

Delegated Report		Analysis sheet	Expiry Date:	19/05/2022
		N/A	Consultation Expiry Date:	19/06/2022
Officer			Application Number(s)	
Amy Ly			2022/1640/P	
Application Address			Drawing Numbers	
57 Hillfield Road London NW6 1QD			<i>Refer to Draft Decision Notice</i>	
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature	
Proposal(s)				
Prior approval for the erection of a 6m deep single storey 'infill' extension and a 1.5m deep single storey addition to existing two storey rear wing.				
Recommendation(s):		Prior Approval Required: Approval		
Application Type:		GPDO Prior Approval Class A Householder extensions		

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	06	No. of responses	02	No. of objections	02
Summary of consultation responses:	<p>A site notice was displayed outside the property from 19/05/22 to 11/06/22.</p> <p>Letters were sent to the adjoining properties on 25/04/22 and 26/05/22.</p> <p>2 letters of objection were received from 55, 55A and 59 Hillfield Road. The objections received are summarised below:</p> <ol style="list-style-type: none"> 1. The proposal will cause significant negative consequences on the amenity of the neighbouring properties at 55, 55A no. 59 such as significant reduction in daylight/sunlight, outlook, sense of enclosure and construction impact. 2. Designs and building lines don't relate to property. 3. The proposal and associated works will cause structural impact, and loss of value and income. 4. Queries regarding flue. 5. Breach of GPDO criteria <p><u>Officer's Response:</u></p> <ol style="list-style-type: none"> 1. <i>See paragraph 3 – impact on the amenity of adjoining premises. There will be an impact on light, outlook and sense of enclosure however, given the context of the site and the scale of existing large rear projections, these impacts would not justify refusal. All construction work has amenity impact, and these are relatively small householder extensions, so impacts would be proportionate, and construction would be temporary.</i> 2. <i>Design is not a part of the considerations for this prior approval.</i> 3. <i>Party wall and personal financial impacts are not material considerations in this prior approval. Structural impacts on neighbours are dealt with under the Party Wall Act and standards covered by the Building Regulations.</i> 4. <i>Alterations to vents and soil pipes are permitted under Class G, and standards are covered by Building Regulations.</i> 5. <i>See paragraph 2 – Assessment. The proposal has been assessed against the criteria in Class A, which concludes that the rear extension is permitted development and the infill extension is permitted under Class A subject to the Prior approval procedure (assessed in paragraph 3). The maximum height of the extensions have been provided in the submitted application form.</i> 					
CAAC/Local groups comments:	N/A					

Site Description

The site is a two-storey plus attic and basement terraced dwelling house located on the north side of the road, located within the Fortune Green and West Hampstead Neighbourhood plan area. The terrace benefits from deep rear gardens, and the application site also occupies an additional area of rear garden space to the east side.

The site is within a terrace of 'L' shaped houses which form a group between Agamemnon Road and Gondar Gardens. The group match in terms of their design, scale, form and materials, with the exception of No. 13A.

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

57 Hillfield Road

2020/3242/P- Erection of single storey ground floor side infill extension.– Granted 02/12/2020

2021/1366/P- Installation of 4 replacement uPVC windows on front 1st floor and 2 replacement uPVC windows on rear upper floors – Granted 18/05/2021

2021/6035/P- Single storey side and rear extension – Refused 03/03/2022. **RfR:** *The proposed rear and side extension, by reason of its width, depth and massing would represent an excessive addition to the building which would harm the form and character of the original building and erode the visual character at the rear of the terrace as a whole... The proposed side 'infill' extension, due to its height, depth and siting next to no. 55 Hillfield Road, would result in a loss of outlook and unacceptable sense of enclosure for the neighbouring occupiers.*

Neighbouring sites

2010/6028/P - Flat 1, 47 Hillfield Road - Erection of ground floor rear extension and side return infill extension to existing lower ground and ground floor maisonette (Class C3) – Granted 06/01/2011

2014/0826/P - 28 Hillfield Road - Erection of a single storey rear infill extension. – Granted 12/03/2014

2017/4326/P- 63 Hillfield Road - Erection of new single storey (plus basement) building fronting Achilles Road comprising 1 x 3-bed unit (Class C3) with front lightwell; Conversion of existing building from 2 to 3 flats (3 x 2-bed); erection of single storey rear/side infill extension and rear dormer; enlargement of existing basement level and front lightwell; creation of new access off Agamemnon Road; hard and soft landscaping works. – Granted Subject to S106 agreement 31/10/2018

2020/4908/P - 3 Hillfield Road and flat 1, 5 Hillfield Road - Erection of a joint single storey ground floor rear/side infill extension (incorporating lightwell) to No.5 Hillfield Road and a single storey rear/side infill extension at No.3 Hillfield Road. - Granted Subject to S106 agreement 23/03/2021

Relevant policies

Town and Country Planning (General Permitted Development) Order 2015
Town and Country Planning (General Permitted Development) (England) (Amendment) (No. 2) Order 2020

National Planning Policy Framework 2021

London Plan 2021

Camden Local Plan 2017

- A1 - Managing the impact of development

Camden Planning Guidance

- CPG Amenity (2021)

Assessment

1. Proposal

- 1.1. The proposal seeks prior approval for a single storey infill extension to the rear which would be 3.2m in height, and 6m in depth. The proposal also includes the erection of a 1.5m deep single storey addition to existing two storey rear wing.
- 1.2. The Town and Country Planning (General Permitted Development) (England) (Amendment) (No. 2) Order 2020 came into force on 31st August 2020 and introduced Class A to Part 1 of Schedule 2, which allows for the enlargement, improvement or other alteration of a dwellinghouse.
- 1.3. The applicant has submitted the details required under the amended GDPO paragraph A.4 (2) giving the height, depth and all other details required. The proposed rear extension on the existing rear outrigger would have a depth of 1.5m, a width of 3.6m and a height of 3m to the eaves. The proposed rear infill extension would have a depth of 6m, a width of 2.4m and height of 3m to the eaves.

2. Assessment

2.1. Assessment against Class A conditions

Class A: The enlargement, improvement or other alteration of a dwellinghouse.

If yes to any of the questions below the proposal is not permitted development: Yes/no

A.1 (a)	Permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class G, M, MA, N, P, PA or Q of Part 3 of this Schedule (changes of use)	No
A.1 (b)	As a result of the works, the total area of ground covered by buildings within the curtilage of the dwellinghouse (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse)	No
A.1 (c)	The height of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the highest part of the roof of the existing dwellinghouse	No
A.1 (d)	The height of the eaves of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the eaves of the existing dwellinghouse;	No
A.1 (e)	The enlarged part of the dwellinghouse would extend beyond a wall which— (i) forms the principal elevation of the original dwellinghouse; or (ii) fronts a highway and forms a side elevation of the original dwellinghouse	No

A.1 (f)	Subject to paragraph (g), the enlarged part of the dwellinghouse would have a single storey and— (i) extend beyond the rear wall of the original dwellinghouse by more than 4 metres in the case of a detached dwellinghouse, or 3 metres in the case of any other dwellinghouse, or (ii) exceed 4 metres in height	No (rear extension on back of existing rear projection approx. 3m)
A.1 (g)	For a dwellinghouse not on article 2(3) land nor on a site of special scientific interest, the enlarged part of the dwellinghouse would have a single storey and— (i) extend beyond the rear wall of the original dwellinghouse by more than 8 metres in the case of a detached dwellinghouse, or 6 metres in the case of any other dwellinghouse, or (ii) exceed 4 metres in height	No (rear infill extension approx. 6m – see condition A.4 below)
A.1 (h)	The enlarged part of the dwellinghouse would have more than a single storey and— (i) extend beyond the rear wall of the original dwellinghouse by more than 3 metres, or (ii) be within 7 metres of any boundary of the curtilage of the dwellinghouse being enlarged which is opposite the rear wall of that dwellinghouse	No - (single storey max floor to ceiling height 2.6m)
A.1 (i)	The enlarged part of the dwellinghouse would be within 2 metres of the boundary of the curtilage of the dwellinghouse, and the height of the eaves of the enlarged part would exceed 3 metres	No
A.1 (j)	The enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, and would— (i) exceed 4 metres in height, (ii) have more than a single storey, or (iii) have a width greater than half the width of the original dwellinghouse	No
A.1 (ja)	Any total enlargement (being the enlarged part together with any existing enlargement of the original dwellinghouse to which it will be joined) exceeds or would exceed the limits set out in sub-paragraphs (e) to (j);	No
A.1 (k)	It would consist of or include— (i) the construction or provision of a verandah, balcony or raised platform, (ii) the installation, alteration or replacement of a microwave antenna, (iii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or (iv) an alteration to any part of the roof of the dwellinghouse.; or	(i) No (ii) No (iii) Yes (but complies with Part 1 Class G) (iv) No
A.1 (l)	The dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses).	No
Conditions. If no to any of the below then the proposal is not permitted development		
A.3 (a)	The materials used in any exterior work (other than materials used in the construction of a conservatory) must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse	Yes
A.3 (b)	Any upper-floor window located in a wall or roof slope forming a side elevation of the dwellinghouse must be— (i) obscure-glazed, and (ii) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed; and	Yes (no upper floor windows)

A.3 (c)	Where the enlarged part of the dwellinghouse has more than a single storey, or forms an upper storey on an existing enlargement of the original dwellinghouse, the roof pitch of the enlarged part must, so far as practicable, be the same as the roof pitch of the original dwellinghouse.	Yes (single storey with no upper storey)
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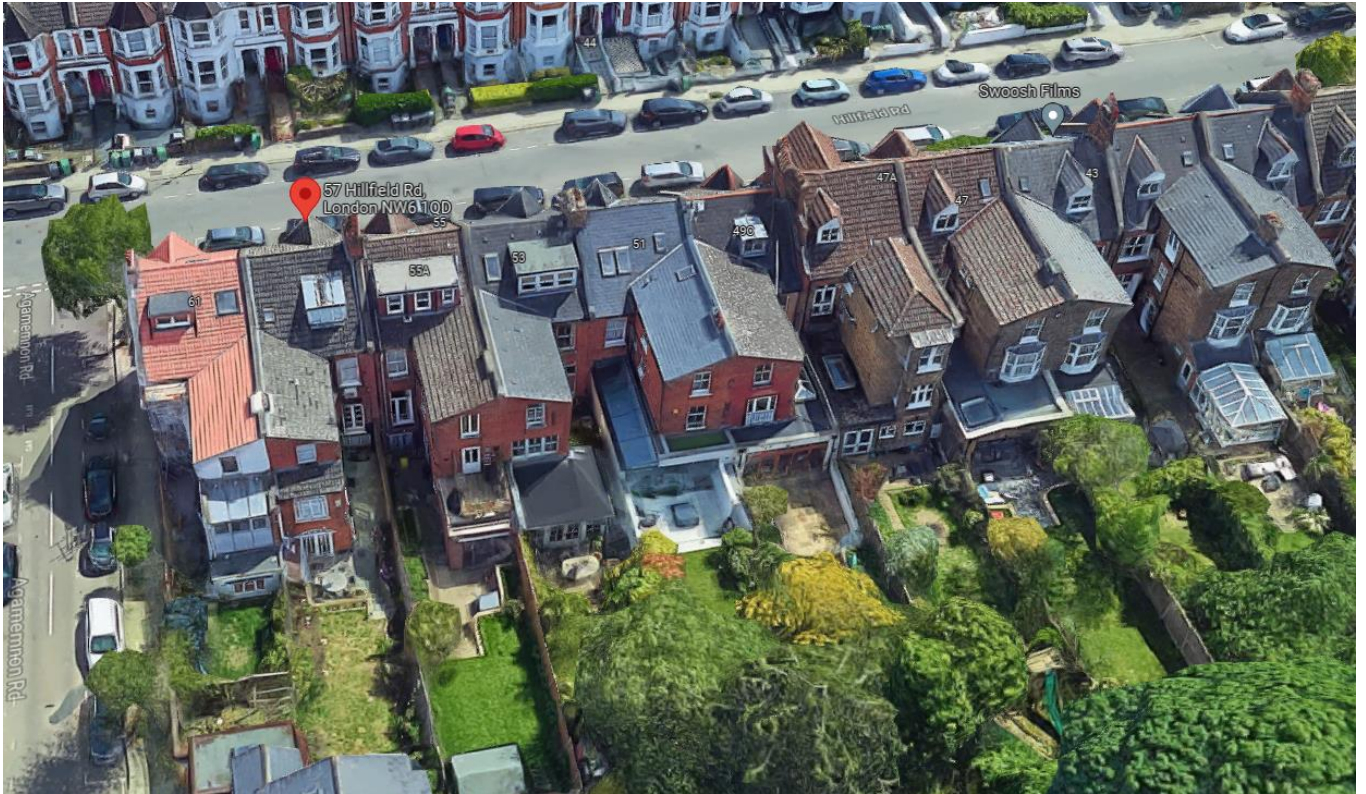
- 2.2. This concludes that the proposed extension complies with the limitations and conditions under Class A of Part of 1 of Schedule 2 of the GPDO. Although the rear fill extension does exceed 3m depth as stated in criteria (f), this is subject to criteria (g) as well (which allows 3-6m long extensions). In such cases, according to para A.4 (1), 'the following conditions apply to development permitted by Class A which exceeds the limits in paragraph A.1(f) but is allowed by paragraph A.1(g). In brief, the developer needs to apply for Prior Approval and the Council has to consult neighbours; if any objections are received, then Prior Approval is required and the Council has to assess the amenity impacts of the scheme. This process has taken place and objections have been received. In this case, the rear infill extension exceeds 3m depth but does not exceed 6m depth and thus is allowed by para (g) subject to the Prior Approval procedure.
- 2.3. Although the proposal for the rear extension on the rear outrigger would likely require alterations to the existing soil and vent pipe as stated in criteria (k) (iii), the alteration is permitted by Class G. The development complies with the criteria set out in G.1 for Class G which allows for the installation, alteration or replacement of a chimney, flue or soil and vent pipe on a dwellinghouse.

3. Impact on the amenity of any adjoining premises

Condition A.4 (7)

- 3.1. As there have been objections received to the application Prior Approval is required and the Council must undertake an assessment on neighbouring amenity to determine whether Prior Approval should be granted. This is in accordance with paragraph A.4 (7) of the GPDO 2015. Those considerations under the prior approval are limited to neighbouring amenity and not other planning or non-planning matters.
- 3.2. Condition A.4 applies to development permitted by Class A which exceeds the limits in paragraph A.1(f) but is allowed by paragraph A.1(g). The proposal for the rear extension extending from the existing rear projection is considered permitted development and does not require prior approval. The rear infill extension is subject to Condition A.4 and thus the assessment of amenity impact is limited to the proposed rear infill extension. In any event, the proposed rear extension on the back of the existing outrigger is modest in size (1.5m depth and 3m from the original rear wall) and therefore acceptable as it is unlikely to cause any adverse impacts.
- 3.3. In accordance with BRE guidelines and screening tests, the nearest rear door (with windows) on the ground floor of 55 Hillfield Road fails the 45 degree line test in plan, but passes in elevation. The basement window fails both plan and elevation as it is set low in the elevation of the building and the impact on this will be more noticeable. Although there would be an impact in terms of loss of light to the ground and basement rooms, there is already existing impact to these windows from the boundary wall and existing outriggers on Nos. 55 and 57 (see image below). The ground and basement rear window and door already fail the 45 degree line test due to the existing 3 storey outrigger at the application site. The position would worsen with the infill in place, but not significantly so, with the general pattern of development and existing relationships already giving windows between the high outriggers a sense of enclosure and limited light. There would be a small loss in garden space however these properties benefit from deep gardens and the loss would be mostly hard landscaping in an area of limited

sunlight. Given the context of the site and scale of the proposals, although there would be some impact to No. 55 and 55A, on balance the impact is considered acceptable considering the existing limited light and low quality outlook, and thus would not justify a reason for refusal.



- 3.4. There would be minimal impact in terms of increased overbearing and sense of enclosure. There is an existing 3 storey rear outrigger on the opposite side of the rear projection at No. 59, and given the proposed infill extension would be on the other side of the rear projection and would not extend beyond it, there would likely be no adverse amenity impact on 59. Although there would be more impact on No. 55 and 55A, the infill extension is modest in height (1.2m above the boundary wall) and therefore the impact would be minimal. There would potentially be slightly less overlooking impact as a result of the development as it doesn't propose any windows on the flank wall. There are also a number of examples of similar infill extensions along this side of the street. Therefore, there would not be a detrimental impact on No. 55 and 55A in terms of loss of outlook and sense of enclosure, considering the scale of the development and existing context of the site and neighbouring properties.

4. Conclusion

- 4.1. The Council has taken into account the responses from the consultation process and the guidance in the NPPF 2021, as required by condition A.4 regarding procedure.
- 4.2. The single storey rear infill extension and rear extension to existing outrigger is permitted under Class A of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended by No.2 Order 2020).

5. Recommendation: Grant prior approval