

Delegated Report		Analysis sheet		Expiry Date:		27/07/2012	
		N/A / attached		Consultation Expiry Date:			
Officer				Application Number(s)			
Fergus Freeney				2012/2822/P			
Application Address				Drawing Numbers			
38 South Hill Park, London NW3 2SJ				Site Location Plan; (Prefix 12018/10/)100A; 100			
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature				
Proposal(s)							
Replacement of bay window with sliding windows at rear ground floor (Class C3)							
Recommendation(s):		Granted					
Application Type:		Certificate of Lawfulness (Proposed)					
Conditions or Reasons for Refusal:		Refer to Draft Decision Notice					
Informatives:							
Consultations							
Adjoining Occupiers:		No. notified	00	No. of responses	00	No. of objections	00
				No. electronic	00		
Summary of consultation responses:		N/A					
CAAC/Local groups* comments: <small>*Please Specify</small>		The Heath and Hampstead Society – The height, scale and detail of the sliding windows would be out of context with the design of the house and be disruptive to views across the pond. <i>Officer Comment: Provided the scheme complies with the criteria set out on Class A of Part 1 of Schedule 2 of the GPDO (as amended) then it would be permitted development. The Council cannot apply it's usual policy considerations to an application of this nature.</i>					

Site Description

The site is located on South Hill Park. It backs onto Hampstead Heath. It is not listed but is within the South Hill Park Conservation Area.

Relevant History

2009/5864/P - Erection of a single storey ground floor extension to rear of dwelling (Class C3).
Refused 09/03/2010

Relevant policies

N/A

Assessment

A Lawful Development Certificate is sought for the replacement of a bay window on the rear elevation at first floor level with glazed sliding doors.

The property is covered by an Article 4 Direction which removes permitted development comprised within Class A of Part 1 of Schedule 2 of the GPDO 1995 [as amended]. The enlargement, improvement or other alteration to the principle elevation of a dwelling house or a side elevation of a dwelling house which fronts a public highway or private street or other publically accessible space would therefore not be permitted development.

In this instance extensive views of the rear of the property are possible from Hampstead Heath, however it is not considered that this elevation is the principle elevation of the property.

Guidance released by the Department for Communities and Local Government (August 2010) states that "in most cases the principal elevation will be that part of the house which fronts (directly or at an angle) the main highway serving the house (the main highway will be the one that sets the postcode for the house concerned). It will usually contain the main architectural features such as main bay windows or a porch serving the main entrance to the house. Usually, but not exclusively, the principal elevation will be what is understood to be the front of the house."

The property clearly has a main entrance which fronts South Hill Park, which contains the main architectural features. The rear elevation, although highly visible, is not the principle elevation and clearly reads as a rear elevation. Therefore Class A would be applicable at the rear elevation of the property.

The proposal would comply with the following criteria:

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)	As a result of the works, will the total area of ground covered by buildings within the curtilage of the dwellinghouse (other than the original dwellinghouse) exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse)?	No
A.1 (b)	Will the height of the part of the dwellinghouse enlarged, improved or	No

	altered would exceed the height of the highest part of the roof of the existing dwellinghouse?	
A.1 (c)	Will 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 (d)	Will the enlarged part of the dwellinghouse extend beyond a wall which (i) fronts a highway, and (ii) forms either the principal elevation or a side elevation of the original dwellinghouse?	No
A.1 (e)	Will the enlarged part of the dwellinghouse 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?	N/A
A.1 (f)	Will the enlarged part of the dwellinghouse have more than one 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 opposite the rear wall of the dwellinghouse?	N/A
A.1 (g)	Will the enlarged part of the dwellinghouse be within 2 metres of the boundary of the curtilage of the dwellinghouse, and the height of the eaves of the enlarged part exceed 3 metres?	N/A
A.1 (h)	Will the enlarged part of the dwellinghouse extend beyond a wall forming a side elevation of the original dwellinghouse, and either (i) exceed 4 metres in height, (ii) have more than one storey, or (ii) have a width greater than half the width of the original dwellinghouse?	N/A
A.1(i)	Would it would consist of or include either (i) the construction or provision of a veranda, 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?	N/A
Is the property in a conservation area? If yes to any of the questions below then the proposal is not permitted development		
A.2(a)	Would it consist of or include the cladding of any part of the exterior of the dwellinghouse with stone, artificial stone, pebble dash, render, timber, plastic or tiles?	No
A.2(b)	Would the enlarged part of the dwellinghouse extend beyond a wall forming a side elevation of the original dwellinghouse?	No
A.2(c)	Would the enlarged part of the dwellinghouse have more than one storey and extend beyond the rear wall of the original dwellinghouse?	No
Conditions. If no to any of the below then the proposal is not permitted development		
A.3(a)	Would the materials used in any exterior work (other than materials used in the construction of a conservatory) be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse?	Yes
A.3(b)	Would any upper-floor window located in a wall or roof slope forming a side elevation of the dwellinghouse be— (i) obscure-glazed, and	N/A

	(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?	
A.3(c)	Where the enlarged part of the dwellinghouse has more than one storey, would the roof pitch of the enlarged part, so far as practicable, be the same as the roof pitch of the original dwellinghouse?	N/A

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