

<b>Delegated Report</b>		<b>Analysis sheet</b>		<b>Expiry Date:</b>		28/09/2006	
		N/A / attached		<b>Consultation Expiry Date:</b>		08/09/2006	
<b>Officer</b>				<b>Application Number(s)</b>			
Grant Leggett				2006/3567/P			
<b>Application Address</b>				<b>Drawing Numbers</b>			
Land to rear of 165 Brecknock Road London N19 5AD				Site location plan; 1; 2; 3; 4; 5; 6.			
<b>PO 3/4</b>	<b>Area Team Signature</b>	<b>C&amp;UD</b>	<b>Authorised Officer Signature</b>		<b>Date:</b>		
<b>Proposal(s)</b>							
Erection of a part single/part two-storey dwelling house (Class C3) to the rear of the building with frontage onto Lady Margaret Road.							
<b>Recommendation(s):</b>		Refuse Planning Permission					
<b>Application Type:</b>		Full Planning Permission					

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	41	No. of responses	06	No. of objections	05
Summary of consultation responses:	<p>Objections:</p> <ul style="list-style-type: none"><li>The design and position of the house is inconsistent with the character and appearance of the area. The Victorians knew how to design a streetscape and it should be respected.</li><li>The house would be cramped on the small site. There would be no garden amenity space for the building or for the main Brecknock Road building. The building would be intimidatingly close to the extended Brecknock Road building.</li><li>The space is attractive green space with trees and shrubs. It provides a visual break and view through to the gardens and trees at the back of the houses from Lady Margaret Road.</li><li>The development would cause extra pressure on parking in the area.</li><li>The proposed building fails to respect the established building line of Lady Margaret Road. This has implications in urban design terms as well as on the amenity of neighbours on Lady Margaret Road by virtue of enhancing the sense of enclosure to, in particular, no.70.</li><li>The proposed house includes a flat roof which could be used as a terrace and enable overlooking of the neighbour's property and project noise over the neighbour's property.</li></ul> <p>Comment:</p> <ul style="list-style-type: none"><li>The development is generally sympathetic to the neighbourhood.</li><li>Assurances sought that no additional storeys would be built to the dwelling in future.</li><li>Three mature trees were felled to clear the site but it has been suggested that replanting is proposed. The trees are not shown on the plans. These would greatly enhance the local environment.</li></ul>					
CAAC/Local groups' comments:	Not in any conservation area.					

## Site Description

The site is occupied by a three-storey semi-detached residential building (Class C3) situated on the South Side of Brecknock Road at its intersection with Lady Margaret Road. The application specifically relates to the rear garden of the building which has a frontage onto Lady Margaret Road.

The rear garden is approximately 1.5m higher than the existing ground floor level of the main house, and slopes upward to ward the rear.

The site is not within any conservation area.

Brecknock Road is the borough boundary with the London Borough of Islington.

## Relevant History

February 2006: Planning permission **granted** for Replacement of existing two-storey rear extension with new three-storey rear extension and the erection of a rear dormer window in connection with the change of use of part of the ground floor from office (Class B1) and conversion of the existing residential self-contained accommodation above to create 6 x new residential self-contained flats: 1 x 3 bed; 3 x 1 bed and 2 x studio (Class C3).

The extension had been erected at the time of the site inspection.

## Relevant Policies

London Borough of Camden Replacement Unitary Development Plan 2006

SD1 – Quality of life  
SD2 – Planning obligations  
SD6 – Amenity for occupiers and neighbours  
SD9 – Resources and energy  
H1 – New housing  
H7 – Lifetime homes and wheelchair housing  
B1 – General design principles  
N5 – Biodiversity  
N8C – Trees  
T3 – Pedestrians and cycling  
T8 – Car-free housing and car-capped housing  
T9 – Impact of parking

Supplementary Planning Guidance 2002

Camden Planning Guidance Consultation Draft 2006

## Assessment

Permission is sought to erect a part single-storey/part two-storey dwellinghouse in the rear garden of the main house on Brecknock Road, with a frontage to Lady Margaret Road. The garden would be partially excavated to enable the house to be erected.

The application follows the recently approved (February 2006) and constructed extension of the main building at 165 Brecknock Road which provides 6 new residential flats, a net increase of 3 new units. It is considered to consider the proposed development as being associated with the recent development at the site as many of the effects of the developments have a cumulative impact.

The existing west elevation (DWG No.1) is incorrect and misleading in that it shows the existing wall height being approximately 1m higher than it actually is. The application is therefore also considered to involve the increased height of the wall to that shown on the proposed drawings.

## Residential development

Housing is the priority use of the UDP and new housing is welcomed by policy H1, subject to compliance with other policies.

The proposed dwelling is large for its intended occupancy (141m<sup>2</sup>) but not considered to be so large as to constitute a profligate use of the land.

## **Urban design**

The site is not within a conservation area. However it is understood the site has not been previously developed and is therefore not considered to be a brownfield site. The site therefore retains a distinct character as garden amenity space for use ancillary to the main residential building. It also contributes positively to the wider character and visual amenity of the area providing openness, visual relief from within the built environment and contributes to the biodiversity of the area generally.

This pattern of development, where terraces adjoin each other and the rear garden from one terrace adjoins the side end of another creating a gap which is typical of Victorian townscape is prevalent in the area. There is no established pattern of development of these rear garden gaps where the garden has been developed to provide new dwellings or any other form of development that is not ancillary to the host building.

Policy B1 states that developments must respect their site and setting and seek to improve the attractiveness of an area and not harm its appearance or amenity. In assessing how a design takes these matters into account the Council will consider building lines and plot sizes, the existing pattern of routes and spaces, the height, bulk, scale and design of neighbouring buildings, the quality and appropriateness of detailing and materials used, and the impact on views.

The Draft Camden Planning Guidance 2006 states that gardens make an important contribution to the character of the townscape and contribute to the character and appearance of buildings and their surroundings. The historical pattern of development means that gardens are particularly subject to development pressure with their loss eroding local character and amenity and reducing their biodiversity. Rear gardens such as this one which has a frontage to a side road also contribute to the character of an area with views through to them in gaps between buildings. The maintenance of views through to trees and other vegetation in rear garden areas is a key design strategy for the maintenance of the character of an area.

The proposed development would create a new residential dwelling on the garden site. It thereby fails to respect the site and its setting and in doing so it harms its appearance and amenity. While only two storeys high at its highest point it occupies the historic gap between the terraces of buildings on Brecknock Road and Lady Margaret Road which is typical of a Victorian streetscape, and detracts from the existing public view to the rear gardens of the main Brecknock Road buildings.

The proposed development also fails to respect the historical pattern of development; generally in terms of the loss of the garden space and loss of a historic visual gap between buildings as discussed above, and specifically in that the proposed building does not respect the established building line along Lady Margaret Road. There is a substantial single-storey projection beyond this established front building line.

The recent extension to 165 Brecknock Road is not considered to contribute significantly to the impact of the proposed dwelling on the urban design of the area.

The detailed design of the building also fails to respect the design and character of neighbouring buildings. It is a modern design, which is not necessarily unacceptable, but the scale and proportions of the building in terms of height and width and in particular fenestration do not reflect the character of neighbouring buildings. The area is characterised by exposed eaves, projecting bays, timber sash windows and steep-pitched roofs. The proposal height, design and proportions which includes a flat roof is not informed by and does not respect this established character.

The development proposes a limited materials palette of brick, glass brick and metal framing that does not reflect the stock brick, natural slate, stucco and timber joinery of the area.

The proposed increase in the height of the wall is acceptable, and would provide some obscuration of the ground floor of the proposed building.

While precedent is not in itself a reasonable grounds for refusal of an application it must be recognised that granting planning permission for the proposed dwelling would limit the Council's ability to refuse similar applications in the area and of the same context. It could therefore be expected that the established original Victorian pattern of development in the area would be eroded and eventually lost.

## **Biodiversity, water and energy conservation**

Policy N5 expects development to consider conserving and enhancing biodiversity, including creating wildlife

habitats. The proposed development would cover the entire 160m<sup>2</sup> garden site with buildings or paved surfaces. The recent extension to the building also contributes to the loss of permeable green surface. The contribution the site makes towards the biodiversity of the area would therefore be lost. Aside from a few planter boxes indicated on the proposed drawings the development does not take the opportunity to preserve the biodiversity of the site, which would readily be achieved by the addition of green roofs.

Policy SD9 seeks developments that conserve energy and resources through designs for energy efficiency, renewable energy use, optimising energy supply and the use of recycled and renewable building materials. The applicant has provided no details of any of energy-saving or renewable features in the development in accordance with this policy.

While the rear garden is currently well-vegetated there are no trees on the site. It is understood though that three mature trees were cut down to clear the site in preparation for this development, and while this is lawful it is extremely regrettable. Further clearing of the site's vegetation could also be done without planning permission. However if permission were granted for the redevelopment it would be expected to provide a level of landscaping to provide amenity for the area. The proposed drawings indicate that two trees would be planted.

### **Residential amenity**

The proposed floorspace (141m<sup>2</sup>) far exceeds the amount sought under SPG for the intended occupancy of the dwelling. The internal arrangement and fenestration is such that the standard of accommodation would be acceptable in that it would receive adequate natural light and outlook, although some habitable rooms are single-aspect.

The proposed building would create a 3.5m high wall within 1.2m of a habitable window at the rear of 165 Brecknock Road. The proposed building has a setback set opposite the potentially affected window, presumably to reduce this effect, but in any case some form of fence or screen would need to be erected to prevent overlooking so the effect would occur anyway. The level of effect on daylight and sunlight to the habitable room window is considered significant. The affected window is south-southwest facing. The extension would intersect a 45-degree plane from the top of the opposing structure which would be 1.2m away directly in front. The nearest building, 70 Lady Margaret Road does not cause any effect on the 45-degree plane. The window is a secondary window but is the best source of natural light to the room.

The proximity of the proposed wall to the habitable window would also cause an unacceptable increase in the sense of enclosure to the ground floor flat at 165 Brecknock Road and also unreasonably affect outlook from the window.

There is concern that the ground floor element that projects forward of the established building line of Lady Margaret Road would enhance the sense of enclosure at 70 Lady Margaret Road. The ground floor protrusion would be 4m beyond the established building line of 70 Lady Margaret Road to a height of 2.5m. This is not significantly higher than the existing flank wall and thus the increased sense of enclosure would not be considered to be harmful.

There is an area of flat roof that could be used as a terrace to the detriment of privacy to front habitable windows at 70 Lady Margaret Road. Any approved development would require a condition preventing the use of this roof as a terrace.

There is also a first floor habitable room proposed which would enable overlooking into the rear facing habitable windows at 165 Brecknock Road. The distance between these rooms is 13m and as such a reason for refusal on this ground is recommended.

Policy H1 expects all new residential developments to provide a high standard of accommodation. This includes provision of amenity space. Camden SPG requires 9m<sup>2</sup> of outdoor amenity space to be provided per bedspace in new developments, which amounts to 36m<sup>2</sup> for the proposed development. The proposed house would have 46m<sup>2</sup> of amenity space made up of three separate paved areas, some of which are heavily enclosed by walls and fences. The space provided is of a low quality compared to the quality of the amenity space lost to the site and typical of residential buildings in the area, but is acceptable.

Consideration must be given, however, to the overall situation in relation to open space on the site. The number of units would increase to 7 from the two developments, a net increase of 4, and result in a 70% reduction in the amount of amenity space on the site which is regrettable. If assessed as a single application the development would be expected to provide 144m<sup>2</sup> of amenity space which again is made up of small,

physically separated, piecemeal and enclosed paved areas, including one area in the front forecourt which would not be of much use at all. A total of 102m<sup>2</sup> is provided, a shortfall of 42m<sup>2</sup>.

Policy N4 and SPG expect developments that add 5 or more dwellings to a site and that fail to provide the required level of amenity space on site are expected to make a contribution toward the development of an equivalent amount of open space (9m<sup>2</sup> of public open space per person) within the borough to ensure that the development does not place unreasonable pressure on the boroughs existing open space stocks. The overall site would provide 7 residential units, but only a net increase of 4 new units. The contribution could therefore not be sought unless the applicant voluntarily makes a contribution.

Nevertheless the overall development of the site provides a significant reduction in the quantity and quality of amenity space at the site and fails to provide sufficient amenity space for the development as sought under SPG. This constitutes a reason for refusal. However it should be recognised that if the applicant was willing to enter into a s.106 agreement to provide a contribution toward open space development the reason for refusal could be overcome. The amount of the contribution would be calculated from SPG and amounts to £2,310.

### **Transport**

The previous permission to provide 3 additional flats within the main building was granted subject to a s.106 agreement to make the development car-free as is enabled by Policy T8. This was because the development was considered to cause unacceptable additional pressure on the heavily-parked CPZ contrary to Policy T9.

The proposed development would further intensify the residential occupancy of the site and cause additional pressure on parking in the CPZ which would be unsustainable, contrary to Policy T9. In the absence of a s.106 agreement for car-free housing a reason for refusal should be added because of the unsustainable effect on parking.

No provision has been made for the storage of cycles. The cycle parking standards contained in Appendix 6 of the RUDP require one cycle per new residential unit. Given the lack of car parking at the development this is considered essential, and no indication has been given as to whether such storage could be provided within the building.

However given the size of the proposed unit and the secure outdoor space available it is considered that if the proposed development were otherwise acceptable that a condition could be imposed to require details of the cycle storage to be provided for approval. It is therefore not considered that a reason for refusal should be added regarding the lack of cycle storage.

Similarly, no provision is made for the storage of refuse for the development, but again it appears that there is ample space for such provision should the scheme be revised to an acceptable standard.

### **Access for all**

Policy H7 encourages all new housing to be accessible to all and states that new housing should be built to lifetime homes standards. The current scheme should incorporate lifetime homes standards and should be encouraged to be wheelchair accessible. No details of how the development would comply with Lifetime Homes standards has been provided.

### **Recommendation**

Planning permission should be **refused**.

## **Disclaimer**

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