

# CONSULTATION SUMMARY

## Case reference number(s)

2015/3798/P

## Case Officer:

Elaine Quigley

## Application Address:

41 Oppidans Road  
London  
NW3 3AG

## Proposal(s)

Alterations and extensions including erection of a ground and third floor rear extension, installation of railings to create balcony on the roof of the ground floor rear extension, increase in the height of the western boundary wall, installation of water tank on the roof, replacement of garage door with solid panel and new high level window above, new high level window openings on the western side elevation, installation of bike and bin store enclosure within the front courtyard area all in association with the existing single family dwelling (Class C3 use).

## Representations

<b>Consultations:</b>	No. notified	10	No. of responses	1	No. of objections	1
					No of comments	0
					No of support	0

## Summary of representations

### *(Officer response(s) in italics)*

The owner/occupier of No: 62 Meadowbank has objected to the application on the following grounds:

#### **Single storey rear extension at third floor level**

#### **Objection**

It is very unfortunate that in this case the Architect has chosen to take one of the worst extensions, that of No 40, as his model for development. The roof extension at No 40 is a classic example of a lumpen overdevelopment which loses one of the attractive features of these houses, the roof terrace leading from living/bedroom space at third floor level. It replaces this with an awkward "terrace" on the very top which is remote from any of the facilities of the house and will almost certainly

seldom be used.

**Officer response**

*It is acknowledged that the third floor rear extension would not comply with guidance in CPG1 (Design) as it is high level, would project up to the eaves of the roof and would project out in line with the main façade of the building. The guidance does acknowledge that exceptions can be made in specific circumstances such as the context of the property or its particular design. The building is a modern 1960's property and does not include any features of architectural merit. A single storey extension at this level would not add harmful bulk to the rear of the property. The extension would be constructed using materials to match the existing building and a condition would be attached to ensure that this would be carried out. The proposed extension would not harm the character or appearance of the host building and would be considered acceptable.*

*When viewed in the context of the neighbouring properties that are similar in age, four out of the six have constructed some form of high level extension. Mansard roof extensions have been constructed at nos. 38 and 39 and single storey extensions at 3rd floor levels have been constructed at nos. 36 and 40 (similar to that proposed at the application property). Taking this into consideration, in this instance, the extension at this level would not be out of character with the neighbouring 6 properties of which the application site is part of. An exception can therefore be made in this particular situation due to the context of the property. The proposal would be considered acceptable in design terms.*

*The terrace on the roof of the main building has been removed from the scheme as it was considered to result in harmful overlooking of the balconies and terraces of neighbouring properties at nos. 1 to 4 (inclusive) Meadowbank to the west.*

**Single storey rear extension**

**Objection**

The original design of the houses provide a small terrace at the ground floor allowing a private space for sitting out and providing a buffer space between the wide glass windows and the communal garden. The ground floor extension, which builds on 80% of the already small private patio, reduces the 2.3m deep terrace to 800mm. This removes the existing private buffer space between communal garden and living room. An 800mm wide strip of land is totally inadequate to provide sitting room for a 4 bedroom family house. The impact of this reduction in open space in an already overcrowded garden space between dwellings will mean that the communal garden will be used more intensively.

A few years ago the then owners of No 41 Oppidans Road successfully challenged the planning application of their neighbours at No 40 to build an almost identical extension on the grounds of loss of light and privacy. The challenge to the Planning Decision was taken to appeal by the owners of No 40 so not only the Planning Authority but also the Planning Inspector agreed with the contention that the proposal to extend at the ground floor was detrimental over-development of the site. It would be bizarre if this current application were now granted to the detriment

of the owners at No. 40.

**Officer response**

*The rear patio area of the house backs onto communal landscaped open space which is identified as a particular design concept to be protected within this part of the Meadowbank Estate. Some of the patio areas of neighbouring properties (no. 36 and no. 38) have been built on and adjacent properties in Meadowbank have enclosed their rear patio areas with 1.8m high close boarded timber fences. There have been several appeals that have been dismissed for full width ground floor extensions that incorporated the entire rear patio areas (no. 58 Meadowbank in 2008).*

*The local resident raised the planning history of the neighbouring property at no. 40 and the decision to refuse planning permission for a similar single storey rear extension that was dismissed at appeal.*

*Planning permission was refused on 10/07/1998 (PE9800377R1) for the erection of a ground floor full width rear extension measuring 2.7m (length) by 5.2m (width) by 3.3m (height) and the creation of a balcony on part of its flat roof. There were 4 reasons for refusal including:*

- (i) Overdevelopment of the site*
- (ii) Unreasonable overlooking of neighbouring properties*
- (iii) Loss of private amenity space for a family dwelling that would adversely affect the character and use of the communal open space at the rear*
- (iv) Alterations to the rear balcony is detrimental to the appearance of the building and the visual amenity of the group of the buildings*

*The decision was appealed and the appeal was dismissed on 19/01/1999. The Inspector identified the 2 main issues as i) effect of the proposed extension upon the character and appearance of the existing building and surrounding area and (ii) whether the proposal would unacceptably harm the living conditions of the occupiers of nearby properties by reason of overlooking, loss of light and oppressive outlook.*

*The Inspector considered that the extension would appear as “a discordant feature and give the visual impression of development intruding into the communal garden”. He concluded that the accommodation would be perceived as being much closer to the property opposite and would reduce the effectiveness of the open space.*

*The proposed single storey extension differs from the proposal at no. 40 as it is shorter in length (1.5m in length compared to 2.7m of the refused scheme at no. 40) and is lower in height (2.6m in height compared to 3.3m of the refused scheme at no. 40). The size and height of the extension would ensure that there would be no harmful loss of daylight or sense of enclosure to the neighbouring property in*

*comparison to the larger extension that was dismissed at appeal.*

*The current scheme would also retain part of the rear patio area thereby retaining a soft edge or buffer with the communal open space to the rear that the Inspector noted as being of importance. It must be noted that prior to and following this appeal decision similar single storey extensions with similarly sized retained soft edges to the communal open space were granted planning permission at nos. 38 Oppidans Road (1998) and 30 Meadowbank (2007). The proposal would not therefore be considered to result in a harmful impact on the character and function of the communal open space.*

*The Inspector was concerned that the degree of overlooking from the first floor balcony would be increased due to the loss of the rear patio area. In this application a section of the patio area at the rear would be retained thereby allowing the owners the option of the use of rear patio space as well as the first floor balcony. The extended balcony would match the depth of the existing balcony but would be extended in length from 2.7m to 4.6m. In his decision for no. 40 the Inspector acknowledged that it would be difficult to estimate the degree of use of the extended balcony. In the refused scheme the balcony would have extended across the entire width of the rear elevation at 5.2m. This width of the balcony in this application would measure 4.6m. Although the balcony may be more useable over the existing balcony due to its extended length, the level and degree of overlooking would not be so significant as to sustain a reason for refusal.*

#### **Objection**

The Design Access statement cites other cases in the development where ground floor extensions have been built as being a good "precedent", however it should be noted that where these ground floor extensions have been built, the owners have the curtains drawn or blinds down for almost 100% of the time to maintain privacy in their homes, meaning that both the residents of the extended houses and the users of the communal garden lose the quality of the original design.

#### **Officer response**

*The design and access statement does suggest that a precedent has been set for single storey ground floor rear extensions as there are other examples of these within the estate. It is considered that there is no general rule or precedent for development but that every extension must be considered in the context of the building and its surroundings. The justification for the acceptability of the single storey rear extension has already been detailed above.*

*Although it may not be desirable to have curtains or blinds permanently drawn to protect privacy the choice to install these treatments falls outside of the assessment of the application.*

#### **Bicycle and bin storage area**

#### **Objection**

The construction of a bicycle store and bin store at the front intrudes into the street

elevation and again takes up more of the very limited outside space. It would be preferable to incorporate this into the main facade of the house as has been done in other examples in Meadowbank.

**Officer response**

*The front courtyard area measures approximately 13 sq. m. The proposed bicycle store and bin store would measure approximately 1.9 sq. m and would take up approximately 14.5% of the front courtyard area. It would not dominant the front courtyard area and given its height would not be visually harmful to the streetscene. The value of the amenity space outside the front elevation of the properties along this part of Oppidans Road is very limited. The majority of the properties have installed paving slabs that provide one or two off-street parking spaces.*

**Recommendation:-**

**Grant conditional planning permission.**