

Delegated Report		Analysis sheet		Expiry Date:	07/12/2022
		N/A / attached		Consultation Expiry Date:	17/12/2022
Officer			Application Number(s)		
Leela Muthoora			2022/4422/P		
Application Address			Drawing Numbers		
8 Conybeare London NW3 3SD			Refer to decision notice		
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature		
Proposal(s)					
Erection of a single storey rear extension at first floor level to dwellinghouse (Class C3) (Associated applications at 24 Quickswood and 9 Conybeare)					
Recommendation(s):		Refuse planning permission			
Application Type:		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:	Two site notices were displayed near to the site on 23 November 2022 (consultation end date 17 December 2022).			
	One letter of objection on behalf of neighbouring address, 26 Quickswood. Their objection can be summarised as follows: <div><div>1</div><div>The owner of No 26 Quickswood objected to the previous application which was refused. The applicant was informed of the objection through the owners' legal advisor and invited to discuss future development proposals with them but the owner has declined to do so.</div></div> <div><div>2</div><div>The applicant differs from the owner.</div></div> <div><div>3</div><div>The proposed development is linked to two other applications 8 and 9 Conybeare, which will cause noise and disruption to No 26 during the course of the works.</div></div> <div><div>4</div><div>The proposed development will cause a loss of privacy and of right to light. The combined effect of three developments is particularly likely to affect No 26 adversely.</div></div> <div><div>5</div><div>The development will have a serious negative impact on the privacy, access to light and quiet enjoyment of no 26, as windows will directly overlook the garden and reception room at ground floor level and the conservatory and terrace at first floor level. The conservatory at no. 26 is not directly comparable with the proposed extension at 24 as it is smaller development with a retained balcony and not occupied of a regular basis.</div></div> <div><div>Officer response</div><div><p>Pre-application consultation with neighbours is encouraged by the Council. However, this is a private matter over which the Council has no control. The proposals may be subject to control under the Party Wall etc Act 1996 which covers party wall matters, therefore, owners are advised to consult a suitably qualified and experienced building surveyor for the corresponding application at 9 Conybeare. However, the proposals in this application are likely to affect the party walls shared with 9 Conybeare and 22 Quickswood.</p><p>As permissions run with the land, applications for planning permission can be made on the land with the owner's consent. In this case an agent is acting on behalf of the applicant.</p><p>The linked applications and their accumulative affects have been assessed in this and the corresponding applications.</p><p>Any construction work involves a certain level of noise and disruption to</p></div></div>			

	<p><i>neighbouring properties. If the proposals were otherwise acceptable we may recommend a Construction Management Plan to coordinate the works; however, the proposals are not acceptable for the reasons set out in this report.</i></p> <p><i>The proposed development is considered to result in loss of privacy due to the sense of enclosure created. This would be intensified if the corresponding proposals at no's 8 and 9 Conybeare were to be approved and implemented.</i></p> <p><i>The development is considered to negatively impact the living conditions of the neighbouring occupiers at no. 26. This is discussed in section on amenity in the report.</i></p>
CAAC/Local groups comments:	No comments or objections have been received.

Site Description

The site is a two-storey mid-terraced dwelling house located on the west side of the road, located within a planned residential estate (known as the Chalcot Estate) between Fellows Road to the north and King Henry's Road to the south, dating from the 1960's.

The site is within a block of nine 'L' shaped houses which form terraces arranged in a perimeter block. The four central properties of 24 & 26 Quickswood and 8 & 9 Conybeare have small rear gardens which abut each other in a tightly enclosed space.

The surrounding area is residential in character. The application site is not a listed building and is not situated within a Conservation Area.

Relevant History

The relevant planning history at the application site.

Application ref	Development Description	Decision & Date
PEX0000073 8 Conybeare	Retention of first floor rear extension to existing house and chimney flue and associated landscaping.	Granted 08/05/2000
PE9900637 8 Conybeare	Retention of first floor rear extension. <u>Reasons for refusal</u> The extension, located at first floor level, causes an unacceptable loss of residential amenity to the occupiers of 9 Conybeare, due to the elevated position of the extension and the facing distances between habitable rooms. The proposal therefore results in an increased sense of enclosure to the occupiers of the adjoining property. This is contrary to policies EN16 (new), EN27 and DS5 of the emerging Unitary Development Plan.	Refused 05/10/1999
PE9700327R4 8 Conybeare	The erection of a first floor extension at the rear.	Granted 09/03/1998

The relevant planning history at neighbouring sites.

2022/4428/P 9 Conybeare	Erection of a single storey rear extension at first floor level to dwellinghouse (Class C3) (Associated applications at 24 Quickswood and 8 Conybeare)	Pending Decision
2022/4421/P 24 Quickswood	Erection of a single storey rear extension at first floor level to dwellinghouse (Class C3) (Associated applications at 9 Conybeare and 8 Conybeare)	Pending Decision
2021/2008/P 24 Quickswood	Erection of a single storey rear extension at first floor level to dwellinghouse (Class C3) <u>Reasons for refusal</u> The proposed extension, by reason of its excessive bulk and scale, would no longer be subordinate to the host building, to the detriment of the character and appearance of the host building and the perimeter block contrary to policy D1 of the London Borough of Camden Local Plan. The proposed extension, by reason of its excessive bulk and scale, would be an overbearing addition within the perimeter block, causing harm to amenity through an increased sense of	Refused 18/11/2021 Appeal Dismissed 08/07/2022

	enclosure and loss of privacy and outlook experienced within the rear gardens and neighbouring windows, contrary to policy A1 of the London Borough of Camden Local Plan 2017.	
2021/2147/P 24 Quickswood	Erection of an additional storey to the existing dwellinghouse under Class AA, Part 1, Schedule 2 of the GPDO (2015) (as amended).	Prior Approval Granted 10/11/2021
01320	The redevelopment of the site bounded by Fellows Road, Primrose Hill Road, King Henry's Road and Winchester Road, Hampstead, by the erection of flats, houses, shops, public houses, garages and parking spaces, together with the formation of new means of access to the highway.	Permission granted with conditions 18 March 1965

Relevant policies

National Planning Policy Framework (NPPF) 2021

London Plan 2021

Camden Local Plan 2017

A1 Managing the impact of development

D1 Design

Camden Planning Guidance

CPG Amenity (2021)

CPG Design (2021)

CPG Home Improvements (2021)

Assessment

1. Proposal

- 1.1. The proposal seeks permission for an additional storey at first floor level above the existing rear ground floor flat roof. It would be approximately 5.5m wide by 7m deep by 2.7m in height, with an overall height at approximately 6m.
- 1.2. The proposal would form an infill extension at the rear first floor level, abutting the rear boundary wall to number 24 Quickswood and side boundary wall to number 7 Conybeare.
- 1.3. The proposed extension would continue the ground floor building line up to first-floor level, facing number 9 Conybeare.
- 1.4. The existing first floor extension would be demolished and the proposed extension would create an extended bedroom. The new room would be c.87% (40sqm GIA) of the footprint of the rest of the 1st floor (c.46sqm GIA).
- 1.5. The proposed materials are described as rendered walls, asphalt roof and upvc windows on the application form, no other information regarding materials have been submitted. The proposed alterations to windows at first floor level would include altering the patio doors at first floor level to two full height windows of 2m x 1.3m to the proposed side elevation of the extension.
- 1.6. The Design and Access statement says the intention is to implement the extension together with those proposed at numbers 9 Conybeare and 24 Quickswood.
- 1.7. The image below left shows the site context with the location of the site and neighbouring properties labelled and the red line shows the location of the proposed extension. The image below right shows the existing extension set back from the ground floor building line.



Background

- 1.8. As the relevant planning history sets out, this application accompanies a resubmission of the same proposal at 24 Quickswood, submitted in 2021 under planning reference: 2021/2008/P for 'Erection of a single storey rear extension at first floor level to dwellinghouse (Class C3)'. The application was refused on 18/11/2021. The reasons for refusal were as follows:
 - 1 The proposed extension, by reason of its excessive bulk and scale, would no longer be subordinate to the host building, to the detriment of the character and appearance of the

host building and the perimeter block contrary to policy D1 of the London Borough of Camden Local Plan.

- 2 The proposed extension, by reason of its excessive bulk and scale, would be an overbearing addition within the perimeter block, causing harm to amenity through an increased sense of enclosure and loss of privacy and outlook experienced within the rear gardens and neighbouring windows, contrary to policy A1 of the London Borough of Camden Local Plan 2017.

1.9. The applicant exercised their right of appeal against the refusal of permission to the Planning Inspectorate. The appeal was dismissed by the Inspectorate on 08/07/2022 as they agreed with The Council's decision that the proposals were contrary to Local Plan policies D1 and A1. The Inspectors' reasoning can be summarised as follows:

- The Inspector noted that first floor level extensions were common in the locality, some coming out to the full extent of the ground floor and others being set back, but in this perimeter block they were set back.
- The Inspector considered that the proposed first floor level rear extension, which was to extend the full depth of the ground floor, would appear incongruous and visually dominant.
- The Inspector did not consider the examples of other first floor extensions in the area to be directly comparable as their circumstances differed to the confined perimeter block.
- Given the depth of the extension and the size of the rear gardens the Inspector was also concerned about the increased sense of enclosure to neighbouring properties and worsen the outlook for occupants.
- The Inspector did not consider that there was increased overlooking from the proposed window in comparison to potential for overlooking from the roof terrace which already exists at this level.

2. Assessment

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

- a) The visual impact upon the character and appearance of the host property (Design) and the surrounding buildings
- b) The impact of the additional massing on residential amenities of neighbouring occupiers (Residential Amenity)

3. Design

3.1. The Council's design policies are aimed at achieving the highest standard of design in all developments. The following considerations contained within policy D1 are relevant to the application: development should respect local context and character; comprise details and materials that are of high quality and complement the local character.

3.2. Camden CPG (Home Improvements) seeks to balance the need for a prescriptive approach to directing extensions and alterations with the need for homeowners to take into consideration, as the first principles for development, how:

- the property belongs within a wider community and ensuring that proposals do not adversely impact the streetscene, local neighbourhood, and the wider built and natural environment surrounding the home; and
- considering the impact on neighbouring properties, ensuring the amenity of neighbours

would not be harmfully affected.

- 3.3. There are four homes which comprise a perimeter block with abutting outdoor amenity spaces. The individual garden spaces are highly compact and enclosed, and the original construction of the development acknowledged the value of the outdoor amenity space by limiting the rear extensions to single storeys, thus giving relief to the character of the open space.
- 3.4. Over time householders have increased the size of their homes by extending upwards at the rear – with a mix of approaches, but in this perimeter block development has consistently sought to minimise the impact of the bulk and massing of their extensions on the sense of enclosure and the character of the rear amenity space.
- 3.5. It is acknowledged that the application site and 26 Quickswood have existing first floor extensions. However, due to the layout and proximity to neighbouring sites, they have been designed to reduce their impact on the enclosed garden spaces and neighbouring upper floor windows. Both are set back from the ground floor building line behind a parapet, in addition the side elevation to 8 Conybeare is angled away from the building line sloping to its roof. This minimises their visibility at ground level and offers relief from overbearing enclosure of the neighbouring properties.
- 3.6. Due to the bulk and scale of the development, the proposal results in a dominant structure of a full additional storey which is no longer subordinate to the host building, is out of scale with the neighbouring sites and presents an overbearing massing to the enclosed gardens.
- 3.7. The accumulative impact of the same proposals at the neighbouring sites of 9 Conybeare and 24 Quickswood would result in excessive bulk and scale, which would no longer be subordinate to the host building or perimeter block of which it forms a part. The proposal would not respect the common pattern of rear extensions at neighbouring sites and considered together the proposed developments at numbers 24 Quickswood, 8 Conybeare and 9 Conybeare, would have appear dominant to number 26 Quickswood, in particular.
- 3.8. The application form states the proposed additional storey would have rendered walls with asphalt roof and upvc windows. The proposed windows would match the existing fenestration of the host buildings' upper floor windows divided by three horizontal glazing bars. Typically, upvc windows are discouraged by the Council due to their visual appearance and sustainability; however, given the lack of uniformity of design of the rear first floor extensions elsewhere, the shortcomings in the detailed design are not considered to be significant enough to justify refusal on detailed design grounds.
- 3.9. Overall, as a result of the excessive bulk and scale of the development, which is not subordinate to the host building, and the height, depth and width which do not respect the common pattern of rear extensions at neighbouring sites, would harm the character and appearance of the host building and the perimeter block of which it forms a part. Therefore, the proposal is unacceptable in terms of design and would not comply with planning policy D1, Design or CPG Design and CPG Home Improvements.

4. Amenity

- 4.1. Policy A1 seeks to protect the quality of life of occupiers and neighbours by only granting permission to development that would not harm the amenity of residents. This includes factors

such as privacy, outlook, implications to natural light, artificial light spill, odour and fumes as well as impacts caused from the construction phase of development.

- 4.2. The neighbouring rear terrace at number 9 Conybeare has not been shown on the existing or proposed drawings submitted. Therefore, the figure below from the Council GIS (Geographical Information Systems) map, demonstrates the distance as approximately 9m to the existing neighbouring terrace.



- 4.3. The proposed elevation of the extension includes windows floor to ceiling height windows, measuring approximately 3m by 2m, facing 9 Conybeare. The existing outdoor amenity space is compact and there is relief for users of the gardens and the lower floor rooms by virtue of the setbacks in the upper floor extensions. The proposal would increase the sense of enclosure caused by the proposal and would result in a detrimental impact on local amenity as experienced both in the rear gardens and the ground floor rooms. As shown in the figure above, the proposed elevation would be approximately 9m from the first-floor terrace at number 9 Conybeare. These separation distances are significantly less than the minimum separation distance of 18m set out in CPG Amenity and therefore mitigation measures should be incorporated to reduce the sense of intrusion of privacy, such as setbacks from the parapet, as with the existing extensions at the application site and 26 Quickwood.
- 4.4. The existing extension is set back from the elevation behind a parapet wall to the southern side adjacent to the garden, and opposite 9 Conybeare. This setback of the footprint of the extension behind the parapet mitigates its impact the perimeter block. Whereas the proposal results in an increased sense of enclosure and worsening of the outlook for the occupants of the perimeter block.

4.5. The accumulative impact of the associated proposals at the neighbouring sites of 9 Conybeare and 24 Quickswood would increase the sense of enclosure and worsen the outlook for the occupants of the perimeter block. Considered together the proposed developments at numbers 24 Quickswood, 8 Conybeare and 9 Conybeare, would have an overbearing impact on number 26 Quickswood, in particular.

4.6. By virtue of its design and massing the proposals would worsen the outlook for the occupants of the perimeter block and increase the sense of enclosure, as experienced in the gardens and habitable rooms of the other 3 properties in the perimeter block. These features would have an unacceptable impact on the amenity of neighbours, contrary to policy A1 (Managing the impact of development) of the Camden Local Plan 2017.

4.7. While it does not form part of this application, implementation of the prior approval additional story to the principal building at number 24 Quickswood (see site history) would further heighten the sense of enclosure experienced in the neighbouring properties.

5. Conclusion

5.1. The proposed first floor extension would have a detrimental impact upon the appearance of the host property and cause harm to the amenities of the neighbouring occupiers, as set out in this report. While the proposals would bring benefits to the future occupants of the dwelling, those benefits would not outweigh the harm caused to neighbours.

5.2. The accumulative impact of the additional applications at neighbouring sites of 9 Conybeare and 24 Quickswood would result in excessive bulk and scale, which would no longer be subordinate to the host building. The height, depth and width would not respect the common pattern of rear extensions at neighbouring sites, which would harm the character and appearance of the host building and the perimeter block of which it forms a part. Therefore, the proposal is unacceptable in terms of design and would not comply with planning policy D1, Design or CPG Design and CPG Home Improvements.

5.3. The accumulative impact of the additional neighbouring applications at 9 Conybeare and 24 Quickswood would result in further sense of enclosure and worsen the outlook of the occupants resulting in an unacceptable impact on the amenity of neighbours, contrary to policy A1 of the Camden Local Plan 2017.

6. Recommendation: Refuse planning permission