

<b>Delegated Report</b>		<b>Analysis sheet</b>	<b>Expiry Date:</b>	13/07/2015
		N/A / attached	<b>Consultation Expiry Date:</b>	12/08/2015
<b>Officer</b>			<b>Application Number(s)</b>	
Kate Phillips			2015/2759/P	
<b>Application Address</b>			<b>Drawing Numbers</b>	
24A Netherhall Gardens London NW3 5TH			Refer to Draft Decision Notice	
<b>PO 3/4</b>	<b>Area Team Signature</b>	<b>C&amp;UD</b>	<b>Authorised Officer Signature</b>	
<b>Proposal(s)</b>				
Construction of mansard roof extension with 1 no. front dormer window, 1 no. rear dormer window and 2 no. side dormer windows.				
<b>Recommendation(s):</b>		Refuse		
<b>Application Type:</b>		Householder Application		

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
<b>Consultations</b>						
Adjoining Occupiers:	No. notified	<b>27</b>	No. of responses	<b>4</b>	No. of objections	<b>4</b>
			No. electronic	<b>00</b>		
Summary of consultation responses:	<p>On 02/07/2015 the owner/occupiers of No. 24 Netherhall Gardens objected to the original set of plans (received 16/05/2015) on the following grounds:</p> <ul style="list-style-type: none"> <li>• Similar application refused in 2001</li> <li>• Detrimental impact on conservation area</li> <li>• Obscuring attractive features on No. 24</li> <li>• Out of keeping with Victorian dwellings</li> <li>• Overdevelopment of the host dwelling</li> <li>• Side dormer windows are too large and poorly positioned</li> <li>• Top-heavy design / not subservient</li> <li>• New gables would compete with original dwelling</li> <li>• Loss of natural light to 5 no. side facing windows</li> <li>• Sense of enclosure</li> <li>• Loss of outlook</li> <li>• Impact on natural ventilation</li> <li>• Drainage problems</li> <li>• Future maintenance problems</li> </ul> <p>On 17/07/2015 the owner/occupiers of No. 24 Netherhall Gardens objected to the revised plans (received 27/06/2015) for the same reasons listed above, and also on the following grounds:</p> <ul style="list-style-type: none"> <li>• Inaccurate plans</li> <li>• Still not subservient to No. 24</li> </ul> <p>On 21/07/2015 the applicants made the following comments in response to the objection from No. 24:</p> <ul style="list-style-type: none"> <li>• Window A serves a corridor rather than a study (non-habitable)</li> <li>• Room with Window B has light coming from the rear</li> <li>• Windows at side have obscured glass so won't suffer loss of outlook</li> <li>• Amendments have reduced the height of the proposed extension</li> <li>• Revised design will be more subordinate in character</li> </ul> <p>On 23/07/2015, the owner/occupiers of No. 24 Netherhall Gardens responded to the 21/07/2015 letter from the applicant, as follows:</p> <ul style="list-style-type: none"> <li>• Windows A and C serve habitable rooms</li> <li>• Room with Window B will be converted back to a bedroom in future</li> <li>• New extension will cause sense of enclosure and loss of light from side facing windows at No. 24</li> </ul>					

	<p>On 12/08/2015 the owner/occupiers of No. 24 Netherhall Gardens objected to the revised plans (received 27/06/2015) for the same reasons listed above, and also on the following grounds:</p> <ul style="list-style-type: none"> <li>• Inaccurate and misleading plans</li> <li>• Inability to comply with Building Regulations</li> <li>• Changes to plans to not alter the unacceptable impact on No. 24</li> <li>• Detrimental impact on conservation area</li> </ul> <p><b>Officer comment:</b></p> <p><i>See Section 2 of the Officer's Report below for the assessment of the impact on the character and appearance of the host dwelling and the wider area (including the Fitzjohns Netherhall Conservation Area). The impact is not considered to be acceptable.</i></p> <p><i>See Section 3 of the Officer's Report below for the assessment of the impact on nearby and neighbouring properties. The impact is not considered to be acceptable.</i></p> <p><i>The ability or otherwise to comply with Building Regulations is not a planning matter and the granting of permission would not affect the applicants responsibility to comply with the relevant regulations.</i></p>
<p><b>Fitzjohns / Netherhall CAAC</b></p>	<p>No comments received</p>
<p><b>Netherhall Neighbourhood Association</b></p>	<p>On 13/08/2015, the following comments were made in relation to the final set of plans:</p> <ul style="list-style-type: none"> <li>• Loss of light amenity to No. 24</li> <li>• Design &amp; Access Statement does not match plans</li> </ul>

## Site Description

The application site is No. 24A Netherhall Gardens, which is a two storey, red brick residential dwelling with a flat roof and parapet wall on the eastern side of the road. The property is physically adjoined to No. 24 Netherhall Gardens and the planning history indicates that it was constructed circa 1949 to replace an earlier, smaller annexe attached to the original building (No. 24).

Netherhall Gardens slopes down from North to South and there is a gap between Nos. 24 and 26 due to lower level development in the intervening space (a garage with accommodation above). This means the side elevation of No. 24A is prominent in views looking down the street (from North to South).

The application site is within the Fitzjohns Netherhall Conservation Area and Nos. 20-40 (even) Netherhall Gardens are identified as making a positive contribution to the character and appearance of the conservation area.

## Relevant History

### No. 24A Netherhall Gardens

PWX0103270 - The erection of an additional storey to a two storey dwelling house – Refused 05-06-2001

Reason for refusal:

*The proposed development, by reason of its additional extensions. height, bulk and design, would have a detrimental effect on the appearance of the main building and the character and appearance of this part of the Fitzjohn's/Netherhall conservation area. it is contrarary to policies EN1, EN13, EN14, EN22, EN24 and EN31 of the Unitary Development Plan 2000 and advice contained in the councils Supplementary Planning Guidance 1994 and the Fitzjohn's/Netherhall Conservation Area Statement, with regards to side.*

TPD587/53 - Erection of garage, balustraded terrace roof, dustbin enclosure, and alteration to front elevation - Conditional permission 06-03-1962

9500390 - Erection of bay window extension at rear first floor level – Granted full permission with conditions 06-10-1995

9360080 - The demolition of the rear ulitity room – Granted Conservation Area Consent 06-08-1993

9300694 - Alterations to the rear elevation and reconstruction of the utility room - Granted full permission with conditions 06-08-1993

8700205 - Removal of front wall and excavation of front garden to provide off-street car parking and the formation of a means of access to the highway - Refused 09-07-1987

### No. 24 Netherhall Gardens

2004/2990/P - Demolition of front boundary wall and alteration of front garden to provide 2 new vehicular entrances with new brick walls and piers, in association with enlarged forecourt parking area - Granted 15-09-2004

TP/46445/4334 - The rebuilding and extension of the existing annexe of 24 Netherhall Gardens and

conversion of the premises into one maisonette and three flats (all self-contained). – Granted 21/07/1949

### No. 26 Netherhall Gardens

2015/3314/P - Erection of 4 storey plus basement detached building to provide 5 flats (4 x 2-bed and 1 x 3-bed) including front and rear roof terraces, hard and soft landscaping, boundary treatment and 3 car parking spaces, following demolition of the existing building (Class C3). – *Decision pending*

2014/6224/P - Erection of a four-storey plus basement detached building to provide 5 self-contained residential units comprising 4 x 2 bedroom and 1 x 3 bedroom units, including hard and soft landscaping, new boundary treatment and the provision of off street car parking, following demolition of the existing building (Class C3). - Refused 19-01-2015.

### **Relevant policies**

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

#### **National Planning Policy Framework (2012)**

#### **London Plan 2015 consolidated with alterations**

#### **LDF Core Strategy and Development Policies 2010**

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**

CPG1 Design (2015)

Chapter 2 (Design excellence)

Chapter 3 (Heritage)

Chapter 4 (Extensions, alterations and conservatories)

CPG6 Amenity (2011)

Chapter 6 (Daylight and sunlight)

Chapter 7 (Overlooking, privacy and outlook)

#### **Conservation Area Statement – Fitzjohns Netherhall February 2001**

Character and appearance of the area (page 10)

Sub-Area 1 – Fitzjohns (page 13 – 21)

Current Issues (page 36 – 37)

Roof extensions (Page 40)

## Assessment

### 1. Proposal:

1.1 This application seeks planning permission for the construction of a mansard roof with 1 no. front facing dormer window, 1 no. rear facing dormer window and 2 no. side facing dormer windows.

1.2 The proposed mansard roof would measure 1.9 metres tall and it would partly abut the side wall of No. 24 Netherhall Gardens. In total, the mansard roof would measure 14 metres long and 4.8 metres wide.

1.3 There is an existing void at the first floor level in the application building, which serves as a lightwell to windows at the attached neighbouring property (No. 24). The proposed second floor would feature the same void (the light well would be continued upwards) and the roof adjacent to the void would slope away from the void. The roof adjacent to the side-facing stained glass window at No. 24 would also slope away from this window.

1.4 The proposed mansard roof would be constructed with tiles to match the neighbouring building and the windows within the dormers would be white painted timber sash windows.

### 2. Impact on the character and appearance of the host dwelling and the wider area (including the Fitzjohns Netherhall Conservation Area)

2.1 The application site is within the Fitzjohns Netherhall Conservation Area, wherein the Council has a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.

2.2 In 2001, planning permission was refused for the erection of an additional storey at the application building (PWX0103270). It was considered that the proposed development, by reason of its additional extensions, height, bulk and design, would have a detrimental effect on the appearance of the main building and the character and appearance of this part of the Fitzjohns Netherhall Conservation Area. The 2001 application proposed an additional storey with vertical walls and a flat roof, with hipped tiled roofs at the front and rear. This application differs insofar as it proposes a traditional, flat-topped mansard roof with flat roof dormers on the front, side and rear elevations.

2.3 The planning history at the application site is a material consideration in the determination of this application; however, the planning policy context has changed since 2001 and therefore this application also needs to be assessed on its own merits and against the current guidance. CPG1 (Design) sets out detailed guidance for roof extensions and it advises that for properties in conservation areas, reference should be made to the relevant conservation area statement (which has not changed since the previous application).

2.4 The Fitzjohns Netherhall Conservation Area Statement (FNCAS) notes that the hills and their gradients play an important role in determining the conservation area's character. Netherhall Gardens rises up from Finchley Road on a very steep incline, which gives the buildings a dramatic impact from either direction with the roof lines standing out. This is particularly the case for Nos. 20, 22, 24 and 24A because they are sited at a higher level than the road.

2.5 The FNCAS also notes that a key feature of mid to late Victorian architecture is the visibility of the roof and roofs are an important and conspicuous element of the Fitzjohns Netherhall Conservation Area, with mid to late Victorian architecture dominating the profile of the skyline.

2.6 The FNCAS sets out guidelines for development in the conservation area and F/N15 notes that roof extensions are unlikely to be acceptable where:

- It would be detrimental to the form and character of the existing building;
- The property forms part of a group or terrace which remains largely, but not necessarily completely unimpaired;
- The property forms part of a symmetrical composition, the balance of which would be upset;
- The roof is prominent, particularly in long views;
- The building is higher than many of its surrounding neighbours. Any further roof extensions are therefore likely to be unacceptably prominent.

2.7 No. 24A is physically adjoined to No. 24 and the planning history indicates that it was constructed circa 1949 to replace an earlier, smaller annexe at No. 24 which also had a flat roof. The FNCAS highlights the wide variety of detail and decoration on the buildings in the conservation area; however, the application building (No. 24A), by virtue of its flat roof, simple design and relative lack of detail and decoration, appears subordinate to the original building (No. 24). The subservient nature of No. 24A means the history and development of the overall building can be easily understood and it is possible to discern the original building. The scale and proportions of the application building would be significantly altered by the proposed roof addition, such that No. 24A would no longer appear as subservient to No. 24. This would harm the architectural composition of the overall building and the works would also detract from the established rhythm of the street scene along this part of Netherhall Gardens.

2.8 The proposed works would also cause further harm to the original symmetry between Nos. 24 and 22 Netherhall Gardens. Nos. 24 and 22 were designed to mirror each other, with the larger front facing gable ends situated at the outer edges of the respective buildings, which frames the pair of buildings. The erection of No. 24A at the side of No. 24 has already eroded the original symmetry between the buildings; but the flat roof does at least allow the front facing gable at No. 24 to remain a prominent feature of the building. It is considered that the proposed mansard roof at No. 24A would visually compete with the front facing gable at No. 24 (even though it would be lower in height) and the works would further erode the intended symmetry between Nos. 22 and 24. This would be to the detriment of the character and appearance of the buildings and the street scene along this part of Netherhall Gardens.

2.9 The works also fail to comply with the FNCAS guidelines because the roof at No. 24 is prominent in long range views along Netherhall Gardens and the erection of the mansard roof above No. 24A would largely obscure views of the roof at No. 24. The large stained glass window in the of No. 24 would be obscured (especially in views from the street level) and so would the chimney stacks at No. 24. Insofar as the visibility of the roof is a key feature of Victorian architecture, it is considered that the works would cause harm to the character and appearance of No. 24 Netherhall Gardens and also to the character and appearance of the Fitzjohns Netherhall Conservation Area, especially because F/N17 notes that the retention or reinstatement of any architecturally interesting features and characteristic decorative elements such as gables, eaves, cornices and chimney stacks and pots will be encouraged.

2.8 Furthermore, as highlighted in the FNCAS, Nos. 20, 22, 24 and 24A Netherhall Gardens are sited on higher ground than the adjacent road, which gives these buildings extra prominence, and the roof addition would therefore be overly prominent in the street scene. The applicant has highlighted the current planning application relating to No. 26 Netherhall Gardens, the adjacent property to the North (2015/3314/P); however, the decision is still pending on that application and therefore very limited weight can be given to that application in the consideration of this application. Even if the application

at No. 26 is approved, the side of the roof at No. 24 would still be highly visible in long range views of the application site and the proposal to partially obscure the original roof of No. 24 cannot be supported.

2.9 The FNCAS also notes that the most common types of roofs in the conservation area are gables (various designs), pitched with dormers, or shallow pitched with overhanging eaves; however, for the reasons given above a traditional pitched roof would not be appropriate in this case because it would compete with the original roof and harm the composition of the neighbouring building and the group of buildings. CPG1 (Design) acknowledges that mansard roofs are often the most appropriate way to extend a building with a flat roof and parapet wall, but this is subject to other considerations, such as the impact on the character and appearance of the wider area. In this case, the proposed mansard roof would not relate to any nearby buildings and it is considered that it would appear incongruous in the street scene.

2.10 To conclude, the proposed mansard roof, by virtue of its size, siting, design and appearance, would cause harm to the character and appearance of the application building, the neighbouring building, the group of buildings and the street scene along Netherhall Gardens and the proposal would fail to preserve and enhance, but instead would detract from the character and appearance of the Fitzjohns Netherhall Conservation Area. The proposal is therefore contrary to Policies 24 and 25 of the London Borough of Camden Local Development Framework Development Policies. The proposal also fails to comply with Policies 7.4, 7.6 and 7.8 of the London Plan 2015; and the provisions of paragraphs 14, 17, 56-66 and 126-141 of the National Planning Policy Framework 2012. The application is recommended for refusal on this basis.

### **3. Impact on the visual and residential amenities of the neighbouring properties**

3.1 Policy DP26 notes 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. The main residential property that is likely to be affected by the proposal is the attached neighbouring property, No. 24 Netherhall Gardens. All other nearby and neighbouring properties are considered to be sufficiently removed from the application site so as not to be unduly affected by the proposed works.

3.2 The proposed mansard roof would measure 1.9 metres tall and part of it would abut the side wall of No. 24. The mansard roof would cover the whole of the existing roof of the host building and would allow for the retention (and extension upwards) of the existing void adjacent to the side facing windows at No. 24. The roof adjacent to the void would slope away from the void. The roof adjacent to the stained glass window at No. 24 would also slope away from this window. The submitted A-A section drawing is misleading and the plans do not adequately illustrate the relationship of the new roof with No. 24.

3.3 No. 24A is situated on the Northern side of No. 24 and therefore the proposal to add the mansard roof is unlikely to cause any direct loss of sunlight to No. 24. However, the North-facing windows at No. 24 are already likely to suffer from overshadowing and low levels of daylight reception, due to their positions on the Northern side of the dwelling and adjacent to the void, and it is considered that adding a mansard roof to No. 24A would have a detrimental impact on the level of daylight reaching these windows. CPG6 (Amenity) notes that the Council will require a daylight and sunlight report to accompany planning applications for development that has the potential to reduce levels of daylight and sunlight on existing and future occupiers near to and within the proposal site, and this application is not accompanied by any such report. The section drawings indicate that the proposed mansard roof would not intrude into a 45 degree line drawn from the windows at No. 24; however, this is not sufficient evidence to satisfy the Council that the impact on daylight levels at No. 24 would be

acceptable. The applicant has failed to adequately demonstrate that the proposed mansard roof would not cause a material loss of daylight and thereby cause harm to the amenity of the occupiers of number 24 and the application is recommended for refusal on this basis.

3.4 The proposed mansard roof is also likely to detrimentally impact on the outlook from the side facing windows at No. 24. The first floor side facing windows at No. 24 already suffer from poor outlook because they open out on to the void between the two dwellings and 3 of the 4 window panes (on the 2 windows) are obscurely glazed, which limits the potential for looking out of these windows. However, at the moment, it is possible to open these windows and look upwards and see the sky. Although the mansard roof would slope away from the void, it would still be visible and it is considered that it would cause a greater sense of enclosure within No. 24. This would be to the detriment of the enjoyment of the dwelling.

3.5 The larger, stained glass window is also obscurely glazed, which limits the potential for looking out of it; however it is possible to open this window and look over the roof of No. 24 and along the street. Although the proposed mansard roof would slope away from this window, the slope of the roof would rise from within 0.2 metres of this window and the bulk of the roof would block the views outwards from this window. Even when the window was closed, the bulk of the new mansard roof would be visible through the stained glass and it is considered that the roof would cause an unacceptable sense of enclosure within the dwelling, again to the detriment of the enjoyment of the dwelling.

3.6 There is debate over whether the windows which are affected serve habitable rooms or not. The occupiers of No. 24 have submitted evidence to suggest one of the windows looking out into the void serves a study area and the larger window serves a landing area, which is used as a play room. The applicants have disputed these claims, noting that the windows serve a corridor and staircase. Regardless of the use of the spaces behind the windows at No. 24, it is still considered that the proposed mansard roof would cause an unacceptable sense of enclosure within No. 24. The application is therefore recommended for refusal on this basis.

3.7 It is not considered that the proposal would cause undue overlooking or loss of privacy to the occupiers of No. 24. There would be no new windows facing towards the side of No. 24 and whilst the new rear facing dormer window may allow views towards the private rear garden at No. 24, the views would be at an angle and would be similar to what is generally expected in built-up residential areas such as this.

**Recommendation:** Refuse planning permission.