

2013/7801/P 7 Hilltop Road, NW6
Site location plan



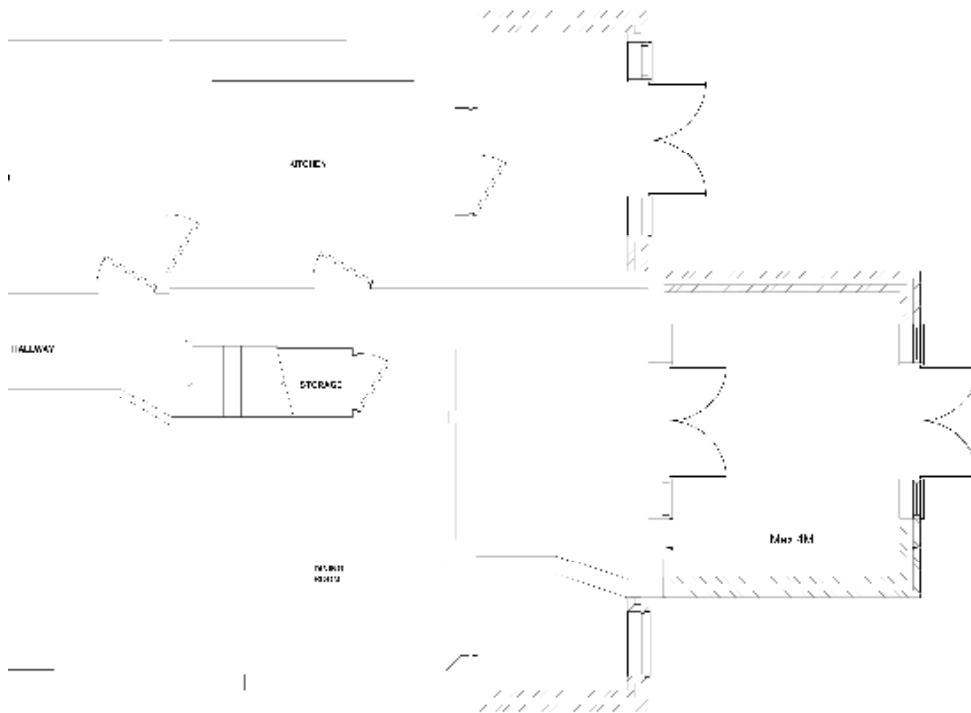
2013/7801/P 7 Hilltop Road, NW6

Photos

Rear elevation



Proposed ground floor plan



LDC (Proposed) Report (Members' Briefing)		Application number	2013/7801/P
Officer		Expiry date	
Jenna Litherland		29/01/2014	
Application Address		Authorised Officer Signature	
7 Hilltop Road London NW6 2QA			
Conservation Area		Article 4	
Not applicable.		Not applicable.	
Proposal			
Single storey rear extension			
Recommendation:	Grant certificate		

1. Site Description

- 1.1 The site is located on the eastern side of Hilltop Road and contains a two storey detached house.
- 1.2 The house dates from the late 19th/ early 20th centuries. It is finished in red brick and render to the front and brown brick to the rear. The rear elevation contains a shallow depth two-storey rear extension.
- 1.3 The site is not located within a Conservation Area (CA), however it borders South Hampstead CA to the rear. The building is not listed.

2. Planning History

- 2.1 **July 2008** Permission granted subject to Section 106 Agreement (signed 4th July 2008) for change of use from care home (Class C2) to two single family dwellings (Class C3). The S.106 Legal Agreement secured a lifetime homes requirement and car-free housing, ref. 2007/5375/P.
- 2.2 **September 2008** Details approved in for cycle storage area for 2 cycles and location/design of waste storage including recycled materials pursuant to conditions 2 and 3 of the permission granted subject to a Section 106 Legal Agreement on 4th July 2008 (ref: 2007/5375/P) for change of use from care home (Class C2) to provide two single family dwellings (Class C3) ref. 2008/3673/P.
- 2.3 **September 2008** Planning permission refused for erection of two storey rear extensions to both dwellinghouses. The application was refused on grounds of excessive bulk and footprint at the rear; and harmful impact on outlook and daylight of neighbours on both sides. 2008/2409/P.

Reasons for refusal:

The proposed extensions would be excessively large and bulky on this site and would be detrimental to the setting of adjoining buildings, the character of the local townscape and the character of the adjacent Swiss Cottage Conservation Area. This would be contrary to policies S1/S2 (strategic policies) B1 (general design principles), B7 (Conservation Area) and

B3 (Extensions and Alterations) of the 2006 Camden Unitary Development Plan.

The proposed extensions, by reason of their scale and excessive bulk, would result in a loss of daylight and outlook to neighbouring properties on either side to the detriment of their residential amenities. This would be contrary to policies S1/2 (strategic policies) and SD6 (neighbour amenity) of the 2006 Camden Unitary Development Plan.

- 2.4 **December 2008** 5 Hilltop Road A Certificate of Lawful Use (Proposed) was granted for the erection of single-storey rear extension and enlargement of rear dormer windows at. 2008/4872/P.
- 2.5 **December 2008** 7 Hilltop Road A Certificate of Lawful Use (Proposed) was granted for erection of single-storey rear extension and enlargement of rear dormer windows, ref. 2008/5383/P.
- 2.6 **May 2009** 7 Hilltop Road A Certificate of Lawful Use (Proposed) was refused for additions and alterations to include single-storey side extensions and first floor rear extension to dwellinghouse, ref. 2009/1649/P.
- 2.7 **May 2009** 5 Hilltop Road A Certificate of Lawful Use (Proposed) was refused for additions and alterations to include single-storey side extensions and first floor rear extension to dwellinghouse, ref. 2009/1651/P.
- 2.8 **May 2011** 5 + 7 Hilltop Road Planning permission refused for erection of a single storey ground floor level flat-roofed rear extension to both dwellings, ref. 2011/0963/P.

Reason for refusal:

The proposed extensions, by virtue of their excessive size and bulk would have a discordant and detrimental impact on the character, proportions and scale of the host buildings, the setting and the character and appearance of the adjacent South Hampstead Conservation Area.

- 2.9 **March 2012** 5 + 7 Hilltop Road Planning permission refused for erection of single storey rear extensions with green roofs to both dwellings, ref: 2011/2914/P

Reason for refusal:

The proposed extensions, by virtue of their height, depth, width and detailed design would have a detrimental impact on the character and appearance of the host buildings, the area generally and the adjacent South Hampstead Conservation Area. This would be contrary to policy CS14 of the London Borough of Camden Local Development Framework Core Strategy and policies DP24 and DP25 of the London Borough of Camden Local Development Framework Development Policies.'

- 2.10 **March 2013** 5 Hilltop Road Certificate of lawfulness (existing) refused for erection of single storey rear extension to single dwellinghouse (Class C3).

Reason for refusal:

The evidence submitted fails to demonstrate that the re-erection of the previously demolished pre-1948 rear projection is an existing use or operation and fails to demonstrate that following re-erection of the projection permitted development rights would remain in tact to allow a further rear extension.

- 2.11 **March 2013** 7 Hilltop Road Certificate of lawfulness (existing) refused for erection of single storey rear extension to single dwellinghouse (Class C3).

Reason for refusal:

The evidence submitted fails to demonstrate that the re-erection of the previously demolished pre-1948 rear projection is an existing use or operation and fails to demonstrate that following re-erection of the projection permitted development rights would remain in tact to allow a further rear extension.

- 2.12 **October 2013** 5 & 7 Hilltop Road Prior approval refused for erection of single storey rear extensions at No.5 (depth part 4.6m part 3.8m x height 3.1m x width 10.1m), and at No. 7 (depth 4.7m x height 3.1m x width 10.1m) to single family dwellinghouses. (Class C3).The extensions were refused on grounds of their scale, bulk and height which would result in dominant additions which would have an unacceptable impact on the amenity of the adjoining neighbouring properties Nos. 3 and 9 Hilltop Road.

Enforcement History

- 2.13 **March 2009** 5 & 7 Hilltop Road: Investigation opened into alleged works to the rear without planning consent in the form of a single storey extension. EN09/0136. It was alleged that full-width extensions projecting into the garden by 10m were under construction. An Enforcement Notice was issued.
- 2.14 **April 2010** An appeal against this notice was dismissed.
- 2.15 **June 2010** 5 Hilltop Road: investigation opened into alleged use as HMO, ref EN10/0578. No breach found.

3. The proposal

- 3.1 The original proposal was for erection of a stepped single storey rear extension. The extension was full width (10.1 metres) with depth of 4 metres from each section of the rear elevation. The extension had a mono-pitch roof with a maximum height of 4 metres.

Amendments

- 3.2 The proposal has been amended during the course of the application to address concerns raised by officers. The amended proposal is for an extension comprising 3 separate elements. Two extensions either side of the original rear extension. One measuring 3.7 metres wide and 2.5 metres deep, the other measuring 2 metres wide and 2.5 metres deep. The third element is to the rear of the original rear extension and measures 3.7 metres in depth and 4.7 metres in width. The extensions would have a mono pitched roof with a maximum height of 4 metres.

4. Consultation on original proposal

- 4.1 Although it is not a statutory duty for the Council to notify neighbouring properties of an application for a Certificate of Lawful Use, it was decided as a matter of best practice to inform neighbours of the proposal.
- 4.2 A site notice was displayed from 20/12/2013 until 10/01/2014 and 30 neighbours were notified by letter.
- 4.3 14 letters of objection have been received from the local residents at the following addresses:
- 26 Kylemore Road
 - 95 Ravenshaw Street
 - 2 Hilltop Road
 - 3 Hilltop Road
 - Flat 2, 9 Hilltop Road

- 6 Hilltop Road
- 8a Sherriff Road
- 10 Sherriff Road
- 30 Gladys Road
- St. James Mansions, West End Lane
- 32A St James Mansions, West End Lane
- 24 St James Mansions, West End Lane
- Flat 2, 159 West End Lane
- Flat 4, 159 West End Lane
- 163 West End Lane
- 36 Lowfield Road

4.4 An objection was also received from West Hampstead Gardens and Residents Association and Fortune Green & West Hampstead Neighbourhood Development Forum (NDF)

4.5 Objections were on the following grounds:

- Object to any development at this address.
- The proposals are not permitted development.
- The proposed extensions constitute a side extension wider than half the width of the existing house.
- The extension has a depth greater than 4 metres.
- The proposal result in removal or alteration of one or more of the chimneys, flues or soil and vent pipes.
- No details have been provided on materials.
- The owner has not consulted with local residents.
- There is too much development in the area causing noise and disturbance to residents.
- Granting this would result in loss of green space.
- The proposal does not respect the character of the area.
- The Council should refuse to accept further applications under Section 43 of the Planning and Compulsory Purchase Act 2004. ***(Case Officers response: These procedures only apply for identical extensions. The proposals at this address have been amended with the objective of overcoming the previous reasons for refusal).***
- The proposal such be submitted as a full planning application.

5. Consultation on the revised proposal

5.1 Following the submission of revised plans consultation letters were sent to 48 neighbours. A further 12 letters were received objecting to the proposals from the following addresses:

- Flat 4, 159 West End Lane
- Flat 4, 157 West End Lane
- 2 Gladys Road
- 2 Hilltop Road
- 3 Hilltop Road
- 36 Lowfield Road
- 32A St James Mansions, West End Lane

5.2 Objections were also received from Councillor Risso-Gill and Fortune Green & West Hampstead Neighbourhood Development Forum (NDF).

5.3 Objections to the revised proposal are on the following grounds:

- The proposal will result in loss of green space.
- The proposal does not respect the character of the area.

- The extension is not set in 2 metres from the boundary as required by Class A, A.1 (d).
- The extension would be greater than 70 cubic meters or 15% of the cubic area of the house.
- The extensions are more than half the width of the existing house.
- The proposals involve removal or alteration of flues/chimneys/stacks.
- The details submitted are minimal and do not show materials.
- The reduced depth wings of the extension are a mish-mash as each would have a different depth.
- The drawings are small scale and difficult to read.

5.4 ***Case officers response: Notwithstanding the fact that several objections have been received relative to this application, it is noted that in this instance the application for a Lawful Development Certificate would either be lawful or not lawful in terms of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (GPDO). There is no scope under this type of application for the assessment of the planning merits of the proposal. The table below aids the assessment of the lawfulness of the proposal.***

Class A The enlargement, improvement or other alteration of a dwellinghouse

If yes to any of the questions below the proposal is not permitted development

Yes/no

A.1 (a)	As a result of the works, will the total area of ground covered by buildings within the curtilage of the dwellinghouse (other than the original dwellinghouse) exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse)?	No
A.1 (b)	Will the height of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the highest part of the roof of the existing dwellinghouse?	No
A.1 (c)	Will the height of the eaves of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the eaves of the existing dwellinghouse?	No
A.1 (d)	Will the enlarged part of the dwellinghouse extend beyond a wall which (i) fronts a highway, and (ii) forms either the principal elevation or a side elevation of the original dwellinghouse?	No
A.1 (e)	Will the enlarged part of the dwellinghouse have a single storey and (i) extend beyond the rear wall of the original dwellinghouse by more than 4 metres in the case of a detached dwellinghouse, or 3 metres in the case of any other dwellinghouse, or (ii) exceed 4 metres in height?	No
A.1 (f)	Will the enlarged part of the dwellinghouse have more than one storey and— (i) extend beyond the rear wall of the original dwellinghouse by more than 3 metres, or (ii) be within 7 metres of any boundary of the curtilage of the dwellinghouse opposite the rear wall of the dwellinghouse?	No
A.1 (g)	Will the enlarged part of the dwellinghouse be within 2 metres of the boundary of the curtilage of the dwellinghouse, and the height of the eaves of the enlarged part exceed 3 metres?	No
A.1 (h)	Will the enlarged part of the dwellinghouse extend beyond a wall forming a side elevation of the original dwellinghouse, and either (i) exceed 4 metres in height, (ii) have more than one storey, or (iii) have a width greater than half the width of the original	(i) No (ii) No (iii) No *see below

	dwellinghouse?	
A.1(i)	Would it would consist of or include either (i) the construction or provision of a veranda, balcony or raised platform, (ii) the installation, alteration or replacement of a microwave antenna, (iii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or (iv) an alteration to any part of the roof of the dwellinghouse?	No – An informative will be included to ensure no alteration or replacement of a chimney, flue or soil and vent pipe as this has been raised as a concern by local residents.
Conditions. If no to any of the below then the proposal is not permitted development		
A.3(a)	Would the materials used in any exterior work (other than materials used in the construction of a conservatory) be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse?	Details of materials, have not been submitted. Any approval would include an informative advising of this condition.
A.3(b)	Would any upper-floor window located in a wall or roof slope forming a side elevation of the dwellinghouse be— (i) obscure-glazed, and (ii) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed?	N/A-The proposal is single storey.
A.3(c)	Where the enlarged part of the dwellinghouse has more than one storey, would the roof pitch of the enlarged part, so far as practicable, be the same as the roof pitch of the original dwellinghouse?	N/A-The proposal is single storey.
<p>* Under Schedule 2, Part A.1, Class A (h) (iii) of the GPDO, the enlargement, improvement or other alteration of a dwelling house is permitted unless the enlarged part of the dwelling house would extend beyond a wall forming a side elevation of the original dwelling house and would have a width greater than half the width of the original dwellinghouse. In this case each element of the proposed is treated as an individual extension which could be implemented on its own. None of the individual extensions have a width greater than half the width of the original dwelling.</p> <p>Officers have sought legal advice as to whether multiple extensions can be considered under class A. It has been confirmed that there are no measures within the GPDO to prevent multiple extensions providing they both individually and cumulatively comply with the relevant criteria. This proposal has been assessed in terms of its compliance with the legislation only and would not set precedent for future extension of this scale under the full planning permission process.</p> <p>6. <u>Conclusion</u></p> <p>6.1 The proposed rear extension is considered to be permitted development under Class A, Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008.</p>		

7. Recommendation: Grant certificate.

DISCLAIMER

Decision route to be decided by nominated members on Monday 19th May 2014. For further information, please go to www.camden.gov.uk and search for 'Members Briefing'.

Mr N Golesorkhi
5-7 Hilltop Road
London
NW6 2QA

Application Ref: **2013/7801/P**
Please ask for: **Jenna Litherland**
Telephone: 020 7974 3070

14 May 2014

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990

Certificate of Lawfulness (Proposed) Granted

The Council hereby certifies that the development described in the First Schedule below, on the land specified in the Second Schedule below, would be lawful within the meaning of Section 192 of the Town and Country Planning Act 1990 as amended.

First Schedule:
Single storey rear extension.

Drawing Nos: 2010/0483 (elevations); 2010/0483 (plans); 2013/0800-A.

Second Schedule:
7 Hilltop Road
London
NW6 2QA

Informative(s):

- 1 The development would only constitute permitted development if the materials used in any exterior work to the single storey rear extension subject to the grant of this certificate, shall be of similar appearance to those used in the construction of the exterior of the existing dwelling house, in accordance with Condition A.3 of the Town & Country Planning (General Permitted Development) Order 1995 as amended by (No.2) (England) Order 2008.



- 2 You are advised that in order to comply with the parameters of permitted development as set down in the Town & Country Planning (General Permitted Development) Order as amended by the No. 2 (England) Order 2008 you must ensure that the works do not include the installation, alteration or replacement of a chimney, flue or soil or vent pipe.

You can find advice about your rights of appeal at:

<http://www.planningportal.gov.uk/planning/appeals/guidance/guidancecontent>

Yours faithfully

Rachel Stopard
Director of Culture & Environment

Notes

1. This certificate is issued solely for the purpose of Section 192 of the Town and Country Planning Act 1990 (as amended).
2. This Certificate applies only to the extent of the operations described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any operation which is materially different from that described or which relates to other land may render the owner or occupier liable to enforcement action.
3. The effect of the Certificate is also qualified by the provision in Section 192(4) of the 1990 Act, as amended, which states that the lawfulness of a described use or operation is only conclusively presumed where there has been no material change, before the use is instituted or the operations begun, in any of the matters relevant to determining such lawfulness.