

<b>Delegated Report</b>		<b>Analysis sheet</b>		<b>Expiry Date:</b>		<b>02/07/2015</b>	
<b>(Members Briefing)</b>		N/A		<b>Consultation Expiry Date:</b>		<b>04/06/2015</b>	
<b>Officer</b>				<b>Application Number(s)</b>			
Olivier Nelson				2015/1609/P			
<b>Application Address</b>				<b>Drawing Numbers</b>			
April House 45 Maresfield Gardens London NW3 5TE				See 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>							
Erection of 1st floor side extension and alterations to front and rear elevations (retrospective).							
<b>Recommendations:</b>		<ol style="list-style-type: none"> <li>1. Grant planning permission</li> <li>2. That the Head of Legal Services be instructed to issue an Enforcement Notice under Section 172 of the Town &amp; Country Planning Act 1990 as amended requiring, the removal of the unauthorised flat roof first floor side extension and the unauthorised clear glazed window at rear first floor level, 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.</li> </ol>					
<b>Application Type:</b>		<b>Full Planning Permission</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>32</b>	No. of responses No. Electronic	<b>10</b> <b>00</b>	No. of objections	<b>08</b>
<b>Summary of consultation responses:</b>		Site notice: 13/05/2015 – 03/06/2015 Press notice: 14/05/2015 – 04/06/2015  The objections are as follows: <ul style="list-style-type: none"> <li>• The proposed previous proposal had shown an obscured window overlooking the Danish YCWA terrace as part of 2013/1071/P. The current application has clear glass.</li> <li>• The revised side elevation has ugly rainwater pipes.</li> </ul>					

- The boundary between properties is not shown.
- The coping detail on all new areas is not suitable for conservation area.
- Addition of glass balustrade is akin to 60s and 70s buildings rather than those in the Conservation Area.
- The extension would reduce light to corridors/staircases of the neighbouring property at no. 43.
- Work is not in keeping with the look and feel of buildings within the area.
- The side of the building is not to just delineate property but to maintain a degree of safety/security/privacy between buildings.

**Officer Response**

In response to the objections please see the following:

**Principle of the development** – Paragraphs 2.1 -2.2

**Design** – Paragraphs 2.3 – 2.8

**Amenity** – Paragraph 3.1 - 3.3

There were also objections which related to an alteration to the front of the property by way of creating two parking spaces and unauthorised brick pillars and gates which have been erected. These have been omitted from the current application and are subject to a separate application.

**CAAC/Local groups comments:**

Hampstead CAAC commented as follows:

- Unclear design concept with no redeeming sustainable features
- Inadequate consideration given to the massing of this property at this conservation location.
- No context in terms of heights and boundaries provided on current drawings such as proper surveyed levels.
- Current proposals will be an unwelcome addition to adjoining neighbours

**Officer Response**

- *The design of the side extension and alterations to the front and rear elevations are considered to use elements of what has previously been proposed. These changes to the original building were previously considered to be acceptable.*
- *The massing of the extension has taken into account what has previously been approved as well as what exists at neighbouring properties.*
- *The side extension proposed is less than one storey below the eaves height and as such is in line CPG 1 (Design).*
- *The proposed additions have incorporated elements of the scheme which have previously been approved such as the white render at ground floor level on the front elevation.*

**Site Description**

The site is occupied by a 3 storey building (plus lower ground and roof levels) known as April House located on the western side of Maresfield Gardens. The building is divided into two flats, being flats A and B. The application property is the flat occupying the lower ground, ground and first floor. The property lies within the Fitzjohns/Netherhall Conservation Area and is considered to make a positive contribution to the Conservation area. The building is located slightly upslope from No. 43 Maresfield Gardens.

## Relevant History

### 45 Maresfield Gardens (application site)

8600254- Change of use and works of conversion to form four flats on the ground floor and lower ground floor as shown on drawings No.0585A/06 and 07. **Granted 23/04/1986.**

9201060- Erection of a rear extension at first floor level to the existing flat including new entrance canopy on the ground level front elevation. **Granted 04/02/1993.**

2013/1071/P- Conversion of two existing flats into one single family dwelling (Class C3) and associated alterations. **Granted 22/07/2013.**

2014/1394/P- Alterations to replace windows and doors on front elevation at ground floor level with 2 windows and 3 doors, including installation of glazed canopy over entrance. **Granted 05/06/2014.**

2014/1956/P- Erection of a side extension at second floor level. Pending determination with recommendation for refusal.

2014/5724/P- Extension of existing basement level (retrospective). **Withdrawn.**

2014/5725/P- Extension of existing basement level (retrospective). **Granted 12/06/2015**

(ENFORCEMENT) EN14/0713 – Excavation of basement and the approved scheme 2013/1071/P has not been implemented. As a result the current application was submitted (2014/5725/P) in order to firstly regularise the first floor side extension in line with the previous approval in 2013, and then to amend the as built extension, which differed from both the original side extension which it replaced and the as approved design from 2013.

## Relevant policies

### **National Planning Policy Framework 2012**

### **London Plan 2015, consolidated with alterations since 2011**

### **Camden LDF Core Strategy 2010**

CS5 Managing the impact of growth and development

CS14 Promoting high quality places and conserving our heritage

### **Camden Development Policies 2010**

DP24 Securing high quality design

DP25 Conserving Camden's heritage

DP26 Managing the impact of development on occupiers and neighbours

DP28 Noise and vibration

### **Camden Planning Guidance (updated 2013)**

CPG1 Design

CPG6 Amenity

### **Fitzjohns and Netherhall Conservation Area Statement 2001**

## Assessment

### 1. Proposed Development

1.1 Planning permission was previously granted for a three storey extension as part of an application to convert the property from two flats to one house (2013/1071/P). The conversion has not been implemented. However, work commenced on the site and some works which were approved under this permission were implemented. Those works included a replacement side extension and other alterations to both the front and rear of the building which did not

benefit from planning permission and included:

- The fitting of a raised flat roof to the first floor side extension with a parapet wall and not setting this extension back far enough behind the front building line;
- Lowering the ground level at the front of the property, which has given the impression of the ground floor front elevation being taller;
- Alterations and additions to the windows/doors on the ground floor front elevation;
- Increasing the height of patio doors at the rear of the property;
- Not fitting obscure glazing to the bottom sash of the rear first floor side extension window to prevent overlooking;

1.2 The application seeks to regularise areas of concern raised by the enforcement case. The proposed side extension at first floor level would have a height of 2.9m, width of 3.2m and a depth of 10.8m which is 0.4m deeper than the 2013 approval. This would be finished with a pitched roof finished in lead sheeting. A coping stone is proposed to cap the parapet on the front elevation. A clear glazed balustrade would be provided to the front of the roof terrace above the ground floor front extension which would be in line with what was previously approved.

1.3 The previously approved (2013) rear elevation had a patio door with a total height of 2.2m and an obscure glazed window at first floor level. The current application has a patio door which is 2.8m high and the window at first floor level is clear glazed rather than the approved obscure. On the side elevation facing toward the neighbour at no. 43 the previously approved French doors and single door at ground floor level would be replaced with a fixed window and double aluminium sliding doors.

1.4 This application proposes changes to the fenestration on the front and rear elevations. On the front elevation at ground floor level there would be two wooden sash windows, one wooden panel central door and two smaller wooden panel doors (one leads to a store, the other leads to the flat at upper floors). All fenestration would be painted off-white in order to appear in keeping with the render at this level.

## 2. Design

2.1 Policy DP25 of the LDF requires that all alterations and extensions to buildings within designated conservation areas preserves or enhances the character and appearance of the area. In addition, CPG 1 (Design) states that extensions are to be secondary to the building being extended, in terms of location, form, scale, proportions, dimensions and detailing, and respect and preserve the original design and proportions of the building, including its architectural period and style. The Fitzjohn/Netherall Conservation Area statement states that extensions should be in harmony with the original form and character of the house and the historic pattern of extensions within the terrace or group of buildings. The Fitzjohn and Netherall Conservation Area appraisal and management plan notes that side extensions may be acceptable providing they do not upset the character and relationship between the properties.

2.2 Generally side extensions at first floor level or above are not considered to be acceptable where they upset the character and relationship between the properties. Normally the infilling of gaps will be resisted where an important gap is compromised or the symmetry of the composition of a building would be impaired. Where side extensions would not result in the loss of an important gap they should be single storey and set back from the front building line. In this instance, planning permission has already been granted for a replacement first floor side extension (2013/1071/P) and therefore the principle of a first floor side extension has been established. This original and 2013 approved side extensions were designed with a hipped roof which gave the appearance that the extension is set back from the front building line. After discussion, the current application reinstates a similar pitched roof design to the front, therefore giving the impression of being set back. The proposal also removes an unauthorised high front

parapet which had been built without permission.

- 2.3 The proposed height of the extension appears secondary to the main building and is at an acceptable height. The design of the roof has been altered and now has a pitched roof which is set back from the front elevation. The setting back of the roof pitch helps the extension be subservient to both the host building and the neighbouring down slope property whilst not harming the character and appearance of the conservation area when viewed within the context of properties on Maresfield Gardens. A coping stone has been added to the parapet around the retained flat roof behind the front pitch and this helps to reduce the perceived height of this side extension. There is a marginal increase in size between the extension approved under reference (2013/1071/P) and what is proposed in this application. The height has increased from 2.8m to 2.9m and the width 3.1m to 3.2m. The increase in size is not considered to be sufficiently different to what was previously approved to have a material impact on the appearance of the building or the character of the area.
- 2.4 The extension is considered to be well designed in relation to the main building in terms of its size, location and architectural form. The white render has been previously approved, and as such is considered to be acceptable as part of this application. The pitched roof is in keeping with the main roof of the building and would be in keeping with the character of the area. The extension is considered to preserve the character of the Fitzjohns/Netherall Conservation Area. The proposal therefore complies with DP24 and DP25 of the LDF.
- 2.5 The proposal also includes amendments to the fenestration details of the rear and front elevation. There would be a series of windows and doors on the ground floor front elevation which differ to previously approved scheme.
- 2.6 The rear elevation only includes changes to the first, ground and lower ground floor levels. The changes are largely in keeping with what was previously approved. The ground and lower ground floor patio doors to the rear of the side extension become taller. However, given the large expanses of glass to the principal rear elevation they would not appear discordant. As such the changes are considered to reflect the integrity of the host property and the wider Conservation Area.
- 2.7 The ground floor front extension as built appears taller than the approved drawings. However, this is purely as a result of the front garden being lowered in this location. The lowering of the ground level also changes the appearance of the fenestration. The ground floor window opening dimensions and moulding details are the same dimensions as the approved scheme (2013/1071/P). This application includes stone architraves to the windows and the main door. The choice of this architectural detail would help to resolve the proportions of the front elevation to be more in keeping with the character of the building. The architraves would also help to reduce the distance between the window heads and the parapet above. The proposal would also see a slim coping stone to cap the parapet, this would help to reduce the distance between the line of the parapet and window heads. It is considered the proposed changes would address officer concerns relating to the proposal as built. As such, the design at the front of the building is considered to use architectural detailing which preserves the character of the Fitzjohn/Netherall Conservation Area.
- 2.8 The proposed fenestration alterations are considered acceptable. The chosen materials complement the host building because they are similar to what has previously been approved on site. The alterations are considered to both preserve the character of the host building and would be in accordance with DP24 and DP25 of the LDF.

### 3. Residential Amenity

- 3.1 The proposal is considered to have an acceptable impact on the amenity of adjoining residential occupiers in terms of loss of light. There are windows on the side elevation of no. 43 but these are windows to corridors and the flight of stairs. The side extension which has been

built is 0.4m deeper than previously approved. No windows are proposed at first floor level on the side elevation. The increase in size of the side extension is not considered to have a significant impact on the neighbouring property at no. 43. The side extension has a similar width to what has previously been proposed; as such its impact on the windows of no. 43 has already been deemed acceptable. As such the proposal is considered to have an acceptable impact on the amenity of adjoining properties and be in keeping with LDF policy DP26.

3.2 The previous application required that the first floor rear window on side extension be obscure glazed. However, the window was built without obscure glazing. There is a terrace area at the neighbouring property (No. 43) and there is concern that this window, may lead to overlooking issues. In order to reduce overlooking opportunities it is considered that the bottom half of the window on the rear elevation should be half-obscured. As such a condition is recommended to this effect.

3.3 The proposed side and rear extension and the alterations to the fenestration of the property would not have a detrimental impact on the daylight/sunlight received by neighbouring properties, nor, with conditions, would the alterations increase any opportunity for overlooking. The front terrace area at first floor level is considered acceptable in that its position facing onto the road is not likely to raise any overlooking concerns. The proposal is therefore considered acceptable in amenity terms and in accordance with DP26 of Camden's LDF.

#### 4. Recommendation

Grant planning permission and warning of enforcement action

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 flat roof first floor side extension and the unauthorised clear glazed window at rear first floor level, 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 breaches of planning control:**

The unauthorised construction of:

1. The fitting of a raised flat roof to the first floor side extension with a parapet wall and not setting this extension back far enough behind the front building line; (action)
2. Lowering the ground level at the front of the property, which has given the impression of the ground floor front elevation being raised in height; (no action)
3. Moving the windows within the ground floor front elevation leaving too much space above them so that their proportions looked wrong; (no action)
4. Raising the heights of patio doors at the rear of the property; (no action)
5. Not fitting obscure glazing to the bottom sash of the rear first floor side extension window to prevent overlooking; (action)

#### **WHAT ARE YOU REQUIRED TO DO:**

1. Either implement plans 2015/1609/P in full in accordance with the amended scheme 2045(PLA)100A, 2045(PLA)101B, 2045(PLA)102, 2045(PLA)103, 2045(PLA)104, (scheme hereby approved above): or.
2. Reinstate the original first floor side extension with one which replicates it in exact details in accordance with plans [Prefix 5835] 01, 02, 03, 04, 06, 08, 10, 12, 13, 14, 16, 18.) as shown in application 2013/1071/P; or,
3. Remove the clear glazing in lower half of the sliding sash window located at the rear of the side extension at first floor level and replace with obscure glass.

**PERIOD OF COMPLIANCE:**

6 months

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

1. The works are less than 4 years old.
2. The as built flat roof first floor side extension, by virtue of its poor design including height, bulk, siting, finishes and materials is considered unduly prominent and obtrusive within the street scene, to the detriment of the appearance of the existing building and the character and local area, contrary to the London Borough of Camden Local Development Framework Core Strategy 2010 policies CS5 (Managing the impact of growth and development), CS14 (Promoting high quality places and conserving our heritage), and the London Borough of Camden Local Development Framework Development 2010 Policy DP24 (Securing high quality design).
3. The as installed clear glazed window at rear of first floor level of the side extension by virtue of its position may cause direct overlooking and privacy harm to neighbouring terrace and garden areas contrary to Policy DP26 (Managing the impact of development on occupiers and neighbours) of the London Borough of Camden Local Development Framework Development 2010.