

Delegated Report (Members Briefing)		Analysis sheet		Expiry Date:	28/11/2012
		N/A / attached		Consultation Expiry Date:	1/11/2012
Officer			Application Number(s)		
Hugh Miller			2012/5286/P		
Application Address			Drawing Numbers		
33 Marsden Street London NW5 3HE			See draft decision		
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature		
Proposal(s)					
Variation of condition 3 (development built in accordance with approved plans) to planning permission granted 31/05/2012 (ref: 2012/1904/P) for erection of a full-width rear ground floor extension and half-width rear first floor extension to the existing single family dwelling house (Class C3), to allow an increased depth of 550mm and repositioned rooflight to the first floor rear extension and alterations to glazing pattern to rear facade of ground floor extension.					
Recommendation(s):		Grant permission			
Application Type:		Variation or Removal of Condition(s)			

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	06	No. of responses	01	No. of objections	01
			No. electronic	00		
Summary of consultation responses:	Application advertised in Ham & High 25/10/2012, expires 15/11/2012.					
	Site Notice displayed 17/10/2012, expires 7/11/2012.					
	35 Marsden Street – Objection from their planning consultant:					
	<ul style="list-style-type: none">At the time of the first application in relation to 33 Marsden Street, a proposal was made that, as a compromise, a shallower structure would be erected on the first floor and that this would allow more light into the sitting room and bedroom, a more open outlook to the bedroom and a reduced sense of enclosure in the first part of the kitchen-living room.A board was erected to simulate the western side of the proposed (shallower) structure. Having seen this, our client was satisfied that, whilst still not ideal, she could tolerate structure of that scale. It was reiterated, however, that anything larger would be unacceptable for the reasons previously expressed.As a result of the above, our client did not raise any comments or objections to the original planning application.The proposed amendment is an attempt to renege on the agreed compromise. The only planning justification offered for it is that a precedent has been created by the extension to no.35. Whilst it is accepted that the presence of our client's extension is a material consideration, it is patently not a precedent in a legal sense. As noted above, whilst our client's extension was ultimately considered acceptable in relation to its potential impact on no.37, the circumstances were different in that case. No. 37 did not have an existing extension and therefore no significant sense of enclosure was created, as would occur in this case. The space adjoining and below the extension at No.35 was not habitable space but a garden and it is worth noting that, in relation to the extension to no.35, the occupiers of no.37 supported the application stating that it would add to their sense of privacy in their rear garden. This is not the same in terms of the relationship between nos. 33 and 35.The extra depth of the first floor extension to no. 33 proposed by the new application would lead to an increased sense of enclosure in our client's main living space which sits directly below and would cause a loss of daylight and sunlight to the ground floor (particularly the sitting room). The increased depth of the structure would appear to exceed the 25 degree line from the first floor window of no.35, impacting upon the available light and daylight to that habitable space, a bedroom. Furthermore this room's outlook would be negatively impacted by the deeper structure and a sense of enclosure would be created by the					

	<p>effect of having two deep first floor extensions either side of the opening to this room and those on the ground floor below.</p> <ul style="list-style-type: none"> On this basis it is considered that the proposed amendment would affect the amenity enjoyed by our client to an unacceptable degree and would be contrary to policy DP26 and the advice in CPG6. <p>Officer Comments: Please refer to paragraphs 4.1 – 4.4 below</p>
<p>CAAC/Local groups* comments: *Please Specify</p>	<p><u>Kentish Town CAAC:</u> At the time of writing no response was received.</p>

Site Description

The site is a 3 storey Victorian mid terraced dwelling located on the southern side of Marsden Street. The building is not listed but is located within the Kentish Town West Conservation Area. It is identified (as part of 1-49(odd) Marsden Street) as making a positive contribution to the character and appearance of the conservation area.

Relevant History

31st May 2012 – PP Granted - Erection of a full-width rear ground floor extension and half-width rear first floor extension to the existing single family dwelling house (Class C3); ref. 2012/1904/P

Relevant policies

LDF Core Strategy and Development Policies

CS5 (Managing the impact of growth and development)

CS14 (Promoting high quality places and conserving our heritage)

DP24 (Securing high quality design)

DP25 (Conserving Camden's heritage)

DP26 (Managing the impact of development on occupiers and neighbours)

Camden Planning Guidance 2011

CPG1 Ch2 – Design excellence; Ch4 - Extensions, alterations & conservatories;

CPG6 Ch6 – Day/sunlight; Ch7 – Overlooking privacy & outlook.

West Kentish Town CAAMS

NPPF 2012

Assessment

1.0 Background *(Approved scheme)*

1.1 On 31st May 2012, planning permission was granted for the erection of a full-width rear ground floor extension and half-width rear first floor extension to the existing single family dwelling house.

2.0 Proposed Minor Material Amendment

- ✓ **A:** Alteration to first floor rear extension with increased depth by 550mm over ground floor extension and redesigned roof so that rooflight is enlarged to half size of roof and repositioned to garden edge.
- ✓ **B:** Alteration to folding doors of full-width ground floor extension, reduced from four to three.

3.0 Design

3.1 The extant approved first floor half-width extension has dimension of 1.5m depth x 2.6m width and set back by approximately 100mm from no.35 party wall. The proposed amendment comprises an increase in the extension's depth by 550mm to match the depth of the 1st floor extension as erected at no.35, which measures 2.05m. The width and party wall gap would remain as approved as well as the height of the 1st floor extension which would match that at no.35 and lines up with the centre glazing bar of sash windows at both no.33 and 35.

3.2 In design terms, the proposed increase depth of the first floor extension would relate sympathetically to the host building and given that it would mirror the depth of no.35 (which is substantially implemented), it would harmonise with the appearance of the building and terrace group. The roof alterations would be hidden behind the parapet and not be visible from surroundings. Similarly, the proposed glazed door alterations, reducing from four to three panels, are considered acceptable and would not harm the appearance of the host building. Generally in design terms the proposed alterations are considered acceptable in terms of the character and appearance of the host building, terrace of adjoining buildings and the wider conservation area. They would be in accordance with design guidance set out in CPG1 and policy DP24 of the LDF.

4.0 Amenity

4.1 The extension will be at staircase landing level and thus be below main habitable rooms on either side, although their room functions at 1st floor level differ. The window at no.35 nearest to the proposed enlarged extension is to a double bedroom whilst the window at no.33 adjacent to the newly built 1st floor extension at no.35 is a bathroom with its window part obscured glazed. Furthermore the ground floor of no.35 has been extended by a large full width conservatory with fully glazed roof so that it will be flanked by both its own built extension and the approved extension at no.33.

4.2 It was considered at the time of approving the previous extension that this would not harm the amenities of no.35 as it was a small projection which did not breach the 45 degree daylight angle for no.35's 1st floor window and would have minimal impact on outlook.

4.3 The proposed extension's increased depth is considered acceptable for reasons as follows:

- the proposed increase in depth is essentially only half a metre whereas the width and height do not change nor its distance from the party wall; it will match that approved at no.35 which, in officers' opinion, now sets a precedent for future extensions along this terrace where houses have the same elevational appearance at rear. Although it is accepted that the previously approved extension was designed and sized to accommodate the neighbour's concerns, an assessment has to be made objectively on the impact of its enlargement on design and amenity and it is considered that it would be unreasonable now to prevent the extension being identical in depth to the approved and built extension of the neighbour;

- the perception of harm to neighbour amenity at no.35 is related to the additional degree to which the extension would be visible from its 1st floor window and from the glazed roof of the ground floor rear extension and from the original rear elevation's opening within this. It is considered that this additional bulk and depth is relatively insignificant in this context of the approval and in these views.
- The extension's height, set level with the centre of the first floor sash windows with no obstruction from the sides or above, would be below a 45 degree daylight angle (as recommended by the BRE guide) on elevation projecting upwards from the centre of the affected 1st floor window and would still ensure sufficient outlook to sky and garden greenery from this window; the increased depth does not make any material difference to this. Although the increased depth now breaches somewhat the 45 degree angle in plan, it should be borne in mind that this is a basic 'rule of thumb' test advocated by the BRE guide for rear extensions and that, where there is a breach, a more detailed VSC test should be undertaken. It is considered that such a size of extension in height and depth would not, in officers' experience, significantly harm daylight and sunlight levels using this VSC test;
- the extension's shallow height and distance would together avoid a tunnel effect and together ensure that no significant additional harm caused to occupiers amenity at no. 35 in terms of causing a serious sense of enclosure in conjunction with their own built extension;
- at the ground floor level, views from the original rear opening of the main rear elevation would not be significantly affected by the increased depth of 1st floor flank wall, as light and views of sky and greenery beyond would still remain through the glazed roof. Within the ground floor extension itself, the glazed roof and rear glazed facade would still provide an acceptable level of day/sunlight and the slightly increased bulk of the first floor extension would not cause any significant additional harm to views upwards through the roof towards main buildings in terms of loss of outlook and increased sense of enclosure.

4.4 It is considered that the enlarged extension would not harm neighbour amenity in terms of loss of sun/daylight, privacy or outlook/views and the variation is considered acceptable as a minor material amendment to the approved scheme in accordance with DP26 and CPG6.

DISCLAIMER

Decision route to be decided by nominated members on Monday 3rd December 2012.
For further information please click [here](#).