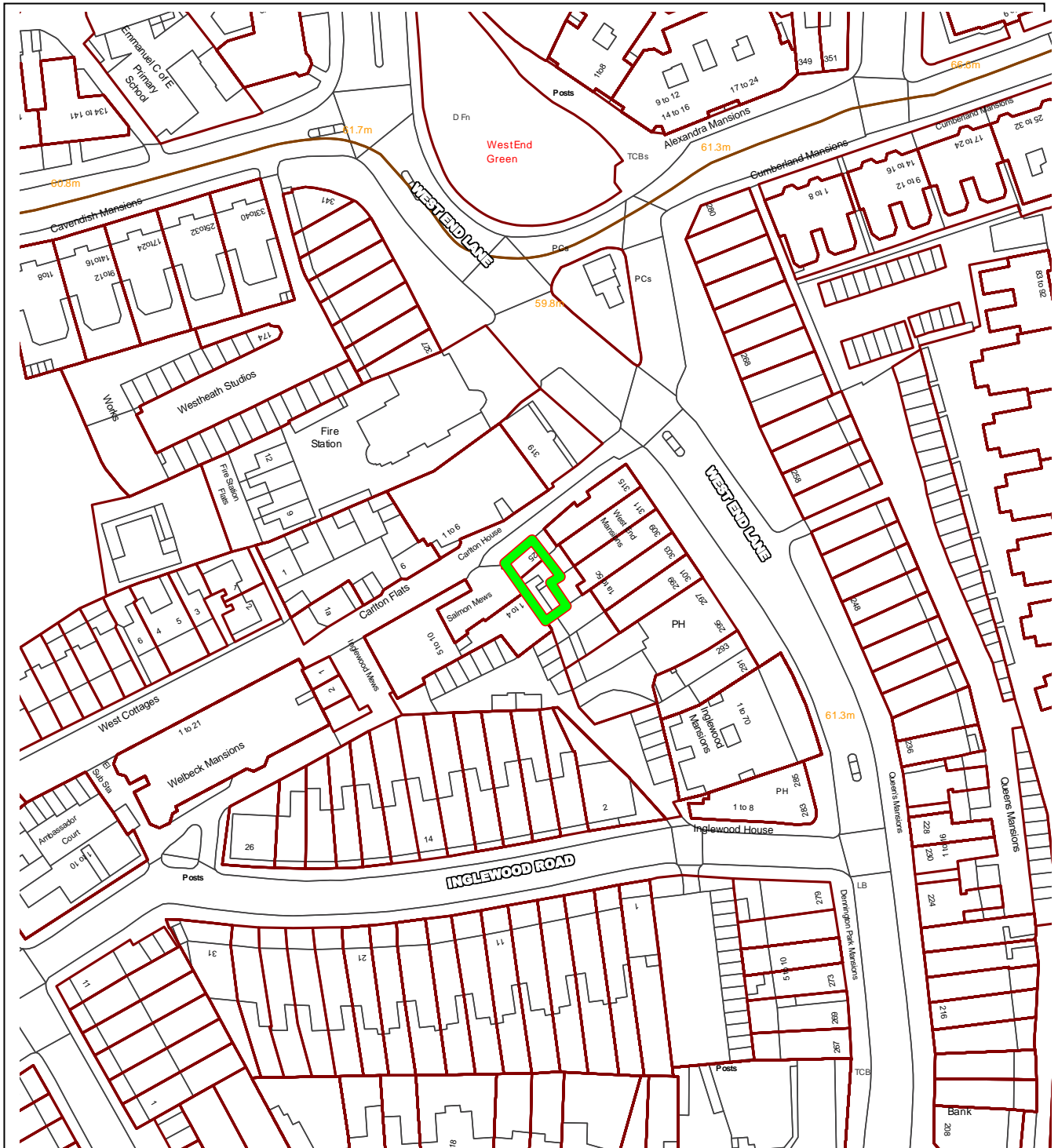


2014/0612/P – 25 West Cottages



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Photo 1: View of application site with rear of properties in West End Lane beyond



Photo 2: View of application site with rear of properties in West End Lane beyond and Salmon Mews to the right of the application site



Photo 3: Building that was in situ prior to existing development



Photo 4: View from rear of 309 West End Lane

Delegated Report (Member's Briefing)		Analysis sheet	Expiry Date:	19/05/2014
		N/A	Consultation Expiry Date:	03/10/2014
Officer			Application Number(s)	
Seonaid Carr			2014/0612/P	
Application Address			Drawing Numbers	
25 West Cottages London NW6 1RJ			See draft decision notice	
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature	
Proposal(s)				
Variation to condition 9 (approved drawings) to increase the height of the building, alteration to side, front and rear lightwells, extension of footprint of building to rear at ground and first floor of planning permission 2010/3114/P granted on 07/03/2011 for the erection of a part 2-storey and part 3-storey residential building (Retrospective).				
Recommendation(s):		Variation of Condition Grant subject to Deed of Variation		
Application Type:		Variation or Removal of Condition(s)		

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	37	No. of responses	03	No. of objections	02
			No. electronic	00		
Summary of consultation responses:	<p>A press notice was published on 03 April 2014 expiring 24 April 2014 and a site notice was displayed on 28 March 2014 until 18 April 2014.</p> <p>A re-consultation was undertaken due to an amended description and some inaccuracies within the plans.</p> <p>Three letters of objection were received a summary of which is provided below:</p> <ul style="list-style-type: none"> • The building of 25 West Cottages has had a negative impact on the residents of 309 West End Lane, the additional height and length that has been built without prior council permission has exasperated what was a bad situation into an intolerable one. • The windows of 25 West Cottages are now parallel with the windows at the rear of 309B West End Lane, affecting privacy into bathroom and kitchen, the distance between the windows now extremely close at 4.7m. • The previous approval, in which the level of windows was staggered, tried to mitigate the problem by having the windows sealed shut and obscured, this may resolve some of the problem, but leaves the situation of a new building, with no outlook of its own and requiring mechanical ventilation to habitable rooms, this is unacceptable and highlights the problems caused by over intensive development. • There is a considerable loss of light throughout the whole building, affecting the studio flat on the ground floor and by varying degrees the flats on the first and second floors. • The first floor roof of 25 West Cottages is clearly going to be used as a large unofficial roof terrace for the flat on the second floor. • Large double door windows have been installed at the second floor back bedroom leading directly onto it, meaning that 309 West End Lane will be further overlooked by new residents of 25 West Cottages. • I have had to ensure months of cranes and diggers digging out the earth for the basement, months of drilling and a landslide occurred which led to the collapse of the decking area of the studio flat and came right up to the patio windows on the ground floor. • The original permission was already on the absolute limit of what I could find acceptable with regards to size and close proximity of 25 West Cottages, when the building was built and went up higher I cannot accept the new added dimensions. • Development has impact on outlook of units within 309 West End Lane. • The development as built seriously breached daylight and sunlight 					

	<p>received by rooms of neighbouring properties.</p> <ul style="list-style-type: none"> • The height of the building opposite our windows is 1.5m higher than approved and the front elevation of this part of the higher structure is 0.6m further forward causing it to appear wider when seen from our windows. Adding additional mass and bulk to a proposal that was already on the very limits of acceptability. • The increased height of the parapet of the new building as it affects our windows is 1.4m not 0.6m. • Constructing a building only 5m away from existing habitable room windows that have enjoyed outlook, sunlight and daylight for over 100 years is not acceptable and is why the Council has guidance saying 18m is the required distance. • The new development is clearly substandard, new habitable rooms need sunlight, daylight, privacy and outlook. • The fact the lower half of the windows are fixed shut and obscured make no difference, any normal person can look straight through the top half of the window directly into the window opposite <p>Officer Comment:</p> <ul style="list-style-type: none"> • The current application is seeking to regularise what has been built on site. • Design is discussed within section 3 below. • Issues of amenity are discussed in section 4 below. • The standard of the accommodation within the new units is discussed in section 5 below. • There would be no double doors to the rear elevation at second floor level, a condition would be used to state the flat roof shall not be used as an amenity area. <p>One letter of support was received from a resident within Salmon Mews writing on behalf of all residents within Salmon Mews confirming that they support the amendments and overall development.</p>
<p>CAAC comments:</p>	<p>West End Green CAAC were consulted but no response has been received to date.</p>

Site Description

West Cottages is located off the west side of West End Lane close to West End Green. The site is located within the West Hampstead Town Centre and the West End Green conservation area. The site was previously occupied by a two storey office building, which has been demolished. Construction work has seemingly commenced on site, based on the extant permission, but has now halted. The site is accessed via a private road from West End Lane.

Relevant History

2010/3114/P: Erection of a part 2-storey and part 3-storey residential building comprising basement, ground, first, second and third floor levels to provide 3 x 2-bedroom and 1 x 3-bedroom flats (Class C3). Granted 07/03/2012. Works are in process for this application.

2009/4171/P: Erection of a part 2-storey and part 3-storey residential building plus basement floor to provide 4 x 2-bedroom and 1 x 1-bedroom flats (Class C3). Withdrawn.

2009/4163/P: Erection of a part 2-storey and part 3-storey residential building comprising basement, ground, first, second and third floor levels to provide 3 x 2-bedroom and 1 x 3-bedroom flats (Class C3). Withdrawn.

2008/0978/P and 2008/0978/C: Erection of a building comprising basement, ground, first and (part) second floor level to provide 1 x 1-bedroom, 1 x 2-bedroom and 1 x 3-bedroom flat (Class C3). Granted 31/03/2009.

2007/3987/P and 2007/4830/C: Demolition of existing two-storey office building (Use Class B1a) and re-development by the erection of a part two-storey and part-three storey residential building providing for 2 x 3-bedroom flats and 1 x 1-bedroom flat with off-street parking (Use Class C3). Withdrawn.

Relevant policies

National Planning Policy Framework (2012)

The London Plan (2011)

LDF Core Strategy and Development Policies

CS3 – Other highly accessible areas

CS6 – Providing quality homes

CS14 – Promoting high quality places and conserving our heritage

DP2 – Making full use of Camden's capacity for housing

DP22 – Promoting sustainable design and construction.

DP24 – Securing high quality design

DP26 – Managing the impact of development on occupiers and neighbours

DP27 – Basements and lightwells

Camden Planning Guidance (2013)

CPG1 Design

West End Green Conservation Area Statement (2011)

Assessment

1. Background

Planning permission (2010/3114/P) was granted on 07/03/2011 for the erection of a part 2-storey and part 3-storey residential building comprising basement, ground, first, second and third floor levels to provide 3 x 2-bedroom and 1 x 3-bedroom flats (Class C3).

2. Proposal

2.1 Planning permission is sought to vary condition 9 of the original planning permission which lists the approved plans so that respective amendments to the scheme can be regularised as the works are near completion.

2.2 During construction it became evident to the developer that the floor joists used within the building needed to be increased in size to ensure building regulations and structural calculations were met.

Extensions

2.3 As approved the building was part 2 and part 3 storeys in height. The two storey element was located to the rear and would have measured 5.7m and the three storey element has a stepped roof going down from front to back measuring 8.2m and 8.6m.

2.4 The proposed amendment seeks to increase the two storey element to 6.3m and level out the three storey element to the height of 9.1m. As such, the two storey element would be increased in height by 0.6m and the three storey element by 0.9m and 0.6m. The element increasing by 0.9m would be only for a depth of 3m, the majority would be increased by 0.6m.

Lightwells

2.3 The original permission allowed for one lightwell to the front of the building measuring 3.1m by 0.7m, the application is seeking to alter this to two lightwells measuring 2m by 0.7m each. To the side elevation it is proposed to reduce the number of lightwells from two to one which would measure 0.6m by 2.4m. There would be no change to the footprint of the basement level.

Footprint of building

2.4 Within the original application, at ground and first floor the building line of the development would have extended 0.5m beyond the rear building line of Salmon Mews, for a width of 2.9m, it would then have stepped back 1.2m. The amendments would see the building terminate in line with Salmon Mews for a width of 2.8m at which point it would project 1.1m.

3. Design

3.1 Policies CS14 and DP24 seek to ensure all development is of the highest quality design and considers the character, setting, context and form of neighbouring buildings. Furthermore Policy DP25 seeks to preserve and enhance the character and appearance of Conservation Areas.

Extensions

3.2 When viewed from within West Cottages, only the increased height to the front section of the building would be apparent. Upon visiting the site the works were underway and scaffolding was erected around the building, the eaves height of the building adjacent to the neighbouring property Salmon Mews was visible. The increased height of the building would ensure the eaves terminate below the eaves of the neighbouring terrace of Salmon Mews. The design of the development is in keeping with the character of what has been approved and as such no objection is raised on grounds

of design. It is considered the increase in height of the building would have the same impact on the surrounding conservation area as the previous approval, thereby preserving and enhancing the character and appearance of the conservation area.

Lightwells

3.3 The proposed alteration to the size and location of the lightwells to the front and side of the building would not impact on the overall design and is considered to be a relatively minor alteration to the previously approved scheme. As such no objection is raised to this element of the proposal.

Footprint of building

3.4 With regard to the alterations to the footprint of the building to the rear this is considered to be a relatively minor alteration to the appearance of the building which would not cause harm to its integrity. Given its siting to the rear of the property it would not cause harm to the character and appearance of the surrounding conservation area and no objection is raised.

3.5 In light of the above it is considered the proposed amendments would be acceptable and would not result in a development that would appear significantly different from that approved under the original application. As such no objection is raised on grounds of design.

4. Neighbour Amenity

4.1 Policy CS5 seeks to protect the amenity of Camden's residents by ensuring the impact of development is fully considered. Furthermore, Policy DP26 seeks to ensure that development protects the quality of life of occupiers and neighbours by only granting permission to development that would not harm the amenity of neighbouring residents. This includes privacy, overlooking, outlook and implications on daylight and sunlight.

4.2 Neighbouring residents have raised concern in regard to the increased height of the building resulting in the windows on the side elevation located higher and providing an increased opportunity to overlook neighbouring residents. Windows within the side elevation would be sited 0.4m higher than the approved windows, albeit still be bound by condition 7 of the original permission which stipulates that the lower section of the sash shall be obscure glazed and fixed shut. The increase in height is not considered to create a situation significantly different from that approved and as such it is considered the revised proposal would be of no greater harm than the previous application.

4.3 Neighbours have raised concern in regard to the siting of the building in relation to No.309 West End Lane. However the building has not changed location from the previously approved applications. It is noted that the Council's CPG3 (Amenity) notes that it is good practice for there to normally be a minimum distance of 18m between windows of habitable rooms. However this requirement is not always possible. It is important to note that prior to the erection of the current building on site there was a two storey building which would not have been located 18m from the neighbouring residents within 309 West End Lane. Given the siting of the building has not changed from the previously approved applications no objection is raised in this regard.

4.4 With regard to the rear door at second floor level, this was shown on plans originally submitted with the application, however an amendment was accepted which saw this removed as officers had concern with the opportunity to use the rear flat roof as a terrace area which is likely to cause harm to the privacy of neighbouring residents and would not be acceptable. However as this has now been removed no objection is raised. Furthermore a condition will be used to insure the flat roof is not used as a terrace area, such a condition was not placed on the original consent but can be added to the decision notice.

5. Other Issues

5.1 Neighbours have also raised concern in regard to the quality of the accommodation that would be provided. The standard of the accommodation is no different to what has previously been approved and as such no objection is raised in this regard.

6. Recommendation: Grant variation of condition subject to Deed of Variation

DISCLAIMER

Decision route to be decided by nominated members on Monday 27 October 2014. For further information please go to www.camden.gov.uk and search for 'members briefing'

Kings & Co
31-35 Kirby Street
London
EC1N 8TEApplication Ref: **2014/0612/P**

23 October 2014

Dear Sir/Madam

DRAFT
FOR INFORMATION ONLY - THIS IS NOT A FORMAL DECISION
Town and Country Planning Act 1990 (as amended)**DECISION SUBJECT TO A SECTION 106 LEGAL AGREEMENT**Address:
25 West Cottages
London
NW6 1RJ**DECISION**
Proposal:
Variation to condition 9 (approved drawings) to increase the height of the building, alteration to side, front and rear lightwells, extension of footprint of building to rear at ground and first floor of planning permission 2010/3114/P granted on 07/03/2011 for the erection of a part 2-storey and part 3-storey residential building (Retrospective).

Drawing Nos: Revised Plans: CD01/20/0 dated April 2014, CD01-02-01, CD01-03-01, CD01-04-01, CD-ELEV-2

Superseded Plans: BE01/21/0, BE01/22/0, BE01/23/0 rev A, BE01/24/0, BE01/25/0, BE01/27/0;

The Council has considered your application and decided to grant permission subject to the conditions and informatives (if applicable) listed below **AND** subject to the successful conclusion of a Section 106 Legal Agreement.The matter has been referred to the Council's Legal Department and you will be contacted shortly. If you wish to discuss the matter please contact **Aidan Brookes** in the Legal Department on **020 7 974 1947**.

Once the Legal Agreement has been concluded, the formal decision letter will be sent to you.

Condition(s) and Reason(s):

- 1 For the purposes of this decision, condition no.9 of planning permission 2010/3114/P shall be replaced with the following condition:

REPLACEMENT CONDITION 9

The development hereby permitted shall be carried out in accordance with the following approved plans Site location plan; Sustainability Report (May 2010); Daylight & Sunlight Study (August 2010); BE01/01/0; BE02/02/0; BE01/03/0; BE01/04/0; CD-ELEV-2; BE01/26/0; BE01/28/0; BE01/31/0; BE01/41/0; BE01/51/0; CD01/20/0 dated April 2014, CD01-02-01, CD01-03-01, CD01-04-01, CD-ELEV-2

Reason: For the avoidance of doubt and in the interest of proper planning.

- 2 No part of the flat roof area hereby approved shall be used as a roof terrace, and any access out onto this area shall be for maintenance purposes only.

Reason: In order to prevent any detrimental impacts of overlooking and/or noise and disturbance of the neighbouring premises in accordance with the requirement of policy CS5 of the London Borough of Camden Local Development Framework Core Strategy and policy DP26 of the London Borough of Camden Local Development Framework Development Policies.

Informative(s):

- 1 This approval under Section 73 of the 1990 Act effectively varying the relevant condition of the previous planning permission, the development is otherwise subject to the same terms, drawings, conditions and obligations as attached to the previous planning permission.

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.

Yours faithfully

Culture and Environment Directorate