

Regeneration and Planning
Development Management
London Borough of Camden
Town Hall
Judd Street
London
WC1H 9JE



DLBP Ltd,
Pinnacle House,
23-26 St Dunstan's Hill,
London, EC3R 8HN, UK

T: +44 (0)20 3713 8500
E: contact@dlbp.uk
www.dlbp.uk

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Dear Sir / Madam

**APPLICATION TO VARY CONDITION 2 (APPROVED PLANS) AND 7
(MATERIAL SAMPLES) OF PLANNING PERMISSION REFERENCE
2015/5080/P AT 29-30 KING'S MEWS, CAMDEN, LONDON WC1N 2JB**

This statement has been prepared by DLBP Ltd, on behalf of Mr Nicholas Rae, to support the submission of a Minor Material Amendment application under Section 73 of the Town and Country Planning Act 1990 (as amended) to the London Borough of Camden ("the Council") to vary condition 2 (approved plans) and 7 (material samples) of planning permission reference 2015/5080/P at the above site.

Summary

This application seeks supports of a Minor Material Amendment application for a variation to condition 2 of planning permission ref: 2015/5080/P at 29-30 King's Mews, Camden, London WC1N 2JB.

It is the case that the amendment sought can be classified as a Minor Material Amendment and in planning terms is in accordance with the policies of the Local Plan, as the amended scheme is appropriate in design terms and will be appropriate with respect to the heritage asset of the Conservation Area; and will not result in any other adverse impacts.

The supporting Design and Access Statement (including facade study) sets out a robust analysis on why the amended scheme is acceptable in heritage and design terms, and along with this supporting statement the application provides all necessary information to satisfy support for the Minor Material Amendment and so we trust that this variation of condition 2 will be granted.

It is therefore respectfully requested that the Minor Material Amendment be approved by the Council without delay.

Background

Planning permission (reference 2012/3877/P) was originally granted at the above site on 18 July 2013 for:

Erection of new façade and second and third storeys following partial demolition of existing building in association with the change of use from warehouse/office at ground and first floors (Class B1/B8) and flat on second floor (Class C3) to 2 x studio flats at ground floor and 1 x 3 bedroom maisonette at 1st, 2nd & 3rd floors (Class C3).

An application (reference 2015/5080/P) to vary condition 2 (approved plans) of the original planning permission (reference 2012/3877/P) was granted on 29 April 2016 for:

Variation of condition 2 (development in accordance with approved plans) pursuant to planning permission granted on 18/07/13 (ref 2012/3877/P) for works of alteration and extension in association with a change of use from warehouse/office at ground and first floors (Class B1/B8) and flat on second floor (Class C3) to 2 x studio flats at ground floor and 1 x 3 bedroom maisonette at 1st, 2nd & 3rd floors following partial demolition of existing building in association (Class C3) to allow for minor material amendment to include increase in height of building by 500mm and minor alterations to front elevation

Following approval of application reference 2015/5080/P, the Council has granted approval for three further applications to vary condition 2 (approved plans) of the original planning permission (reference 2012/3877/P).

An application (reference 2015/5080/P) was approved on 11 April 2018 for:

Increase in the height of the building by 330mm, installation of lift overrun and minor alterations to front elevation and internal layout of building as approved by planning permission reference 2012/3877/P dated 18/07/2013 (amended by minor material amendment dated 29/04/2016 ref. 2015/5080/P) for Erection of new façade and second and third storeys following partial demolition of existing building in association with the change of use from warehouse/office at ground and first floors (Class B1/B8) and flat on second floor (Class C3) to 2 x studio flats at ground floor and 1 x 3 bedroom maisonette at 1st, 2nd & 3rd floors (Class C3).

An application (reference 2018/5696/P) was approved on 30 May 2019 for:

Minor amendments to planning permission ref 2012/3877/P dated 18/07/2013 (for the erection of second and third storeys and change of use from warehouse/office/flats to 3 flats), as further amended by planning permission ref 2015/5080/P dated 29/04/2016 and by Non-Material Amendment ref 2017/5304/P dated 11/04/2018, namely for alterations to fenestration on rear and north side elevations and alterations to roof layout.

An application (reference 2019/1327/P) was approved on 30 May 2019 for:

Minor amendments to planning permission ref 2012/3877/P dated 18/07/2013 (for the erection of second and third storeys and change of use from warehouse/office/flats to 3 flats), as further amended by planning permission ref 2015/5080/P dated 29/04/2016 and by Non-Material Amendment ref 2017/5304/P dated 11/04/2018, namely for alterations

to ground floor layout to include the addition of a small mezzanine study area above a sunken seating area in each of the ground floor units.

It is planning permission reference 2015/5080/P that has been implemented by the applicant.

Proposed Amendments

This Minor Material Amendment application is made to the Council under Section 73 of the Town and Country Planning Act 1990 (as amended) to vary condition 2 (approved plans) and 7 (material samples) of planning permission reference 2015/5080/P.

This application seeks approval for changes to the plans approved by planning permission 2015/5080/P, comprising:

- improve the window design at first and second floor level on the front elevation of the building so that the façade complements the character of the street and wider area;
- introduce a clear air Automatic Opening Vent (AOV) on rear elevation;
- introduce railings at roof level and a 1.5 m high obscure glazing screen to enable the use of the roof terrace as private amenity space for the future residents of the maisonette; and
- minor internal changes to the layout to improve this.

The application also seeks approval for changes to the brick approved for planning permission reference 2012/3877/P (as amended by planning permission reference 2015/5080/P), replacing that approved with a soft buff grey hand-thrown stock brick.

This application is supported by the following plans:

- site plan – 014I 4000 29-30KM A
- proposed split level ground floor plan – 014I 4001 29-30KM A
- proposed first and second floor plan – 014I 4002a 29-30KM A
- proposed first and second floor plan – 014I 4002b 29-30KM A
- proposed third floor and roof plan – 014I 4003 29-30KM A
- proposed front elevation with louvres – 014I 4004a 29-30KM A
- proposed front elevation without upper louvres – 014I 4004b 29-30KM A
- proposed north elevation – 014I 4005 29-30KM A
- proposed rear elevation – 014I 4006 29-30KM A
- proposed split level ground floor sections – 014I 4007 29-30KM A
- proposed louvre detail – 014I 4008 29-30KM A
- proposed section – 014I 4009 29-30KM A

Planning Assessment

Is the change sought a minor amendment?

There is currently no statutory definition for Minor Material Amendment set out in legislation or the National Planning Policy Framework (the 'Framework'). Planning Practice Guidance states at Paragraph 017 (Reference ID: 17a-017-20140306) that any Minor Material Amendment "...is likely to include any amendment where its scale and/or nature results in a development which is not substantially different from the one which has been approved".

The host planning permission approved the development of the part demolition of the pre-existing building and the site's redevelopment to accommodate three apartments (two studios and one maisonette set over three floors).

As set out above, the application proposes to make a number of modest changes to the approved scheme in terms of the amendments to the front elevation; the introduction of an AOV on the rear elevation (this being required to comply with building regulations / fire safety); changes to enable the use of the approved roof terrace as private amenity space; and minor internal layout changes.

The application does not propose any further changes to the approved scheme. There will be:

- no change in the number of units;
- no change in the height, width, depth or overall massing of the building;
- no new windows introduced; and
- no change to the approved basement

There will be no material change to the scale of the development, and the changes sought are by and large cosmetic, relating primarily to the appearance of the building. There will be no change to the "operative" part of the planning permission and no amendment to the description of the development. Accordingly, based on the Planning Practice Guidance, it is the case that the proposed changes to the approved scheme constitute a Minor Material Amendment.

Does the amendment sought comply with the Development Plan?

Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) requires that the determination of a planning application to be undertaken in accordance with the development plan, unless material considerations indicate otherwise.

The current Development Plan comprises the London Plan 2021 and the Camden Local Plan. The Local Plan was adopted in July 2017, superseding the previous Core Strategy and Development Policies of 2010. The compliance of these amendments with the Development Plan are set out and explained below. However, it is the case that whilst the amendments to the proposed scheme are assessed against the new Local Plan policies, matters that were approved and will not be changed as part of the amended scheme cannot be considered, such as the Council's affordable housing policy.

The key assessment relates to the London Plan and Council policies relating to design and heritage policies (as the site is in the Bloomsbury Conservation Area) in terms of the proposed modest changes to the design of the scheme; and the London Plan and Council policies relating to residential amenity with respect to the use of the roof terrace as private amenity space.

Heritage and Design

Policy HCl of the London Plan relates to heritage and growth and sets out that development proposals that affect heritage assets, and their settings, should conserve their significance. Development should be sympathetic to the assets' significance and appreciation within their surroundings. Paragraph 7.1.6 of the London Plan explains that:

“Historically, London has demonstrated an ability to regenerate itself, which has added to the city’s distinctiveness and diversity of inter-connected places. Today urban renewal in London offers opportunities for the creative re-use of heritage assets and the historic environment as well as the enhancement, repair and beneficial re-use of heritage assets that are on the At Risk Register. In some areas, this might be achieved by reflecting existing or original street patterns and blocks, or revealing and displaying archaeological remains; in others, it will be expressed by retaining and reusing buildings, spaces and features that play an important role in the local character of an area. Policy D1 London’s Form, Character and Capacity for Growth further addresses the issue of understanding character and context.”

Policies D3 and D4 of the London Plan set out that site capacity should be optimised through the design-led approach and also sets out high level principles on delivering good design. Collectively, the policies highlight the importance of new developments enhancing local context through their layout, orientation, scale and shape with due regard to existing and emerging building types, forms and proportions.

Policy D1 of the Camden Local plan intends to secure high-quality design in developments which respects local context and character; enhance the historic environment; are sustainable in design and construction; composed of high-quality materials and integrates effectively into the surrounding streetscape. Policy D2 states that the Council will preserve, and where appropriate, enhance Camden’s heritage assets and their settings, including conservation areas and listed buildings.

As set out above, the amendments to the scheme do not propose any changes with respect to the overall height of the main part of the building, its scale massing or indeed the number of dwellings. Rather, the nature of the changes sought are very modest. The accompanying Design and Access Statement highlights that the design of the amendments have been carefully considered to enhance the local context of King’s Mews, responding to the existing character, utilising the sites heritage and being of high architectural quality. These compliant design features include the vertical arrangement of upper windows in keeping with the grain and local context of the street below, contemporary sliding detailing to avoid creating any pastiche recreation, and ground floor folding metal vertical brise soleil louvres which pay homage to the historic character of the light industrial warehouse era.

The Design and Access Statement sets out a detailed analysis of the changes to the King’s Mews area of the conservation area, demonstrating that the evolution of the area is indeed

now part of its character. Section 3 in particular notes the variety in the styles and appearances of the buildings along the street, including North Mews.

In terms of the main facing materials, the approved details granted in 2016 to retain the existing brickwork, a hard yellow extruded brick from 1973 is now considered inappropriate given the changes to the street that have since taken place. To this end it is proposed that the condition 7 is also varied so that the proposed soft buff grey hand-thrown stock brick can be used. This is to lighten the narrow end of the street and tone with the faded whitewashed side elevation of 12 Theobald's Road opposite.

It is clear, therefore, that the proposed modest changes will be wholly consistent with this established character and will preserve and enhance the Bloomsbury Conservation Area. The modest amendments will result in a building that will be appropriate in heritage terms, creating no harm to the character and appearance of the conservation area, and will be in accordance with Policies HCI, D3 and D4 of the London Plan and Policies D1 and D2 of the Local Plan.

Residential amenity

Policy A1 of the Camden Local Plan sets out that:

“The Council will seek to protect the quality of life of occupiers and neighbours. We will grant permission for development unless this causes unacceptable harm to amenity.”

It is clear through the wording of this policy that the Council recognises that in a constrained urban borough such as Camden that new development is likely to have some impact on existing occupiers, but that their amenities should be sought to be protected and permission will be refused if the impact on them is judged to be ‘unacceptable’.

The supporting text to the policy refers to the Council's planning guidance on amenity, the latest version of which was published in January 2021. Paragraph 2.2 of this sets out that:

“The Council will therefore expect development to be designed to protect the privacy of the occupants of both new and existing dwellings to a reasonable degree. Therefore, new buildings, extensions, roof terraces, balconies and the location of new windows should be carefully designed to avoid overlooking. The extent of overlooking will be assessed on a case-by-case basis.”

Again, the guidance is clear that each case must be assessed on its own individual merits and built into this assessment is an acceptance that some degree of impact may occur, the question being whether it is a reasonable impact or not.

It is the applicant's view that the proposed use of the roof as amenity space is appropriate because it would not lead to an unacceptable loss of amenity of any adjacent residential occupiers. This is based on the following assessment of potential impacts of nearby properties.

28 King's Mews

This is a residential property located to the immediate north of the application site. It has a balcony at the front of the property at third floor level (at the same height of the balcony for the consented scheme for 29-30 King's Mews). The application proposes that a railing will be erected and this will be set 1m away from the boundary with 28 King's Mews. This will ensure that there is no opportunity for a direct line of sight from the proposed roof terrace into the balcony of 28 King's Mews.

There is no amenity space at roof level for 28 King's Mews and so there will be no loss of amenity from overlooking onto this space.

39-45 Gray's Inn Road

These properties lie to the east of the application site and consists of flats with rear facing windows and balconies, whose primary outlook is to 25 to 28 King's Mews. Planning permission (ref. 2013/3231/P) for the development of this site for 16 flats was granted on 6 November 2013. Paragraphs 6.44 to 6.50 of the officer report for the planning permission at this site assessed the impact on amenity that would occur from its development on the properties on King's Mews, noting that various permissions already existed for residential uses (but not yet implemented at that time). However, the most southerly of properties that was assessed as having the potential to be affected was 28 King's Mews. Despite planning permission existing for the residential development and use at 29-30 King's Mews, no assessment was undertaken, presumably on the basis that the distances between the two properties and the angle would not result in any loss of amenity.

In 2014 a Minor Material Amendment (ref. 2014/4629/P) was permitted to the permission to enable it proceed without planning condition 12 that required louvered screening along west facing rear elevation windows to be installed prior to occupation. The officer report for this application noted the following at paragraphs 4.9 and 4.10:

"In this instance, it should be understood that the requirement for privacy screening to the rear of 39-45 Gray's Inn Road was more a 'belt and braces' approach, whereby both developments at Gray's Inn Road and Kings Mews would comprise mitigating methods for privacy.

Whilst it should be noted that matters have not materially changed since permission was originally granted, the circumstances and mitigation methods in place have been reassessed. With regard to Kings Mews, each dwelling has in place and secured by condition, methods to redirect or screen mutual overlooking to the rear of Gray's Inn Road. This remains the case without the requirement for louvres to the rear of flats at 39-45 Gray's Inn Road. Therefore no views would be afforded to and from 39-45 Gray's Inn Road and Nos. 25-28 King's Mews, irrespective of louvered screenings at 39-45 Gray's Inn Road. The omission of privacy louvres at 39-45 Gray's Inn Road would not therefore be significant enough to materially harm the privacy and outlook enjoyed by the respective potential residential occupiers. The residential flats provided by either development, be they existing, extant or implemented would still enjoy a high quality of accommodation in compliance with CPG6 (Amenity), CS5 and DP26 (Managing the impact of development on occupiers and neighbours) without a loss of privacy or increase in overlooking."

Again, it is clear that there is no suggestion of a potential adverse impact from the proposed development at 39-45 Gray's Inn Road on 29-30 King's Mews.

In light of the Council's conclusion that there would be no impact from the rear facing windows and balconies of 39-45 Gray's Inn Road on 29-30 King's Mews, it is clear that the same will be the case the other way around – the proposed use of the roof terrace at 29-30 King's Mews will not lead to any loss of amenity for the occupiers of 39-45 Gray's Inn Road.

35 and 37 Gray's Inn Road

35 Gray's Inn Road is located to the east of the application. We understand that the upper floors are in residential use (based on Council Tax records) but that no planning permission has been granted for this.

37 Gray's Inn Road is located to the east of the application site. We note that planning permission (ref. 2019/2097/P) was granted in January 2020 for the conversion of the upper floors from offices to flats (along with other developments including the erection of a mansard roof at fourth floor level). We understand that this permission has not been implemented (on the basis that no works for the mansard have been commenced), and we note that the upper floors are still registered for business rates and there are no Council Tax records, suggesting that the use remains as an office currently.

With respect to the planning permission that was granted at 37 Gray's Inn Road, the Council accepted that the rear of the second, third and fourth floors of the building could be used as habitable rooms (bedroom or living room) with clear glazed windows facing towards 29-30 King's Mews. No concerns were raised with respect to the potential for any undue overlooking. The decision notice (which included the officer's assessment of the application) set out that the proposed works would cause no:

“undue harm to neighbouring properties by way of visual privacy, outlook, sunlight and daylight and overshadowing or noise and vibration”.

It is clear that on the basis of this assessment that the principle of a degree of overlooking between these buildings and the application site – in both direction – has been accepted. The proposed use of the roof as terrace will not lead to any undue additional overlooking beyond what has currently been accepted.

4-10 Dartmouth Chambers

These residential properties lie to the south of the application site, whereby the windows that face out onto the proposed roof terrace serve as a stairwell and in some cases serve as a kitchen. Whilst the proposed roof terrace will have no negative amenity impact on those windows which serve a stairwell, this application proposes a 1.5m high privacy screen to protect the amenity and privacy of those windows which serve kitchens of 4-10 Dartmouth Chambers.

12 Theobalds Road

This property lies to the south-west of the application site and comprises a modern office block. Given that there are no residential occupiers at this property there will be no impact in terms of amenity.

1 King's Mews

This is a residential property located to the west of the application site. It has a rear extension with associated roof terrace at first floor level. There is an existing front to front relationship between this property and 29-30 King's Mews. The consented scheme permits a balcony at the third-floor level which will have a line of sight to the roof terrace of 1 King's Mews and the proposed roof terrace will not increase the level of overlooking from the application site.

Summary

This application seeks supports of a Minor Material Amendment application for a variation to condition 2 of planning permission ref: 2015/5080/P at 29-30 King's Mews, Camden, London WC1N 2JB. It is the case that the amendment sought can be classified as a minor amendment and in planning terms is in accordance with the policies of the Local Plan, with respect for the potential impacts on heritage. The supporting documents provide all necessary information to satisfy support for this Minor Material Amendment and so we trust that this variation of condition 2 will be granted. It is therefore respectfully requested that the Minor Material Amendment be approved by the Council without delay.

If the Council has any questions regarding this application, please do not hesitate to contact me on 07917953621, by email to rebekahgibson@dlbp.uk or by post at the address above.

Yours sincerely



Rebekah Gibson

On behalf of DLBP Ltd

DLBP Ltd is registered in England & Wales at the above address, number 7229435. VAT registration number 394900080.