

Delegated Report		Analysis sheet		Expiry Date:	23/01/2012
		N/A / attached		Consultation Expiry Date:	02/01/2012
Officer			Application Number(s)		
Neil Zaayman			2011/5882/P		
Application Address			Drawing Numbers		
Rear of 78 Fortune Green Road London NW6 1DS			Refer to decision notice		
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature		
Proposal(s)					
Erection of part two, part three-storey dwellinghouse (Class C3) facing onto Rose Joan Mews (following demolition of existing garage).					
Recommendation(s):		Refuse planning permission			
Application Type:		Full Planning Permission			

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	24	No. of responses	02	No. of objections	02
			No. Electronic	00		
Summary of consultation responses:	<p>Site notice displayed from 12/12/2011 until 02/01/2012. 24 Neighbouring properties were consulted with 2 letters of representation received, raising objections in respect of the following:</p> <ul style="list-style-type: none"> - out of keeping with character - area over-populated - movement of vehicles and parking would restrict access to existing buildings - highway safety issues during and after construction - view from top floor rear windows at properties along Fortune Green would be obstructed - loss of light to No. 80 Fortune Garden 					
CAAC/Local groups* comments: *Please Specify	No comments received.					

Site Description

The site consists of a car parking garage (currently used for private storage) and hardstanding area which fronts onto an un-adopted lane that connects to Fortune Green Road. This site is known as rear of no.78 Fortune Green Road for the purposes of this application. There is a courtyard/garden area between the garage and the main building at no.78 (occupied by a hairdresser at ground floor with residential above). Within the lane/mews there are several new developments, most notably a new 10 unit development known as Rose Joan Mews and other sites which have extant permission for redevelopment.

The site is not within a conservation area.

Relevant History

2006/1160/P: Erection of two storey, 2 bedroom dwelling house at rear facing access way, following demolition of garage – **Refused.**

The application was refused for the following reasons:

- 1) by reason of its height and location, which would be detrimental to residential amenity of neighbouring buildings in terms of loss of outlook and privacy.
- 2) by reason of its scale, height and bulk, which would have a visually detrimental impact on the immediately surrounding area, mainly characterised by single storey mews type buildings.

Following refusal of the above application, the decision was appealed (Ref: APP/X5210/A/06/2021771). The Inspector dismissed the appeal and was of the opinion that the projecting grilles proposed would not be effective in preventing intervisibility between the first floor rooms in the existing and proposed dwellings, owing to the fact that the facing windows would be at roughly the same level.

Other development:

No. 80 Fortune Green Road:

2008/2396/P: Erection of first floor extension above the existing rear ground floor and change of use of part of the ground floor D1 floorspace to create a first floor studio flat accessed from Rose Mews – **Approved.**

Rear of No. 84 – 86 Fortune Green Road:

2008/1662/P: Erection of part 2/part 3-storey building fronting onto Rose Joan Mews with roof terraces at second floor level to provide 2 self-contained residential dwellinghouses and two ancillary single-storey buildings in rear garden (following demolition of two single-storey lock up garages) – **Approved.**

Rear of No. 88 Fortune Green Road:

2008/0155/P: Demolition of existing single storey storage/workshop and redevelopment by the erection of a two storey single family dwelling house – **Approved.**

Rear of Nos. 92, 94, 98 and 100 Fortune Green Road:

2005/2841/P: Demolition of 6 existing garage/storage units on the site and the erection of 4 x 2-storey residential dwellinghouses (1 x studio dwellinghouse, 2 x 1-bed dwellinghouses and 1 x 2-bed dwellinghouse) including 1 x off-street parking space – **Approved.**

Relevant policies

LDF Core Strategy and Development Policies

CS5 (Managing the impact of growth and development)

CS6 (providing quality homes)

CS14 (Promoting high quality places and conserving our heritage)

DP5 (Homes of different sizes)

DP18 (Parking standards and limiting the availability of car parking)

DP22 (Promoting sustainable design and construction)

DP24 (Securing high quality design)

DP25 (Conserving Camden's Heritage)

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

Camden Planning Guidance 2011

CPG 1 (Design)

CPG 6 (Amenity)

London Plan (2011):

3.5 (Quality and Design of Housing Developments)

7.4 (Local Character)

7.6 (Architecture)

Government Guidance:

PPS1 (Delivering Sustainable Development) and

PPS3 (Housing)

Assessment

Proposal:

The proposal is to demolish the existing garage and construct a 3-storey residential dwelling, at a height of 7.8m. The development would extend to the edge of the access road towards the rear, projecting approximately 4.2m in front of the adjacent properties. The development would have a maximum depth of 16.7m, adjoining the main property towards the west (No. 78 Fortune Green) at ground floor level with a set-back of 5m at the upper levels.

On ground floor level would be an open plan living / kitchen area with a w.c towards the rear. On first floor level would be 2 bedrooms and a bathroom. On 2nd floor would be a 3rd bedroom, bathroom and a terrace. The terrace would have a 1.8m screen for privacy.

Assessment:

The main issues for consideration is the principle of the development, its design and impact on the street scene and the impact of the development on neighbouring amenity.

Principle:

The application site comprises a single privately owned garage to the rear of terraced properties fronting onto Fortune Green Road. The garage is currently used for storage and not parking of vehicles.

It is evident from the planning history that the Council has previously accepted the loss of similar garages along this access road to be acceptable. The application therefore involves the loss of a garage which is not used for off street parking for any nearby residents and as such it is considered that its loss will not contribute to on street parking congestion.

The proposed redevelopment of the site to incorporate new residential development is encouraged by the LDF policy DP2. In light of similar development which have previously been accepted along this access road and the proposal to introduce a new residential dwelling, there are no in principle objection against the development and the proposal is therefore acceptable in land use terms.

Design:

The proposal is to the rear of properties along Fortune Green Road and therefore not visible from the main road. The proposal would form part of the access way towards the rear. Until recently, the access road of which the application site forms part, were characterised by low profile, single storey development. Permission has however been granted for a number of 2 and 3-storey developments along the access road, including developments at the rear of Nos. 84, 88, 92, 94, 98 and 100 Fortune Green Road (see planning history). The area in general is characterised by 2/3-storey developments along the access road with No. 68a a 3-storey residential block. There are 2-storey developments on the opposite side of the access road comprising 10 dwellings with basement parking.

The proposal would introduce a new 3-storey high development on the application site. Planning permission has previously been refused for a 2-storey development due to its scale, height and bulk, which was considered to have a visually detrimental impact on the immediately surrounding area. On appeal, the

Inspector raised no concerns in respect of the 2-storey height of the proposal and it is acknowledged that planning permission has since been granted for other 2 and 3 storey developments along this access road. It is therefore not considered that a development higher than single storey would be out of place or character with the surrounding street scene.

Notwithstanding, the proposal would extend up to the edge of the access road, projecting approximately 4.2m in front of the building line of properties immediately adjoining the site. Notice is given to the fact that recent permissions granted to the rear of Nos. 84 – 88 Fortune Green Road also extends up to the edge of the access road. It should however be noted that prior to permission being granted for the above developments, the building envelope north of No. 80 extended up to the edge of the access road. It was therefore appropriate, given the prevailing character, to grant permission for the new 2 / 3 storey developments to follow the existing building line up to the edge of the access road. The character however, changes slightly from No. 80 southwards with development set back from the edge of the access road. This, in Staff's opinion creates a more open character towards the end of the road where the northern half has a more enclosed appearance.

The proposed development, as mentioned above, would extend in front of the building line of development to the rear of Nos. 68 – 76 Fortune Green Road. This, in combination with the 3-storey height of the development is not considered to relate well to the adjoining development in this part of the access road and would appear out of place and character. Although the character along this access road is not of significant importance, recent development has improved the overall appearance and character and it is considered that the odd relationship of the proposed 3-storey development with its immediate neighbouring properties would appear overbearing and incongruous, harmful to the character and appearance of the street scene.

Impact on amenity:

Outlook and natural light

There would be an increase in the profile of the proposed building in comparison to the existing situation, both in terms of its proximity to Rose Joan Mews and its height. Notwithstanding, due to a narrow site and the orientation of the application site, Rose Joan Mews would be presented with a small profile of the proposed development. The proposed relationship with Rose Joan Mews would not be significantly different compared to recent planning permission granted at No. 84 – 86 further north of the application site. It is therefore considered that the proposed building will not result in a significant impact on the outlook of the occupiers of Rose Joan Mews.

With regards to the properties at the rear of Fortune Green Road, the impact is more complex to assess and the applicant has submitted a BRE Daylight Report in order to demonstrate that the proposed buildings will not impact adversely on the amenities of the rear of Nos. 76 and 78 Fortune Green Road. As assessment has also been done of the rear ground floor window of No. 22 Rose Joan Mews. The assessment can be used to assist in the assessment of the impact on outlook.

This report has identified the first floor rear bedroom window at no. 78 Fortune Green Road as the closest window to the rear of the development and the ground floor windows have been discounted as they are in commercial use. The report also identified the first floor rear bedroom window of No. 76 Fortune Green Road and the ground floor window of No. 22 Rose Joan Mews. The test that was undertaken was a Vertical Sky Component (VSC) test **in respect of the development as originally proposed**, and is explained as follows:

Vertical Sky Component (VSC) test

The percentage of sky visible from the centre of the window is known as the Vertical Sky component. Diffuse (light received from the sun which has been diffused through the sky) daylight will be adversely affected if after a development the VSC is both less than 27% and less than 80% its former value. The results for the potentially most affected properties at no. 78, 76 Fortune Green Road and No. 22 Rose Joan Mews are as follows:

78 Fortune Green Road

This property is most likely to be affected. The report shows that less than 27% of post-development sky would be visible from this window and that there would be less than 80% of the pre-development sky available to give light to this room. BRE therefore recommends a third test to be carried out which is the Average Daylight Factor (ADF). A minimum ADF value of 1.0 is recommended. The report states that the resultant ADF value would be 1.45 which is 45% more than the minimum recommended level.

76 Fortune Green Road

The findings in the report show that the proposal would reduce the VSC from 26.5% to 22.5%. The reduced VSC value of 22.5% is approximately 87% of its former VSC value, which is above the minimum recommended 80%.

22 Rose Joan Mews

The VSC study shows that 0.5% of the sky would be obscured by the proposal. The resultant VSC would be 92.3% of its former value, which is well above the recommended 80%.

In light of the above, it is not considered that the proposal would result in unacceptable levels of overshadowing or loss of daylight to those properties most likely to be affected. The main living areas at ground and first floor levels would have acceptable levels of natural light and the overall standard of lighting is considered acceptable.

Privacy

The proposed dwellinghouses will face towards the recently constructed development at Rose Joan Mews, which has a curved roof and windows which face north and south; whereas the windows in the proposed development are small in size and will face east. Loss of privacy as a result of the proposed windows on the front elevation is therefore not considered to be an issue.

At the rear of the dwelling, the proposed windows (to two of the bedrooms) would be overlooked directly by existing windows in the back addition of no.78 (located approx. 4m away). The drawings indicate these windows are fixed shut and obscure glazed. Upon site inspection it was noted that the windows are in fact clear and not obscure glazed as indicated on the drawings. In any event, officers consider that the use of obscure glazing to the windows of the existing flats would adversely impact on the outlook of the existing flats in order to facilitate the proposed development. It is considered that it is unacceptable to reduce residential amenity of the existing flats at no.78 to such an extent, in order to facilitate this proposed development.

The proposed development would have full width windows to the rear (facing 78 Fortune Green Road) serving the bedrooms on 1st and 2nd floor level. Following refusal of the previous application and the Inspector's reason for dismissing the appeal, the current application indicates these windows to be obscure glazed with restricted opening. Whilst this may block some views by screening lines of sight, the close proximity to the rear windows would, in Staff's opinion, still allow for a degree of overlooking to occur, in particular from the 2nd floor bedroom of the proposed development into the 1st floor bedroom of No. 78 Fortune Green Road. It is therefore considered that the proposed development would result in a degree of overlooking to the existing unit at No. 78 Fortune Green Road and although officers agree that overlooking would be restricted in part, the occupiers of No. 78 Fortune Green would have the perception of being overlooked.

The erection of a building that would create additional height and bulk (over and beyond the existing single storey building) in such close proximity to the existing residential units fronting Fortune Green Road, would result in unacceptable impacts on the amenity of existing neighbouring property occupiers, involving an increased sense of enclosure and loss of privacy and warrants refusal on these grounds.

The application for the development of the land to rear of nos. 92, 94, 98 and 100 Fortune Green Road by the erection of a 2-storey residential development raised similar issues of unacceptable bulk and loss of outlook, the latter despite the fact that the proposed development was much further away from the residential windows than is the case here. Before this development was considered to be acceptable by officers, it was necessary for the application to considerably reduce the originally proposed bulk at 1st floor level, in order to achieve an acceptable visual impact within the lane, and to safeguard the outlook from adjacent residential accommodation.

Quality of accommodation:

The proposed dwelling will incorporate a terrace above 2nd floor level, measuring approximately 6sq.m in size, which will offer some amenity space for future occupants. The drawings indicate a "brown roof" zone to be included on the terrace.

The dwelling would be a 3-bedroom, 6-person unit with an internal floor area of 106sq.m. According to the minimum space standards as set out in the London Plan (2011), a dwelling of this size should have an internal floor area of at least 95sq.m. The proposal therefore complies with the guidance in this respect.

The unit would have no flank windows with fenestration to the eastern and western elevations. Windows to the east would face the development at Rose Joan Mews which have blank walls facing the alley way, approximately 3m from the front (east facing) windows of the proposed dwelling. The only other windows are those towards the rear (west facing) elevation, serving the bedrooms. These windows are proposed to be obscure glazed with restricted opening only. As such, there would be no quality outlook from any habitable rooms for future occupiers and officers are not convinced that this design would allow for natural ventilation. It is therefore not considered that the proposal provides high quality living accommodation and would be contrary to the aims and objectives of Camden Policy Guidance (CPG2) which states that all habitable rooms should have access to natural daylight; windows in rooms should be designed to take advantage of natural sunlight, safety and security, visual interest and ventilation.

Transport and Access Issues:

Fortune Green Road lies within a neighbourhood shopping and service centre and as such there is good access to facilities, services and public transport accessibility. The proposed dwelling would be accessed via a small unnamed access road off Fortune Green Road. This access road also serves the Rose Joan Mews development which is gated.

Should planning permission be granted, the development should be made car free and this can be secured by means of a legal agreement.

No provision has been made for cycle storage. Should planning permission be granted, a condition will be attached to require details of secure cycle storage to be submitted.

Conclusion:

The loss of the garage/storage unit is considered acceptable, and the principle of the provision of residential accommodation on the site is appropriate in land use terms.

The proposal is considered to relate poorly to the adjoining development and would introduce an overly bulky and intrusive form of development which, due to the combination of its proximity to the access road and 3-storey height would appear visually intrusive and out of place, harmful to the character of the area.

The development is considered to have a harmful impact on neighbouring amenity as it would result in overlooking / invasion of privacy. Future occupiers would have no quality outlook and due to the glazed, restricted window openings, natural ventilation would be limited.

The application is therefore considered unacceptable in its current form, contrary to policy.

Recommendation:

Refuse permission

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