

<b>Delegated Report</b>		<b>Analysis sheet</b>		<b>Expiry Date:</b>		04/01/2011	
(Members Briefing)		N/A		<b>Consultation Expiry Date:</b>		16/12/2010	
<b>Officer</b>				<b>Application Number</b>			
John Sheehy				2010/5732/P			
<b>Application Address</b>				<b>Drawing Numbers</b>			
16 Hillfield Road London NW6 1PZ				Refer to draft decision notice.			
<b>PO 3/4</b>	<b>Area Team Signature</b>	<b>C&amp;UD</b>	<b>Authorised Officer Signature</b>				
<b>Proposal</b>							
Erection of two storey single dwellinghouse at the rear of 16 Hillfield Road (land fronting Mill Lane) following demolition of the existing garage.							
<b>Recommendation:</b>		Grant conditional permission subject to a 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	17	No. of responses No. electronic	19 5	No. of objections	7
<b>Summary of consultation responses:</b>		<p>A site notice was displayed from 15/11/10 to 06/12/10.</p> <p><b>Adjoining owners/occupiers</b> The occupiers of 14, 18B, 30, 36 (Flat C), 45, 76 Hillfield Road and 32 Burrard Road wrote in objection to the application. In summary the following concerns were raised:</p> <ul style="list-style-type: none"> <li>Proposed building too modern for Mill Lane;</li> <li>Loss of a parking space a negative feature in the context of existing parking stress;</li> <li>Encroachment to neighbouring gardens;</li> <li>Proposed development too high and will spoil the views of the existing houses;</li> <li>Visual privacy of facing properties not safeguarded by the proposal;</li> <li>Noise pollution to facing properties;</li> <li>Loss of garden area for Hillfield Road House;</li> <li>Proposed house too tall;</li> <li>Disturbance as a result of construction works;</li> <li>Construction works should not be undertaken prior to 8am Monday to Friday and should not take place at any stage over the weekend;</li> <li>Loss of daylight to neighbouring gardens;</li> <li>Precedent for other similar works in the area;</li> <li>"Creeping increase in height" of the buildings on this side of Mill Lane; and</li> <li>Impact on trees.</li> </ul> <p>The occupiers of 18B, 18C, 18D, 33C, 40, 40A, 44, 78, 92, 94 104, and 110 Hillfield Lane wrote in to support of the application.</p>					
<b>Local groups comments:</b>		No reply to date.					
<b>Site Description</b>							
The application relates to a single-storey garage located on the northern side of Mill Lane to the rear of No. 16							

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

### Application site:

**August 1967** Planning permission granted for the erection of two garages together with widening of the vehicular access to Mill Lane, ref. 3905.

### Other sites:

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

**October 2001** and **December 2002** planning permission refused for 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.*

**November 2004** Planning permission 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 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 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.*

**December 2009** Planning permission 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.

## Relevant policies

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

#### **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  
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  
DP24 Securing high quality design  
DP26 Managing the impact of development on occupiers and neighbours

## **Camden Planning Guidance 2006**

### **Assessment**

**Proposal:** Erection of a two-storey single dwellinghouse at the rear of 16 Hillfield Road (land fronting Mill Lane) following the demolition of the existing garage. The proposed house would be 5.0m W x 8.8m L x 5.6m H. It would be set back from the street edge along the same building line as the existing garage; the rear building line would extend 2.2m closer to 16 Hillfield Road than the existing garage.

### **Assessment**

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

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

#### 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.

#### 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 have a slightly larger footprint than the garage in terms of depth 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 by the Government and, whilst the openness of the rear gardens has existed for a long time, the site is not specifically protected from development by policies in the development plan (nor indeed in the current LDF). It is noted that recent changes to PPS3 reclassified garden land in order to prevent 'garden grabbing', however, the application site would continue to be classified by this document as previously developed land. 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 necessarily 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. 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, it incorporates large openings which are subdivided and give the building a strong horizontal element. This breaks up the mass of the building into much smaller components and creates an appropriate human scale for a residential building. At the same time the scale and shape of the window openings to the front and rear provide a visual reference to the nearby garages.

Yellow brick would be the main facing material - brick is also the predominant building material in the surrounding streets. 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 open with no gates or barriers. A covered refuse store would be located at this point. The design of the front boundary area is considered to be acceptable and no further details are required to be submitted by condition.

#### Quality of the proposed housing

The following accommodation is proposed:

<b>Two-bedroom (3-person) house</b>	
Bedroom 1:	12.2m <sup>2</sup>
Bedroom 2:	10.6m <sup>2</sup>
<b>Total floorspace:</b>	<b>68.6m<sup>2</sup></b>

Camden Planning Guidance states that new self-contained dwellings should satisfy the following minimum areas for overall floorspace:

Number of persons	1	2	3	4	5	6
Minimum floorspace (m <sup>2</sup> )	32	48	61	75	84	93

Camden Planning Guidance also requires first and double bedrooms to measure a minimum of 11.0m<sup>2</sup>. The proposed development is fully compliant with Camden Planning Guidance with regard to overall size of flats and the size of the bedroom. The house would be dual aspect (north and south facing) and would therefore have good outlook and 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 some of the 16 points of the criteria. The constraints of the site are such that not all of the criteria can be met, but the measures proposed are considered acceptable in this instance.

#### Impact on neighbour amenity

##### *Privacy*

The north-facing rear upper floor window of the proposed house, serving a bedroom, would face the residential terrace of properties along Hillfield Road. The applicant has indicated that this window would be obscure-glazed. A condition is attached to the decision notice to ensure that this window is obscure glazed and fixed shut to a height of 1.70m internally. One panel within this window would be openable to allow for ventilation. However, this would be fitted with a louvred screen in order to protect neighbour privacy.

The rear ground floor window serving the living room would be full-height and would link to a rear amenity area:

it would not be obscure-glazed or fixed shut. No concerns are raised in terms of neighbour privacy as a result of this arrangement as the property would have a rear boundary wall which would prevent direct views to facing properties to the rear - views to the terrace to the rear would be in an upward direction and would not penetrate deep into affected rooms.

Subject to the condition that would be attached regarding the rear upper floor window, the proposal would not result in direct views into the habitable rooms of facing residential properties or their gardens to the detriment of the amenity of neighbours.

#### *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 applicant has submitted drawings indicating that the 25° angle taken from the ground floor accommodation of neighbouring properties on Hillfield Road to the rear would not be breached by the proposed building. In addition, a Sunlight/ Daylight Study prepared by Rights of Light Consulting 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 state that no more than 40% and preferably no more than 25% of any garden should be prevented from receiving any sunlight at all on 21<sup>st</sup> of March. This proposal would reduce the amount of sunlight and daylight reaching the rear gardens of 14, 16 and 18 Hillfield Road on March 1<sup>st</sup>. The neighbouring garden most seriously affected would have its sunlight reduced by 13% on March 1<sup>st</sup>. 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 than the garage which it would replace. As a result of the proposal the rear garden to 16 Hillfield Road would be 15.5m in length from the rear wall of the property and 9.0m from the rear wall of the closet wing extension. 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.

#### Transport

The proposed development includes the provision of a front forecourt which allows parking for one car off-street. Given that the site currently provides one car parking space this is considered to be acceptable. The proposal is considered to be acceptable in transportation terms subject to the completion of a S106 making the new dwelling car-capped. The site has a Public Transport Accessibility Level (PTAL) of 4 (good) and is within a Controlled Parking Zone which has had 102 parking permits issued for every 100 spaces and is therefore oversubscribed. An obligation of the S106 should be that the applicant submits details of the address to be made car-capped before the new unit is occupied.

A financial contribution is required to repave the footway adjacent to the site and the vehicular crossover. This will need to be secured through a Section 106 (Town and Country Planning Act 1990) Agreement with the Council.

Covered, secure cycle parking for 2 cycles would be provided to the front of the property. This is considered to be acceptable and no concerns are raised.

#### Landscaping

The proposal potentially impacts on a TPO - protected plane tree at the rear of 14 Hillfield Road (Ref: H30-T2).

An Arboricultural Report has been provided in support of the application. This report satisfactorily demonstrates that the Plane tree will not be detrimentally impacted upon by the proposed development. The majority of roots from the Plane have been retained in the garden of No. 14 by a retaining wall and the structure of the garage itself. The foundations of the proposed building will not be any deeper than the existing garage foundations. Some crown raising will be required to the Plane tree to facilitate construction and provide clearance of the building. This is considered to be acceptable. It is recommended that a condition be imposed which secures the submission of a tree protection method statement.

Two small trees, an Apple (T2) (in the rear garden of 14) and a Bay (T3) will be detrimentally impacted by the proposals however neither tree is considered to provide a significant contribution to the character and appearance of the area and therefore should not represent a constraint on the development. A replacement tree at the NW corner of the site is considered to provide sufficient mitigation for the loss of the Bay and potential damage to the Apple.

The proposals incorporate a green roof which will contribute to the biodiversity value of the site. It is also proposed to plant climbers on the western elevation and on rear patio walls to provide green walls. These will make useful contributions to the biodiversity value of the site along with the proposed bird boxes on the western elevation. It is also proposed to plant a hedge on the front boundary with the adjacent site. The hard standing at the front is proposed as permeable block paving.

#### Other issues

Matters relating to noise and disruption caused by building works are covered by separate environmental health legislation. 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.

**Recommendation:** Grant conditional permission subject section 106 agreement.

#### **DISCLAIMER**

**Decision route to be decided by nominated members on Monday 14<sup>th</sup> March 2011.**

**For further information see**

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