

Delegated Report		Analysis sheet		Expiry Date:	13/12/2024
		N/A		Consultation Expiry Date:	18/11/2024
Officer			Application Number(s)		
Lauren Ford			2024/4446/P		
Application Address			Drawing Numbers		
12 Modbury Gardens London NW5 3QE			See decision notice		
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature		
Proposal(s)					
Lowered floor level and replacement of existing doors at lower ground floor, erection of rear extension with rooflight and green roof at upper ground level, formation of terrace with privacy screens at first floor level to the rear, mansard roof extension with rooflight, replacement of existing doors and windows to front elevation, replace railings to front steps, bin and bike storage to front of property, raise party walls and chimney stacks, associated landscaping works and conversion from 2 flats to a single family dwelling.					
Recommendation(s):		Refuse Planning Permission			
Application Type:		Full Planning Permission			
Conditions or Reasons for Refusal:		Refer to Draft Decision Notice			
Informatives:					
Consultations					
		No. of responses	01	No. of objections	01
Neighbour Consultation		<p>Site notices were displayed on 25/10/2024 and expired on 18/11/2024.</p> <p>One objection was received from a neighbouring property, which can be summarised as follows:</p> <ul style="list-style-type: none"> • Impact on quality of life • 45 degree line already breached • Proposal will create an even greater sense of enclosure and reduce existing daylight. • Balcony is unacceptable even with side screen • Privacy, outlook, amenity of quality of life will be affected. <p><u>Officer comment:</u> Neighbouring amenity is discussed in Section 4 below.</p>			
Site Description					
The application site comprises a three storied terraced property located on the northern side of Modbury Gardens.					

The site is not within a conservation area, and no listed buildings are affected.

Relevant History

Relevant planning records at the application site:

2004/5362/P: *Construction of a glazed lower ground floor extension at the rear of the property. **Granted**, 03/02/2005.*

Neighbouring sites:

14504 (13 Modbury Gardens): *The erection of an extension to the roof at 13, Modbury Gardens, N.W.5. to provide an extra habitable room. **Granted** on 01/12/1972.*

18288 (13 Modbury Gardens): *Erection of a two storey extension at the rear of 13 Modbury Gardens, NW5 to provide extra width to the kitchen and a replacement bedroom. **Refused**, 05/06/1974.*

19252 (13 Modbury Gardens): *Erection of a two storey extension at the rear to provide extra width to the kitchen and a replacement bedroom. **Granted**, 20/09/1974.*

2007/0319/P (7 Modbury Gardens): *Erection of a mansard roof extension, demolition of existing two storey rear extension and rebuilding with a full width two storey rear extension including a ground floor conservatory and incorporating roof terraces at ground at first floor levels to lower ground flat and maisonette on upper floors (Class C3). **Granted and warning of enforcement action:** 19/03/2007.*

2007/0319/P (6 Modbury Gardens): *Erection of mansard roof extension to existing dwellinghouse, plus erection of balustrade and privacy screens to flat roof of rear extension to facilitate its use as a terrace. **Granted**, 07/09/2007.*

2012/0011/P (3 Modbury Gardens): *Erection of a mansard roof extension to existing house (Class C3). **Granted**, 28/02/2012.*

2013/0355/P (7 Modbury Gardens): *Erection of a single storey rear extension with rooflight at first floor level of x3 bedroom flat (Class C3). **Refused**, 12/04/2013, **appeal dismissed**, 13/11/2013.*

2014/1994/P (7 Modbury Gardens): *Erection of a single storey rear extension following the increased in the height of the rear parapet wall for the provision of an additional bedroom for a 3 bedroom self-contained flat (Class C3). **Refused**, 09/09/2014, **appeal allowed** 11/12/2014.*

2014/7270/P (5 Modbury Gardens): *Erection of mansard roof extension and 2 storey rear extension with roof terrace above. **Granted**, 11/02/2015.*

2017/7044/P (6 Modbury Gardens): *Erection of single storey rear extension at lower ground floor level, alterations to fenestration at upper ground floor level and installation of replacement balcony with balustrading. **Granted**, 05/06/2018.*

2021/2089/P (3 Modbury Gardens): *Upper ground floor infill rear extension, and partial retention of terrace, to dwelling. **Granted**, 22/09/2021.*

2022/3519/P (1 Modbury Gardens): *Erection of mansard roof extension with front dormer and rear dormers; demolition of existing brick outhouse and conservatory and erection of a single storey rear extension at ground floor level. **Granted**, 31/01/2023.*

2024/4001/P (2 Modbury Gardens): *Erection of a mansard roof extension, erection of an infill rear extension at upper ground floor, alteration to upper ground floor roof at rear elevation, replacement of*

existing upper ground floor window and creation of new glazed door at first floor to rear elevation. Granted, 08/11/2024.

PEX0200312 (9 Modbury Gardens): *Demolition of the existing two-storey extension and erection of a two storey, full width rear extension and installation of rooflights to valley roof. Granted, 11/11/2002.*

Relevant Policies

National Planning Policy Framework (2023)

London Plan (2021)

Camden Local Plan (2017)

Policy A1 – Managing the impact of development

Policy A3 – Biodiversity Policy D1 – Design

Policy H3 – Protecting existing homes

Camden Supplementary Planning Guidance (2021)

CGP - Design

CPG - Amenity

CPG – Home Improvements

CPG – Basements

Assessment

1. Proposal

1.1. Planning permission is sought for the following:

- Lowered floor level and replacement of existing doors at lower ground floor level
- Rear extension with rooflight and green roof at upper ground floor level
- Terrace with privacy screens at first floor level to the rear
- Mansard roof extension with rooflight
- Replacement of existing doors and windows to the front elevation
- Replace railings to front steps
- Bin and bike storage area to front of property
- Raise party walls and chimney stacks
- Landscaping works
- Conversion from 2 flats into a single family dwelling.

2. Planning Considerations

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

- Design
- Neighbouring amenity
- Trees and landscape
- Biodiversity
- Housing
- Basements

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; and respond to natural features.

3.2. While not within a conservation area or locally or statutorily listed, Modbury Gardens retains a strong character, namely how the terraces are formed which consists of properties that are mostly three storied Victorian houses with closest wing extensions and valley roofs with parapets. The site and surrounding area is considered to have some heritage value, and policy D2 of the Local Plan seeks to protect non-designated heritage assets, including those on and off the local list, and the effect of a proposal on the significance of a non-designated heritage asset will be weighed against the public benefits and the significance of the heritage asset.

Mansard roof extension

3.3. The CPG (Home Improvements) states the following with respect to a new roof level/mansard:

- *Be subordinate to the host building*
- *Take the form of a traditional mansard*
- *Windows should respond to the fenestration character of the host building*
- *Materials to complement the existing roof and building.*

3.4. The surrounding environment contains examples of other mansard roof extensions, including next door at 13 Modbury Gardens, along with no's 2, 3, 5, 6 and 7 on the other side of Modbury Gardens, therefore the principal of a mansard roof in this location is supported in this instance. The design of the proposed mansard is in accordance with relevant guidance, and the proposed materials which include timber framing and natural slates are considered acceptable.

3.5. Given the above, the proposed mansard roof extension is acceptable in this instance.

Changes to rear of property

3.6. The CPG (Home Improvements) states that rear extensions should:

- *Be subordinate to the building being extended*
- *Be built from sympathetic materials*
- *Respect and preserve the original design and proportions of the building*
- *Respect and preserve existing architectural features*
- *Be carefully scaled in terms of height, width and depth*
- *Allow for the retention of a reasonably sized garden.*

3.7. The CPG (Home Improvements) states that a new balcony should:

- *Be subordinate to the roof slope being altered*
- *Preserve the roof form*
- *Metal railings are preferred*
- *Privacy screens be no less than 1.8m in height, made of natural materials and support plants to grow on them.*

3.8. The proposed development would result in a full width rear extension at lower ground and upper ground floor levels, with a terrace above, also extending for the full width of the property.

3.9. Council acknowledges the presence of other rear extensions at upper levels at Modbury Gardens. While there is a full width rear extension next door at no.13, this was granted in 1974. The only other property along this side of Modbury Gardens with a two storied full width rear extension is 9 Modbury Gardens (granted in 2002). Neither of these decisions are considered relevant precedent as they were both granted some time ago, prior to current policies and guidance. There are no two storied, full width rear extensions along this side of Modbury Gardens that have been granted under current planning policies and guidance. In addition, such examples display the harm that is caused from increasing the mass and bulk excessively to the

rear. These full width extensions detract from the appearance of the rear elevations along the terrace.

- 3.10. The rear extension and terrace are not considered subservient to the host building and would result in an unacceptable level of bulk and mass to the rear of the property. It would disrupt the rhythm of rear elevations along the terrace as there are only limited examples of full width rear extensions at upper ground floor. The original features, including the existing timber sash window at upper ground floor would be lost. This massing would detract from the historic character of the rear elevation and the existing situation, with the part width rear projection at upper ground floor, retains the original historic appearance of a typical Victorian mid-terrace property.
- 3.11. The full width nature of the extension, combined with the shape and size of the windows and doors at lower and upper ground floor levels would result in a bulky box like appearance. The full width upper ground floor extension would fail to be subordinate to the host building. Further, the proposed fenestration does not relate to the existing rear elevation, failing to integrate with, and compromising the integrity of the existing rear elevation.
- 3.12. 1.8m high glass privacy screens are proposed in association with the terrace. These are not in accordance with CPG (Home Improvements) guidance and are considered unacceptable due to the proposed materials (glass) as they are not appropriate materials for a traditional building. As per the CPG, privacy screen should be made of natural materials and support plants to grow on them. The railings and glass screens create visual clutter to the rear and add to the sense of bulk.

Changes to front of property

- 3.13. The replacement of existing doors and windows to the front elevation, which includes the replacement of existing single glazed timber sash windows with double glazed painted timber sash windows are acceptable. The fenestration is to be the same as existing and materials will be timber to match existing.
- 3.14. The bin storage area would be visible, however given its limited size and height, use of timber materials and incorporation of green roof it is considered acceptable in this instance.
- 3.15. The installation of metal railings and a gate to the front of the property would be in keeping with the existing pattern of development within this area and are considered acceptable on this basis.

Summary

- 3.16. When considered cumulatively, the double height, full width rear extension and terrace, box like windows and glass privacy screens are considered overdevelopment, resulting in a bulky, unsympathetic and incongruous addition that detracts from the character of the area, contrary to policy D1 of the Camden Local Plan 2017.
- 3.17. As mentioned in paragraph 3.2 above, the site and surrounding buildings at Modbury Gardens have some historic heritage merit, and the proposed development would undermine this, contrary to policy D2.

4. Neighbouring Amenity

- 4.1. Local Plan Policy A1 seeks to protect the amenity of Camden's residents by ensuring the impact of development on their amenity is fully considered. It seeks to ensure that development protects the quality of life of occupiers and neighbours by only granting permission for development that would not harm the amenity of neighbouring residents.

Relevant to the application are overlooking, privacy, sunlight, daylight, overshadowing and outlook consideration.

- 4.2. It is also noted that an objection from a neighbouring property raised amenity related concerns surrounding the likes of daylight, sense of enclosure, privacy and outlook.
- 4.3. The rear of the property is north facing, therefore the quality and level of daylight and sunlight received to the rear of properties along this side of Modbury Gardens is already limited. On this basis, and given the scale of the rear extension, it is not considered that the proposal would result in any unacceptable daylight or sunlight related effects.
- 4.4. 1.8m high privacy screens are proposed along either side of the proposed terrace, which are welcomed and considered acceptable from an amenity perspective, preventing potential overlooking and privacy related effects with adjoining properties.
- 4.5. While the proposed terrace would result in overlooking opportunities into adjoining rear gardens, such opportunities are already available from existing rear windows. When compared with the existing situation, it is not considered that the terrace would result in any unacceptable amenity related effects.
- 4.6. Given the scale, nature and location of the rear extension in relation to neighbouring properties and their existing extensions, it is not considered that the proposal would result in any unacceptable outlook or sense of enclosure related effects.
- 4.7. Therefore, the proposal complies with policy A1 of the Camden Local Plan 2017.

5. Trees and Landscaping

- 5.1. A tree survey and arboricultural impact assessment have been provided which have been received by Council's Tree and Landscape Officer who has confirmed the following:
- No trees are proposed for removal in order to facilitate development
 - The impact of the scheme on the trees to be retained will be of an acceptable level provided suitable tree protection measures are secured.
 - A new tree is proposed in the front garden of the property which is welcomed.
- 5.2. The inclusion of a green roof for the rear extension and bin and bike storage area is welcomed. It is noted that no green roof details have been submitted as part of this application. They would be secured via condition as part of a granted application.
- 5.3. Therefore, the proposal complies with policy A3 of the Camden Local Plan 2017.

6. Biodiversity

- 6.1. The proposal is exempt from biodiversity net gain requirements as it is below the de minimis threshold (because it does not impact an onsite priority habitat and impacts less than 25 square metres of onsite habitat with biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat).

7. Housing

- 7.1. The proposal involves the amalgamation of two existing units in order to create one single dwellinghouse. This would lead to the loss of one home which is considered acceptable and in accordance with policy H3 of the Camden Local Plan 2017 which only resists the loss of two or more homes. There is no loss of residential floorspace. Planning permission is not required for any internal alterations to reinstate the building to one single dwellinghouse.

8. Basements

8.1. The applicant is proposing to lower the floor level of the lower ground floor to the rear by approximately 400mm. This is not considered to be underground development and is therefore exempt from the requirement for a basement impact assessment.

9. Recommendation

9.1. Refuse planning permission for the following reason:

- 1) The proposed alterations to the rear elevation, by reason of their scale and design, would result in a bulky, incongruous and unsympathetic addition that would fail to preserve the character and appearance of the host property and surrounding area, contrary to policy D1 (Design) of the London Borough of Camden Local Plan 2017.