

Address:	58 Meadowbank London NW3 3AY	
Application Number:	2007/3216/P	Officer: Paul Wood
Ward:	Camden Town with Primrose Hill	
Date Received:	28/06/2007	
Proposal: Retention of a single storey rear extension to single family dwellinghouse (C3).		
Drawing Numbers:		
Location Plan PL/E/000; 001; 011; 012; PL/P/001; 011; 012		
RECOMMENDATION SUMMARY: Grant planning permission subject to condition		
Applicant:	Agent:	
Mrs Rochelle Jeffries 58 Meadowbank London NW3 3AY	Ryan von Ruben Architects 5 Dryden Street LONDON WC2E 9NB	

ANALYSIS INFORMATION

Land Use Details:			
	Use Class	Use Description	Floorspace
Existing	C3 Dwelling House		180m ²
Proposed	C3 Dwelling House		191m ²

OFFICERS' REPORT

Reason for Referral to Committee: Clause 3 (ix), where the Director of Environment has referred the application for consideration after briefing members.

1. SITE

- 1.1 A four storey end of terrace townhouse fronting onto Meadowbank with an authorised use as a single family dwellinghouse.
- 1.2 The property originally had a small private rear patio, which led directly onto a communal rear garden area, shared with the surrounding properties in the terrace row. None of the other buildings at Nos. 52-57, or 46-51 Meadowbank (subject terrace row and terrace row behind) have been extended to the rear at ground floor level.
- 1.3 The site does not lie within a conservation area.

2. THE PROPOSAL

- 2.1 Planning permission is sought for the retention of a single storey rear extension to the end of terrace single dwellinghouse. The extension is located at the rear of the terrace and has consumed the entire patio area associated with the dwelling. The extension measures 2.58m deep, 5.23m wide, with a height of 2.87m. The extension is constructed from yellow stock brick with aluminium framed openings to match the existing materials of the dwelling.

3. RELEVANT HISTORY

3.1 58 Meadowbank

2005/5532/P: Conversion of existing single-storey side garage to additional habitable accommodation for the existing dwellinghouse. Granted 10.02.06

3.2 30 Meadowbank

2007/0951/P: Erection of a single storey rear extension and minor alterations to front ground floor elevation to single family dwelling house (C3). Granted 14.05.07 (*The single storey rear extension which was granted permission was set back 0.8m from edge of the communal garden*).

3.3 32 Meadowbank

PEX0200903: Construction of a single storey rear extension. Lawful development certificate issued 05.11.02

3.4 63 Meadowbank

Erection of a single storey rear extension consuming the entire rear private patio area. No planning history for this extension however it appears that it is now immune from enforcement action.

3.5 36 Oppidans

PE9800069R1: Erection of a single storey ground floor extension at the front and a single storey ground floor extension, with the existing balcony extended above it, at the rear, and the raising of the existing boundary wall at the rear. Granted 23.03.98 (*The extension was full width and had a depth of 1.8m, leaving a 0.8m strip of patio area. An enforcement notice was served against the property as a single storey rear extension was built not in accordance with the approved plans having been built deeper than approved and covering the whole patio area. The notice was appealed and was dismissed as the Inspector commented on the sense of openness at the rear of the properties and that the creeping erosion of the patio space should be avoided, regrettably the planning breach was never rectified and the extension is now immune from enforcement action*).

3.6 40 Oppidans

PE9800377R1: Erection of a ground floor full width, full depth rear extension and the creation of a balcony on part of its flat roof. Refused 10.07.98 (*The extension was refused on grounds that the total floorspace of the building following the proposed extension would be excessive in relation to the site and area generally; the extension would deprive a six bedroom single family dwellinghouse of its only amenity space and would adversely affect the character and use of the communal garden behind; the alteration to the rear balcony would be detrimental to the appearance of the building and visual amenity of the group of buildings; and, the balcony/terrace area would result in unreasonable overlooking of neighbouring properties. The decision was appealed and dismissed by the Planning Inspectorate on 19.01.99 generally supporting the Council's grounds for refusal*).

4. **CONSULTATIONS**

4.1 **Adjoining Occupiers**

<i>Number of letters sent</i>	8
<i>Total number of responses received</i>	16
<i>Number of electronic responses</i>	9
<i>Number in support</i>	0
<i>Number of objections</i>	16

A site notice was displayed from 26/06/2007 to 16/08/2007. A summary of the objections is as follows:

- The proposal is an overdevelopment within a high density area.
- The patios are an important part of the character of the development.
- The extension sets an undesirable precedent for similar extensions within the terrace row.
- The erection has been unlawfully erected without benefit of planning permission or Building Regulations
- The new entrance to the communal garden from the extension is on the side of the extension and makes access difficult to the communal garden.

4.2 An additional 9 letters of support have been included by the applicant but have not formally been submitted in response to the consultation process.

5. **POLICIES**

5.1 **Replacement Unitary Development Plan 2006**

- S1/S2 – Sustainable development
- SD6 – Amenity of occupiers and neighbours
- B1 – General design principles

- B3 – Alterations and extension
- N2 – Protecting open space

5.2 **Camden Planning Guidance**

- Extensions, alterations and conservatories

6. **ASSESSMENT**

6.1 The principal considerations material to the determination of this application are summarised as follows:

- The effect of the extension on the character and appearance of the building and surrounding area;
- The relationship of the extension to the communal garden behind; and,
- The impact on the existing amenity values of neighbouring properties.

Design and setting:

6.2 The extension has been erected within what was previously a small patio area to the rear of the property which was the only private amenity space associated with the subject dwelling. This patio area is a feature that is repeated throughout all the other terraced dwellings within the Meadowbank/Oppidans Estate. A further feature of the patio area of each terrace property is that it opens out directly onto a small area of communal garden behind, and most properties in the terrace rows back directly onto a similar 'patio to communal garden' setting, such that there is a larger area of communal garden between the two terrace rows. The interface between the private patio and the semi-private communal garden, and the loss of the entire private open space provision of the subject dwelling are a major consideration in the acceptability of the scheme.

6.3 Whilst no ground floor extensions to this group of properties exist, ground floor extensions have already been approved on similar properties in the Estate. It would be unreasonable to deny this property to extend out in a similar fashion. It is however noted that other extensions have been required to retain a setback of at least 0.8m from the edge of the communal garden, such that there is a buffer between the rear of the dwelling and the communal gardens, and the retention of some private amenity space.

6.4 There has been a varied history relevant to the subject application within the estate. There are examples of single storey rear extensions consuming the whole of the designated patio areas (63 Meadowbank and 36 Oppidans) which appear to have been erected without planning permission, but are now regrettably immune from enforcement action, while, in situations of full planning control, the size of the extensions have been restricted, requiring a setback from the rear wall to the edge of the communal garden of approximately 0.8m in order to retain a buffer between the patio and communal garden.

- 6.5 In the appeal decision for No. 40 Oppidans, which proposed a similar style of rear extension, the Planning Inspector noted that the *'development still retains an essentially homogeneous character which is clearly valued by local residents and worthy of protection'*, this could equally be said of the subject site and its relationship to the surrounding terraced dwellings. The inspector further provided justification for the previous refusal stating that *'... it would result in permanent ground floor accommodation being that much closer to the property immediately opposite and reduce the effectiveness of the open space'* and that *'... the present soft edge or buffer to the communal open space formed by the patio area and its associated planting would be lost and the proposal would have a further crowding effect upon the communal area, adding unacceptably to an already intensively developed area'*.
- 6.6 The relationship between the patio and the communal garden was further subject to an appeal at No 38 Oppidans, in the appeal decision, the inspector noted *'... the original design of the properties with private open patios around a communal garden attempted to give a sense of both openness and private space to occupiers of the dwellings. The private patios contribute to the feeling of openness; the communal garden to the feeling of private open space. Each is dependent on the other. ... This could easily be eroded and the amenities provided by the mixture of private and communal space easily reduced. To my mind the Council are right to be vigilant lest the amenities of the residents are unacceptably reduced or lost forever.'*
- 6.7 While the Planning Inspectorate has dismissed two appeals which proposed, or had unlawfully built, similar extensions, each of these properties were of the typical back to back relationship, whereby the interface between the patio areas and the communal open space was of particular consideration. The circumstances of these appeals and the subject application are not analogous and therefore the subject application must be considered on its merits alone.
- 6.8 The subject property lies at the end of the terrace and the rear extension is constructed at the exit of the garden and therefore its impact on the open character of the communal garden is more limited than would be the case on a mid-terrace property. Furthermore, the extension sits forward of the flank wall of No. 51 Meadowbank and therefore has a minimal interface with any open space. The existing communal garden in this space behind the extension is of limited amenity value in that it is towered by the flank wall of No. 51 and the rear wall of the subject property. In this regard the communal garden space at this point lends itself more to an entry passage to the more open communal garden further along.
- 6.9 As the setting of this extension does not have the typical 'back to back' relationship that is evident throughout the predominant built form of the estate, the extension is considered to not cause harm to the interface between patio space and communal garden. Accordingly it is difficult to prove the harm caused by this small extension at this low level to the use and function of the communal garden. In saying this however, should other applications be received for dwellings where the typical back to back pattern of development is established, the buffer between private patio space and communal garden would be a more important feature to retain.

- 6.10 The application is not in accordance with CPG guidance with regard to rear extensions in that it consumes the whole private amenity space of the subject dwelling, and represents a full width extension to the original dwelling. However, it is considered to be modest in scale and sympathetically designed to the existing building. Its simple design, minimal height and high level of glazing, drawing from the vertical pattern of the windows above, reduce the visual bulk, allowing the extension to appear sufficiently subordinate to the original building. This is further emphasised when viewed in relation to the height of the original building behind. The materials match the existing materials of the dwelling and in design terms the extension relates well to the original building. While the application results in the loss of the whole private open space associated with the dwelling, it is considered that the access to the communal garden behind and Primrose Hill opposite the site would ensure that occupiers of the property have good access to outdoor amenity space.

Residential Amenity:

- 6.11 The proposed extension does not result in any unreasonable overlooking and the bulk would not cause harm to access to light to the neighbouring property as the 45 degree angle taken from the mid point of its ground floor windows is not breached. It is however considered that should the flat roof be used as a terrace, this could result in overlooking into surrounding properties and therefore it is recommended that a condition require that the flat roof not be used as a terrace.

7. CONCLUSION

- 7.1 The extension is considered to complement the character of the terrace dwelling and the character and appearance of the broader Meadowbank/Oppidans Estate. It has not resulted in significant harm to the use, character or function of the existing communal garden and no demonstrable harm is caused to the amenity of the occupiers of the adjoining properties. The scheme is considered to generally comply with all relevant UDP policies.

8. LEGAL COMMENTS

- 8.1 Members are referred to the note from the Legal Division at the start of the Agenda.