

Delegated Report		Analysis sheet	Expiry Date:	11/06/2009
		N/A / attached	Consultation Expiry Date:	
Officer			Application Number(s)	
Katrina Christoforou			2008/4868/P	
Application Address			Drawing Numbers	
20 Busby Place London NW5 2SR			See draft decision notice	
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature	
Proposal(s)				
Retention of a 4 storey plus basement and sub-basement side extension to the existing dwelling house (Class C3) at 20 Busby Place.				
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	19	No. of responses	03	No. of objections	03
			No. electronic	00		
Summary of consultation responses:	<p>19 neighbours were individually consulted. Four responses were received from neighbours at numbers 7, 9, and 11 Busby Place. The objections are summarised below:</p> <ul style="list-style-type: none"> - The plans are dated 15th October 2008 and cannot therefore take into account the reasons for refusal of application 2008/4769/P (Refused January 2009). - Don't understand why the application has been allowed to get to the consultation stage. - The drawings are identical to the application already refused. The only difference is that the internal staircase has been removed with fewer but larger rooms than previously. The building itself has not changed from the outside. - The current application does not mention the private car parking arrangement created without permission. The application states that parking arrangements are existing. Does this mean that the applicant is no longer applying for the private parking space and that the resident's parking bay outside the house will be reinstated. - Design and access statement is not sufficient. - The building is not smaller than others in the terrace and their design has not been replicated as claimed. - The Camden Gazette described the house as 'horrendously ugly'. - Building work did not start in February 2008 but in autumn 2005. - Neighbouring residents have been disturbed by out of hours building works and disruption from construction vehicles). The deep excavations have caused movement and damage to neighbouring buildings. - Reduced sun and daylight to neighbouring properties. - Unauthorised dumping of building materials. - Permission has been granted for a ground and first floor extension to the community centre at 17 Busby Place which will worsen the lighting and parking problems. - The building is larger than that applied for as per application 2007/5200/P which was refused. - The building is not in keeping with the terrace. - The hard standing is not in keeping. - Two on street parking bays have been removed. - Car parking is less secure. - The detailing in the front garden does not match with the terrace. - The rail/fences (<i>julliette balconies</i>) to windows look ridiculous and out of proportion. - The loft extensions are ugly and give the terrace a lopsided appearance. - The building is over developed. - The sloped reduction in width is badly executed and is an eyesore. - If the developer were allowed to flout the planning arrangements this makes a mockery of the process and disregards the wishes of the local community. 					
CAAC/Local groups* comments: *Please Specify	N/A					

Site Description

The 4-storey end of terraced property is situated on the south side of Busby Place, west of the junction with Oseney Crescent and east of Torriano Avenue. Number 20 Busby Place is in use as a single dwelling house. Due to a drop in ground level the properties along this terrace all have lower ground floor levels with front and rear gardens at lower ground floor level. The front boundary treatment for the whole terrace is a dwarf wall with railings and brick piers for the entrance gates.

The application property forms part of the recent redevelopment of the former Jews Free School site, which is bounded by Camden Road to the south, Torriano Avenue, Canteloves Gardens and Park, west and Busby Place north. The planning permission for the redevelopment, which was granted in January 2003, includes a condition that removes permitted development rights. The site is not in a conservation area and the building is not listed but all the properties are of very similar design and form an aesthetically homogeneous whole.

The application site is not in a C.A.

Relevant History

PEX0200214/R3: 15/1/2003 permission was granted for the demolition of Jews Free School buildings & redevelopment of the site for residential purposes (Camden Road, Torriano Avenue and Busby Place). Additional condition 5 of this planning permission removed permitted development rights within Part 1 (Classes A-H) and Part 2 (Classes A-C) of the Town & Country Planning (General Permitted Development Order) 1995 or any Order revoking and re-acting that order, from the residential properties.

2005/1901/P: pp granted July 2005 for the erection of a 2-storey side extension.

2005/3708/P: October 2005- pp was **granted** for erection of extension at the basement floor level, alterations to side and rear elevations, installation of dormers at the front and rear roof slope of the dwelling house (Class C3).

2005/4420/P: Dec 2005 - **withdrawn application** for the erection of a 4-storey side extension to the basement ground and first floor levels and installation of dormers to the dwelling house (Class C3).

2006/0278/P: April 2006 - **withdrawn application** for erection of a 3-storey side extension and dormer extension to front and rear of a single-family dwelling house (Class C3).

2006/4782/P: PP granted 22/12/2006 for the installation of front and rear dormers to single family dwelling house (Class C3).

2007/0928/P: August 2007 - **withdrawn application** –erection of a 3-storey side extension and dormer extension to front and rear of a single-family dwelling house (Class C3).

2007/5002/P: 12.2.08- pp was **refused** for the erection of a new 4-storey plus basement single family dwelling house on site adjoining no.20 with dormer windows at front and rear main roof, for reasons as follows:

1. The proposed new dwelling, by reason of its height, bulk, scale and proportions, would be an unduly dominant and incongruous feature which would detract from the appearance of the host building and the terrace of which it forms a group and would have a harmful impact on the established streetscape pattern and grain by a further reduction in size of the visual gap between buildings. This would be contrary to policies B1 (General design principles), B2 (Design and layout of developments large enough to change their context) and B3 (Alterations and extensions) of the London Borough of Camden Replacement Unitary Development Plan 2006 and supporting advice contained within the Camden Planning Guidance 2006.
2. The proposed development, by reason of its size and location, would result in loss of sunlight, daylight and outlook to habitable rooms to the detriment of the neighbours' residential amenities at no.26 Busby Place, contrary to policies SD6 (Amenities for occupiers and neighbours) of the London Borough of Camden Replacement Unitary Development Plan 2006.
3. The proposed forecourt parking for 2 cars exceeds the Council's standard for one off-street car

space per dwelling and would result in the loss of an on-street residents parking bay. The proposal would therefore be likely to contribute unacceptably to traffic and parking congestion in the surrounding area and be detrimental to highway and pedestrian safety, contrary to policies T7 (Off-street parking), T8 (Car free housing) and T9 (Impact of parking) of the London Borough of Camden Replacement Unitary Development Plan 2006 and supporting advice contained within the Camden Planning Guidance 2006.

March 2008, planning appeal lodged against the Council's refusal. In July 2008 the planning appeal was withdrawn.

Enforcement notices have been served in September and October 2008 against unauthorised erection of new house on this site and new dormers at no.20 itself; appeals against these will be heard at public inquiry in May/June 2009.

2008/4769/P: PP Refused 27/01/2009 (appeal lodged) for the retention of new building to provide a 4 storey plus basement and sub-basement dwelling house (Class C3) with front and rear dormers on land adjoining 20 Busby Place. Reasons for refusal:

1. The new house as erected, by reason of its height, bulk, scale, proportions and detailed design (in terms of front facade and front and rear dormers), is an unduly dominant and incongruous building which detracts from the appearance of the host building and the terrace of which it forms a group; it also has a harmful impact on the established streetscape pattern and grain by a further reduction in size of the visual gap between buildings. This would be contrary to policies B1 (General design principles), B2 (Design and layout of developments large enough to change their context) and B3 (Alterations and extensions) of the London Borough of Camden Replacement Unitary Development Plan 2006 and supporting advice contained within the Camden Planning Guidance 2006.
2. The new house as erected, by reason of its size and location, has resulted in loss of sunlight, daylight and outlook to habitable rooms to the detriment of the neighbours' residential amenities at no.26 Busby Place, contrary to policy SD6 (Amenities for occupiers and neighbours) of the London Borough of Camden Replacement Unitary Development Plan 2006.
3. The proposed forecourt parking, by reason of its size and shape, is substandard and detrimental to highway safety, as well as encouraging more parking at this property than the maximum parking standards allow. The proposal would therefore be likely to contribute unacceptably to traffic and parking congestion in the surrounding area and be detrimental to highway and pedestrian safety, contrary to policies T7 (Off-street parking), T8 (Car free housing) and T9 (Impact of parking) of the London Borough of Camden Replacement Unitary Development Plan 2006 and supporting advice contained within the Camden Planning Guidance 2006.

Enforcement History

On the 17th July 2008, following the refusal of planning application 2007/5002/P the Development Control Committee agreed a recommendation to serve an enforcement notice against the construction of the new four storey plus attic building/extension, flank wall, removal of the front boundary treatment, and creation of a new access on site adjoining this property. An appeal against this enforcement notice was submitted (APP/X5210/C/08/2086730).

28th August 2008 the Development Control Committee agreed a recommendation to serve an enforcement notice against the erection of new roof extension and reinstatement of the roof or implementation of approved scheme for dormer windows, and removal of protruding steel beam at ground floor level. An appeal against this enforcement notice was also submitted. This appeal was combined with that above and following the refusal of application 2008/4769/P this too was added to the above appeal to be heard at public enquiry on the 26/06/2009.

Relevant policies

RUDP: 2006

SD6 –Amenity for occupiers and neighbours

B1 General design principles

B2 –Design and layout of developments large enough to change their context.

B3-Alterations & extensions

T3- Pedestrians and Cycling

T7 –Off-street parking

T8 –Car free housing and car capped housing

T9 –Impact of parking

T12 - Works affecting highways

CPG 2006:

Section 19: Extensions, alterations and conservatories,

Section: 41 Roofs and terraces,

Section 30 Parking stress- residents' parking on-street.

Assessment

Background

In January 2003, the application site formed part of the wider redevelopment of the former Jew Free School site for residential purposes, which includes the nine terraced houses that fronts Busby Place. More recently, in July and October 2005, planning permission was granted for the erection of a 2-storey side extension, plus extension at the basement level and the installation of dormers to the main rear roof slope of the dwelling house. These permissions are valid for 5 years from the dates of decision (until 2010). Building works commenced on site some time ago.

Three further planning applications for the erection of a larger side extension plus dormer windows to the main dwelling house have been withdrawn by the applicant. They were withdrawn following discussions with officers about the massing and bulk of the side extension, design and overly bulky dormer windows.

A planning application for erection of a new 4 storey house to match the size and height of the adjoining no.20 Busby Place (2007/5002/P) was refused in February 2008. This also included a basement.

Notwithstanding the refusal, building works continued and the house was completed in summer 2008.

Enforcement notice was duly served against the unauthorised structure- see history above. The house as built differs from the refused scheme in various way in that it includes:

- A sub-basement under whole house and front garden;
- different windows at rear of basement;
- front door and staircases on all floors transposed to left-hand side of house;
- new side passage alongside flank wall thus ground and basement floors are wider than upper floors;
- different window pattern and proportions on front elevation, new 2nd floor railings at front;
- new rooflight and larger dormer on front roofslope;
- Larger dormer on the rear roof slope;
- different window pattern at 1st floor rear and larger roof dormers.

A further planning application for the retention of the 4 storey plus basement and sub-basement dwelling house (2008/4769/P) submitted in December 2008 along side the current application for its retention as an extension to the existing dwelling house at number 20. The external appearance is as existing for both applications with the internal arrangement being altered to suit the use as either a single dwelling or an extension. Application 2008/4769/P (separate dwelling) was refused on the 27/01/2009 and is the subject of a current appeal alongside refused application 2007/5002/P. However, the current application (2008/4868/P) was invalid for some time due to inconsistencies in the drawings submitted.

Design /bulk

The main concerns are the design, bulk and the impact on the appearance of the adjoining building of 20 Busby Place and character of street scene. The approved side extension was 1 storey plus attic level which was 1 storey below the main house; it was 6.5m high and 4m wide, less than the main house which is 5.2m wide. The new house as erected is of full height and it matches the main house of no.20 (14.7m) in height but is much wider, 8.2m at the lower and upper ground floors and 6.2m wide at the first and second floors and at the roof/attic level.

The 4-storey extension as now built clearly reflect officers' original concerns with regards to massing and bulk and its overall visually dominant impact on the appearance of the host building, the whole terrace of

houses and the street scene. As erected, it is not subordinate to the host building and is therefore unacceptable as it does not reflect the aims or objectives of the UDP policies or the CPG guidelines. The same issues arise here as before in the assessment of the previous scheme refused permission in Feb 2008 and Jan 2009.

The development is located at 20 Busby Place, at the eastern end of an existing group of modern reproduction terrace houses at 4–18 Busby Place. The terrace is three storeys in height and of yellow stock brick, with horizontal banding running through the first floor elevation. The cohesive terrace group is characterised by its rhythm and repetitive details, including the projected bay windows and uniform proportions. The site is located on a bend along Busby Place. At this point, three neighbouring sites converge, resulting in irregular plots of land and therefore a large gap in between properties.

The nine terraced houses originally retained a large gap on the east side of the host building and no. 26 Busby Place. The gap provided a vista allowing reciprocal views from the public realm and the new housing development site. With houses of varying scale and proportions the retention of the gap would help to separate the two sets of development, improving the long and short views from within the site and from Busby Place. The recent permission allowed a small side extension which was 1 storey below the main house- this partly filled the gap but did not completely lose the visual openness of this site and still allowed views to the side and over the extension. However the total infilling of the gap by another terraced house, which is the same size as, indeed larger than, the main house, is considered unacceptable in principle.

The justifications of Policy B1 (General design principles) para.3.10 states "*Designs should take into account the pattern of streets, spaces building lines and plot sizes in the surrounding area*". Policy B3 (Alterations and extensions) justification para.3.31 states "*Alterations and extensions can allow buildings to be enlarged, adapted and used more flexible. However ... alterations and extensions can cause harm to the appearance of a building and the character of the surrounding area. Alterations and extensions should follow the form, proportions and character of the building to which they relate. ...Development should not undermine any existing uniformity of a street. Past alterations or extensions to surrounding properties should not necessarily be regarded as a precedent for subsequent proposals for alterations or extensions*".

Based on the above policy positions, it is considered that the house as erected is unacceptable for reasons as follows.

The erected basement, 3 storey and attic extension with front and rear dormer windows is considered to be an overdevelopment on this site. Whereas the end houses (nos. 4 & 20) within the group form bookends, the house as erected has through its scale and proportions destroyed the original uniformity and cohesiveness of the terrace. The house as erected now forms the new end house to the terrace block, which does not warrant such an oversized building of horizontally broadened proportions, inappropriate to the remaining terrace group.

It is acknowledged that the house as erected has been designed to match the adjacent terrace row in its overall height and use of materials; however, the proposal cannot be considered as a continuation of the terrace group, neither can it be considered to be subordinate in scale and proportions to host building.

The width of the house is wider than the existing terrace module used at 4–18 Busby Place. This has resulted in a disproportionate building that is not commensurate with its established street pattern and urban grain, or with the continuity and notion of the terrace typology. The house as erected has undoubtedly had a detrimental impact on the rhythm, proportion, appearance and character of the terrace row.

The impact of the extension as erected in terms of scale, bulk and mass has effectively reduced the size of the gap between this site and its neighbour at 26 Busby Place. The approved extension of October 2005 reduced the visual gap here but still maintained a sense of visual permeability and views through to the development blocks beyond (hence officers' negotiations to reduce the size and height of the extension to ensure this streetscape character). However the house has not only reduced but removed this gap along Busby Place and has induced a greater sense of enclosure onto the smaller neighbouring properties.

Originally, the gap between these buildings serves to alleviate any sense of enclosure of the perceived and actual bulk of the terrace group and of any potential future development on this site. Whilst the

approved extension in filled partly the gap, it respected the proportions of the main house to which it was attached, it was subordinate to its size and height, and it allowed a some views around it. However the new extension's scale and bulk, with its wider built frontage, its matching height to the main house so that it reads as a continuation of this terrace, and its consequently much reduced gap between the new house and no.26 Busby Place, now results in a cluttered and overbearing streetscape elevation at this point.

Dormers at roof level of the main house were granted planning permission in December 2006 (2006/4782/P). The dormers approved as part of this application were considerably smaller than those erected and would have been subordinate additions to the roof. The dormers as erected at both the main house and to the extension are overly large and inappropriately tall and highly positioned on the roof slope. The drawings submitted with the application show the dormers, particularly at the rear, being reduced in size from those in place on site. It is unclear as to whether this was an intentional amendment on the part of the applicant or an error in the drawings. As built the front dormers meet with the ridge line, but the drawing show a slight set down of approx 0.1m. To the rear each pair of dormers are joined effectively forming one large dormer that meets with the ridge and spans the entire width of the each roof slope. The submitted drawings show a minimal set in at each side. The dormers are not compliant with policies B1, B3 or the CPG and are considered to be overly dominant, further unbalancing the proportions of the building and the terrace and having a highly detrimental impact on the character and appearance of the host property and the street scene.

Furthermore the window pattern and proportions on the new extension are different from that on the house previously refused (2007/5002/P); they are considered detrimental to the overall appearance of the new house in detailed design. The number of windows on front ground and first floors is excessive resulting in an unnecessarily busy facade; because of the lack of a projecting bay at front to match the adjoining terraced houses, the 2nd floor windows appear mean and squat in proportion and the balcony railing and cornice lines are meaningless. No objection is raised to the new side door or transposed entrance arrangement, or to the other window alterations at rear. No objection is raised to the additional side wing at ground floor level.

At base of ground floor level to the rear of the property (with basement levels below), a suspended steel frame has been fixed into the rear elevation. The frame has been built into the block work of the rear façade rather than being affixed to its face, this combined with the choice of structural materials and the omission of the Juliette balconies to doors at this level in the drawings submitted pre-validation raised concerns that the structure was intended to provide the basis of a balcony. The removal of this element has been required by the enforcement notice. The applicants have stated that the frame is intended to be a planter. Given the removal of permitted development rights the planter is considered to require planning permission. A planting bed in this position could be described as a balcony and would allow access on to it, the use to which it is put is immaterial. The appellant seems to be implying that if this balcony does not have any form of guarding or balustrade it will be acceptable. This is clearly not the case because access onto this balcony will still be possible and necessary to maintain the planting beds. It also not known what use future occupiers of the property will put the balcony too. The use of a platform in this position would result in a significant increase in the overlooking of neighbouring gardens from the exposed upper level a relationship which does not currently existing and is that is uncharacteristic of the terrace contrary to policy SD6. Any structure of this size is a visually discordant element in the otherwise uninterrupted rear elevation of the terrace and is clearly visible from surrounding properties contrary to policies B1 & B3. Furthermore the property already has a garden to use.

Day/sunlight & outlook

At the time of the previously refused schemes for full height additions 2007/5002/P & 2008/4769/P it was considered that the position and size of the structures would cause a loss of daylight and sunlight to the west facing habitable rooms of number 26 Busby Place. The windows affected serve bedrooms, kitchens and living rooms. Both the bedrooms and living rooms have dual aspect to the front or rear of the property, the kitchen windows on the flank do not. Since the time of the previous decisions it has been discovered that the kitchen, due to their limited size do not qualify as habitable rooms in the strictest sense in relation to the BRE standards. Therefore, whilst the development is considered to worsen the sun/daylight to the rooms concerned under the circumstances the impact is not considered to warrant a reason for refusal. However, due its proximity and bulk the extension and the loss of the gap site the extension is considered to be overly oppressive and to create a significantly greater sense of enclosure and a loss of outlook to the neighbouring property at number 26 contrary to policy SD6.

Objectors from the other side of Busby Place opposite the site have complained regarding a loss of light however their distance from the extension and the surrounding context of the site implies that their light is not significantly affected.

Transport

The application includes the retention of a hard standing forecourt with vehicular access from Busby Place in the area in front of the extension. The creation of the crossover has resulted in the loss of the resident's parking bay on the public highway to the front of the house, but this was relocated on the opposite side of Busby Place; no net loss of on-street parking has therefore occurred. The third reason for refusal of application 2009/4769/P related to this parking area. When the permission for the redevelopment of the Jewish Free School site was granted permitted development rights which would at the time have allowed for the creation of a hard standing at a single dwelling house without the need for planning permission were removed. The application for the retention of the extension as a new single dwelling house (2008/4769/P) included an assessment of the impact of parking in relation to policies T7 (Off-street parking) & T8 (Car free housing). As the current proposal seeks the retention of the structure as an extension to the existing dwelling house with no additional planning unit being created, these assessments do not apply in this instance.

Policy T9 which provides for the impact of parking, states that the Council will not grant consent for off street parking that it considers causes harm to highway safety, requires detrimental amendments to existing or proposed Controlled Parking Zones, or harms the setting of a building or the surrounding area. The Council will consider:

- a) any likely obstruction of the pavement;
- b) sightlines for emerging vehicles;
- c) impact on CPZ and on-street parking.

The previous boundary treatment, which is a strong townscape feature of the terrace, has been removed to create the off street parking area, which is harmful to the street scene.

There is a recently installed vehicular crossover to the property. The vehicle crossover was installed by Council approved contractors and assessed by the Council's traffic engineering section. The highway engineering section assumed that as the property was a single family dwelling house planning permission was not required and when approval was given, in October 2006, there was no side extension and there was adequate room at the side of the property to safely park vehicles.

The dimensions of the front forecourt are 7.0m width X 4.1m depth. The proposed off-street parking space on the forecourt is not large enough to accommodate vehicles end-on and is therefore unacceptable. Camden Planning Guidance section 49 stipulates that parking bay should be a minimum of 4.8m depth. The depth of this bay means parked vehicles would overhang the pavement and cause public nuisance. Additionally, parking at such an acute angle is likely to involve unsafe manoeuvring into the parking area. Given the width of the parking area, it is more likely that the space will attract more than one vehicle which would pose further highway safety concerns. The proposed off-street parking is unacceptable in transport terms because of its inappropriate size and shape, being detrimental to highway safety due to manoeuvring and overhanging of the pavement.

Recommendation:

Refuse planning permission.

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