessibility during construction

- The application makes no mention of how the lift replacement is to be handled; this is a significant issue given some residents are entirely dependent on it for access to and from their homes.
- The current lift in Glebe House will be out of service for at least 6 to 8 weeks. I am 90 years old and my wife is 84, both of us require walking sticks, struggling with mobility and naturally use the lift a lot as we cannot climb flights of stairs easily. If the lift is out of action for this period of time, as it is most likely to be, then my wife and I will be effectively imprisoned, risking breaking a hip or a leg in the event of a fall should we try the stairs.

#### Structural stability

- I am very concerned that the proposed extra floor will affect the structure of the entire building.
- Risk of structural damage

*Officer's comment: Structural stability falls under Building Regulations rather than Planning.*

#### Transport

- Construction would impede vehicular access to Fitzroy Mews for the residents, as well as the use of the Fitzroy Square properties garages accessed via the mews

#### Other

- 80 flats being built at 101 Cleveland street, so it does not appear as though we need more residential dwellings at present
- Why wasn't Fitzroy Square or indeed Cleveland Court (next door to Glebe House) notified by Camden council of this major building development?
- The drawings in the application are both inaccurate and incomplete: They under-size the height of the proposal by ignoring the fact that the Price & Myers report requires a second structural floor above the existing roof. The application drawing also shows a rooftop plant room of 1.11m in height, when to work as shown in plan the building that houses the plant rooms and access stairs will need to be a minimum of 2.6m in height.
- The sight lines that are marked on the plans (6.5 section B-B) are totally inaccurate and should be checked by a planning officer as the proposed roof height will adversely affect all the houses on the western side of the square
- Should the application be approved, conditions should be included to limit working hours to no longer than 08:00 to 17:00 on weekdays; to minimise disruption from dirt and noise; to maintain 24 hour access to the mews for vehicles and pedestrians; and to require any damage caused to the existing building during construction, assessed by an independent expert, to be made good as soon as it is complete.
- The scaffolding on the front, on Cleveland Street, would be detrimental to the businesses there.

A letter of objection has been received from DLP consultants which has been submitted on behalf of the leaseholders of Glebe House. The following issues have been raised:

- Will increase the height of the property above other buildings in the vicinity, impacting on the general character and townscape of the area and on the Fitzroy Square Conservation Area. An additional floor would be out of context with the properties on Fitzroy Mews particularly those on the east side of the mews.
- The scale of the resulting development is also considered to be out of character with the existing Mews.
- Proposed extension would result in a loss of residential amenity to the existing flats and neighbouring properties, particularly in terms of loss of daylight and sunlight.
- It appears from the submitted drawings that one of the columns of the frame will be placed right in front of the rear-facing windows serving the living/dining room at Flat 14. Also, the rear section of the proposed new floor will extend over the rear terraces which serve flats 14 and 15, to be aligned with the existing building's rear elevation. This will overshadow these terraces and also obstruct sky visibility enjoyed by all the rear-facing windows of these properties, resulting in a loss of daylight and sunlight to the existing rooms. In addition, the new structure will build over two skylights in flat 15 and one skylight in flat 14 and also reduce the ventilation to the existing bathrooms.
- The affected windows at fourth floor are sole windows serving a bedroom and kitchen at Flat 15, a secondary window serving a living/dining room at Flat 15, a secondary window serving a living/dining room at Flat 14 and a secondary bedroom window at Flat 14, in addition to one bathroom window there. It is therefore anticipated that the proposal will impact on the level of daylight and sunlight in the existing flats and in particular on the single-aspect kitchen and bedroom.
- Impacts of construction in terms of noise, additional traffic and access within the Mews. The construction will particularly affect the flats on the fourth floor, flats 14 and 15.

<p><b>Bloomsbury CAAC</b></p>	<p>Object to the application on the basis that the erection of the additional storey on Glebe House would have a detrimental effect on Cleveland Street, Fitzroy Mews, the surrounding listed buildings, and the wider Bloomsbury CA.</p> <p>Cleveland Street is comprised of four-storey Georgian and Victorian terraced buildings, giving rhythm and consistency in scale to the street. Glebe House constructed in the 1970s has little architectural merit considering the architectural significance of the surrounding area. Glebe House is already of a larger bulk compared to the surrounding streetscape and this is particularly noticeable from views down Cleveland Street. An additional storey would only exacerbate Glebe House having an overbearing presence on Cleveland Street. Although the proposed storey extends the existing mansard roof to reduce bulk on Cleveland Street, the extension has no step back on Fitzroy Mews causing the small Mews buildings to be even more dominated.</p> <p>The proposal will also negatively affect the Grade I and II* listed buildings on Fitzroy Square particularly the Western Terrace, which will be adversely affected by the loss of daylight to the basement and first floor. The extension is also of low architectural merit and does not make a positive contribution to the Bloomsbury CA.</p> <p>We therefore advise that the extension is rejected.</p>
<p><b>Councillor Adam Harrison</b></p>	<p>Comment</p> <p>The proposed gain is minimal when set against the harm due from the proposals – just one extra dwelling when compared to the harm, which I describe below.</p> <p>It may be considered that as corner buildings to the entrance to Fitzroy Mew that – together – the greater height of both Glebe House and Cleveland Court is justified when set against the lower heights of the rest of nearby Cleveland Street to the rear of Fitzroy Square, heights whose importance in consistency is noted in the Fitzroy Square conservation area statement. And indeed, both corner buildings are also more modern than their immediate neighbours on Cleveland Street and on Fitzroy Square, with Glebe House the newer of the two and which (to a degree) seeks to mirror Cleveland Court in height and form. However, this relative symmetry and relative success of these corner treatments would be lost were an additional storey to be added to Glebe House. This would leave this building higher than its Cleveland Court counterpart.</p> <p>Glebe House would also then be considerably higher again than the continuous terrace to the north along Cleveland Street, creating undue dominance. It is worth noting that at the northern end of the Cleveland Street (east side) terrace, Aradco House is just one storey taller than the neighbouring historical terrace building at 126 Cleveland Street. This is not inappropriate for a corner building and is in fact very similar to Glebe House's current relationship with 100 Cleveland Street – ie. one storey higher (with both Glebe and Aradco having higher storey heights, which contributes to their greater height overall). Adding the extra storey as proposed would harm provide undue height against the historic neighbour, moving away from the more appropriate relationship</p>

	<p>currently in situ at either end of the terrace. (Something similar is also in place at the 84 Cleveland Street corner building further south, which steps above both its immediate neighbour and the rest of the terrace down to the corner with Maple Street).</p> <p>This dominance would also be replicated on the Fitzroy Mews side as the new building towers (yet further) over the mews and begins to compete ever more aggressively with the buildings of Fitzroy Square.</p>
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## Site Description

The site is a post-war 5 storey building which fronts onto Cleveland Street (east side) and onto Fitzroy Mews (west side). The building has retail on the ground floor and residential on the upper floors (fourteen one and two-bed flats). The site falls within the Fitzroy Square Conservation Area and the boundary of the conservation area runs down the middle of Cleveland Street. To the east of the site are a terrace of 13 houses (20-32, Fitzroy Square) which are listed Grade II\* and form the western side of Fitzroy Square, a private open space listed in the London Squares Preservation Act 1931. The site also falls within the Cleveland Street Neighbourhood Centre. The Borough boundary is just to the west and runs down the middle of Cleveland Street with the City of Westminster to the west.

## Relevant History

7465(R): The redevelopment of the sites of Nos. 92-98 Cleveland Street, Camden, by the erection of a 5-storey building comprising basement garage and shop, ground floor shops and 1st/3rd floors and penthouse floor over comprising 14 residential flats. Granted 18/12/1969

36960: Use of four garages at Glebe House for a single car each in order that residents of buildings other than Glebe House might occupy the two remaining vacant spaces. Granted 28/11/1983

## Relevant policies

### NPPF 2021

### London Plan 2021

G1 Delivery and location of growth  
H1 Maximising housing supply  
H4 Maximising the supply of affordable housing  
H6 Housing choice and mix  
H7 Large and small homes  
C1 Health and wellbeing  
C5 Safety and security  
C6 Access for all  
A1 Managing the impact of development  
D1 Design  
D2 Heritage  
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  
DM1 Delivery and monitoring

### Fitzrovia Area Action Plan

### Camden Planning Guidance

CPG Amenity (January 2021)  
CPG Design (January 2021)  
CPG Housing (January 2021)  
CPG Developer contributions (March 2019)  
CPG Energy efficiency and adaptation (January 2021)  
CPG Transport (January 2021)

### Fitzroy Square Conservation Area Appraisal and Management Strategy March 2010



## Assessment

### 1. Proposal

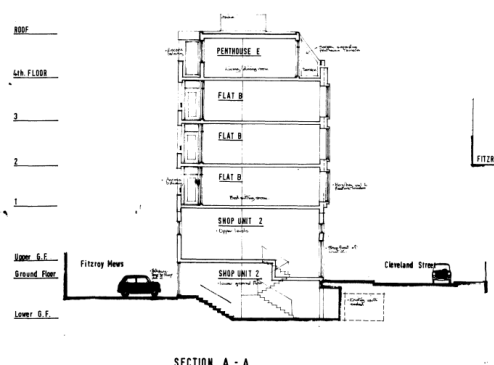
- 1.1. The application seeks approval for an additional storey at 5<sup>th</sup> floor level to provide a 3 bedroom flat with a balcony facing west towards Cleveland Street and overlooking 100 Cleveland Street and another balcony facing south towards the entrance to Fitzroy Mews. The flat would have a floorspace of approximately 158sqm. The extension would have a sloped mansard roof form to the Cleveland Street frontage but with a sheer extension on the Fitzroy Mews elevation. The white horizontal cladding would be removed from the existing fourth floor and replaced with standing seam zinc cladding which would also cover the proposed extension.
- 1.2. Alterations are also sought at ground level to Fitzroy Mews. The garage doors would be replaced with black roller shutters with a black fascia panel above.
- 1.3. Internally the lift access, currently only from the ground to third floors, would be extended throughout the building.

### 2. Assessment

- 2.1. The material considerations for this application are fire safety, land use, affordable housing, housing mix, housing quality, design and heritage, amenity, transport and accessibility.

#### 2.2. Fire Safety

- 2.3. Planning gateway one requires the developer to submit a fire statement setting out fire safety considerations specific to the development with a relevant application for planning permission for development which involves one or more relevant buildings. Relevant buildings include two or more dwellings and meet the height condition of 18m or more in height or 7 or more storeys. The NPPG states that a building containing 7 or more storeys should be determined ignoring any storey which is below ground level (a storey is treated as below ground level if any part of the finished surface of the ceiling of the storey is below the ground level immediately adjacent to that part of the building) and counted from the ground level on the lowest side of the building. The guidance states "To count the number of storeys in a building, count only at the position which gives the greatest number and only exclude a storey if it is entirely below ground level." The submitted sections do not appear to accurately reflect the originally approved drawings for this site (planning ref: 7465(R) approved 18/12/1969). These drawings show that the existing building is already compromised of 6 storeys when counted from the mews at the rear, which has a lower ground level than Cleveland Street. This is shown in the section drawing dated 21/11/69 approved for 7465(R).



- 2.4. On the basis of this drawing, the proposed additional storey would create a 7 storey building (when the storeys are counted from the mews). As such, a Fire Statement would be required. The requirement for a Fire Statement was not raised with the applicant at the time of registration or during the assessment as the number of storeys was not evident from the

applicant's drawings. The absence of the required Fire Statement would form a reason for refusal.

**2.5. Land use**

2.6. Housing is the priority land use in the Local Plan, as stated in policy H1, and the provision of one additional flat would help to meet Camden's housing needs.

**2.7. Affordable Housing**

2.8. Policy H4 aims to maximise the supply of affordable housing. We will expect a contribution to affordable housing from all developments that provide one or more additional homes and involve a total addition to residential floorspace of 100sqm GIA or more. A sliding scale target applies to developments that provide one or more additional homes and have capacity for fewer than 25 additional homes, starting at 2% for one home and increasing by 2% for each home added to capacity. On the basis of 157.87sqm GIA of additional housing floorspace proposed, this would result in a requirement for 4% affordable housing. This would equate to 6.31sqm GIA of affordable floorspace. Where developments have capacity for fewer than 10 additional dwellings, the Council will accept a payment-in-lieu of affordable housing.

2.9. The affordable housing payment in lieu rate is £5000 per sqm GIA. Therefore, the affordable housing payment in lieu would be £31,574 (6.31sqm x £5,000). This should be secured by legal agreement. In the absence of a legal agreement this would form a reason for refusal.

**2.10. Housing mix**

2.11. The development would provide a three bed flat. Three bedroom flats are a high priority in Camden and would accord with Fitzrovia Area Action Plan (FAAP) Principle 1 which seeks larger homes. As such the provision of a three bedroom flat would meet an identified need.

**2.12. Housing Quality**

2.13. The flat would significantly exceed the minimum floorspace requirement set out in the London Plan, would be dual aspect and would have access to two private terraces. Given this, the quality of the flat is considered acceptable.

**2.14. Access**

2.15. The insertion of extended lift access to the existing fourth floor and proposed fifth floor improves current accessibility. Step free access can therefore be provided to the proposed flat. As such, if approval was recommended a condition would require that the flat was designed to meet Building Regulations part M4(2).

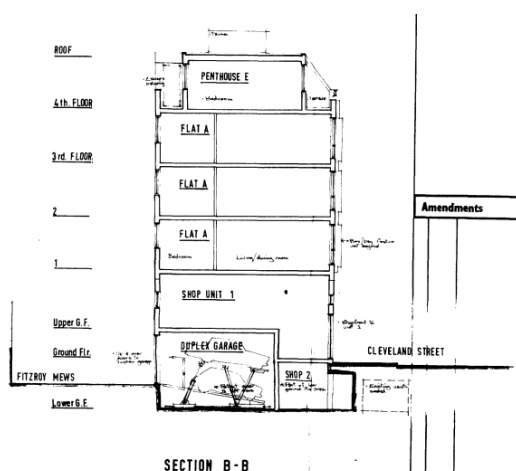
**2.16. Design and Heritage**

2.17. Design Policy D1 sets out that the Council 'expects excellence in architecture and design'. The FAAP provides urban design principles for new development. "New development should respond positively to the prevailing form of nearby buildings and frontages in terms of scale and grain, particularly listed buildings, and buildings, spaces, and other features identified as making a positive contribution to the conservation areas".

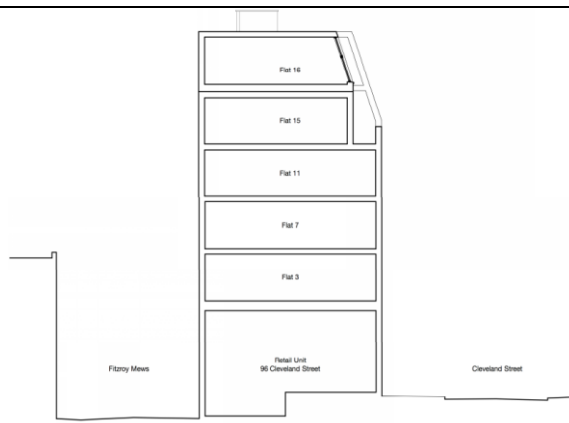
2.18. The top floor addition is poorly designed in its footprint, bulk and integration with the existing building. When viewed from Cleveland Street, the conversion of the existing set-back top floor would create, in effect, a very dominant double mansard, a two-storey form atop a four-story building, that would be at odds with the scale and post-war style of the building. The height of the extension (3.1m) is also greater than the height of the floors below

(approx. 2.65m) as it incorporates a structural floor above the roof of the existing fourth floor. This height differential would add to the bulky appearance of the extension. In addition it is noted that the height of the rooftop plant room and access stair does not appear to be accurate. This structure is shown as approx. 1.1m high but contains an access stair and lift overrun. The existing roof structure is approx. 1.79m high and it is likely that the proposed rooftop structure would need to be of a similar scale to allow access to the stairs.

- 2.19. Glebe House is already higher than other buildings on Cleveland Street which are typically four storeys. The adjoining terrace to the north (100-126 Cleveland Street) is 4 storeys including mansard and so the existing building is already taller than these neighbouring buildings. It is currently slightly higher than 86-90 Cleveland Street, the neighbouring building to the north. The proposed extension would result in Glebe House being taller than all the surrounding buildings including 127-129 Cleveland Street, on the opposite side of Cleveland Street. The additional storey would harm the relationship Glebe House has with these nearby buildings and would make Glebe House even more dominant in the street scene along Cleveland Street.
- 2.20. The Fitzroy Square Conservation Area Statement specifically refers at paragraph 6.30 to “the terraces along the east side of Cleveland Street (which) are predominately three storeys in height with small attic windows within the mansard, although there are some four-storey elements (mainly south of Grafton Way). Nos 66-84 & Nos 100-126 are considered to be groups that contribute to the character of the area, particularly No 106 which is grade II listed and has a fine shopfront. These blocks have a consistent elevational treatment and rhythm of fenestration and consistent plot widths.”
- 2.21. It is considered that increasing the height of Glebe House would have a negative impact on the setting of these buildings and on the townscape and character of the wider Conservation Area.
- 2.22. Paragraph 6.33 of the Conservation Area Statement (CAS) notes that “Fitzroy Mews retains its granite sett surface but has no buildings of note. The three-storey 20th century houses and offices on the eastern side take on a mews character and have large ground-floor openings with timber doors.” The CAS also acknowledges that “the eastern side of the mews is dominated by five-storey red brick blocks of flats which have access walkways and balconies to the rear above first floor level.” The existing building has sets back at top floor level, so as to minimise its impact on to Cleveland Street, and more importantly the narrow Fitzroy Mews. This can be seen in the approved section drawings for the original permission 7465(R) as shown below.



- 2.23. The proposal overhangs this existing 4th floor on the Fitzroy Mews façade, so that it forms a looming presence on to this street with inappropriate bulk to this lower scale setting. Part of the supporting structure for the extension is only 1.35m from the east facing living room window of Flat 14 on the fourth floor of the application site.



- 2.24. It is considered that the addition of an extra storey to Glebe House would make it even more prominent within the Mews and detract from the character and appearance of the Mews and the wider conservation area. The additional storey would appear overbearing when viewed from Fitzroy Mews.
- 2.25. The Conservation Area Statement notes at paragraph 12.4 that alterations and extensions have a detrimental impact cumulatively and individually on the character and appearance of the area. This includes, for example, inappropriate roof level extensions, particularly where this interrupts the consistency of a uniform terrace of the prevailing scale and character of a block or where they are overly prominent in the street. It is felt that the proposed roof extension to Glebe House would interrupt the street scene and result in an overly prominent building along Cleveland Street and within the Mews.
- 2.26. The detailed design fails to respond sensitively to the existing building or surrounding context. The cladding in zinc standing seam and pronounced powder coated portal frames will be prominently visible and fail to respond to the materiality of the local area. The proposed window openings are over-scaled and do not adequately respond to the arrangement of the windows on the existing, lower sections of the building.
- 2.27. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area when considering applications relating to land or buildings within that Area.
- 2.28. The effect of this section of the 1990 Act is that there is a statutory presumption in favour of the preservation of the character and appearance of Conservation Areas. Considerable importance and weight should be attached to their preservation. A proposal which would cause harm should only be permitted where there are strong countervailing planning considerations which are sufficiently powerful to outweigh the presumption. The NPPF provides guidance on the weight that should be accorded to such harm and in what circumstances such harm might be justified (paras 193-202). Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 2.29. The proposed development would result in less than substantial harm to the conservation area. The public benefit of an additional three bed flat and an affordable housing payment in lieu of £31,574, would not outweigh the harm identified. The application is therefore recommended for refusal.
- 2.30. On the basis of site section CC (GA 412 P1), the proposed extension would not be visible from Fitzroy Square.
- 2.31. The alterations to the ground floor are considered acceptable.

## 2.32. **Amenity**

### 2.33. Daylight and sunlight

- 2.34. The Council aims to protect the quality of life of occupiers and neighbours through Local Plan policy A1 Managing the Impact of Development, which seeks to ensure that development does not cause unacceptable harm to amenity, including in terms of daylight and sunlight.
- 2.35. The submitted existing fourth floor plan shows that there is a single aspect bedroom and kitchen at fourth floor level which could be affected by the development as these room's only source of light is from windows which would be overshadowed by the extension. Other rooms at fourth floor level are either dual aspect or a bathroom and so are less likely to be significantly harmed. There is also a concern that the terraces at fourth floor level would be overshadowed by the development.
- 2.36. Concern has been raised by an objector that the new structure will build over two skylights in flat 15 and one skylight in flat 14. These skylights are not shown on the existing roof plan submitted with the application. Aerial images appear to show these rooflights serve rooms which already benefit from light from other windows, or they may serve non-habitable spaces. As such, the loss of light to these rooflights may be acceptable in this instance and would be unlikely to harm the daylight and sunlight of the fourth floor flats.
- 2.37. There is also a concern that some of the rear rooms in the properties on Fitzroy Square (23-27 Fitzroy Square) and rooms in Fitzroy Mews could be negatively affected by the proposed extension. In order to demonstrate that adequate levels of daylight and sunlight are being provided in accordance with Policy A1, a daylight and sunlight report is required. Although this was not requested at registration or during the assessment, this is nevertheless required to ensure that the daylight and sunlight impacts would be acceptable. The absence of a daylight, sunlight and overshadowing assessment represents a reason for refusal.

### 2.38. Overlooking

- 2.39. Concerns have been raised by objectors in relation to overlooking of properties in Fitzroy Square, Fitzroy Mews and 127-129 Cleveland Street. The windows in the main rear elevation of Fitzroy Square are approximately 20m from the proposed extension and so the overlooking from the proposed development would not be considered harmful. The Council's guidance on overlooking is set out in CPG Amenity. This sets out that a minimum distance of 18m is expected between facing windows. With respect to 23-27 Fitzroy Square, this distance would be exceeded. The properties on the eastern side of Fitzroy mews are 3 storeys in height and there is already a degree of overlooking from the windows in the subject building, therefore any additional overlooking would not be considered harmful. Overlooking from the northern terrace towards the south facing mansard window of 124 Cleveland Street and the mansard windows of 1-3 Fitzroy Mews is considered acceptable as the differential height between the properties means that there would not be any direct overlooking and any views would be limited to the area directly adjacent to the windows of these properties. Overlooking of any rooflights in Fitzroy Mews or Fitzroy Square would be minimal.
- 2.40. Opposite the site is 127-129 Cleveland Street. This property is approximately 12m from the application site. CPG Amenity states that where there is an existing street or public space, this space is considered to already provide an adequate separation between properties and so the 18m guideline will not apply. It is also considered, that should approval be recommended, a condition could be imposed to require mitigation measures to reduce the overlooking of the top floor flats at 127-129 Cleveland Street from the proposed windows and terrace.

## **2.41. Transport**

- 2.42. In line with Policy T1 of the Local Plan, we expect cycle parking at developments to be provided in accordance with the standards set out in the London Plan. This would give a requirement for 2 cycle parking spaces. No cycle parking has been provided. The building lacks ground level space but has a lift. However, the lift does not appear large enough to accommodate a standard cycle. In this instance, a financial contribution can be made for 2 Bike Hangar spaces. The cost of a Bike Hangar is £4,151, which provides 6 long-stay cycle parking spaces. This development would need to provide 2 spaces which is a total of £1,383.67.
- 2.43. In line with Policy T2, the new residential unit should be secured as parking permit free by means of a Section 106 Agreement. This would prevent the future 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. In the absence of a legal agreement this would form a further reason for refusal.
- 2.44. The site is located in the South of Euston Road Construction Management Plan Priority Area and in the Cumulative Impact Area. The interaction of high levels of construction and construction traffic with established business/residential travel patterns is giving rise to heightened community concerns and mean that there is an increased need for careful management of construction activities and their potential impacts. Noise and vibration from construction sites has the potential to give rise to significant adverse effects on health and quality of life.
- 2.45. While the scheme is not considered to be a major development, access to the site will be restricted as the building entrance faces Fitzroy Mews, which is a cobbled and a no through road. The parking bays on the other side of the site on Cleveland Street are temporarily suspended as part of the Council's Streatery scheme. Construction vehicles could load and unload on other sections of Cleveland Street or within Fitzroy Mews south of the site. A construction management plan (CMP) would need to be secured to minimize the impact on the highway infrastructure and neighbouring community.
- 2.46. We would also seek a CMP Implementation Support Contribution of £3,920 and Impact Bond of £7,500 should be secured by means of a Section 106 Agreement. This will help ensure that the impact of the development on the operation of the highway network and neighbouring amenity can be ameliorated in line with Policy A1 of the adopted Local Plan. In the absence of a legal agreement this would form a further reason for refusal.

## **2.47. Energy and sustainability**

- 2.48. Policy CC1 requires all development to reduce carbon dioxide emissions through following the steps in the energy hierarchy and to optimise resource efficiency. All new build residential development will also be required to demonstrate a 19% CO2 reduction below Part L 2013 Building Regulations (in addition to any requirements for renewable energy).
- 2.49. It is considered that the development could meet the 19% reduction in CO2 by measures such as enhanced fabric specifications and low u-value double glazed windows. If planning permission were to be recommended, the submission of an energy statement showing how the energy hierarchy has been followed and demonstrating a 19% reduction in CO2 would be secured by condition.
- 2.50. Residential developments are expected to meet the requirement of 110 litres per person per day (including 5 litres for external water use). This would be secured by condition if approval was recommended.

## **2.51. Conclusion**

2.52. The application is recommended for refusal on design grounds and the harm to the conservation area. The lack of a daylight and sunlight report and fire statement are other reasons for refusal. There are four further reasons for refusal relating to the lack of a legal agreement to secure affordable housing, long stay cycle spaces, car free housing and Construction Management Plan with associated CMP implementation support contribution and Construction Impact Bond.