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14<sup>th</sup> August 2015

Dear Sir/Madam,

**2015/3978/P - Single storey rear extension, single storey side extension and front porch extension**  
**- 26 Oakeshott Avenue London N6 6NS**

We have been instructed on behalf of Ms C Steinhouse of 28 Oakeshott Avenue to register an objection to the above application. The reasons for the objection are set out herein. The Council should also note that whilst the submitted location plan correctly identifies the application site, the site plan does not.

**Policy and legislative context**

Set out below are what are considered to be the relevant considerations relating to this application.

❖ ***Planning (Listed Building and Conservation Areas) Act 1990***

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (1) confirms that *with respect to any buildings or other land in a conservation area, of any [functions under or by virtue of] any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.*

❖ ***National Planning Policy Framework (NPPF)***

In relation to the heritage location, the NPPF states:-

*131. In determining planning applications, local planning authorities should take account of:*

- *the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
- *the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
- *the desirability of new development making a positive contribution to local character and distinctiveness.*

*132. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification...*

*133. Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:*

- the nature of the heritage asset prevents all reasonable uses of the site; and*
- no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and*
- conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and*
- the harm or loss is outweighed by the benefit of bringing the site back into use.*

Decision-making policies in the NPPF and in the local development plan are also to be applied, but they cannot directly conflict with or avoid the obligatory consideration of the statutory provisions at set out in Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990.

#### ❖ **Planning Practice Guidance**

*Paragraph 13 - The contribution that setting makes to the significance of the heritage asset does not depend on there being public rights or an ability to access or experience that setting. This will vary over time and according to circumstance.*

*When assessing any application for development which may affect the setting of a heritage asset, local planning authorities may need to consider the implications of cumulative change. They may also need to consider the fact that developments which materially detract from the asset's significance may also damage its economic viability now, or in the future, thereby threatening its ongoing conservation.*

#### ❖ **The Local Development Framework**

*LDF Core Strategy and Development Policies*

**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

#### ❖ **Planning Guidance - CPG6 Amenity (2011)**

*6.1 Access to daylight and sunlight is important for general amenity, health and well-being, for bringing warmth into a property and to save energy from reducing the need for artificial lighting and heating. The Council will carefully assess proposals that have the potential to reduce daylight and sunlight levels for existing and future occupiers.*

*6.2 DP26 sets out how the Council will protect the quality of life of building occupiers and neighbours by only granting permission for development that does not cause harm to amenity.*

6.6 We will aim to minimise the impact of the loss of daylight caused by a development on the amenity of existing occupiers and ensure sufficient daylight to occupiers of new dwellings taking in account overall planning and site considerations. If your proposal will have an unreasonable impact on amenity the planning application will be refused. When assessing daylight issues, we will use the guidelines and methods contained in the BRE's Site layout planning for daylight and sunlight: A guide to good practice.

7.8 Outlook is the visual amenity enjoyed by occupants when looking out of their windows or from their garden. How pleasant an outlook is depends on what is being viewed. For example, an outlook onto amenity space is more pleasant than an outlook across a servicing yard. You should design developments so that the occupiers have a pleasant outlook. You should screen any unpleasant features with permanent landscaping.

7.9 When designing your development you should also ensure the proximity, size or cumulative effect of any structures do not have an overbearing and/or dominating effect that is detrimental to the enjoyment of their properties by adjoining residential occupiers. You should carefully consider the location of bin or cycle stores if they are in close proximity to windows or spaces used by occupiers.

7.10 You should take particular care if your development adjoins properties with a single aspect over your development.

❖ **Holly Lodge Estate Conservation Area Appraisal and Management Strategy  
(Adopted December 2012)**

*Part 1 – Conservation Area Appraisal*

*- Character Area 2 Hillway - (page 21)*

*The Avenues to the west of Hillway form a distinct group primarily because of their scale, with two storey houses, detached and semi-detached, all with neat boundaries to their front gardens. The original designs include a number of variations upon a theme, often with a regular rhythm. The semi-detached properties, for example, run A-B-B-A.*

*The Avenues rise from Hillway and then drop down towards Highgate West Hill. The buildings on the north sides stand above road level, those to the south below it. These roads are narrower than Hillway and this adds to the impact of the buildings, giving particular prominence to the roofscape. The houses are closely spaced, and the relationship between them gives harmony to these streets. Where there has been loss of detail its impact is marked, as is also the case for alterations to windows, porches and roofs.*

*- Chapter 7 - (page 28)*

*A review of applications for planning permission has shown that householders are seeking to maximise the accommodation provided within each house...*

*There have been many extensions to the properties in the conservation area, some of which detract from both the appearance of the building as well as the wider area. There is concern about front and side dormers and side extensions and extensions that have an overbearing effect on rear gardens, particularly when the sloping site exaggerates the effect.*

*Extensions have included building over garages and incrementally these result in the detached and semi-detached houses losing their distinctness and amalgamating into a terrace form which is particularly harmful to the historic character of the estate.*

## **Part 2 – Management Strategy (relevant extracts)**

*Side extensions, resulting in coalescence whereby separate houses start to be read as a linked terrace. This also results in a loss of views between buildings to the gardens beyond (page 34).*

*The simple harmony of the house designs is most often compromised by works to one half of a semi detached pair that do not match the adjoining half. Where one owner makes changes to their semi-detached building regardless of the neighbouring half, or adjacent houses, the unity of appearance of the whole is diluted. Where this disregard continues along the length of an avenue, the result can become a miscellany of random components (page 40).*

*Rear Extensions - Extensions and conservatories can alter the balance and harmony of a property or of a group of properties by insensitive scale, design or inappropriate materials. Rear extensions should be as unobtrusive as possible and should not adversely affect the character of the building or the conservation area. In most cases such extensions should be no more than one storey in height, but the general effect on neighbouring properties, views from the public realm, and relationship with the historic pattern of development will be the key factors in the consideration of their acceptability. Some rear extensions, although not widely visible, so adversely affect the architectural integrity of the building to which they are attached that the character of the conservation area is prejudiced. Extensions should be in harmony with the original form and character of the building and the historic pattern of extensions within the group of buildings. The acceptability of larger extensions depends on the particular site and circumstances. The topography increases the effect of a rear extension for those on the downslope side, with the impacts of height and bulk, overlooking and overshadowing being greater than a similar proposal on level ground. Original rear projections on houses avoid an overbearing effect on their downslope neighbours by being located on the upslope side of the house, and subsequent extensions have largely, but not always, followed this pattern. Development on the downslope side can result in an excessively high wall for the downslope neighbour and so increase in height on this side is unlikely to be acceptable. 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 (pages 46 & 47).*

*Side extensions -Planning permission may be required for the erection of side extensions. The in-filling of gaps between buildings will be resisted where this results in a characteristic gap in the streetscape being closed to an extent that the houses appear linked, or views through to gardens beyond are closed. Where side extensions would not result in the loss of a characteristic gap they should be single storey and well set back from the front building line. Extensions over existing garages or side extensions will be resisted (page 48).*

### **The objections**

1. Infilling of the gap to create a terracing effect (side extension) -

The properties at 28 and 26 Oakeshott Avenue are presently separated by a narrow gap approximately 1.1 metre in width. These gaps are a characteristic of the Holly Lodge Estate with the houses closely spaced creating what is described in the aforementioned Conservation Area Appraisal as *'regular rhythm', 'harmony' and 'unity' to the Avenues. The Appraisal goes onto to identify that existing '... side extensions and extensions... have an overbearing effect on rear gardens, particularly when the sloping site exaggerates the effect.'* The Management Strategy identifies the adverse impact that side extensions stating that *'side extensions, resulting in coalescence whereby separate houses start to be read as a linked terrace. This also results in a loss of views between buildings to the gardens beyond'.*

The Management Strategy confirms that *'The in-filling of gaps between buildings will be resisted where this results in a characteristic gap in the streetscape being closed to an extent that the houses appear linked, or views through to gardens beyond are closed'.* The proposed ground floor side extension would infill this gap disrupting the regular rhythm and harmony between the two properties and the views through to the garden land beyond. It would also facilitate easier unauthorised access (for criminal activity) into 28 Oakeshott Avenue which would be undesirable. The extension, due to it being linked to 28 Oakeshott Avenue, would increase noise and disturbance to the two most frequently used rooms in the property - the front lounge and the rear art and music room which presently is a tranquil place for occupiers of the property.

Policy DP25 'Conserving Camden's Heritage' states that conservation area appraisals and management plans will be considered when assessing applications within conservation areas. It goes onto say that only development within such that preserves or enhances the character and appearance of the area will be permitted.

It is clear that this part of the application would harm the character and appearance of the conservation area and residential amenity and it would therefore be contrary to the NPPF, Planning Practice Guidance, policies CS14, DP25 and DP26 contained in the Local Development Framework and the Council's adopted Conservation Area Appraisal and Management Strategy for the Holly Lodge Estate. In the circumstances, it would be reasonable for the Council to refuse the application for being harmful to the conservation area and its impact on residential amenity.

2. The visual impact of the rear extension on the living space at 28 Oakeshott Avenue -

The rear extension measures approximately 2.5 metres deep, 7.4 metres wide and will be 2.8 metres high. It will be located approximately 2.3 metres from the nearest rear ground floor window to the property at 28 Oakeshott Avenue.

Policy DP26 confirms that the Council will protect the quality of life of occupiers and neighbours by only granting permission for development that does not cause harm to amenity including overshadowing and outlook and sunlight, daylight and artificial light levels. The Planning Guidance CPG6 'Amenity' supports this policy further setting out specific requirements for developments.

The nearest window at 28 Oakeshott Avenue to this rear extension room serves a habitable room used daily by the occupants of the property for music and art purposes. The size and massing of the rear extension together with its proximity to this window are considered to give rise to an unacceptable loss of daylight. Sunlight from late afternoon will also be reduced. As a result, this extension will create an oppressive environment reducing the enjoyment and health and well-being for its occupiers. Also, the proximity and height of the rear extension will be overbearing on both the aforementioned room and the adjoining rear patio creating an oppressive and unacceptable sense of enclosure. This would seriously adversely affect the occupier's outlook and enjoyment of their property. Finally, the cumulative impacts these proposed extensions will have together with the existing roof dormers are considered to be overdevelopment of the site.

The aforementioned amenity impacts are considered to be harmful to the property at 28 Oakeshott Avenue. The proposal would be contrary to the NPPF, Planning Practice Guidance, local development plan policy DP26 and the Council's adopted Planning Guidance CPG6 'Amenity'. As such, the proposal should be refused on amenity grounds.

### **Conclusion**

The policy and legislative tests relating to this development are clear in so far as they require the proposal to (i) preserve or enhance the character and appearance of the conservation area and (ii) maintain the amenity of neighbouring properties.

The local development framework policies CS14, DP25 and DP26 state that developments that harm the conservation area and residential amenity will be refused. The Holly Lodge Estate Conservation Area Appraisal and Management Strategy and the Planning Guidance CPG6 'Amenity' support these policies setting out specific requirements and tests in respect of these two issues.

The proposed side extension will enclose an important gap between the application site and 26 Oakeshott Avenue causing a terracing effect. This would be harmful to the conservation area's character and appearance.

The rear extension due to its size, massing and proximity will cause an unacceptable impact on the living conditions – light, sunlight and outlook – on the nearest habitable room located to the development. This would be harmful to the amenity of 28 Oakeshott Avenue.

For the reasons set out above, the proposals would harm the character and appearance of the conservation area and residential amenity and it would therefore be contrary to the NPPF, Planning Practice Guidance, policies CS14, DP25 and DP26 contained in the Local Development Framework the Council's adopted Conservation Area Appraisal and Management Strategy for the Holly Lodge Estate and the Planning Guidance CPG6 'Amenity'. In the circumstances, it the Council are urged to refuse the application.

Yours faithfully,

Peter Bull Dip TP MRTPI

Appendix A – photographs to illustrate the points made in the letter



The front of 26 and 28 Oakeshott Avenue



Rear of 26 and 28 Oakeshott Avenue



Looking towards 26 from the rear of 28