

Delegated Report		Analysis sheet		Expiry Date:	31/01/2022
		N/A		Consultation Expiry Date:	12/02/2022
Officer			Application Number(s)		
Josh Lawlor			2021/5963/P		
Application Address			Drawing Numbers		
163 - 165 Iverson Road London NW6 2RB			See decision notice		
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature		
Proposal(s)					
Erection of a single storey roof extension to the rear block to create four residential units comprising two 1 bed flats, one 2 bed flat and one 3 bed flat					
Recommendation(s):		Refuse Planning Permission			
Application Type:		Full Planning Permission			

Conditions or Reasons for Refusal:	Refer to Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:			No. of responses	27	No. of objections	27
Summary of consultation responses:	<p>Three site notices were displayed near the site from 19/01/2022 (expiring 12/02/2022), one was erected directly outside the site on Hillfield Road, one to the rear on Millfield Lane and another near no. 1 Gondar Gardens</p> <p>Objections were received from thirteen separate addresses as follows-</p> <p>21 addresses -Flat 1, Flat 2, Flat 3, Flat 4, Flat 5, Flat 7, Flat 8, Flat 9, Flat 10, Flat 11, Flat 11, Flat 12, Flat 13, Flat 14, Flat 17, Flat 18, Flat 20, Flat 21 and Flat 22 163 Iverson Road, plus properties in Shanghai China and in Mill Hill London objected on the grounds that-</p> <p>The building has been deemed unsafe and the Council taking enforcement action against the freeholder to remedy. An application for this (Ref 2021/6057/P) has been submitted to remediate the unsafe cladding. It would be wholly irresponsible and possibly negligent of the Council to determine positively the application for an extension until the cladding issues are resolved.</p> <p>9 addresses- Flat 1, Flat 3, Flat 4, Flat 8, Flat 9, Flat 11, Flat 17, Flat 19 and Flat 20 163 Iverson Road objected on grounds that-</p> <p>There is a need for a fire safety audit report. Policy D12 of the London Plan requires the submission of a fire safety audit/report. Whilst this focuses on 'major developments' there are clearly compelling circumstances why one needs to be submitted in this instance, given the proposal is for additional dwellings on top of an unsafe building.</p> <p>5 addresses- Flat 11, Flat 12, Flat 9 and Flat 14 163 Iverson Rd, plus a property in Mill Hill, objected on the grounds that-</p> <p>The applicant has clearly demonstrated to be untrustworthy and has denied responsibility to fix the existing safety issues and so cannot be relied on to do the correct thing. I understand that the applicants (the freehold company) are part of the same company with the same family directors as the property developers and original freeholders who put themselves into liquidation to avoid responsibility for the block.</p> <p>1 address Flat 12, 363 Iverson Road objected on grounds that-</p> <p>The existing flats already have soundproofing issues and footsteps on the floor above can be heard in the flat below. This will just exacerbate the problem.</p> <p>1 address Flat 12, 363 Iverson Road objected on grounds that-</p>					

The development has only 1 lift and the addition of flats will make this more of an issue.

4 addresses Flat 12, Flat 16 Flat 21, Flat 22 163 Iverson Road objected on grounds that-

The additional floor will result in the height of the building being higher than the surrounding buildings. The current building is already tall and dominates the street view. Adding the further height, scale and mass are disproportionate to the street scene.

3 addresses Flat 12 163 Iverson Road, Basement Flat, 11 Medley Road, 160 Iverson Road, 2 Gladys Road West Hampstead, objected on grounds that-

More residents in the block would result in more cars in an already congested area (even though the flats do not come with access to permits, residents still have vehicles). Parking places will become unavailable, pollution will increase, access to transportation (with no plan to increase the capacity of the stations)

1 address Flat 5 30 Mill Lane objected on grounds that-

The existing development blocks out light. The adjoining development of an 11 storey block under construction also blocks out light.

1 address Basement Flat, 11 Medley Road objected on grounds that-

With all the projects currently planned around west Hampstead, this project will only add to the discomfort of the inhabitants. Need to review neighbourhood density and forbid any future builds.

1 address in Mill Hill objected on grounds that-

The property is substandard and the owners are suffering from their failure to provide the flats and communal areas in line with the sale particulars and health and safety requirements. Including continual defects to communal areas, plumbing and wiring. Outstanding building works due to non-compliance of payments to the building contractors.

1 address Flat 5 165 Iverson Road objected on grounds that-

This building's construction is weak. I fear that building another storey will weaken its structure even more.

2 addresses Flat 8 and Flat 22 163 Iverson Road objected on grounds that-

The construction renders apartments on the current top floor and probably lower floors uninhabitable. It is unrealistic to operate a building site while people live in the building in terms of noise, disruption, dust and dirt.

1 address Flat 22 163 Iverson Road objected on grounds that-

	<p>I question the ability of the common facilities at the site to cope with the resulting additions</p> <p>2 addresses Flat 21 and Flat 22 163 Iverson Road objected on grounds that-</p> <p>The proposed roof extends out beyond what is currently the balcony and wall line reducing light</p> <p>2 addresses Flat 16 and 23 163 Iverson Road objected on grounds that-</p> <p>The use of the balcony will be significantly and adversely impacted.</p> <p>1 address Flat 16 163 Iverson Road objected on grounds that-</p> <p>Additional noise especially when the external areas provided are used by future occupants.</p> <p>1 address Flat 16 163 Iverson Road objected on grounds that-</p> <p>The development would have an overbearing impact harming the living conditions of current residents.</p> <p>1 address Flat 16 163 Iverson Road objected on grounds that-</p> <p>Overlooking to neighbouring properties.</p>
<p>Fortune Green and West Hampstead NF</p>	<p>The <u>Fortune Green and West Hampstead Neighbourhood Forum</u> did not comment on the application</p>

Site Description

The application site is a Y-shaped part four and part five-storey building comprising 33 residential flats and three three-storey townhouses. The application relates to the block to the north of the site is the Thameslink railway line beyond. The site is not in a Conservation Area and is not listed. The site is within the Fortune Green and West Hampstead Neighbourhood Plan area.

Planning History:

2014/5341/P Demolition of existing building and erection of buildings ranging between three and seven storeys, comprising 23 residential units (Class C3) and 164sqm of employment floorspace (Class B1c) **Refused 08/12/2014**

Substantive reason for refusal:

The proposed development, by virtue of its height, mass and scale would result in an overdominant form of development causing harm to the streetscene and negatively impacting on long views, contrary to policies CS14 (Promoting high quality places and conserving heritage) of the London Borough of Camden Local Development Framework Core Strategy and policy DP24 (Securing high-quality design) of the London Borough of Camden Local Development Framework Development Policies.

2021/6057/P Replacement of existing building facades as part of fire safety remedial works, including replacement of brick slip cladding and zinc cladding with non-combustible equivalents, replacement of timber cladding with light grey render, replacement of timber decking with aluminium decking and timber soffits with white render. **Granted subject to S106 Agreement 15/02/2022**

2012/0099P Erection of a part four and part five storey building plus lower ground floor comprising 33 residential flats (1 x one bed, 20 x two bed, 9 x three bed and 3 x studio flats) and 3 three-storey townhouses (Class C3), following the demolition of the existing garden centre buildings **Granted 01/12/2012**

2015/0385/P Variation of condition 22 (development in accordance with approved plans) granted under reference 2012/0099/P dated 12/12/12 (Erection of a part four and part five storey building plus lower ground floor comprising 33 residential flats and 3 three-storey townhouses (Class C3), following the demolition of the existing garden centre buildings, namely changes to the fenestration, access arrangements, structural columns and balcony walkways access. **Granted 05/08/2015**

2021/6057/P Replacement of existing building facades as part of fire safety remedial works, including replacement of brick slip cladding and zinc cladding with non-combustible equivalents, replacement of timber cladding with light grey render, replacement of timber decking with aluminium decking and timber soffits with white render. **Agreed in principle for approval subject to a S106 Agreement.**

Relevant policies

The National Planning Policy Framework 2021

The London Plan 2021

Camden Local Plan (July 2017)

- 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
- H5 Protecting and improving affordable housing
- H3 Protecting existing homes
- A1 Managing the impact of development
- A5 Basements
- D1 Design
- T1 Prioritising walking, cycling and public transport
- T2 Parking and car free development
- CC5 Waste
- CC1 Climate change and mitigation
- CC2 Adapting to climate change

Fortune Green and West Hampstead Neighbourhood Plan (2015) (NP)

- Policy 1 Housing
- Policy 2 Design and Character
- Policy 7 Sustainable Transport
- Policy 8 Cycling
- Policy 17 Green/Open Space

Supplementary Guidance - Camden Planning Guidance

- [Amenity](#) - January 2021
- [Design](#) - January 2021
- [Housing](#) - January 2021
- [Transport](#) - January 2021
- [Energy efficiency and adaptation](#) - January 2021

Department for Communities and Local Government (2015)

Technical housing standards – Nationally described space standard

Assessment

1. Proposed Development

- 1.1. The proposal is for an additional roof structure of a contemporary design clad in grey zinc. It will result in a part five, part six storey building to the rear of the site adjacent to the railway, but the front of the building facing Iverson Road will remain at four storeys in height. The extension would provide four flats with a mix of 2 x 1 bed flats, 1 x 2 bed flat and 1 x 3 beds.

2. Assessment

2.1. The principal considerations material to the determination of this application are as follows:

- Land use
- Housing (incl. standard of accommodation)

- Affordable Housing contribution
- Design
- Impacts on residential amenities of neighbouring occupiers
- Transport (car-free development, cycle parking, access and highway issues)
- Construction Management Plan
- Sustainability
- Community Infrastructure Levy (CIL)

3. Land Use

- 3.1. Housing is regarded as the priority land-use of the Local Plan, and the Council will make housing its top priority when considering the future of unused and underused land and buildings. As such the development to provide 4 residential units is compliant with policies H1 (maximising housing supply) and G1 (Delivery and Location of growth).

4. Housing

- 4.1. Policy H7 (Large and small homes) seeks to ensure a range of homes for different sizes that will contribute to the creation of mixed, inclusive and sustainable communities, and seeks to ensure that all residential development contributes to meeting the priorities set out in the Dwelling Size Priority Table. The table identifies 2 and 3 bedroom market housing units as being high priority and 1 and 4 bedroom units as lower priority. Policy 1 of the Fortune Green and West Hampstead Neighbourhood Plan (NP) states that residential development shall provide a range of housing types to meet a range of needs, as appropriate, related to the scale of the development. Policy 2 (criteria ii) encourages the provision of three and four bedroom units suitable for families.
- 4.2. The proposal would provide 2 x 1 beds, 1 x 2 beds and 1 x 3 bed flats. This is a mix of higher priority and lower priority dwelling sizes and is thus compliant with Local Plan policy H7 and Policy 2 of the NP.

Standard of Accommodation

- 4.3. Local Plan Policy D1 (explanatory note 7.32) requires that all housing development is designed and built to create high quality homes. Local Plan Policy H6 states that the Council will seek to secure high quality accessible homes in all developments that include housing. It will encourage all housing to provide functional, adaptable and accessible spaces and expect all self-contained homes to meet nationally described space standards. The considerations with regards to the amenity of the proposed housing are as follows:

- Design and layout
- Daylight/sunlight
- Outlook
- Privacy
- Noise and vibration
- External amenity space
- Wheelchair accessibility

- 4.4. The flats would comply with London Plan minimum space standards. Each flat will have a balcony more than 6sqm in accordance with London Plan standards. The flats would have an acceptable quality of outlook and access to light. Overall the flats have an acceptable standard of internal amenity.

Wheelchair accessibility

- 4.5. Policy H6 includes a requirement for 90% of new build homes to comply with M4(2) (accessible and adaptable dwellings) and a requirement for 10% of new build homes to comply with M4(3) (wheelchair user dwellings). The existing lift would be extended upwards and the proposal would comply with this requirement.

5. Affordable housing

- 5.1. Policy H4 aims to maximise the supply of affordable housing. The Council expects a contribution towards 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.
- 5.2. The Council will assess the capacity for additional homes on the basis of multiples of 100sqm GIA, rounding the additional residential floorspace to the nearest 100sqm GIA so the assessed capacity will always be a whole number. 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 or 100sqm added to capacity.
- 5.3. The expected provision is then calculated as a percentage of the overall uplift of residential floorspace. The extension provides an additional 340.7sqm GIA of floorspace and thus, using the sliding scale formula and multiplier used in SPG on Housing (6% of 340.7 GIA x £5,000 per sqm), this means that £102,210 would be required as payment-in-lieu for affordable housing.
- 5.4. The uplift in GIA is therefore 340.7 sqm which equates to a capacity for 3 additional homes at a 6% contribution. The Council's current adopted multiplier for calculating a payment-in-lieu (PIL) with market residential schemes is £5,000 per sqm. This provides an overall requirement of £102,210. The calculation is as follows:

$$\begin{aligned}6\% \times 340.7 &= 20 \\15.6 \times £5,000 &= £102,210\end{aligned}$$

- 5.5. This is based on measurements taken from the submitted plans by the applicant. This payment would be secured through a Section 106 legal agreement if the proposal were considered acceptable in all other regards. The failure to grant planning permission and therefore enter into a S106 legal agreement to secure payment in lieu of affordable housing would also form a reason for refusal.

6. Design

- 6.1 Policy 2 of the Neighbourhood Plan (NP) states that development should have regard to the form, structure and heritage of its context - including the scale, mass, orientation, pattern and grain of

surrounding buildings, streets and spaces. Roof extensions are likely to be unacceptable where there is likely to be an adverse effect on the appearance of the building or the surrounding streetscene.

6.2 CPG Design paragraph 5.14 states that 'a roof alteration or addition is likely to be unacceptable where there is likely to be an adverse effect on the skyline, the appearance of the building or the surrounding street scene:

- Buildings whose roof construction or form are unsuitable for roof additions;
- Buildings designed as a complete composition where its architectural style would be undermined by any addition at roof level;
- Where the scale and proportions of the building would be overwhelmed by an additional extension/storeys.

6.3 The site is a four to a five-storey building. The 'tree house' (top storey) at the block is already read as a taller element within the overall massing. The block is already relatively large compared with its immediate neighbours. To the south, on the opposite side of Iverson Road, buildings range from one storey to four storeys in height with most of the buildings being two storeys in height. Further along, Iverson Road are three-storey plus attic accommodation residential properties. It is considered that the increase in scale is unacceptable in principle at the site. The roofline is sensitive to change and an extension at this level would be visually prominent in the local area.

6.4 A further storey to this residential block will cause harm to the surrounding environment, by unbalancing the architectural composition. The additional storey on this block will be highly visible both from the north (across the railway tracks) and the east (down Iverson Road and from the bridge on West End Lane). The additional height, bulk, mass and scale will be apparent in long views, from Iverson Road, West End Lane bridge and the railway lines and station; it will be seen as an over-dominant element in conjunction with the proposed front block of the scheme (for which there is no height increase).

6.5 The existing top floor has a consistent parapet and rectangular form which is a simple and unobtrusive design. According to the Planning Statement, *'the zinc cladding would be extended around the end of the existing upper floor so that penthouse element is seen as a solid object. The roof would slope up gently, like a railway gradient, enhancing the sense of uplift.'* The Design and Access Statement refers to the extension as *'dynamic'*. The applicant believes the extension would *'better reflect the original approval for the site'*. The DAS states that the dynamism is enhanced by jutting out the corner at the change in orientation and that the three-dimensional shape of the corner re-creates the reaching-out effect seen on the railway. It is considered that the concept for the design is not successful here. The link to a railway is not recognised through the design nor is the connection obvious from the street. It is a tenuous link at best. The unusual roof form, shaped like a wing fin, is considered incongruous and, as seen from Iverson Road according to a photomontage in the DAS, appears as a projecting metal quiff or fin superimposed on top of the building. It is not compatible with the existing building. It appears as an unusual and anomalous addition to the building which has a harmonious architectural expression achieved through its existing scale and material palette.

7. Fire Safety

7.1. London Plan policy D12 states that, in the interests of fire safety and to ensure the safety of all building users, all development proposals must achieve the highest standards of fire safety and ensure that they are designed to incorporate appropriate features which reduce the risk to life and the risk of serious injury in the event of a fire and are constructed in an appropriate way to minimise the risk of fire spread.

7.2. The building does not fall under the remit of Planning Gateway One because the height condition of a relevant building is not met (the fire statement states that the building is under 18 metres). The applicant has submitted a fire safety statement which is considered

satisfactory in terms of the Gateway 1 process. The fire statement is a summary of information that demonstrates that fire safety has been considered during the planning process. It can achieve the functional requirement of Building Regulations 2010 (Amended) and BS 9991: 2015.

- 7.3. The building has been served an Enforcement Notice by Camden's Environmental Health Team due to combustible cladding that does not meet current Building Regulations standards. As it currently stands, the building is not safe in terms of fire risk and adding more flats to the top of the building would put future occupiers at risk too (as well as the new fabric) and so be in breach of London Plan policy D12. An application (ref 2021/6057/P) has been submitted to remediate the unsafe cladding, which has been agreed in principle for approval subject to a S106 Agreement. In order for the current application to comply with policy D12, the cladding remediation application would need to be implemented before the roof extension application could be approved – however the applications have different applicants.
- 7.4. The Council would use a S106 Agreement to ensure that the cladding remediation application (Ref. 2021/6057/P) is fully implemented and checked for compliance, prior to the commencement of implementation of this application's development. The absence of a finalised legal agreement for this constitutes an additional reason for refusal.

8. Transport including highways

Cycle parking

- 8.1. Local Plan Policy T1, Policy 8 of the NP aims to promote walking, cycling and public transport use. Policy T1, CPG Transport and Table 6.3 of the London Plan requires any new dwellings to provide covered, secure, fully enclosed and easily accessible (step-free) cycle parking.
- 8.2. The existing bicycle storage is in two locations- a closed bike store with 2-tier racks for 16 bikes, and a covered external circulation area with vertical racks for 12 more bikes.
- 8.3. The proposal is to convert the vertical racks to the two-tier system, which will provide secure storage for 20 bicycles in the external location (no change to the enclosed bike store), the additional 8 spaces being for the residents of the new flats. This is acceptable and, should the development have otherwise been considered acceptable, would be secured by condition.

Car Parking

- 8.4. Policy T2 states that the Council will limit the availability of parking and require all new developments in the borough to be car-free. The Council will not issue on-street or on-site parking permits in connection with new developments and use legal agreements to ensure that future occupants are aware that they are not entitled to on-street parking permits. Policy 7 (sustainable transport) of the NP requires car-free or car-capped developments.
- 8.5. The strategic objective T2 and Policy 7 is to reduce air pollution, traffic congestion, parking stress and improve the attractiveness of an area for local walking and cycling. The failure to grant planning permission and therefore enter into a S106 legal agreement means that the failure to agree a legal obligation to secure the development as car-free forms a reason for refusal.

Construction Management Plan (CMP)

- 8.6. Policy A1 seeks to resist development that fails to adequately assess and address transport impacts affecting communities, occupiers, neighbours and the existing transport network. The

Council will consider the impacts of the construction phase, including the use of CMPs. Paragraph 2.31 of CPG Transport states that: "CMPs are secured as a planning obligation through a legal agreement and the pro-forma must be agreed by the Council prior to commencement of work starting on site."

- 8.7. The proposal does not involve considerable excavation. However, as the site is within a residential neighbourhood, a CMP would need to be secured to minimize the impact of construction on the highway infrastructure and neighbouring community. A CMP and a CMP implementation support contribution of £3,920 and a Construction Impact Bond of £7,500 is required in order to minimise the movement of goods and minimise the impact on the local area. The CMP bond is fully refundable should not issues arise with the CMP.
- 8.8. The support contribution is required to cover the costs of Council staff time in reviewing and approving the submitted CMP, the ongoing inspection and review of the plan during the construction works, and discussions to agree on any amendments during the lifetime of the construction. The absence of a finalized legal agreement for a CMP with associated contributions constitutes an additional reason for refusal.

9. Sustainability

- 9.1. In accordance with Local Plan Policy CC1 and the London Plan all new build residential development (of 1- 9 dwellings) must meet 19% carbon reduction. As a minimum the development would be required to meet the carbon reduction targets as part of Part L1B of Building Regulations for retained thermal through the application of the energy hierarchy.
- 9.2. The development is expected to reduce CO2 emissions by 43.82% beyond the Part L 2013 complaint baseline. This is achieved through consideration of the Energy Hierarchy, with the primary focus on reducing the energy demands of the building at the Be Lean stage and Be Green stage of the hierarchy. The proposals include the installation of Air Source Heat Pumps (ASHP) which provides 34% CO2 savings from on-site renewable energy (Be Green).
- 9.3. If the application was otherwise considered to be acceptable, the energy efficiency measures would be secured by section 106 legal agreement; however, the application has failed to enter into a section 106 legal agreement to secure this and the application is therefore recommended for refusal on this basis.

10. S106/CIL

- 10.1. If the proposals were supported, the following heads of terms would need to be secured by S106 Legal Agreement to make the development acceptable.
- Affordable Housing contribution of £102,210
 - Car-free development
 - Construction Management Plan and associated Implementation Support Contribution of £3,920
 - Construction Impact Bond of £7,500
 - Energy efficiency / sustainability measures
- 10.2. The proposal would be liable for the Mayor of London's Community Infrastructure Levy (CIL) and the Camden CIL as it involves the creation of over 100sqm floorspace and new residential units.

11. Recommendation

Refuse planning permission for the following 6 reasons:

1. The proposed extension, by virtue of its height, bulk and design, would result in an over-dominant and incongruous form of development causing harm to the character and appearance of the building and streetscene and to long views in the area, contrary to policy D1 (Design) of the Camden Local Plan 2017 and Policy 2 (Design and Character) of the Fortune Green and West Hampstead Neighbourhood Plan 2015.
2. The proposed development, in the absence of a legal agreement securing the implementation of a scheme to make the current building safe (proposed by cladding remediation planning application ref. 2021/6057/P) prior to its commencement, would result in an unacceptable risk to the building users and the building as proposed, contrary to policy D12 (Fire Safety) of the London Plan 2021 and policy DM1 (Delivery and monitoring) of the Camden Local Plan 2017.
3. The proposed development, in the absence of a legal agreement securing an affordable housing contribution, would fail to maximise the supply of affordable to meet the needs of households unable to access market housing, contrary to policy H4 (Maximising the supply of affordable housing) of the Camden Local Plan 2017.
4. The proposed development, in the absence of a legal agreement securing a Construction Management Plan (CMP) and associated contributions to support the implementation of the CMP, would be likely to give rise to conflicts with other road users and be detrimental to the amenities of the area generally, contrary to policies A1 (Managing the impact of development), T4 (Sustainable movement of goods and materials) and DM1 (Delivery and monitoring) of the Camden Local Plan 2017.
5. The proposed development, in the absence of a legal agreement securing car-free housing, would contribute unacceptably to parking stress and congestion in the surrounding area and fail to promote more sustainable and efficient forms of transport and active lifestyles, contrary to policies T2 (Parking and car-free development) and DM1 (Delivery and monitoring) of the Camden Local Plan 2017.
6. The proposed development, in the absence of a legal agreement securing the carbon reduction targets of Part L1B of Building Regulations for retained thermal through the application of the energy hierarchy, would fail to ensure proper standards of sustainability in the development, contrary to policy CC1 (Climate change mitigation) of the Camden Local Plan 2017.