

<b>Delegated Report</b>		<b>Analysis sheet</b>	<b>Expiry Date:</b>	14/03/2014
		N/A	<b>Consultation Expiry Date:</b>	15/08/2014
<b>Officer</b>			<b>Application Number(s)</b>	
John Nicholls			2013/6867/P	
<b>Application Address</b>			<b>Drawing Numbers</b>	
17 Makepeace Avenue London N6 6EL			See decision	
<b>PO 3/4</b>	<b>Area Team Signature</b>	<b>C&amp;UD</b>	<b>Authorised Officer Signature</b>	
<b>Proposal(s)</b>				
Erection of two side dormer windows and one rear dormer window and single storey rear extension and rooflights to front and rear (Retrospective).				
<b>Recommendation(s):</b>		1. Refuse planning permission  2. That the Head of Legal Services be instructed to issue an Enforcement Notice under Section 172 of the Town & Country Planning Act 1990 as amended requiring the removal of the unauthorised dormers, ground floor rear extension and Upvc windows, and to pursue any legal action necessary to secure compliance and officers be authorised in the event of non-compliance, to prosecute under section 179 or appropriate power and/or take direct action under 178 in order to secure the cessation of the breach of planning control.		
<b>Application Type:</b>	<b>Householder Application</b>			

<b>Conditions or Reasons for Refusal:</b>	<b>Refer to Draft Decision Notice</b>					
<b>Informatives:</b>						
<b>Consultations</b>						
<b>Adjoining Occupiers:</b>	No. notified	<b>06</b>	No. of responses	<b>03</b>	No. of objections	<b>03</b>
			No. electronic	<b>00</b>		
<b>Summary of consultation responses:</b>	<p>Site notice displayed from 24/01/2014 until 14/02/2014  Press notice displayed from 30/01/2014 until 20/02/2014</p> <p>Consultations re-sent with revised description on 25<sup>th</sup> July 2014.</p> <p>3 objections received with the following comments:</p> <ol style="list-style-type: none"> <li>1) It is wrong to add a side dormer window in breach of the original planning approval.</li> <li>2) The house should be restored to the situation for which the original permission was granted i.e. only one dormer window</li> <li>3) Any precedent of this particular type of work on the Estate should be ignored</li> <li>4) The addition of a second side dormer window remodels the design of the existing house into a three-storey, cumbersome block and removes any hint of it formally being a two-story pitched-roof villa.</li> <li>5) The scale of the dormers is excessively out of scale with what one would expect for such a building.</li> <li>6) The dormers are set very closely to the roof apex and do not satisfy the existing recommendations of at least 500mm away.</li> <li>7) The design of the dormer roof ignores the gentle curved hip end which is a characteristic of all Holly Lodge roofs</li> <li>8) A characteristic of the Holly Lodge estate is the undulating rise and fall of the pitched roofs which afford far-reaching views</li> <li>9) The additional bulk of the second dormer window radically transforms the balance of the dwellings</li> <li>10) The development does not preserve and enhance character and appearance of the conservation area.</li> </ol>					
<b>CAAC/Local groups* comments:</b> *Please Specify	<p>Holly Lodge Conservation Area Advisory Committee make the following comments:</p> <p>“Although we have no objection to the second (eastern) dormer which allows the roof to match those on 4, 6, &amp; 15 Makepeace Avenue the drawings appear to show a full width single storey rear extension which is contrary to the HLE CAAMS which state (page 47);</p> <p>‘Part width extensions are appropriate on houses that originally had a shallow part-width extension, but on flat backed properties a shallower full width extension is likely to be more suitable’</p> <p>17 Makepeace had a shallow part width extension prior to this development. The extension approved in 2013/0163/P by virtue of the materials to be used with the conservatory being fully glazed maintained the impression of a part width extension. The extension that appears in the current drawings is now</p>					

clearly a full width extension.

As a comment, the drawings are of poor quality and possibly purposefully confusing. Drawing ATK/13/JM/BR6 which shows the new east dormer incorrectly shows the west dormer as having a gable end not the hipped gable actually built. Other drawings accurately reflect the roof that was built. Equally no reference is made in the application to the changes to the rear face of the building and no ground floor plan has been included.”

### Site Description

The site contains a two-storey, detached single family dwellinghouse located on the north side of Makepeace Avenue. The property is listed as a positive contributor to the Holly Lodge Conservation Area.

### Relevant History

2013/0163/P - Erection of a single storey extension and conservatory at rear ground floor level and a side and rear dormer window to an existing single dwelling house (Class C3). Approved on 18<sup>th</sup> March 2013.

EN13/1214 – Two side dormers are being fitted on the roof, not one, and the rear ground floor conservatory extension looked like it was now two stories tall and not one.

#### No.15 Makepeace Avenue

2009/2846/P - Erection of 3 dormer windows (one on each of the side and rear roofslopes) to the single dwellinghouse (Class C3). Refused and allowed at appeal on 06/10/2009 (APP/X5210/D/09/2111372)

#### No. 4 Makepeace Avenue

2011/3385/P - The erection of 3 dormer windows 1 to the rear roof slope and 2 to the side elevation associated with a loft extension to existing residential dwelling (Class C3). Granted - 31/08/2011

#### No. 6 Makepeace Avenue

2008/1324/P - Erection of a pitched roof to the rear extension, and an increase in the depth of the rear raised patio by 1.2m as an amendment to planning permission granted 14/10/2005 (Ref: 2005/3120/P) for the erection of single storey rear extension and construction of three dormer extensions at the side and rear roof slopes.

### Relevant policies

#### **LDF Core Strategy and Development Policies**

CS1 Distribution of growth

CS5 Managing the impact of growth and development

CS14 Promoting high quality places and conserving our heritage

DP24 Securing high quality design

DP25 Conserving Camden's Heritage

DP26 Managing the impact of development on occupiers and neighbours

#### **Camden Planning Guidance**

CPG 1 (Design) 2013 -

CPG 6 (Amenity)

#### **Holly Lodge Conservation Area Appraisal and Management Strategy 2012**

## **Assessment**

### **Background**

This property was granted planning permission for a rear ground floor conservatory extension and a side and rear dormer in March 2013 Ref: 2013/0163/P. The dormers were located on the rear elevation and western roofslope facing No. 15 Makepeace Avenue.

The as approved side dormer (facing west towards No. 15) was approved at 1.9m (w) x 1.9m (h) and would feature a pitched roof and a single multi-pane window. The as approved rear dormer would be 1.7m (w) x 1.8m (h) and would also feature a pitched roof with multi-pane window. Both dormers would be built with tiles to match the existing roof. Both were designed and approved with gable ends.

The as approved single storey rear extension would be stepped across the full width of the rear of the house to reflect the existing rear addition on the house. The extension to the living room (next to the boundary with 15 Makepeace Avenue) would be 2.5m (l) x 3.4m (w) x 2.4m (h) and would be a fully glazed conservatory. The extension to the kitchen would be 1.4m (l) x 3.9m (w) x 2.9m (h) and would be rendered to match the existing house with matching windows. The total area of the extensions would be approximately 14sqm.

These works were started but in October 2013 the Council received a query from local residents that not just one side dormer was being fitted to the roof, but two, and that the rear ground floor conservatory extension looked like it was now two storeys tall and not one – Ref: EN13/1214. Works continued on site and the current application seeks to regularise the as built situation.

### **Proposal**

This application seeks retrospective planning permission for the retention of the as built two side dormer windows, the as built rear dormer window and a full width rear extension with sloping roof.

### Roof

All three of the as built dormers sit approximately 200mm from the ridge and 300mm from the hips and 300mm from the eaves of the original roof. The rear dormer measures 1.9m (w) x 2m (h). The dormer facing east (facing No.19) measures 2.1m (w) x 2.8m (h). The dormer facing west (No. 15) measures 2.1m (w) x 2.4m (h). The dormers all have pitched roofs and all have tiles to match the existing roof. The two side dormers have been built with hipped gables and the rear dormer just has a gable. A further rooflight is proposed to the front roof slope of the main roof.

### Rear Extension

The as built rear ground floor extension wraps around the shallow rear projection of the original house and forms a flat backed rear ground floor elevation with a window and patio doors roughly aligning with those above at first floor level. The roof has been constructed as a mono pitch, sloping from the original rear elevation towards the garden. This measures between 3.5m high (against the projection) and 4.2m high (main rear elevation) against the house and slopes down to 2.6m at eaves level. Four velux rooflights have also been fitted to this roof slope which roughly line up with the first floor

windows above them.

The rear extension extends 1.5m from the wall of the original projecting kitchen (No. 19 side) and 3m from the original wall of the main rear elevation (no. 15 side). The result is a flat backed extension with no step to reflect the rhythm of the existing rear elevation. Due to the angle of the sloped roof, a high level side glazed window has also been fitted to bring light into the rear extension on the flank wall facing No. 15.

The whole extension has been rendered and painted white and matches the finish of the rest of the house.

## **Design**

Policy DP24 of the Council's LDF states that the Council will require all development to be of the highest standard of design and will expect developments to consider character, setting, context and the form and scale of neighbouring buildings, as well as the character and proportions of the existing building, where alterations are proposed.

Policy DP25 of the Council's LDF states that the Council will only permit development within conservation areas that preserves and enhances the character and appearance of the area and where development would not cause harm to the special interest of a listed building.

Camden's Design Guidance (CPG 1) seeks that rear extensions are 'secondary to the building being extended, in terms of location, form, scale, proportions, dimensions and detailing; respect and preserve the original design and proportions of the building as well as architectural features and wherever possible use materials that complement the colour and texture of the materials in the existing building (page 29). Furthermore, the width of rear extensions should be designed so that they are not visible from the street and should respect the rhythm of existing rear extensions, (p 30).

Furthermore, in most cases, extensions that are higher than one full storey below roof eaves/parapet level, or that rise above the general height of neighbouring projections and nearby extensions, will be strongly discouraged (p 29).

Additionally, CPG 1 states that within conservation areas; Part width extensions are appropriate on houses that originally had a shallow part width extension, but on flat backed properties a shallower full width extension is likely to be more suitable (p 47).

With regard to roof alterations, it states that roof alterations are acceptable where: Alterations are architecturally sympathetic to the age and character of the building and retain the overall integrity of the roof form; or where; There are a variety of additions or alterations to roofs which create an established pattern and where further development of a similar form would not cause additional harm (p 36).

Furthermore, in relation to dormers, these should also meet the following criteria; Dormers should not be introduced where they cut through the roof ridge or the sloped edge of a hipped roof. They should also be sufficiently below the ridge of the roof in order to avoid projecting into the roofline when viewed from a distance. Usually a 500mm gap is required between the dormer and the ridge or hip to maintain this separation (p 37).

Finally, in number, form, scale and pane size, the dormer and window should relate to the façade below and the surface area of the roof. They should appear as separate small projections on the roof surface (p 37).

In addition, the Holly Lodge Estate Conservation Area Appraisal and Management Strategy (2012) points out that property owner's in the area are seeking to maximise the space available to them and

therefore applications for dormers have become more numerous, with particular concern over side and front dormers (p 28).

In relation to dormers it states that these will only be acceptable where they are sited below the roof line and be subordinate in scale to the main roof (F – p 44) and will normally be allowed at the rear and side if sensitively designed in relation to the building and other adjacent roofs. The particular character of the roofscape of that group of houses should be adhered to, and details such as the profile or splay of the roof slope, ridge tiles, and colour of clay tile must be matched.

### Roof

As can be seen above in the history section, some properties have had three dormers approved either by the Council or on appeal at No. 4, No. 6 and No. 15 Makepeace Avenue respectively between 2008 and 2011. Although these all pre-date the current Holly Lodge Estate Conservation Area Guidance, the principle of three dormers is not unprecedented and therefore, the Council does not consider that this principle can be opposed.

However, the as built dormers are closer to the ridge, hips and eaves of the original roof, at between 200 and 300mm, than the recommended minimum 500mm as set out in CPG 1. Therefore, the impact they have is not of appearing as 'a small projection' but of three large dormers which individually and collectively look top heavy and overly bulky due to their size and proximity to the ridges, hips and eaves. This is particularly notable when viewed from the street.

Therefore, the overall impression is not one of subservience to the main roof, but of large roof additions which all compete to dominate and succeed in dramatically altering the original roof form. Therefore, by virtue of their size and proximity to the ridge, hips and eaves, the proposed dormers are considered to cause harm to the character and appearance of the property and the Holly Lodge Conservation Area.

### Ground floor extension

The footprint of the as built extension is not much larger in footprint than the one originally approved. However, whereas the original extension granted in 2013 had a stepped back and was part rendered and part conservatory, which read as two elements to reflect the existing rear extension, the as built extension has a flat back and solid roof with little glazing and therefore is not considered to respect the rhythm of the original rear elevation. Therefore, this is considered to conflict with both Camden's general design guidance and the conservation area guidance.

Furthermore, the roof slope of this rear extension meets the main rear elevation at between 3.5m high and 4.2m high. The part of the roof which meets the rear elevation to the west (adjacent to No. 15), meets the wall just below the first floor windows. Therefore, this fails design guidance tests which state that the heights of rear extensions should not encroach within one floor level of the original eaves of the property.

The neighbouring property No. 15 has a similar slope to the conservatory at the rear of their property, for which there does not seem to be any planning history. However, because the application site has a solid roof, the impression it gives compared to the timber framed glazed roof of the neighbouring conservatory is glaring, despite the similarity in height against the rear projection. A further difference also noted is that the conservatory roof of No. 15 forms a ridge where the rear projection stops with a glazed roof sloping back down onto the rear elevation rather than continuing on up the building as the application sloped roof does. No. 15 is therefore not considered to set precedence for this style roof to ground floor extensions.

Therefore, the as built rear ground floor extension is considered to fail to meet the Council's design

guidance and due to the height of the tiled roofslope is considered to be overly bulky and therefore is considered harmful to the character and appearance of the property and the Holly Lodge Estate Conservation Area.

### Materials

The application form states that the dormers have been fitted with white painted timber windows. Upon inspection on site, it is clear that the windows are not timber but white Upvc. The whole of the rear elevation and two side dormers have been fitted with Upvc, as have most of the other windows on the flank and front elevations.

CPG 1 clearly states that where original windows were timber then replacement windows should be like for like. In addition, Upvc windows are not acceptable for both aesthetic and environmental reasons (p 26 para 4.7). Furthermore, the Holly Lodge Estate Conservation Guidance specifically states that replacement windows require planning permission if the window is different in appearance to the existing, and that Upvc or aluminium are not considered to be of the same appearance (p 42).

Therefore, the use of Upvc in the as built dormers is considered contrary to policy, and contrary to both Camden's general design guidance and the more specific Holly Lodge Estate Design Guidance. Therefore, the new windows are considered to be unacceptable because they are out of character with the appearance of the property and furthermore considered harmful to the character and appearance of the wider conservation area.

The velux rooflights are all considered to be low profile and therefore are not considered to change the shape of the roof profile on which they are located (front roof slope and rear ground floor roofslope). Therefore, these are considered acceptable.

### **Amenity**

Policy DP26 of the Council's LDF states that the Council will only permit development which does not cause amenity harm.

The proposed side dormer on the western roofslope would be opposite a side dormer on the roof of No.15 Makepeace Avenue (this was given permission following an appeal on 06/10/2009). This western dormer would serve a bathroom and it was recommended that a condition was added to the 2013 approval to ensure that the proposed window is obscurely glazed and fixed shut in order to address any overlooking concerns. Due to the scale and location of the proposed dormer it is not considered to cause an unacceptable loss of light to the windows on the side elevation of No.15 Makepeace Avenue.

The dormer facing east has been fitted with opaque glazing and looks to be fixed shut. It also overlooks a window within the flank wall of No. 19, which seems to be a frosted bathroom window. This neighbouring window seems to be casement opening, and the window in the application property is over the spiral stair located internally which accesses the loft conversion and therefore raises no amenity concerns.

It is also considered that there would be no amenity concerns in terms of overlooking or loss of light arising from the rear dormer which overlooks the rear garden.

The single storey rear ground floor painted and rendered extension would be located across the full width of the footprint of the original house. It is closer to the side boundary with No.15 Makepeace Avenue and is slightly up slope of this property. Given that it is single storey with a depth of approximately 3m and the majority of the extension would be behind a boundary fence it is considered not to have an adverse impact on the residential amenity of No.15 Makepeace Avenue in terms of a loss of daylight / sunlight or outlook. A triangular shaped high level window is also located within the

flank wall of the extension at 2.7m above ground level. The window is 1m tall and 2.2m wide and forms a right angled triangle sloping to a point away from the rear elevation. Due to the height of the window sill at 2.7m high, it is not considered that any overlooking would occur from this window over the side boundary fence and into the neighbouring conservatory and therefore it is not considered that this would need to be opaque.

Furthermore, due to the single storey rendered extension being set away from the boundary with No.19 Makepeace Avenue by 1.5m it is unlikely that this will have an adverse impact on the amenity of this property.

**Recommendation 1:**

Refuse Planning Permission

**Recommendation 2:**

That the Head of Legal Services be instructed to issue an Enforcement Notice under Section 172 of the Town & Country Planning Act 1990 as amended requiring the removal of the unauthorised dormers, ground floor rear extension and Upvc windows, and to pursue any legal action necessary to secure compliance and officers be authorised in the event of non-compliance, to prosecute under section 179 or appropriate power and/or take direct action under 178 in order to secure the cessation of the breach of planning control.

**The Notice shall allege the following breach of planning control:**

1. The unauthorised construction of x3 dormer windows on the side and rear roofslopes which do not benefit from planning permission;
2. The unauthorised construction of a rear ground floor extension;
3. The unauthorised fitting of Upvc windows to the property, without the benefit of planning permission;

**WHAT YOU ARE REQUIRED TO DO:**

- i) Remove the unauthorised side dormer on the eastern roofslope entirely, or, alter it so that it is no closer than 500mm from the ridge, hips and eaves of the main eastern roofslope and retains opaque glazing;
- ii) Remove entirely or alter the rear dormer so that it matches the as approved dormer shown in the corresponding location on the approved plans (010-00C, 010-01C, 010-02C, 010-03C, 020-01C, 020-02C, 05001C, 050-02C, 050-03C and 050-04C) of planning permission 2013/0163/P;
- iii) Remove entirely or alter the side dormer on the western roofslope so that it matches the as approved dormer shown in the corresponding location on the approved plans (010-00C, 010-01C, 010-02C, 010-03C, 020-01C, 020-02C, 05001C, 050-02C, 050-03C and 050-04C) of planning permission 2013/0163/P;
- iv) Remove entirely or alter the unauthorised rear ground floor extension so that it matches that shown in the approved plans (010-00C, 010-01C, 010-02C, 010-03C, 020-01C, 020-02C, 05001C, 050-02C, 050-03C and 050-04C) on planning reference 2013/0163/P;
- v) Remove all the unauthorised Upvc windows from the whole house and replace with appropriate timber framed equivalents;

- vi) Make good all areas where works have occurred and parts of the building have been removed, in materials which match those previously existing or are adjacent.

#### **PERIOD OF COMPLIANCE**

Nine months

#### **REASONS WHY THE COUNCIL CONSIDER IT EXPEDIENT TO ISSUE THE NOTICE**

1. It appears to the Council that the above breach of planning control has occurred within the last 4 years.
2. The three dormer windows, by virtue of their bulk, massing and detailed design, have a detrimental impact on the appearance of the host property and the character and appearance of the Holly Lodge Estate Conservation Area, and are therefore contrary to policy CS5 (Managing the impact of growth and development) of the London Borough of Camden Local Development Framework Core Strategy and policies DP24 (Securing high quality design) and DP25 (Conserving Camden's heritage) of the London Borough of Camden Local Development Framework Development Policies.
3. The rear extension, by virtue of its bulk, height and detailed design, fails to be subordinate to the host building, to the detriment of its appearance and the character and appearance of the Holly Lodge Estate Conservation Area, and is therefore contrary to policy CS5 (Managing the impact of growth and development) of the London Borough of Camden Local Development Framework Core Strategy and policies DP24 (Securing high quality design) and DP25 (Conserving Camden's heritage) of the London Borough of Camden Local Development Framework Development Policies.