

<b>Delegated Report</b>		<b>Analysis sheet</b>		<b>Expiry Date:</b>	28/03/2023
		N/A / attached		<b>Consultation Expiry Date:</b>	09/04/2023
<b>Officer</b>			<b>Application Number(s)</b>		
Kristina Smith			2023/0421/P		
<b>Application Address</b>			<b>Drawing Numbers</b>		
2 And A Half Rudall Crescent London NW3 1RS			Refer to Decision Notice		
<b>PO 3/4</b>	<b>Area Team Signature</b>	<b>C&amp;UD</b>	<b>Authorised Officer Signature</b>		
<b>Proposal(s)</b>					
Erection of ground floor front extension with roof terrace above and associated alterations to front elevation					
<b>Recommendation(s):</b>		Refuse Planning Permission			
<b>Application Type:</b>		Householder Application			

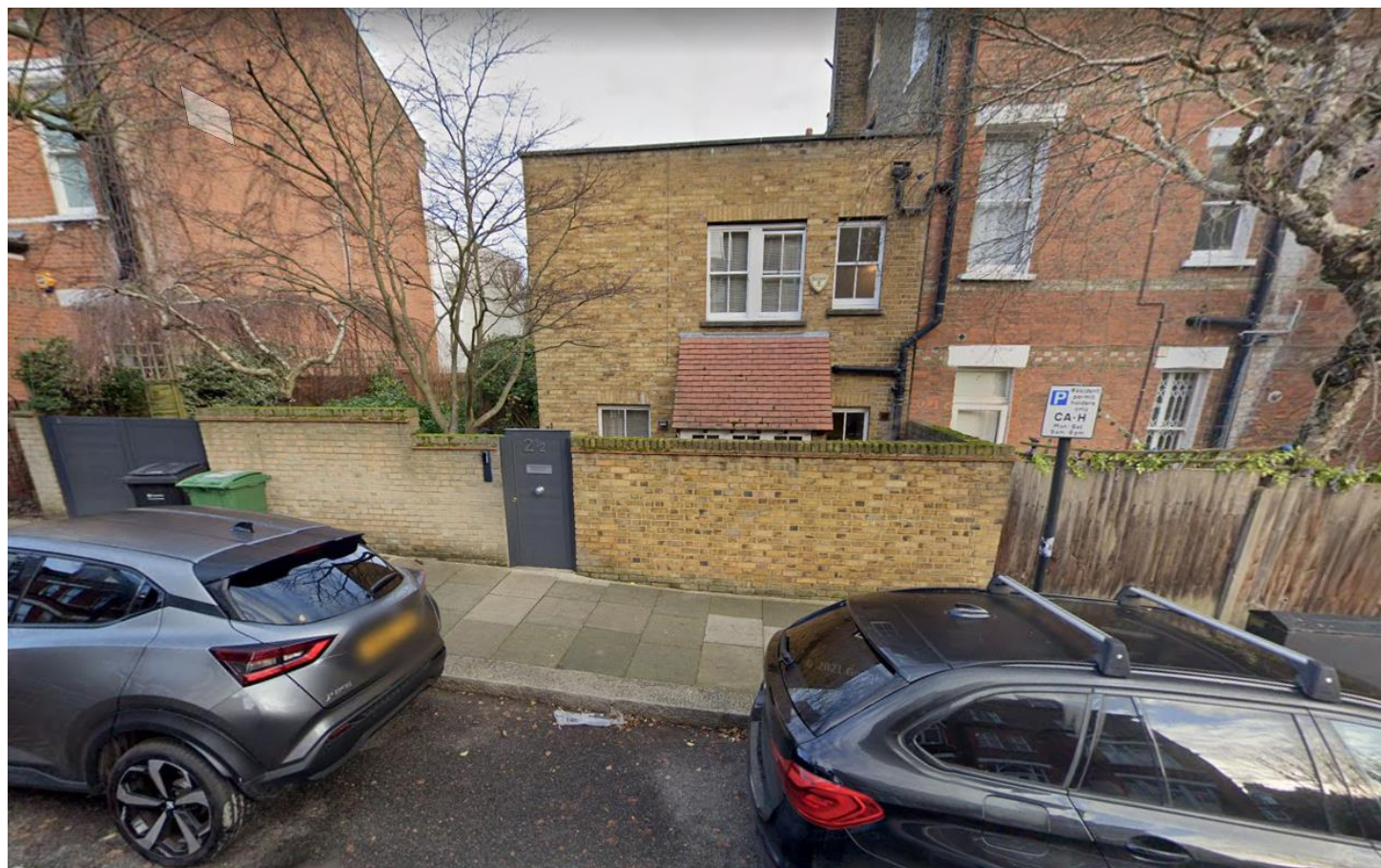
Conditions or Reasons for Refusal:	Refer to Draft Decision Notice			
Informatives:				
Consultations				
Adjoining Occupiers:	No. of responses	01	No. of objections	01
Summary of consultation responses:	<u>A site notice was displayed between 10/03/2023 and 03/04/2023</u> <u>A press advert was published between 16/03/2023 and 09/04/2023</u>  One objection was received from no.17 Rudall Crescent on the following grounds: <ul style="list-style-type: none"><li>Sympathise with reasons why applicant wants extension but has several concerns. Firstly, extension comes out to boundary wall which the Rudall Crescent Residents' Assn have always discouraged. Second is the proposed roof terrace and the inappropriateness of such a prominent location for a roof terrace, and the consequent overlooking. Neighbours are concerned about the precedent this sets but also if existing applicant sells and another less considerate neighbour/s replaces moves in.</li><li>Suggest instead a small single storey side extension with no roof terrace</li></ul>			
Local Groups/ CAAC comments:	The Heath and Hampstead Society objected on the following grounds:  <i>'This small house was originally the garden and the rear part of no. 9 Willoughby Road...</i>  <i>We object most strongly to the proposed terrace over-looking the street - totally out of character with the Conservation Area. We object even more strongly to the flashy glass railings proposed around the terrace - more reminiscent of an air-port than a Victorian suburb!</i>  <i>The proposed plain brick box, in front of the no. 2 1/2`s main facade and built up to the front boundary is also inappropriate in this Conservation Area and detracts from its character. Please refuse.'</i>			

## Site Description

The application site is situated close to the junction of Rudall Crescent and Willoughby Road and comprises a two-storey full-width rear extension to no.9 Willoughby Road which is in use as a single dwelling house accessed from Rudall Crescent. The property comprises a small existing porch extension with sloping roof and is situated behind a high boundary wall.

The building is not listed and is not explicitly referred to in the Conservation Area statement although no.9 Willoughby Road is identified as making a positive contribution to the Hampstead Conservation Area.

The site is located in the Hampstead Neighbourhood Plan area.



View of the front of the property

## Relevant History

### Application site

**CTP/E7/12/6/31728/R1** - Change of use involving works of conversion to form three self-contained maisonettes and the erection of a two-storey addition to the existing rear extension. **Conditional permission 13/04/1981**

## Relevant policies

### National Planning Policy Framework 2021

### National Planning Practice Guidance

### The London Plan 2021

### Camden Local Plan 2017

A1 Managing the impact of development

D1 Design

D2 Heritage

A3 Biodiversity

C6 Access for all

### Camden Planning Guidance

CPG Home improvements 2021

CPG Amenity 2021

### Hampstead Neighbourhood Plan

DH1: Design

DH2: Conservation areas and listed buildings

NE2: Trees

### Hampstead Conservation Area statement (2002)

## Assessment

### 1. Proposal and background

- 1.1 The applicant seeks planning permission for a front extension that would infill the area between the front elevation of the property and the existing boundary wall. It would measure 3m high x 6m wide x 3m deep. The extension would provide a bedroom with en-suite for the disabled occupant and his live-in carer.
- 1.2 The extension would comprise a flat roof to allow for a roof terrace which would be finished with a glazed balustrade. An existing first floor window would be converted to a door to allow for access to the terrace.
- 1.3 It is acknowledged that owing to the applicant's disability and his need for additional space, the impact of the decision will be of greater consequence. As such, officers have tried to work with the applicant to find an alternative location for the required floorspace. A more discreet and sensitive location for the extension would be to the side of the property. Whilst the applicant was willing to remove the roof terrace element, they have decided against relocating the extension to the side of the property due to the additional construction costs involved compared to the front extension. The Council do not consider this to be persuasive justification.

### 2. Assessment

2.1 The main considerations in the assessment of the application for planning permission are:

- Design and conservation
- Amenity
- Trees

### 3. Design and conservation

3.1 Policy D1 of the Local Plan requires all developments to be of the highest standard of design and will expect development to consider:

- Character, setting, context and the form and scale of neighbouring buildings and constraints of its site;
- The prevailing pattern, density and scale of surrounding development;
- The impact on existing rhythms, symmetries and uniformities in the townscape

3.2 Furthermore, by virtue of the site being located within the Hampstead conservation area, the Council has a statutory duty, under section 72 (Conservation Areas) of The Planning (Listed Buildings and Conservation Areas) Act 1990, to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. This is reflected in policy D2 (Heritage) which seeks to only permit development within conservation areas that preserves and enhances the character and appearance of the area.

3.3 On a more local level, policy DH2 (Conservation areas and listed buildings) of the Hampstead Neighbourhood Plan states that planning applications must take advantage of opportunities to enhance the Conservation Areas. The supporting text to this policy (paragraph 3.16) states that, *'Development should maintain and enhance the historic street character of the immediate context through choice of façade materials, provision of setbacks, boundary conditions, building entrances and plantings (e.g., building to the edge of the plot line on a street where buildings are set behind walls or railings will not comply with this policy).'* It is noted that the proposal seeks to achieve specifically what the policy resists i.e., develop between the boundary wall and building line.

3.4 Specific guidance on development in the Hampstead Conservation Area is provided within the Conservation Area statement. In the 'Current issues' section of the statement, extensions are mentioned as having the potential to alter the balance and harmony of a property through insensitive scale, design or inappropriate materials. It also mentions the importance of front boundaries and open space to the character of the conservation area. The statement's guidelines on roof terraces urges that, *'Care should be given to locating gardens so that they do not have a detrimental impact on the street scene, surrounding buildings or on the architectural quality of the building'*.

3.5 The existing front building line of the house aligns with the front elevations of the other properties on the street. This creates a strong building line that is only broken by an existing front extension at no.6. This development does not set a precedent as it is a historic permission (granted in 1970) and is in fact referenced specifically in the Hampstead Conservation area statement as, *'an unsightly conservatory in front of the ground floor bay enclosing the whole front garden'*.

3.6 The proposal would interrupt this strong building line and whilst there is an existing relatively tall (2.4m) front boundary wall which would conceal the majority of the massing, the top 0.6m would still be clearly legible above. The extension would span the entire front elevation of the house resulting in a bulky protrusion in an area between the front elevation and front boundary that is generally open space used as front garden.

3.7 The terrace proposed above the extension would significantly exacerbate the issue. Located at first floor level, the terrace would be very prominent in the streetscene and appear as a highly incongruous feature especially given that there are no other examples visible within the immediate context. The terrace could be used to accommodate a variety of objects such as garden furniture, parasols, planting etc which would be very visible by virtue of the terrace's location. The glazed balustrade would be completely out of character with the conservation area context and draw attention to itself and the rear extension it forms a part of. Whilst glazing is often thought as a subtle and lightweight material, it reflects the sunlight and attracts dirt resulting in a more solid appearance. Furthermore, glazed balustrades have a very contemporary, often garish appearance that would appear at odds with the traditional character of this part of the conservation area.

3.8 Another terrace above a ground floor rear extension can be found at the other end of Rudall Street

which due to its horseshoe form is situated parallel to the application site and adjacent to no.17 Willoughby Road; however, the planning approval is historic, and it is unclear whether the terrace element is a consented feature. Besides, this side of Rudall Crescent has no clearly defined building line as it comprises rear gardens rather than building frontages which helps it feel less out of place than it would do placed on the 'front' side of the street. Furthermore, it is finished with a traditional black metal railing unlike the proposed glazing which allows for a more recessive and sensitive appearance.

#### **4. Amenity**

- 4.1 The works would take place in close proximity to no.9 Willoughby Road which has been converted into four flats. A timber framed glazed door leading to the side garden, which appears to be associated with the ground floor flat, is situated adjacent to a boundary wall which the front extension would be constructed against. Owing to the height of the existing boundary wall, the front extension is not expected to have a noticeable impact on the light received by the door. Furthermore, there appears to be another window serving the same room as the door serves.
- 4.2 However, the terrace above the extension would result in a significant loss of privacy to the garden of the ground flat. Whilst the windows belonging to the flats above have existing views into the garden, these are at a longer distance and would be indirect as the natural view out of the window would be above the garden level. By contrast, looking down into the rear garden area of no.9 would be an easy, direct and unobstructed view for users of the terrace.

#### **5. Trees**

- 5.1 The front extension would be constructed in close proximity to a Japanese Maple tree which is very prominent in the streetscene. Policy NE2 of the Hampstead Neighbourhood Plan states development will protect trees that are important to local character, streetscape, biodiversity and the environment.
- 5.2 The tree is shown on the proposed floor plan as being retained but no tree protection information has been provided. Were planning permission being granted, a condition would require tree protection details to be submitted prior to commencement which would be assessed by a Tree officer.

#### **6. Recommendation**

- 6.1 The recommendation is to refuse planning permission on design, heritage and amenity grounds. In reaching this decision, the Council has had due regard to the Public Sector Equality Duty set out under s149 of the Equality Act 2010.