

Delegated Report		Analysis sheet	Expiry Date:	14/02/2022
		N/A	Consultation Expiry Date:	15/02/2022
Officer			Application Number(s)	
Josh Lawlor			2021/6190/P	
Application Address			Drawing Numbers	
12 Northington Street London WC1N 2NW			See decision notice	
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature	
Proposal(s)				
Proposed new area for off-street car parking and means of access from the highway.				
Recommendation(s):	Refuse Certificate of Lawfulness			
Application Type:	Certificate of Lawfulness (Proposed)			

Conditions or Reasons for Refusal:	Refer to Decision Notice			
Informatives:				
Consultations				
Adjoining Occupiers:	No. of responses	12	No. of objections	12
Summary of consultation responses:	<p>12 addresses objected.</p> <p>One address: 25 Kings Mews objected on the basis that,</p> <ol style="list-style-type: none"> 1. Proposal contrary to Mayor For London and TFL's Cycle parking implementation plan July 2019, Camden Planning Guidance on Transport 2021 and Cycling Action Plan (2019). <p>Five addresses: 25 Kings Mews, 5 Brownlow Mews Flat 2, 13 Doughty Mews London, 25 Doughty Mews, 13 Doughty Mews objected on the basis that,</p> <ol style="list-style-type: none"> 2. The applicant already has access to a resident's permit. This is not necessary. Question if this private space is subject to a permit. <p>Eleven addresses: 25 Kings Mews, 5 Brownlow Mews Flat 2, 75 Charles Rowan House Margery Street, 13 Doughty Mews, Flat 1 28 King's mews, 25 Doughty Mews, 20 Northington Street, 3 John Street, 13 Doughty Mews, 32 John Street, 14 Doughty Street objected on the basis that,</p> <ol style="list-style-type: none"> 3. Removal 2 cycle parking spaces and a tree which is the only tree on the block. The street tree is a public amenity and removing it is against Local Plan policies. <p>Nine addresses: 25 Kings Mews, 75 Charles Rowan House, 13 Doughty Mews, Flat 1 28 King's mews, Flat 3 28 King's Mews, 3 John Street, 13 Doughty Mews, 32 John Street, 14 Doughty Street on the grounds that,</p> <ol style="list-style-type: none"> 4. There is insufficient space with the car encroaching on the footpath. The drawings do not illustrate/measure how the car or cars would sit on the space. It appears to project/be not wide enough. The space will take up pavement space on a major pedestrian thoroughfare for both the local primary school and access to Lambs Conduit Street. This brings into question the Duty of Care as such permission increases the risk of harm for road users, pedestrians, school children and parents. Disability scooter user concerned about remaining pavement space and safety (insufficient space for both the existing footpath and parking spaces). 			

Six addresses objected: 25 Kings Mews, 75 Charles Rowan House, Flat 3 28 King's Mews, 25 Doughty Mews, 25 Doughty Mews, 3 John Street on the following grounds,

5. This part of the road has both meter and CAD residents' parking spaces across the street from the applicant. It is also a two-way street and the development will create chaos for all including recycling lorries, emergency vehicles, etc.. as it will evidently narrow the space viable for all users.

Three addresses objected: Flat 3 28 King's Mews, 25 Kings Mews, 14 Doughty Street on the following ground,

6. Fails to preserve or enhance the Conservation Area

Officer Response: The application is not assessed against Local Plan policy and guidance but the provisions of the GPDO 2015. Please refer to informative 1 on the Decision Notice for comments from the council's Highways Department.

Site Description

The application site comprises a two-storey building on the northern side of Northington Street. The building features jettied bays at first floor on the front elevation and a roof terrace at second floor level.

The defined site has two separate planning units: 12 and 14 Northington Street. The site is also closely related to 28 John Street, a Grade II Listed Building, which overhangs number 12 at second-floor level. Each of the dwellings, including 28 John Street, has separate access to an existing roof terrace at second-floor level. Numbers 12 and 14 comprise separate 2-bedroom townhouses, each with separate street-level access.

Planning History:

2019/5613/P Creation of dropped kerb to support off 2 x off-street parking following removal of 2 x cycle stands and 1 x tree Withdrawn 14/01/2020

Relevant policies

The Town and Country Planning (General Permitted Development) (England) Order 2015 2015 (as amended)

Schedule 2, Part 1, Class F – *hard surfaces incidental to the enjoyment of a dwellinghouse*

Permitted development

F. Development consisting of—

- (a) the provision within the curtilage of a dwellinghouse of a hard surface for any purpose incidental to the enjoyment of the dwellinghouse as such; or*
- (b) the replacement in whole or in part of such a surface.*

Schedule 2, Part 2, Class B - *means of access to a highway*

Permitted development

B. The formation, laying out and construction of a means of access to a highway which is not a trunk road or a classified road, where that access is required in connection with development permitted by any Class in this Schedule (other than by Class A of this Part).

1. Proposed Development

- 1.1. The applicant wishes to establish the lawfulness for an off-street car parking space and the creation of access to the highway.

2. Assessment

- 2.1. The Class of permitted development is dependent on the works being 'required in connection with development permitted by any Class in this Schedule...' This proposal includes no other works other than the means of access.
- 2.2. There is an existing hardstanding on the pavement in front of the site. This appears to be outside of the red line boundary as submitted with the application. Furthermore, curtilage is not only determined by ownership but also by function and relationship. This is an area of pavement to the front of the site. Even if works were proposed for the provision of a hardstanding here (although no details are provided of this in the application) it would be outside of the curtilage of the dwelling. Therefore, the works would not fall within the description of Part 1 Class F. Therefore, the works are not 'required' in connection with other permitted works. The means of access therefore fails to fall within the description of Part 2 Class B.

3. Recommendations

- 3.1. Refuse Lawful Development Certificate for the following reason:
 1. *The works would not fall within the description of Part 1 Class F. Therefore, the works are not required in connection with other permitted works. The means of access therefore fails to fall within the description under Class B of Part 2 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015.*