

Monday, 23 December 2024

Objection to Application 2024/4982/P

Site Address: 15 Montpelier Grove, London, Camden, NW5 2XD

Description: Replacement of the existing rear conservatory with a rear extension, replacement of existing extension flat roof with pitched roof incorporating two rooflights and replacement of uPVC window on the first floor at the rear of the house with double glazed timber framed sash window.

Introduction:

This objection letter relates to application 2024/4982/P, which is a householder planning application for the replacement of the existing rear conservatory with a rear extension, replacement of the existing extension flat roof with a pitched roof incorporating two rooflights and the replacement of a uPVC window on the first floor at the rear of the house with a double glazed timber framed sash window at 15 Montpelier Grove, London, Camden, NW5 2XD.

This objection has been submitted on behalf of Rossitsa Koevska, of 14 Montpelier Grove.

Relevant Planning History:

Reference Number:	Description:	Decision:
2024/0245/P	Replacement of the existing conservatory with a single storey side/rear extension and a second storey rear extension above existing outrigger	Refused 13 th May 2024

Relevant Planning Policy:

National Planning Policy:

National Planning Policy Framework (NPPF)

Planning Practice Guidance (PPG)

National Design Guide (NDG)

Local Planning Policy:

The London Plan (2021)

Camden Local Plan (2017)

A1 Managing the impact of development

D1 Design

D2 Heritage

Supplementary Planning Guidance:

CPG Amenity

CPG Design

CPG Home Improvements

Kentish Town Conservation Area Appraisal (2009)

Discussion of Scheme:

Design and Visual Amenity:

Paragraph 135 of the NPPF states that planning decisions should ensure that all developments will add to the overall quality of the area over the lifetime of the development, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping, are sympathetic to local character and history, including the surrounding built environment and landscape setting, establish and maintain a strong sense of place using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit, optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development. Paragraph 139 of the NPPF goes on to state that development that is not well designed should be refused.

Planning Practice Guidance (PPG) states that achieving good design “is about creating places, buildings, or places that work well for everyone, look good, and will adapt to the needs of future generations.”

Paragraph 208 of the NPPF states ‘Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset’s conservation and any aspect of the proposal’.

Policy HC1 of the London Plan outlines that development proposals affecting heritage assets, and their settings, should conserve their significance, by being sympathetic to the assets’ significance and appreciation within their surroundings.

Policy D4 of the London Plan (2021) states that the design of development proposals should be thoroughly scrutinised by borough planning, urban design, and conservation officers, using the analytical tools set out in the London Plan, local evidence, and expert advice where appropriate.

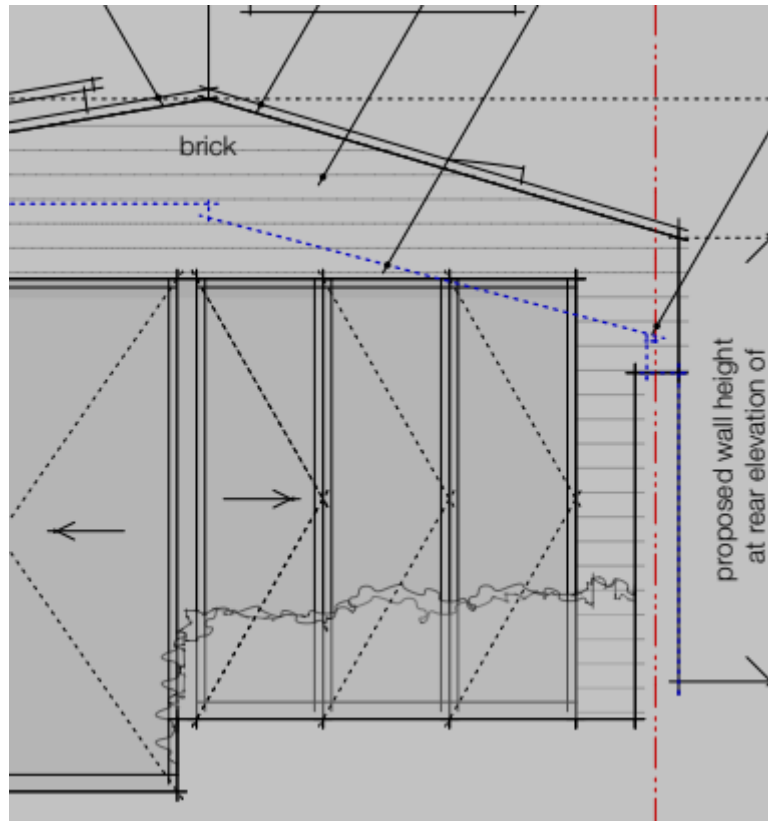
Local Plan policy D1 seeks to achieve high quality design in all developments. Policy D1 requires development to be of the highest architectural and urban design quality, which improves the function, appearance, and character of the area. Through Local Plan policy D2, the Council will seek to preserve and, where appropriate, enhance Camden’s conservation areas.

The Kentish Town Conservation Area Appraisal includes the infilling of back gardens as a problem and pressure for the conservation area.

The Home Improvements SPD outlines that there are certain considerations that should be taken into account when designing a rear extension to ensure it is sensitively and appropriately designed for its context. It goes on to state that rear extensions should Respect and preserve the original design and proportions of the building, including its architectural period and style, respect and preserve existing architectural features, such as cornices.

The proposal would result in further side extension of the existing rear element, as well as an increase in height of the party wall by around 0.9m, and the height of the eaves and ridge of the extension by around 0.6m.

Due to the increased height of the proposal, the rear window cornice to the rear, which is an original and attractive architectural feature would be lost almost entirely, as can be seen from the below excerpt of the elevation plan. A reduction in the height of the proposal would suitably maintain this architectural feature.



Residential Amenity:

Paragraph 135 of the NPPF sets out six criteria which planning decisions should meet to deliver well-designed places. This includes criteria (f), which requires development to “create places ... with a high standard of amenity for existing and future users.”

Planning Practice Guidance (PPG) states that achieving good design “is about creating places, buildings, or places that work well for everyone, look good, and will adapt to the needs of future generations.”

Local Plan Policy A1 seeks to protect the amenity of residents by ensuring the impact of development is fully considered. The quality of life of occupiers and neighbours are protected by only granting permission for development that would not harm their amenity. This includes factors such as loss of outlook, loss of light and privacy.

The Home Improvements CPG states that rear extensions should respect and duly consider the amenity of adjacent occupiers with regard to daylight, sunlight, outlook, light pollution/ spillage, and privacy, ensure the extension complies with the 45 degree test and 25 degree test as set out in the Amenity CPG – or demonstrate BRE compliance via a daylight test and consider if the extension projection would not cause sense of enclosure to the adjacent occupiers.

The proposal also seeks to demolish the existing conservatory, and erect a side return extension, with a significant increase in the eaves and ridge height. The extension sits within extremely close proximity to a rear-facing window of No. 14, a south facing kitchen window and and a south-facing diner bay window sitting directly across from the extension. These windows are major sources of light and outlook for the kitchen and dining room, and rear reception within; photographs from these windows are included below:

Image of Rear Facing Window serving Habitable Space:

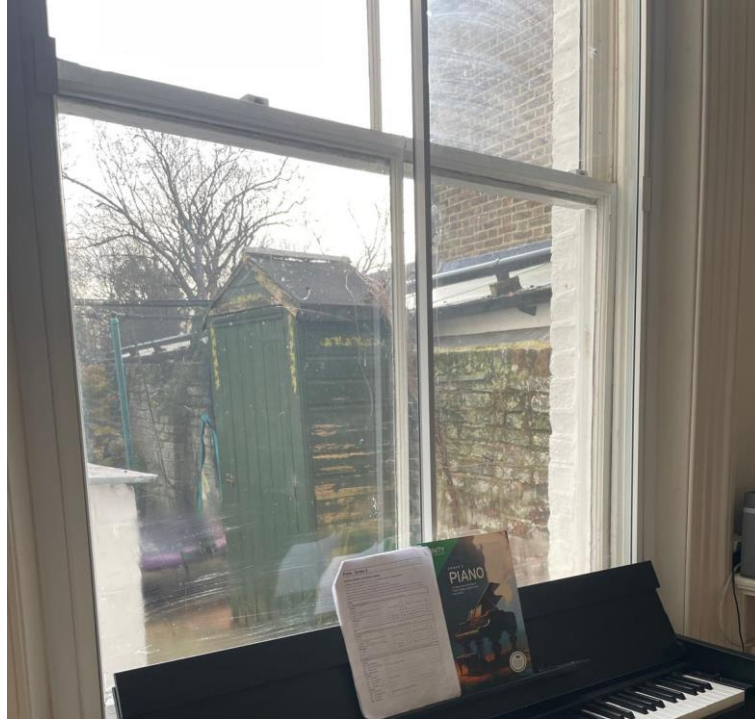


Image from South-Facing Bay Window Serving Habitable Space:



Image from South-Facing Kitchen Window Serving Habitable Space:



The increased height of the party wall by 0.9m and the eaves and overall ridge by 0.6m; this would result in the siting of a new tall, blank wall within extremely close proximity to these glazing features, which serve the most important habitable spaces within the dwelling. The extension would extend to over 8m in depth, directly along the boundary of the two dwellings. As can clearly be seen within the provided photographs, this would result in a significant and unacceptable enclosing and

overbearing impact on the residents of No. 14, and would remove all outlook from these windows, resulting in unacceptable residential amenity impacts.

There are also considerable concerns relating to overshadowing of these spaces; the Home Improvements SPD outlines that applicants should ensure the extension complies with the 45 degree test and 25 degree test as set out in the Amenity CPG – or demonstrate BRE compliance via a daylight test.

It is clear that the proposal, given its proximity to the windows outlined above, would fail the 45 degree and 25 degree tests. While a daylight and sunlight assessment has been provided, this does not include all of the information outlined within the Amenity CPG, including Average Daylight Factor (ADF), and a Daylight Distribution Test. As such, it is not considered that the report has been undertaken in line with the Building Research Establishment's (BRE) "Site layout planning for daylight and sunlight: A guide to good practice" 2011 document.

In addition to this, there are concerns relating to light spill from the glazed roof; the increase in height would bring the roof significantly closer to the upper floor windows of No. 14, which include habitable spaces such as bedrooms; at present, these rooms suffer from impacts due to light spill from the existing conservatory roof. The increase in height and provision of a clear glass and higher fully glazed roof would further increase the light spill into these spaces, resulting in harm to the visual amenity of the occupiers. An image from one of these bedrooms of the existing roof is included below:



As such, it is considered that the proposal would have a significant impact on the residential amenity of neighbouring occupiers, and as such, should be refused.

Analysis of neighbouring extensions

The applicant has provided examples of several planning permissions in the local area for householder extensions. These have been examined, and this application differs from those considerably. As shown below, No.14 has a rear window and side-facing windows with south orientation, which provide significant amounts of outlook and daylight to habitable rooms. Furthermore, in three of the five permissions, the neighbouring dwelling already has a side return extension. In the other two examples, light and outlook was already restricted by an existing metal staircase or the orientation of the application site was more favourable from a daylight/sunlight perspective.

It should also be noted that the majority of these permissions pre-date the Council's most recent guidance set out within the "Home Improvements" and "Amenity" SPDs".

The extension permitted under application 2024/3181/P on 9th September 2024, which is currently under construction at No. 9 demonstrates that a lower height for a very similar extension is capable of delivering the modern standard of improved living accommodation whilst delivering an acceptable residential amenity impact. Whilst this extension is not directly comparable as it adjoins an existing extension, in this instance the height to eaves is 2.6m (rather than 2.95m) and the height to the apex is 3.1m (rather than 3.65m).

Proposed amendments

My clients are not opposed to a replacement extension in this location, and they have discussed with their neighbours what would be a reasonable height given the proposed depth of the extension and the position of their habitable room windows.

Originally, the applicant proposed to my clients an increase in height of up to 0.5 metres beyond the height of the existing party wall which would have been agreeable; this planning application proposes an increase in height of the existing party wall of up to 0.9 metres, as well as an increase in the apex height to create a pitched roof, which would unacceptably reduce their amenity.

My clients would be agreeable to an extension of the same depth as the existing addition, which does not exceed 2 metres eaves height on the boundary with No. 15 and 2.6 metres apex height (as measured from ground at 14 Montpelier Grove, which should correspond to c2.6 metres and c3.2 metres as measured from the ground at 15 Montpelier Grove due to the ground level difference of approximately 0.6m between the two houses). This is considered to be a reasonable adjustment given this is generally considered to be the maximum height of a standard boundary treatment and given the approximate ground level difference of 0.6 metres between the two houses, this would provide more than adequate internal headroom and be in line with the most recent and comparable precedent referenced at n9 Montpelier Grove, and superior to the 2.5m floor to ceiling height considered as adequate by the London Plan 2021.

Conclusion

It is considered that the proposal would result in visual and heritage impacts, and significant and unacceptable residential amenity impacts on the occupiers of No 14, which sits to the north of the site. The proposal fails to comply with Local and National Planning Policy, and as such, should be refused. My clients would be satisfied with a compromise involving a reduction in the eaves and ridge height, to maintain their outlook, access to light and reduce the overbearing and enclosing impacts of the proposed extension, and would maintain the remaining architectural detailing to the rear. This would be consistent with other applications within the locality, including 2020/1824/P, which required a reduction to below 2.6m in height to protect the residential amenity of

neighbouring occupiers; this would achieve a 2m party wall between the host and No. 14, and would reduce the negative impact on the current level of residential amenity enjoyed by its occupiers.