

Delegated Report (Members Briefing)		Analysis sheet		Expiry Date:	17/05/2012
		N/A		Consultation Expiry Date:	15/05/2012
Officer			Application Number(s)		
Jenna Litherland			2012/1840/P		
Application Address			Drawing Numbers		
Garages rear of 18 Hillfield Road London NW6			Refer to draft decision notice.		
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature		
Proposal(s)					
Erection of 2-storey dwellinghouse with forecourt parking (following the demolition of existing garage fronting Mill Lane).					
Recommendation(s):		Grant conditional permission subject to a S106 legal agreement			
Application Type:		Full Planning Permission			

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	21	No. of responses	08	No. of objections	04
			No. Electronic	06		
Summary of consultation responses:	A site notice was displayed on Hillfield Road from 05/04/2012 until 26/04/2012. A further site notice was displayed on Mill Lane from 24/04/2012 until 15/05/2012.					
	2 letters of support were received from occupiers of flats at 16 Hillfield Road. 4 letters of objection and 2 letters commenting on the application were received from the occupiers of flats at nos. 18a, 18b and 20b Hillfield Road, no. 74 Mill Lane and businesses at nos. 68-70 and 82 Mill Lane. The letters of support comment that: <ul style="list-style-type: none">the proposal would improvement the appearance of Mill Lane and improve the site which currently has problems with fly-tipping;would match the design of the consented townhouse at the rear of no. 16;the proposal would not result in overlooking;there will be no impact on parking as the proposal includes off street parking; andthe brick and timber gate and fence will improve appearance and provide safety and security. The letters of objection and those commenting on the application raise the following concerns: <ul style="list-style-type: none">loss of valuable parking facilities along Mill Lane and the garages which are used for storage;the proposal should not include solid fencing or a high wall to the front. This area should be kept open and green;the high wall will set a precedent and is a safety hazard for road users and the gates will cause obstruction;no site notice has been displayed outside the premises;the proposed building will block sunlight to the properties to the rear on Hillfield Road;overlooking and overshadowing of no. 18b Hillfield Road;the outdoor amenity space of no. 20b Hillfield Road is the rear part of the garden adjacent to the application site. The proposal building would block sunlight to this garden (plans showing the level of overshadowing of the proposal have been provided);loss of sunlight to the garden on no. 18a Hillfield Road;impact the proposal would have on a TPO tree in the rear garden of no 16;a site notice has not been erected on Mill Lane;building control have no record of the application;concerned about potential vibration to the properties on Mill Lane as a result of the building work, this could also lead to damage of the properties;concerned about subsidence to the properties on the southern side of Mill Lane resulting from the construction works;the proposed fence and gates would result in traffic disruption and would spoil to look of the street. It could also set precedent for future developments; andthere is an opportunity here to widen up the street making it more accessible. Case officers response: Consultation – The original site notice was displayed on Hillfield Road. Following concerns raised regarding consultation an additional site notice was put up on Mill Lane. Sunlight to gardens –The applicant has submitted with the application a daylight and sunlight study which confirms that the proposed development would not result in an unacceptable reduction in sunlight to the gardens at neighbouring properties. Vibration –Vibration resulting from construction work is covered by separate Environmental Health legislation. Gates and fence –See the design section of the report. The detailed design and height of the front boundary treatment will be secured by condition. Loss of parking – The proposed garages on the site are used for storage and therefore the proposal would not result in the loss of off street parking. The proposed unit would not result					

	<i>in further parking pressure in the area as it will be secured a 'car-capped', through a S106 legal agreement.</i>
Local groups comments:	No reply to date.

Site Description

The application relates to a single-storey garage located on the northern side of Mill Lane to the rear of No. 18 Hillfield Road, a substantial property divided into flats. The properties to the north of the application site form part of a residential terrace which is at a higher level than the application site. The properties along the southern side of Mill Lane opposite the site form part of a shopping parade. The site is not located within a Conservation Area and the building on the site is not listed.

Relevant History

At the application site

July 1989 Planning permission was granted for erection of two garages with forecourt accessible from Mill Lane, ref: 8905484

At neighbouring sites

Rear of no. 16 Hillfield Road

July 2011 Planning permission was granted for the erection of two storey single dwellinghouse at the rear of 16 Hillfield Road (land fronting Mill Lane) following demolition of the existing garage, ref: 2010/5732/P.

A legal agreement accompanying this permission secured the following requirements:

- That the new house is 'car-free';
- That a financial contribution be made for associated highway works.

Land at rear of 34, 40, 42 & 44 Hillfield Road

December 2009 Planning permission was granted for the erection of four x two-storey houses to replace four garages on the site within the rear gardens, ref. 2007/4040/P.

A legal agreement accompanying this permission secured the following requirements:

- That the new houses be 'car-free';
- That the proposed hardstand car parking space in front of each new unit and the replacement garage be designated for use of the relevant address in Hillfield Road to the rear; and
- That a financial contribution be made to works within the highway.

The reason for retaining the parking spaces for use of the properties on Hillfield Road was because the garages were at the time used by these properties for parking. Ensuring that a parking space would be retained for each of the properties to the rear, and provided the new properties are secured as car free, the proposal would not result in increased demand for on street parking.

October 2006 Appeal against refusal of application ref. 2004/0165/P dismissed.

The Inspector view was that, in the absence of a mechanism to limit on-street parking, the proposal was unacceptable. It should be noted that the Inspector's view was that even though the volume of the buildings would be substantially increased by the proposal, it was not harmful in terms of its design and would respect its site and setting.

November 2004 Planning permission was refused for erection of 4 x two-storey houses with forecourt parking facing Mill Lane, to replace 4x existing double garages in the rear gardens of 34 and 40-44 Hillfield Road and replacement of a double garage at the rear of 36 and 38 Mill Lane respectively with new double garages, ref. 2004/0165/P.

The refusal was on the grounds that the development would be out of character with the townscape and the displacement of existing off-street parking spaces onto existing heavily parked streets

October 2001 and December 2002 planning permission was refused for the erection of six and four new dwelling houses respectively with integral garages and two new garages on the site of existing rear gardens and garages fronting nos. 32-44 Mill Lane, refs: PWX0002966 and PWX0202878.

The refusal was on grounds that the development would be out of character with the townscape, result in the loss of gardens and give rise to a precedent for similar development; the displacement of existing off-street parking spaces onto existing heavily parked streets; and the potential for damage to protected trees.

Relevant policies

National Planning Policy Framework 2012

London Plan 2011

LDF Core Strategy and Development Policies 2010

LDF Core Strategy

CS4 Areas of more limited change
CS5 Managing the Impact of growth and development
CS6 Providing Quality Homes
CS11 Promoting sustainable and efficient travel
CS13 Tackling climate change through promoting higher environmental standards
CS14 Promoting high quality places and conserving our heritage
CS15 Protecting and improving our parks and open spaces and encouraging biodiversity
CS18 Dealing with our waste and encouraging recycling
CS19 Delivering and monitoring the Core Strategy

LDF Development Policies

DP2 Making full use of Camden's capacity for housing
DP5 Homes of different sizes
DP6 Lifetime homes and Wheelchair Housing
DP16 The Transport Implications of Development
DP17 Walking, Cycling and Public Transport
DP18 Parking standards and limited availability of car parking
DP19 Managing the impact of parking
DP21 Development Connecting to the Highway Network
DP22 Promoting Sustainable Design and Construction
DP23 Water
DP24 Securing high quality design
DP26 Managing the impact of development on occupiers and neighbours

Camden Planning Guidance 2011

CPG1 – Design
CPG2 – Housing
CPG3 – Sustainability
CPG6 – Amenity
CPG7 – Transport
CPG8 – Planning Obligations

Assessment

Planning permission is sought for the erection of a 2-storey dwellinghouse with forecourt parking (following the demolition of the existing garage fronting Mill Lane). The proposed house would have a width of 5.3m, a depth of 6m and a height of 5.5m. It would be set back from the street edge along the same building line as the existing garage. The proposed house would be no closer to the properties to the rear than the existing garage. The forecourt to the front of the building would be surrounded by a brick wall. The proposal includes forecourt parking which would be accessed by a timber fence.

The principal considerations which are material to the determination of this application are:

- principle of development;
- design and appearance;
- trees;
- quality of the proposed housing;
- impact on neighbour amenity;
- sustainability, and
- transport.

Principle of development

The proposed replacement of this residential outbuilding (the garage) with a new residential unit is supported in principle. LDF policies seek to prioritise housing and the provision of housing in this location would reinforce the Council's objective of reusing previously developed land to provide new residential accommodation to contribute towards meeting strategic targets for adding to the housing stock. The existing garages are used for storage by the landowners who have a local business in the area. The applicant has confirmed that the area in front of the garages is not used for parking, however representations received during consultation suggest that the forecourt is used for parking. It has been established that the parking is not used by the occupiers of no. 18 Hillfield Road as was the case in the applications on the Land at rear of 34, 40, 42 & 44 Hillfield Road. As it has not been demonstrated that parking is specifically linked to a property or business it is not considered necessary to secure ongoing provision of parking for such users.

Design and appearance

The context of the proposed development is a well established area of predominantly Victorian and Edwardian terraced properties. The application site is a former end-of-garden site to the rear of a substantial property fronting Hillfield Road. It is occupied by a single-storey garage, part of a group of similar narrow garages and outbuildings on this side of Mill Lane, which reflect the width of the plots onto Hillfield Road. The proposed building would replace an existing garage which sits opposite a commercial parade of shops located on the southern side of Mill Lane. The house would occupy the same footprint as the garage and would be two storeys in height.

The Inspector in relation to the appeal dismissed in October 2006 (see relevant planning history) pointed out that the site (which is broadly identical to the application site) is defined as 'previously developed land'; the reuse of which is encouraged and, whilst the openness of the rear gardens has existed for a long time, the site is not specifically protected from development by policies indeed in the LDF. As a consequence, there can be no objection 'in principle' to the development proposed either in terms of the redevelopment of the garages or the loss of garden space.

An appropriately-scaled building at the application site is not considered to have a harmful impact on the established sense of space and openness in the immediately surrounding area. The majority of this stretch along the north of Mill Lane is occupied by low-rise garages and views to the rear of the Hillfield Road terrace would be retained and only slightly altered by the application proposal. Given the narrow footprint of the building, its height and scale would need to be subordinate to the surrounding properties in order to integrate successfully with its immediate context. The proposed house is of a modest scale and is subordinate to adjacent larger buildings, including the larger building on the plot which fronts onto Hillfield Road.

The small plot size has largely dictated the proposed design which consists of a simple box-like form similar to that granted permission at no. 16 (ref: 2010/5732/P). The first floor cantilevers over the ground floor overhanging part of the front forecourt. A modern design approach has been taken which is considered to be appropriate and more desirable than trying to create a pastiche of other developments in the area. The basic cubic form of the building is reflected in the detailed design. The only windows proposed for the house are on the front elevation of the building. In order to allow sufficient light into the building the windows are of significant size. However, given the simple design of the windows and dwelling they do not appear oversized in relation to the scale of the building.

Yellow brick would be the main facing material - brick is also the predominant building material in the surrounding streets and would be in keeping with the materials for the proposed house at no. 16. Windows would be aluminium-framed and the front door would be made of timber. These materials are considered appropriate in the context of the modern appearance of the building.

The definition provided by existing walls and fencing along Mill Lane is weak and discontinuous. The front boundary treatment is proposed to be a brick wall with openings for pedestrian and vehicular gates. The height of the front boundary wall and gate are considered to be excessive given that it will be a solid boundary across the full width of the site. It is considered that this element of the proposal should be revised develop and less definitive and imposing boundary. This can be secured by condition. A covered refuse store would be located in the south-west corner of the courtyard. The driveway is to be constructed from block paving and planting is shown to be included on the western side of the courtyard. Full landscaping details can be secured by condition. All hardstanding should be constructed from permeable materials.

The proposal incorporates a green roof which will contribute to the biodiversity value of the site. It is also proposed to plant climbers on the eastern elevation of the building to provide a green wall. This will make a useful contribution to the biodiversity value of the site. Details and maintenance of the green roof and green wall would be secured by condition.

Trees

An Arboricultural Report has been provided in support of the application. There are no trees located within the application site, however the report identifies 6 trees in neighbouring gardens within the vicinity of the site. This includes the TPO tree (London Plane) at no. 16. During consultation a concern was raised regarding impact the proposal would have on this tree. The report confirms that the root protection areas of these trees do not enter the area of the site. It is therefore considered that the proposal would not have a detrimental impact on any of the surrounding trees and no further tree protection measures are required.

Quality of the proposed housing

Camden Planning Guidance and the London Plan state that new self-contained dwellings should satisfy the following minimum areas for overall floorspace:

Number of persons	1	2	3
Camden Planning Guidance -Minimum floorspace (m ²)	32	48	61
London Plan -Minimum floorspace (m ²)	37	50	61

Camden Planning Guidance also requires first and double bedrooms to measure a minimum of 11.0m². The application proposes a 1 bedroom (2 persons) self-contained dwelling. The property would have a total floor area of 64.2sqm The proposed bedroom would have an area of 13.3 sqm. The proposed development is fully compliant with Camden Planning Guidance and the London Plan with regard to overall size of flats and the size of the bedroom.

The house would be single aspect, however the windows would be south facing making the most of solar gain. The overhang of the cantilever of the building would allow for some shading to the full height window at ground floor level. The proposed windows would have a good outlook and natural ventilation. The proposed house is considered to provide a good standard of residential accommodation in terms of layout, room sizes, sunlight, daylight and ventilation. The proposal is consistent with LDF Policy CS6 and the Residential Development Standards contained in Camden Planning Guidance. The accommodation has been provided with adequate space for the storage of refuse and recycling on the front forecourt adjacent to the building.

Lifetime Homes

All new homes should comply with Lifetime Homes criteria as far as possible. The applicants have submitted a Lifetime Homes assessment which addresses the 16 points of the criteria. The only criteria which has not been met is provision of a WC at ground floor level, however the applicants have indicated that this could be installed at a later date if required. This is considered acceptable in this instance.

Impact on neighbour amenity

Privacy

No windows are proposed on the north elevation of the proposed building facing no. 18 Hillfield Road. The

proposed windows on the front elevation of the property are a sufficient distance from the residential flats at first floor level on the opposite site of Mill Lane to ensure they would not allow for overlooking.

Sunlight and daylight

The impact of the proposed development on sunlight and daylight to neighbouring habitable rooms is an important consideration in assessing the acceptability of the application. The buildings to the north on Hillfield Road have residential accommodation at ground level and on the upper floors.

The proposed house would have a height 2.5 metres greater than the existing garage. The applicant has submitted a daylight and sunlight study prepared by Rights of Light Consulting which has assessed the application in relation to its impact on the properties within Hillfield Road. The proposal was assessed against the Vertical Sky Component and the Daylight Distribution tests for daylight to habitable rooms of adjacent properties. The report also assessed the proposal in terms of its impact on sunlight to windows of adjacent properties. All of these tests demonstrated that the impact of the proposal on sunlight and daylight to windows of adjacent properties would be very limited and that BRE Guidelines in relation to neighbouring habitable rooms would be met.

The impact of development on access to sunlight and daylight of garden spaces is also an important consideration. BRE Guidelines recommend that at least 50% of the area of each garden should receive at least two hours of sunlight on 21st March. This proposal would reduce the amount of sunlight and daylight reaching the rear gardens of 16 and 18 Hillfield Road on March 21st. The neighbouring garden most seriously affected would be no. 18 which would have its sunlight reduced by 10%. Concern was raised during consultation that sunlight to the rear garden of flat no. 20b Hillfield (the rear section of the garden). The report confirms that the proposal would not result in the loss of any sunlight to the garden of no. 20b on the 21st March. The proposal would therefore safeguard sunlight and daylight to neighbouring rear gardens in line with the above guidance.

Outlook/ Overbearing

It is recognised that, in some cases, new buildings, in addition to existing buildings can harm outlook and may result in an increased sense of enclosure to properties and garden areas. In this case the proposed house would be 1 storey taller (2.5 metres) than the garage which it would replace. The length of the garden of no. 18 would remain as 18.7 metres from the main rear building line and 15.2 metres from the rear closet wing. Given the length of the garden and the open nature of the surrounding area, the impact of the proposed house by virtue of its scale, siting and design is not considered to result in an overbearing effect on neighbouring properties or rear gardens.

Neighbour amenity conclusion

The proposal would not have a detrimental impact on the amenity of neighbouring occupiers and would be consistent with policy DP26.

Sustainability

Policy DP22 requires development to incorporate sustainable design and construction measures and incorporate green or brown roofs. The proposal commits to incorporate the following measures: reduced flow rate taps, showers and toilets, provision of cycle parking, a green roof and green wall, use of category A white goods, provision of a high efficient combi-boiler, thermal insulation, double glazed windows and use of energy efficient light bulbs. Provision of these measures would be secured by S106 agreement.

Transport

The proposed development includes the provision of a front forecourt which allows parking for one car off-street. Given that the site is located in an area of low to medium accessibility by public transport (PTAL 2-3) this is considered acceptable. The proposal is considered to be acceptable in transportation terms subject to the completion of a S106 securing the dwelling as 'car-capped' meaning that the occupiers will be unable to obtain parking permits from the Council for on street parking. The Council's Parking Standards also require the provision of 1 cycle storage or parking space per unit. One cycle parking spaces is provided within the forecourt of the property. This is considered acceptable.

A financial contribution is required to repave the footway adjacent to the site and the vehicular crossover. This will be secured through a S106.

Other issues

Matters relating to vibration caused by building works and potential subsidence as a result of the building works are covered by separate environmental health legislation and building regulations. As a result, these issues can be given very little weight by local authorities and by the Planning Inspectorate when making planning

decisions. While the concerns raised by neighbouring occupiers have been taken into consideration by officers in the assessment of this application, it is not considered to be reasonable to refuse the application or to attach conditions to the permission on the basis of any of the specific concerns raised.

CIL

This proposal will be liable for the Mayor of London's Community Infrastructure Levy (CIL) as the additional floorspace exceeds 100sqm or one unit of residential accommodation. Based on the Mayor's CIL charging schedule and the information given on the plans, the charge for this scheme is likely to be £3,250 (£50 x 65sqm). This will be collected by Camden after the scheme is implemented and could be subject to surcharges for failure to assume liability, submit a commencement notice and late payment, and subject to indexation in line with the construction costs index.

Recommendation: Grant conditional permission subject section 106 agreement.

Heads of Terms of the S106 Agreement:

- That the development be car capped
- Sustainability Plan (compliance with the measures set out in the Design and Access Statement
- Associated highways works

DISCLAIMER

Decision route to be decided by nominated members on Monday 14th May 2012. For further information please click [here](#).