

Delegated Report		Analysis sheet		Expiry Date:		07/04/2010	
		N/A		Consultation Expiry Date:		24/03/2010	
Officer				Application Number(s)			
Eimear Heavey				2010/0528/P			
Application Address				Drawing Numbers			
43 Meadowbank London NW3 3AY				Refer to draft decision notice			
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature				
Proposal(s)							
Additions and alterations including loft conversion with front and rear full width dormers, infill of front porch and repositioning of front door at ground floor level and excavation at basement level to existing single family dwelling house (Class C3).							
Recommendation(s):		Refuse planning permission					
Application Type:		Householder Application					
Conditions or Reasons for Refusal:		Refer to Draft Decision Notice					
Informatives:							
Consultations							
Adjoining Occupiers:		No. notified	06	No. of responses No. electronic	07 00	No. of objections	02
Summary of consultation responses:		<p>A site notice was displayed from 03/03/2010 until 24/03/2010</p> <p>Adjoining occupiers/owners Letters of objection were received from the occupants of 42, 44, 46 and 48 Meadowbank (some of which were duplicated) and the concerns raised are as follows:</p> <ul style="list-style-type: none"> • Overdevelopment of the site; • Loss of light, overlooking and loss of privacy; • Sets a precedent and not in keeping with the character of the area; • Results in additional bulk <p>Response: Please see assessment section of report for further comment.</p>					
CAAC/Local groups* comments: <small>*Please Specify</small>		<p>The application site is not located within a conservation area.</p> <p>Local groups No reply to date</p>					
Site Description							
The application site comprises an existing mid terrace property situated close to the end of the Meadowbank Estate, just off Oppidians Road. The property is not listed, nor is it located within a Conservation Area. The property is occupied as a single family dwellinghouse.							
Relevant History							
No planning history at application site.							
<u>Neighbouring properties</u> 2006/3811/P – LDC approved in Oct 2006 at 48 Meadowbank for proposed conversion of the integral garage into a habitable room and alterations to the roof.							

2008/5506/P – LDC approved in Jan 2009 at 56 Meadowbank for the installation of a dormer extension with two windows in the rear roofslope in connection with the existing single-family dwellinghouse (Class C3).

2009/2685/P – PP approved in Sept 2009 at 58 Meadowbank for alterations (part retention) to the existing single storey rear extension to dwellinghouse (C3).

2009/3691/P – LDC approved in Sept 2009 for 34 Meadowbank for erection of dormer windows to front and rear elevations of single family dwelling house (Class C3).

Relevant policies

Set out below are the UDP policies that the proposals have primarily been assessed against. However, it should be noted that recommendations are based on assessment of the proposals against the development plan taken as a whole together with other material considerations.

London Borough of Camden adopted Unitary Development Plan 2006

- SD1 Quality of Life
- SD6 Amenity for occupiers and neighbours
- H1 New housing
- B1 General Design Principles
- B3 Alterations and Extensions

Camden Planning Guidance 2006

LDF Core Strategy and Development Policies

Core Strategy Proposed Submission

CS1 – Distribution of growth

CS5 – Managing the impact of growth and development

CS6 – Providing quality homes

CS14 - Promoting high quality places and conserving our heritage

CS15 - Protecting and improving our parks and open spaces & encouraging biodiversity

CS16 - Improving Camden's health and well-being

CS17 – Making Camden a safer place

Core Development Policies Proposed Submission

DP2 – Making full use of Camden's capacity for housing

DP24 - Securing high quality design

DP26 – Managing the impact of development on occupiers and neighbours

DP29 – Improving access

As the draft LDF Core Strategy and Development Policies documents have now been published, they are material planning considerations. However, as a matter of law, limited weight should be attached to them at this stage.

Assessment

Proposal

Planning permission is sought for additions and alterations including loft conversion with front and rear full width dormers, repositioning of front door at ground floor level and excavation at basement level to existing single family dwelling house.

Definition of a highway

It is noted that a previous application for a Lawful development Certificate for a front dormer at 48 Meadowbank (Ref no. 2006/3811/P) was approved on the grounds that the private road was not a highway. The dormer has since been erected along with a similar dormer at 47 Meadowbank. However this approach is considered to be incorrect for the reasons set out below:

There is no definition of a highway in the GPDO, however, in the Town and Country Planning Act 1990, it states (at s328) that "highway" has the same meaning as in the Highways Act 1980. In turn, the Highways Act defines "highway" as "... the whole or a part of a highway other than a ferry or waterway".

Meanwhile the common law definition of a highway is "a route all persons rich or poor can use to pass and repass as often and whenever they wish without let or hindrance and without charge." Although it is accepted that the road to the Meadowbank estate is a private road and is not maintained by the Council, members of the public do have rights of passage over it and it does have a connection or link to the public highway (Oppidans

Road and Ainger Road), and as such it should be treated as a 'highway'.

Design

In this instance additions and alterations in the form of a loft conversion, front infill extension and excavation at basement level are proposed to the existing single family dwellinghouse.

Camden Planning Guidance states that roof additions are likely to be acceptable where the alterations are architecturally sympathetic to the age and character of the building and would retain the overall integrity of the roof form.

Loft conversion

The proposed loft conversion would incorporate front and rear dormers and would add approximately 44 cubic metres to the existing loft space. The proposed dormers are not considered to be Permitted Development as they do not comply with the parameters of the GPDO (Part 1, Class B) due to the fact that the space created exceeds the 40 cubic metres allowed in terrace houses and the front dormer extends beyond the plane of the existing roofslope of the principal elevation and fronts a highway (as explained above).

Furthermore, the proposed dormers do not comply with Camden Planning Guidance as they are full width, at 5 metres wide, do not appear as separate small projections in the roofslope and are considered to add unnecessary bulk to the roofslope, particularly to the front roofslope which is visible from the public realm. A 500mm gap has not been maintained between the roof ridge and either dormer and there is no separation between dormer and eaves. As such any evidence of the existing roofslope would be completely lost and the integrity of the roofscape would be unacceptably compromised.

Front infill extension

The proposed front infill extension and repositioning of the front door is considered to be acceptable as the works are small in scale, adding approximately 6sq metres of additional space to the existing kitchen. The proposed extension would not detract from the character or appearance of the property as the materials used would match existing. It is noted that there are several examples of such extensions in the Meadowbank estate.

Basement excavation

It is proposed to excavate at basement level in order to create approximately 50sq metres of storage space for the dwellinghouse. The proposed excavation would be no larger than the existing footprint of the dwellinghouse and as such is considered to be acceptable. The Councils Transport department have been consulted with regards to the application and have stated that a Construction Management Plan is not required in this instance due to the small amount of space being created at basement level and the fact that the construction vehicles could park outside the dwellinghouse.

Amenity

The proposed loft extension is not considered to impact adversely upon neighbour amenity in terms of overlooking, loss of privacy or loss of sunlight or daylight as there are no windows directly facing the application site which could be affected. The closest property, 46 Meadowbank, is approximately 15 metres away and does not have any windows at loft level and therefore there would be no issues in terms of loss of amenity. Objections were received from neighbouring properties who were concerned about loss of light; however given that the neighbouring properties are a significant distance from the application site and the proposed extension would be at loft level, a loss of light would be not noticed by the neighbouring properties.

Furthermore, the proposed basement and front infill extensions due to their location and size would not impact on neighbouring properties in terms of overlooking, loss of privacy or loss of daylight or sunlight.

Conclusion : Although it is accepted that a previous decision by the Council allowed a front full width dormer under PD, this is considered to be incorrect as the private road which serves Meadowbank is considered to be a 'highway' with public rights of passage. Notwithstanding the fact that the proposed erection of front and rear dormers in this instance do *not* comply with the GDPO, their design would add an incongruous and prominent feature to the roof which is considered to be contrary to the provisions of Policies B1 and B3 of the UDP (2006) and Camden Planning Guidance.

Recommendation: Refuse planning permission.

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