

<b>Delegated Report</b>		<b>Analysis sheet</b>		<b>Expiry Date:</b>		07/05/2012	
(Member's Briefing)		N/A / attached		<b>Consultation Expiry Date:</b>		06/04/2012	
<b>Officer</b>				<b>Application Number(s)</b>			
Neil Zaayman				2012/0788/P			
<b>Application Address</b>				<b>Drawing Numbers</b>			
72 WESTBERE ROAD LONDON NW2 3RU				Refer to decision notice.			
<b>PO 3/4</b>		<b>Area Team Signature</b>		<b>C&amp;UD</b>		<b>Authorised Officer Signature</b>	
<b>Proposal(s)</b>							
Erection of single-storey side/rear extension at ground floor level with terrace over at first floor level, alterations at roof level including changing hip to gable (retrospective), installation two rooflights on front roofslope, dormer window to rear roofslope (retrospective), alterations to fenestration to front and rear elevations all in connection with change of use of existing single-dwelling house to 4 self-contained flats (Class C3).							
<b>Recommendation(s):</b>		Grant permission subject to S106 legal agreement					
<b>Application Type:</b>		Full Planning Permission					
<b>Conditions or Reasons for Refusal:</b>		Refer to Draft Decision Notice					
<b>Informatives:</b>							
<b>Consultations</b>							
<b>Adjoining Occupiers:</b>		No. notified	<b>10</b>	No. of responses	<b>02</b>	No. of objections	<b>02</b>
				No. electronic	<b>00</b>		
<b>Summary of consultation responses:</b>		<p>Site notice displayed from 15/03/2012 until 05/04/2012.</p> <p>10 Letters were sent to neighbouring occupiers with two letters of representation received, raising objections in respect of the following:</p> <ul style="list-style-type: none"> <li>- Roof terrace at 1<sup>st</sup> and 2<sup>nd</sup> floor level would result in direct overlooking / invasion of privacy.</li> </ul>					
<b>CAAC/Local groups* comments:</b> *Please Specify		N/A.					

## Site Description

The site is a two storey semi-detached dwelling house on the eastern side of Westbere Road. It does not lie within a conservation area.

## Relevant History

### Application site:

**2005/0289/P:** A single storey rear extension to single family dwellinghouse – **Granted on 14/03/2005.**

**2007/4624/P:** Erection of single-storey side extension at ground floor level and installation of dormer windows in side and rear roofslope, plus installation of bay window at front ground floor level and other alterations to windows and doors all in connection with change of use of existing single-dwellinghouse to 4 self-contained flats – **Granted on 12/11/2007.**

**2011/0448/P:** Erection of single-storey side extension and rear extension at ground floor level, installation of dormer windows to side and rear roof slopes, installation of bay window at front ground floor level and alterations to windows and doors in connection with change of use of existing single-dwelling house to 4 self-contained flats (Class C3) – **Granted on 25/01/2012.**

**2011/2606/P:** Certificate of Lawfulness for erection of a gable roof extension to side elevation of existing house (Class C3) – **Granted on 07/07/2011.**

### No. 66:

**2011/0756/P:** Certificate of Lawfulness for erection of hip to gable roof extension at side and dormer extension at rear of dwelling house (Class C3) – **Granted on 08/04/2011.**

### No. 64:

**2007/6135/P:** Certificate of Lawfulness for proposed erection of a side and rear extension at roof level of dwelling house – **Granted on 24/01/2008.**

## Relevant policies

### **LDF Core Strategy and Development Policies**

CS5 (Managing the impact of growth and development)  
CS6 (Providing quality homes)  
CS11 (Promoting sustainable and efficient travel)  
CS14 (Promoting high quality places and conserving our heritage)

DP2 (Making full use of Camden's capacity for housing)  
DP5 (Homes of different sizes)  
DP6 (Lifetime homes and wheelchair homes)  
DP17 (Walking, cycling and public transport)  
DP18 (Parking standards and limiting the availability of car parking)  
DP21 (Highways Works)  
DP24 (Securing high quality design)  
DP26 (Managing the impact of development on occupiers and neighbours)

### **Camden Planning Guidance 2011**

### **National Planning Policy Framework (March 2012)**

## **Assessment**

### **Proposal and background:**

Permission was granted on 12<sup>th</sup> November 2007 (Ref: 2007/4624/P) for the erection of single-storey side extension at ground floor level and installation of dormer windows in side and rear roofslope, plus installation of bay window at front ground floor level and other alterations to windows and doors all in connection with change of use of existing single-dwellinghouse to 4 self-contained flats.

The 2007 permission was again renewed on 25<sup>th</sup> January 2012 (Ref: 2011/0448/P).

The applicant had not yet implemented the above permission and therefore still retained his permitted development rights for the dwellinghouse. As such, an application for a Certificate of Lawfulness was made to the Council on 19<sup>th</sup> May 2011. The application was for the erection of a gable roof extension to the side elevation of the existing house. The Certificate of Lawfulness was granted on 7<sup>th</sup> July 2011.

Following a site inspection, it became evident to officers that the applicant had implemented a combination of the above planning permission and the Certificate of Lawfulness by constructing a hip-to-gable roof extension, starting works on the flat conversion and construction of the rear dormer.

The current application is therefore considered to be retrospective in this respect and an attempt to regularise the above works (hip-to-gable extension and rear dormer window) and combines the retrospective elements with the proposal to construct a single-storey side/rear extension at ground floor level with terrace over at first floor level, the installation of two rooflights on front roofslope, alterations to fenestration to front and rear elevations and conversion of the existing single-dwelling house to 4 self-contained flats.

The proposed single storey side / rear extension varies slightly from that which was previously approved in that the side extension is set back further from the edge of the highway. The rear extension is slightly wider (approximately 4.3m as opposed to 3.5m).

### **Revisions:**

The applicant submitted revised drawings as the flank wall windows were not accurate. The revised drawings also indicate glazed privacy screens to each side of the roof terrace.

### **Assessment:**

The main issues for consideration in this instance is the principle of the development, its design and impact on local character and impact on neighbouring amenity.

### **Principle of development:**

The current proposal is effectively for minor changes to a combination of previously approved schemes with the addition of a balcony / roof terrace to the rear. The principle of the development has therefore been considered acceptable by granting permission on previous applications.

### **Design / Impact on character:**

The application approved on 7<sup>th</sup> July 2011 initially proposed a hip-to-gable roof extension. The application site is a semi-detached property and similar to the majority of semi-detached dwellings on Westbere Road, have a pitched roof with hipped ends. As such, officers requested the applicant to revise the scheme as a hip-to-gable would unbalance the semi-detached pair, resulting in an incongruous feature in the street scene. The proposal was amended to include a subordinate side dormer and was subsequently approved.

The applicant was then issued a Certificate of Lawfulness for a hip-to-gable roof extension as the dwellinghouse still had its permitted development rights in place (the flat conversion had not yet commenced at the time).

Officers are aware that the applicant unlawfully combined the planning permission and Certificate of Lawfulness schemes to construct a gable ended roof extension and start works on the rear dormer and flat conversion. The works on the site were not constructed in accordance with the plans and this current application is therefore an attempt to regularise the works.

Whilst the above situation is unfortunate, Officers noted upon site inspection that Nos. 64 and 66 had hip-to-gable conversions with substantial rear dormers, both constructed as Permitted Development. No. 64 and 66 is a semi-detached pair and the conversion therefore appears less obtrusive.

Notwithstanding, the application site does not fall within a conservation area and the building is not listed. In light of other examples in the street scene, it is considered that the gable extension with rear dormer would be acceptable in this instance. The works have already been carried out and although officers feel that the gable extension unbalances the semi-detached pair, it is not considered expedient to enforce in this case, due to other similar extensions along Westbere Road. Officers are of the opinion that should permission be refused, an appeal is likely to be lodged by the applicant in light of the majority of works already in place. It is considered that such an appeal is likely to be granted and in this case, there are special circumstances which would justify approval of the application.

The rear garden environment here is characterised by numerous dormer windows of substantial design and appearance. The dormer has previously been considered acceptable. In light of other similar examples in the vicinity and being to the rear of the property (and therefore not visible from the street), would be acceptable in terms of its design and appearance.

The single storey side and rear extensions vary slightly from that approved in 2011 as the side extension is now set back further from the edge of the highway (approximately 13m where the previous approval had an 8.5m set back). The rear extension has been slightly increased in width (from 3.5 to 4.3m). The proposal is overall similar to that already approved in 2011 and remains acceptable. Also, the front bay window extension at 1<sup>st</sup> floor level and changes to the fenestration of the dwelling is considered acceptable as this is the same as was granted under planning permission 2011/0448/P.

The proposal would introduce a roof terrace / balcony above the single storey rear extension. The balcony would be 2m in depth and 8.3m wide, set in from the common boundary with No. 74 by 684mm. There are several examples of single storey rear extensions being used as terraces in the vicinity of the application site, including Nos. 54, 58 and 62 Westbere Road. The terrace will provide a valuable amenity space for Flat 3 on 1<sup>st</sup> floor level, which would otherwise not have direct access to any private exterior space. The proposal has been revised to comprise the erection of two obscure glass privacy screens to mitigate the potential for overlooking into the habitable rooms of the adjoining properties, thus the potential for overlooking to adjoining properties would not warrant concern. Neither the railing nor the privacy screens would be visually intrusive or adversely affect the character of the building.

#### **Impact on amenity:**

The site is a semi-detached property. The side and rear extensions, and rooftop dormer are not considered to affect neighbouring properties in terms of loss of daylight or sunlight.

One new window at first floor level is proposed to the side elevation which is shown to be obscure glazed as this window serves a small w.c. Obscuring the side window will not adversely affect the light or outlook of future occupiers and it will prevent any overlooking to No. 70 Westbere Road.

An objection has been received from the occupiers of a property that backs on to the application site that they would suffer a loss of privacy from the increased overlooking from the balcony / roof terrace alterations to the rear. Revised drawings have been received to include the erection of 2 obscure glass privacy screens to either side of the roof terrace. This will mitigate any potential for overlooking into habitable rooms of adjoining properties.

As such the proposal is not considered to harm the amenity of adjoining occupiers and would comply with policies CS5 and DP26 of the LDF.

#### **Standard of proposed accommodation:**

The proposal would provide 2x 1 bed units, 1x 2 bed unit and 1x 3 bed unit. This is considered acceptable as although the proposal involves the loss of a family house, it includes the provision of a 3 bed unit, which is considered family size accommodation and is in line with policy DP5.

The proposal to convert the existing dwelling into four flats has previously been considered acceptable. The

internal floorspace has however been amended since permission was originally granted. Flat 1 and 2 would meet the minimum space standards as set out in Camden Planning Guidance (CPG) Note 2. Flat 3 is a 2-bedroom flat measuring 58sq.m which would meet CPG minimum threshold for a 2 person flat (but would be marginally below the recommended guidance of 61sq.m for a 3 person unit). In addition, Flat 4 is a 1-bedroom flat measuring 40sq.m which satisfies guidance minimum space threshold for a 1 person unit (but not for 2 persons, for which the threshold is 48sqm). The floorspace for the units is therefore satisfy guidance in CPG2 on the basis of the numbers of occupants indicated above.

Officers are of the opinion that all flats would be dual aspect and receive adequate natural light and ventilation. As it is proposed to split the garden in two, both ground floor units would have their own outdoor amenity space. The roof terrace would also provide a form of amenity for the 1<sup>st</sup> floor flat (Flat 3). Overall, it is considered that the conversion of the house into flats is acceptable.

The applicant has addressed the Lifetime Homes standards as far as possible. Policy DP6 recognises that not all conversions can meet all of the Lifetime Homes standards, and it is considered that the proposal either meets the relevant standards, or is able to justify why certain standards cannot be met, in line with policy DP6.

#### **Transport:**

Cycle Parking: In line with Camden's Cycle parking Standards, one cycle parking space is required per residential unit, giving a total of 4 cycle parking spaces. The proposal includes three stands in the front garden, but the constraints of the site would not practically permit cycle storage elsewhere, and the ground floor units have access to the garden as well. The cycle storage is considered acceptable subject to the stands being covered to protect cycles from the elements. A condition will require details of the cycle parking to be approved.

Highway works: The nature and scale of the works is such that a Construction Management Plan is not required, however it is reasonable to require a financial contribution for repaving the vehicular crossing and the adjacent footway in line with policy DP21. This will be secured through a Section 106 Agreement.

Car-free and car-capped housing: The site is located at Westbere Road. There is vehicular crossover access and access to public transport is fair (PTAL 2). Westbere Road is not identified as suffering from parking stress, and as the proposal would provide off-street parking for two cars, it is not considered that on-street parking would be unduly affected, therefore it is not considered necessary to require the new development to be car-free or car-capped. The previously approved scheme did not require such a restriction.

#### **Community Infrastructure Levy (CIL):**

The proposal will be liable for the Mayor of London's CIL as the additional floorspace exceeds 100sqm GIA or one unit of residential accommodation. Based on the Mayor's CIL charging schedule and the information given on the plans, the charge is likely to be £5,625 (112.5sqm x £50). This will be collected by Camden after the scheme is implemented and could be subject to surcharges for failure to assume liability, for failure to submit a commencement notice and/or for late payment, and subject to indexation in line with the construction costs index. An informative will be attached advising the applicant of this charge.

#### **Recommendation:**

Grant Planning Permission Subject to a Section 106 Legal Agreement to require a contribution towards highway works.

#### **DISCLAIMER**

**Decision route to be decided by nominated members on Monday 30<sup>th</sup> April 2012. For further information see**

<http://www.camden.gov.uk/ccm/navigation/environment/planning-and-built-environment/planning-applications/development-control-members-briefing/>