

Delegated Report		Analysis sheet		Expiry Date:		16/03/2007	
		N/A / attached		Consultation Expiry Date:		26.2.07	
Officer				Application Number(s)			
Charles Thuairé				2006/5189/P			
Application Address				Drawing Numbers			
Land at rear of 264-270 Finchley Road London NW3				A-FR-PL-00-50; 01-50; 02-50; 03-50; 04-50; 05-50; 01; Sustainable Energy Strategy; Noise Assessment;			
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature				
Proposal(s)							
Erection of building comprising lower ground, ground and first floor with integral garage for use as a single-family dwellinghouse with vehicular access from entrance adjacent to 270 Finchley Road.							
Recommendation(s):		Refuse permission					
Application Type:		Full Planning Permission					
Reasons for Refusal:		Refer to Draft Decision Notice					
Informatives:							
Consultations							
Adjoining Occupiers:		No. notified	22	No. of responses	05	No. of objections	05
				No. electronic	00		
Summary of consultation responses:		23 Bracknell Gardens, 37 Heath Drive and 262-270 Finchley Road object- new building on rear garden in place of greenery, impact on nature reserve, wildlife and TPO on whole site; loss of privacy to adjoining properties; loss of light to garden and windows of Finchley Rd houses; noise and pollution from cars; dwelling still far too large for site and out of character with area; previous reasons for refusal still stand; Certificate incorrectly signed as access way is not owned by 36 Heath Drive; house not of modest scale and ugly design; does not comply with UDP policies on density, amenity, design principles, landscaping, biodiversity					
CAAC/Local groups* comments: <small>*Please Specify</small>		<u>Heath and Hampstead Society</u> object, despite lack of drawings to examine- backland site development, noise and disturbance, traffic obstruction on Finchley Rd. <u>Transport for London</u> (TfL) object on grounds of insufficient information to show that access to Finchley Road has sufficient visibility splays					

Site Description

Unusual backland site formerly part of garden of 264 Finchley Rd but now separated and disused and bought some years ago by owners of 36 Heath Drive. 264 Finchley Rd was redeveloped in 1960's by a block of 4 terraced houses with small gardens; a driveway adjoining gives shared access to their garages as well as the application site behind which has access through double garage gates. The garden is heavily overgrown and has a series of stepped levels with hard tennis court surfaces and play equipment, and is bounded by timber fences. It has several mature trees notably sycamores on the edges plus various scrubby saplings within the site. An Area TPO was served on the whole garden in December 2006.

The site is surrounded by gardens of properties in Heath Drive, Bracknell Gdns and Finchley Rd, which are 2 –3 storey substantial sized houses. The rear gardens of the 2 former roads are within the RedFrog conservation area.

Relevant History

20.11.69- outline pp refused for s/c single storey dwelling.

29.7.70- appeal dismissed on grounds of increased overlooking and disturbance to neighbours.

19.9.00- pp refused for bungalow on basis of backland devt in CA; subsequently realised that reason for refusal was erroneous as site was not in CA.

5.7.01- Cttee resolution to grant pp for same, subject to s106 to ensure bungalow was only used as annexe ancillary to 36 Heath Drive with no use of driveway and no car parking on site (S106 never signed)

7.3.05- pp refused for erection of detached house with integral garage with access from Finchley Rd, for reasons of bulk, height and footprint and loss of or damage to trees

Relevant policies

Replacement UDP- S1,2; SD1,4,6,9; H1,7; B1,7,9B; N2C,5,8; T7,9

Camden Planning Guidance

Assessment

The issues of development of this site were extensively discussed in the Committee report of 2001 relating to the previous scheme for a retirement annexe associated with 36 Heath Drive and then again in the delegated report of 2005 relating to a detached family house with access from Finchley Road. The former scheme was for a single storey L-shaped bungalow with pitched roof, located in the SE corner of the site and with no garaging or access from Finchley Rd, solely pedestrian access from rear garden of 36 Heath Drive. The latter scheme was for a very large 2-3 storey with pitched roof dwelling house at the front part of the site, partially L-shaped, almost spanning the full width of the site and occupying almost a third of the site, with an integral double garage with external forecourt space and access for cars off Finchley Rd through the existing double gates and driveway.

The applicants have since discussed various revised options for a detached house here, following the acceptance of the principle of a detached house here (see below); officers have suggested in 2005 and 2006 that a much smaller house of a square footprint and with ground and attic floors plus possibly a basement storey set into the stepped garden level, could be acceptable here.

They have now resubmitted a scheme for a self-contained and separate dwelling house with access off Finchley Rd. It will be 10m deep and 12m wide located on the lower ground level of the stepped garden, i.e. 6m away from the boundary with houses in Finchley Rd. It will have 3 storeys, with a semi-basement, raised ground floor and attic floor within a pitched roof, accommodating an integral garage and 3 bedrooms. The garage is accessed by a ramped driveway down from the existing access drive, and the front pedestrian entrance also at lower ground level is accessed via a series of steps at the side.

Principle of devt

The principle of some form of development on this site has been previously accepted by the previous resolution in 2001 to grant permission for a retirement annexe. Since that date, circumstances have changed: the site has become more overgrown and unusable as amenity space, and a new replacement UDP has been adopted as well as national and strategic guidance

(the Mayor's London Plan, PPS1 and PPG3) which all encourage more housing in inner city locations and advocate higher densities and fuller use of vacant and underused sites for housing where appropriate.

It is considered that a small-scale dwelling house of a similar bulk and location as the previous scheme would accord with these aims, as well as with UDP policies encouraging fullest use of underused sites and increasing housing provision within the borough, and it would not conflict environmental objectives by harming local amenity or landscape. The local topography with the site stepped and sunken below adjoining gardens means that a small single storey building would be barely visible from neighbouring properties and would not harm local views or the general impression of a landscaped rear garden setting, nor would it harm the character and appearance of the adjoining CA. The site is unique compared to neighbouring gardens, in terms of its layout and separation from the original host property so that it no longer functions as a rear garden, and in terms of its dedicated driveway (with entrance shared with nos.264-70), so that no new vehicular entrance needs to be created onto Finchley Rd. It is considered that the unique nature of this site means that it should not set a precedent for any future development in other rear gardens of Finchley Rd.

Although an independent house would accommodate a separate household unrelated to 36 Heath Drive and would generate new car parking and traffic accessed off Finchley Rd, unlike the previous retirement annexe, it would be difficult if not impossible to sustain a refusal on the basis of an unquantifiable increase in noise and nuisance arising from traffic and household activities; indeed it would be difficult to demonstrate what difference there was in nuisance from another family household here, as there was no control on the "approved" scheme over the type or behaviour of any subsequent occupants using the annexe, if the retired parents moved out. The applicants have submitted an acoustic noise report which shows that the likely generation of car movements along the driveway for a single storey dwelling house would be limited and intermittent and would be 10dB below the existing surveyed background noise levels at night time, so that neighbouring residents at nos. 264-70 would not be unduly disturbed especially at night. Equally if the house was designed to ensure no new windows faced the rear of Finchley Rd properties, it would not cause any loss of privacy. It is thus considered that the Inspector's main reason for dismissing the appeal in 1970, based on additional noise disturbance and privacy from vehicular movements and use of a dwelling house, cannot be used now as a substantiated reason for refusal.

Housing standards

The proposed new house would meet density standards, as the proposed density of 100HRH is below the suggested density range of 150-200 HRH for the area. The proposed family sized dwelling unit also accords with UDP policy for increased family housing provision. However the configuration of the new house and its proposed access does not comply with all LifeTime Home standards as required by UDP policy H7. Although the internal layout is capable of compliance with most standards, the staircase is not designed to accommodate a stairlift, the proposed lift appears too small to accommodate a person, and there is no wheelchair-accessible entrance level toilet. Moreover, more fundamentally, there is no level access to the pedestrian entrance from the access driveway, as the main entrance is at the lower level reached by 2 flights of external steps; this is somewhat illogical as occupiers would then have to climb an internal staircase to reach the main living accommodation on the upper ground floor.

Traffic

The house provides 1 new car space in accordance with new UDP standards; it is reached by a 1:12 ramp from the driveway which is also meets standards on gradients. The manoeuvring space, although tight on and off this ramp, appears adequate to allow cars to enter and exit in a forward facing direction. Traffic officers have not previously raised any objections as the entrance already exists off a major distributor road and is capable of safely accommodating cars for one more dwelling in addition to the existing 4 houses. Although TfL have raised a holding objection, the existing vehicular entrance, which already serves the other 4 houses, has adequate visibility splays and it is considered that its increased usage would not affect the safe operation of the Red Route of Finchley Road.

Neighbour amenity

There would be no loss of amenity in terms of light and outlook to neighbouring residents, and the house profile is below the 25 degree angle from the lowest floor windows of the nearest houses at 264-270 Finchley Rd. However, unlike the previous refused scheme, the upper ground and attic floors both contain habitable room windows facing these properties which are 16m away, less than the minimum distance recommended to protect privacy, and thus it is considered that without the imposition of appropriate obscure and fixed glazing, their amenities would be harmed.

Bulk/footprint/location

The footprint of the proposed house is considered acceptable. It will be rectangular, 10m x 12m, and is not significantly larger than the L-shaped footprint of the previous approved bungalow. The square rather than L-shape is not in itself significantly different enough to make the building appear bulkier in views from rear houses in Bracknell Gardens.

However the height and overall bulk of the proposed house is still unacceptable. Previous advice in 2005/6 suggested that a 2 storey house could be acceptable here with the top storey contained within a pitched roof, which would not be substantially larger than the height of the previous approved pitched roof bungalow. It was also accepted that a basement could be possible by taking advantage of the stepped levels of the garden (depending on its precise position), although it is noted that the approved scheme actually was partly set into and below the raised middle garden level rather than sitting on top of it. A location of the house on this middle level and further away from Finchley Road would improve the outlook and privacy of those houses, but conversely such a higher level would make the new house more prominent in the landscape and also part of the exposed basement and associated car ramp would be visible, adding to its apparent bulk. Notwithstanding this previous informal advice, it is considered that, in the light of current new adopted UDP policies and CPG guidance, a more low-key dwelling unit designed on sustainable principles would be preferred by having it sunken into the stepped topography with a green roof, so as to blend into the surrounding vegetated landscape and its garden setting.

It is acknowledged that the new scheme is considerably smaller than the previous refused scheme, including its approx 3m lower height. Nevertheless it still appears too high as a result of the house having an over-large roof and a semi-basement level raised above the lowest garden level on this site, so that the house is approx 1m higher (above driveway level) than the sketch scheme previously submitted and commented on by officers. It is not clear how accurate the stepped garden levels are as shown on the application as they do not compare with previously submitted draft scheme. The problem seems to be the basement floor, which in its raised position appears as another storey above ground level and thus adds to the bulk of the house, whereas any basement here should be truly underground. In addition the pitched roof is top-heavy in its design with large projecting eaves, and a much shallower form would be preferred to emulate the approved bungalow. This form, combined with the square shape of the house and lack of overall modulation (as previously found in the approved L-shape with gables), adds to the general perception of excessive bulk and mass. The resulting building in this location would not be subordinate to the frontage of 3 storey houses at 264-70 Finchley Road.

In conclusion, it is considered that the height and footprint combined produce an inappropriately bulky building for this rear garden context which would be out of character with the surroundings and would introduce a new built form which is incompatible with the landscaped nature of the overall rear garden setting, where the characteristic urban grain is one of large well-treed rear gardens behind large houses fronting roads. This characteristic is the same as that of the adjoining Conservation Area, and this loss of openness and introduction of a part 2 part 3 storey building dominating the landscape would also harm the character/appearance of the adjoining CA.

Design

The proposed design of the house in terms of both its roof form and its detailed elevational design is atypical of its surroundings and prevailing characteristics of the locality. The 4 elevations have different architectural styles, fenestration types and design features which combine to produce a

confused and poor architectural composition which is unacceptable.

Trees/landscape

The site is the subject of an Area TPO which was served on account of the value of existing large trees to the character and amenity of the area and the potential of other specimens on the site to develop into trees that would contribute to the character and amenity of the area. The site is considered to contribute to the character of the adjacent Conservation Area and the larger trees are visible from Heath Drive. In terms of the developing potential of trees on the site, there are for example a number of trees growing along the boundary at the rear of 264-270 Finchley Road which will in time provide a screen between the site and the rear of these properties. In essence the site is a developing woodland and is also considered to have value to the local biodiversity of the area largely as a result of its currently undisturbed state.

The survey plan submitted shows the trees on and adjoining the site but does not identify their species or amenity value nor does it indicate all of the trees on the site. Those trees that are indicated have not been identified. No attempt has been made to assess the value of trees on the site or identify clearly those trees which would be lost as a result of the proposals. As the site is covered by an Area TPO, it is particularly important that any proposals are accompanied by a tree survey and a tree constraints plan carried out to the standard set out in BS 5837: 2005. This should inform the siting and layout of the building and landscape details either in terms of incorporating trees into the scheme or identifying opportunities for replanting as mitigation of those that might be lost.

A further constraint on the site is the nature and character of the site itself, as a developing woodland and refuge for wildlife. This should be reflected in the design of the building. It is considered that in landscape terms, a more appropriate response in terms of built form to a site of this character is a form that emphasises horizontal lines rather than verticality. As already suggested, a flat or sloping green roof would better integrate the building into the site and would have additional benefit in providing a wildlife habitat.

Conclusion

It is thus concluded that the proposed house, due to its excessive bulk and height and inappropriate design, will unacceptably harm the character and appearance of the rear garden landscape and setting of neighbouring houses and also that of the adjoining CA. It could also result in loss of trees that have amenity value to the local landscape, and would result in loss of privacy to neighbours. Furthermore it does not comply with Lifetime Homes standards.

Although it is considered that in principle an independent dwelling house of a reduced scale and size would be possible here with a maximum of 2 storeys high above ground level, it is suggested that a fundamentally new design approach is required here which better responds to the constraints of the site and blends in with the local topography and landscape.

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