

Members Briefing Report		Analysis sheet		Expiry Date:	
		N/A / attached		Consultation Expiry Date:	
				10/05/2023	
				05/04/2023	
Officer			Application Number(s)		
Josh Lawlor			2022/5567/P		
Application Address			Drawing Numbers		
38 Hillfield Road London NW6 1PZ			See draft decision notice		
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature		
Proposal(s)					
Extension of existing garage to provide a 2-x bed flat.					
Recommendation:		Grant planning permission subject to S106 Legal Agreement			
Application Type:		Full Planning Permission			
Conditions or Reasons for Refusal:		Refer to Draft Decision Notice			
Informatives:					
Consultations					
Summary of consultation:		Site notices were displayed near the site on 09/03/2022 (expiry 02/04/2022)			
Adjoining Occupiers:		No. of responses	5	No. of objections	5
Summary of consultation responses:		<p>Site notices were displayed outside on Hillfield Road and Mill Lane from 02/05/2023</p> <p>4 objections and 1 comment were received from neighbouring addresses including 23 Broomsleigh Street, Broomsleigh Street, 38A Hillfield Road, Flat C 36 Hillfield Road objected.</p> <ul style="list-style-type: none"> • Have not given requisite notice to those with an interest in the land • proximity to the main house comprising 38 and 38A Hillfield Road • Impact on trees • Will block light on the ground floor of 38A • Object to the retention of the base garage structure 			

- Lack of detail on materials
- Request a green roof / roof could be used as a terrace
- Unsightly / poor design / too much mass
- generates a traffic risk with an extremely busy route of Mill Lane.
- no Indications of the treatment of the forecourt area, nor any traffic analysis or turning circles/ sight lines provided.
- buildability questions
- light spillage
- introduction of a sunken garden zone to the rear of the property.
- the removal of a significant section of the garden and the introduction of hard surfaces / flooding and groundwater permeability impacted
- The combined garage and living accommodation are inappropriate.
- The mixture of car parking and residential space in the same building is inappropriate
- the resident(s) of 38 Hillfield Road will be left without any off-street or right-to-on-street resident car parking

Officer response:

1. The applicant has submitted the correct application form and signed certificate B and certified that they have given the requisite notice to everyone with an interest in the land
2. The location of the extension in relation to the main building is acceptable
3. An arboricultural report was submitted as part of the previous application and was found to be acceptable
4. Please see the Amenity section (Section 5) of the report
5. The retention of the garage is acceptable. It is a lawful structure and there is no policy basis to resist its retention
6. Sufficient detail has been provided to assess the application
7. A green roof is now provided which will increase the area of soft landscaping and provide permeable surfaces to offset the increases in hard landscaping elsewhere in the site. As such there would not be a material impact in terms of an increase in runoff rates
8. The massing, height and design is acceptable (refer to section 4)
9. Please see the Design section (Section 4) of the report
10. The number of parking spaces will not change. Please see the Transport section for a full response
11. The buildability is not assessed as part of this application
12. The rear landscaping / light well is minor in nature and scale
13. The increase in hard surfaces is insignificant and would not create an increase in flood risk
14. The principle of providing ancillary residential accommodation above the garage is acceptable
15. Please see the Transport section of the report for a full response

**Fortune Green and
West Hampstead
Neighbourhood
Forum (FGWHNF)**

No response received

Site Description

The site is a garage to the rear of 38 Hillfield Road. It is associated with the basement flat at number 38 with access to the front on Mill Lane. It has space for a single garage parking space, with an internal lobby and office space. To the rear there are casement windows overlooking the garden at 38 Hillfield Road. There is a concrete driveway to the front.

Relevant History

2021/6168/P Conversion and extension of existing garage to create a two storey residential dwelling with courtyard to the rear. **Refused 22/09/2022**

Reasons for refusal

- 1. The proposed development, by virtue of its height, bulk, location and design, would result in an over-dominant and incongruous form of development causing harm to the character and appearance of the streetscene and adjoining buildings, 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 car-capped housing, would be likely to 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 London Borough of Camden Local Plan 2017.*

2008/1845/P Change of use from a single dwellinghouse to a self-contained flat at basement level and a maisonette on the ground, first and second floor including works at basement level. **Granted 15/01/2009**

Land at rear of 34, 40, 42 & 44 Hillfield Road

2007/4040/P The erection of four two-storey houses to replace four garages on the site within the rear gardens. **Granted 24/12/2009**

Relevant policies

National Planning Policy Framework (2021)

The London Plan (2021)

Camden Local Plan 2017

- G1 Delivery and location of growth
- H1 maximising housing supply
- H6 Housing choice and mix
- D1 Design
- A1 Managing the impact from development
- CC1 Climate change mitigation
- CC2 Adapting to climate change
- CC3 Water and flooding
- CC5 Waste
- T2 Car Free development
- T1 Sustainable methods of transport
- DM1 Delivery and monitoring

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

- Policy 1 Housing
- Policy 2 Design and Character
- Policy 7 Sustainable Transport
- Policy 8 Cycling

Camden Planning Guidance (CPG)

- Home improvements - January 2021
- Amenity – January 2021
- Transport – January 2021
- Trees – January 2021
- Developer contribution
- Water and flooding

Assessment

1. The proposal and background

1.1. The proposal is for the retention of parking within the existing garage and its enlargement by a two-storey rear and first floor extension to create a new two bedroom flat. The ground floor will contain the living/dining/kitchen areas along with an accessible WC. At the first floor level is a bedroom, bathroom and study/second living room. The front of the ground-floor garage and the first-floor extension would be faced with brick to provide the appearance of a new building.

1.2. The reasons for refusal of ref. 2021/6168/P have been addressed in the following ways:

- The first floor facade has been set back to sit behind the location of the neighbouring dwellings to the east in line with the wording of the refusal.
- The render has been removed from the building and replaced with a textured buff brick multi to ensure the facades are not flat.
- The height has been reduced. It is slightly taller than the neighbouring building which reflects the slope upwards from east to west across the site.
- The windows have been amended to suit a more contemporary aesthetic with glass balustrades and the proportions amended

2. Assessment

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

- Principle of new housing
- Design
- Residential Amenity
- Transport
- Impacts on mature trees

3. Housing

3.1. The applicant states that the proposals are intended to provide additional residential accommodation for the principal dwelling at the Basement flat no. 38 Hillfield Road. However, the proposal provides a self-contained flat and the council cannot control the use as ancillary accommodation by condition as it would not meet the tests of a planning condition. It has a self-contained kitchen, living area and space for two bedrooms and as such is self-contained residential accommodation.

- 3.2. The proposal for a self-contained flat is acceptable regarding policy H1 which supports the creation of new homes. The dwelling would also provide two bedrooms which is supported.
- 3.3. The development would meet minimum floor space standards for a two-bedroom house and have high-quality outlook and access to light. The uplift is also below 100 sq. m ; therefore, an affordable housing payment is not required.

4. Design

4.1. Paragraph 134 of the new NPPF states that:

Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes.

Conversely, significant weight should be given to:

- a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or
- b) outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.

4.2. Camden Local Plan Policy D1 seeks to secure high-quality design in development which respects local context and character. Policy D2 states that the Council will preserve and enhance Camden's heritage assets and their settings, including conservation areas. CPG Design paragraph 2.11 sets out how good design should respond appropriately to the existing context:

Ensuring the scale of the proposal overall integrates well with the surrounding area Positively integrating with and enhancing the character, history, archaeology and nature of existing buildings on the site and other buildings immediately adjacent and in the surrounding area. Respecting and sensitively responding to the natural and physical features, both on and off the site.

- 4.3. Policy 2 (Design and Character) of the NP states that the design of development must be appropriately integrated in terms of scale, height and mass. Criterion (vii) states that infill development should be in character and proportion with its context and setting, including the relationship to any adjoining properties. Criterion (vi) states that new buildings must respect and be sensitive to the height of existing buildings in their vicinity and setting.
- 4.4. This section of Mill Lane has, over the past decade or two, developed a character of its own that has largely blended into the setting. The pattern of development along this side of Mill Lane is atypical as a result of sites having come forward in a piecemeal manner. As such, there is variation in terms of architectural style, height and form. Some of the former garage sites that have been replaced with residential do not demonstrate a high quality of design that complements the surrounding built environment and therefore would not be a good source of design inspiration for the proposed building.
- 4.5. The front of the existing garage will be re-clad in brickwork, to upgrade the existing aesthetic of the property to match the extension. At the first floor, the front will be set back from the road, just behind the neighbour's properties to the east, intervening between the first floor level at this site and to the west behind number 32. This will create a consistent staggered facade when the garage directly to the west is converted in the same way following the curve of the road. To the rear the property is extended into the garden with a small sunken section in the garden for use as a patio courtyard.
- 4.6. The front and rear windows have fixed glass balustrades to casement doors. Stone copings will finish each of the facades. The architectural expression is understated but well-considered, comprising the retained garage door and a new entrance door at ground floor and two aluminum

framed windows with four vertical panes at first floor. There would be solid courses above the apertures to provide some visual interest. The submitted section detail shows an acceptable degree of reveal around the windows.

- 4.7. The applicant has provided detail of the brick in the form of photographs of the sample panel. The brick would be a London-weathered yellow which has a somewhat variegated colour. The brick is acceptable for the site and wider area. The design lends itself to being replicated and would allow for a terrace of properties of the same or similar design.
- 4.8. At the rear, the extension will be brick clad, same brick as the rest of the property. The bricks would return around the sides of the property, ensuring that all sides facing the public are brick.

5. Residential Amenity

- 5.1. Policy A1 seeks to protect the quality of life of occupiers and neighbours by only granting permission for development that would not harm the amenity of residents. This includes factors such as privacy, outlook, implications to natural light, artificial light spill, as well as impacts caused from the construction phase of development. Policy A4 seeks to ensure that residents are not adversely impacted upon by noise or vibrations.
- 5.2. The extensions would not obstruct light or outlook into neighbouring windows. To the rear, the proposed extension is set back behind the rear building line of the neighbouring dwelling at no.33d and therefore would not obstruct light into neighbouring windows. The first-floor front building line is set back behind the front building line of no.33d so would not impact this property's first floor window. The neighbouring south-facing windows would continue to receive adequate levels of daylight and sunlight and enjoy a good quality outlook.

6. Trees

- 6.1. Policy A3 states that the Council will resist the loss of trees and vegetation of significant amenity, historic or ecological value including proposals which may threaten the continued wellbeing of such trees and vegetation. The Council will also require trees and vegetation which are to be retained to be satisfactorily protected during the demolition and construction phase of development in line with BS5837:2012 'Trees in relation to Design, Demolition and Construction' and positively integrated as part of the site layout.
- 6.2. The applicant has submitted an arboricultural report dated February 2022. There are Prunus & Ash trees that could be impacted by the proposals. These are category C trees of low ecological value but form a constraint as they are located on neighbouring land. These trees will be removed due to excavation for the rear extension. This is based on the agreement with neighbouring occupiers. The Acer tree to the front of the neighbouring property will be retained for the duration of the works. The Council's Tree and Landscaping Officer has reviewed this report and raises no objection to the scheme based on this report. The Officer recommended the following compliance condition to any approval:

Prior to the commencement of construction/demolition works on site, tree protection measures shall be installed in accordance with approved Tree Protection Plan. The protection shall then remain in place for the duration of works on site and works should be undertaken in line with the approved arboricultural method statement, unless otherwise agreed in writing by the local authority.

- 6.3. The proposal provides a green roof, and the applicant has provided a section, maintenance plan and species list to show that the green roof would be sustainable and have appropriate substrate depth to support the sedum species proposed. The green roof is welcomed for increasing

biodiversity and reducing surface water runoff rates. As such the development is acceptable in regard to policy A3.

7. Transport

Car Parking

- 7.1. Policy T2 states that the Council will limit the availability of parking and require all new developments in the borough to be car-free.
- 7.2. Planning permission ref. 2008/1845/P has a S106 agreement for the basement flat at no.38 to be car-capped with the retention of the existing garage car space. Therefore, the proposal to retain the garage space is acceptable as it is restricted for the residents of the basement flat to use. The proposed development is to be restricted to be used as ancillary accommodation to the main residence (basement flat no. 38). The Council cannot restrict who can park in the space, i.e., the owner of the basement flat or friends/relatives/carers.
- 7.3. The new accommodation would need to be car-free in accordance with Policy T2, which includes limiting the availability of both off-street and on-street parking. This would need to be secured by S106 legal agreement and would prevent future occupiers from obtaining on-street parking permits. It is noted that there is a car-free agreement relating to the existing main residence (Basement flat no. 38) which removes rights for occupiers of the new flat to access parking spaces. There would not be enough space to park a car in the front drive area and the applicant has provided some soft landscaping on the sides which would ensure that this space is not used for car parking. A condition is imposed to require the implementation of the soft-landscaping.

Cycle parking

- 7.4. Secure, accessible, and covered cycle parking would need to be provided in accordance with Policy T1, the cycle facilities section of CPG Transport, and the London Plan. A revised drawing shows that the development provides the required 1 long-stay cycle parking space in the garage. This would be secured by condition if planning permission was granted.

8. Recommendation

- 8.1. Grant conditional planning permission subject to a S106 Legal Agreement