

Statement of Appeal - 2015/5336/P

For refusal of prior approval Class A household extension

An application for 3m extension under A.1 (f).(i) was approved (2014/3320/P). This application was for 6m extension under A.1 (g).(i) where the LPA (Camden Council) followed A.4 procedure and wrote to the neighbours as part of the consultation process. The LPA wrote bold should you not object the proposal it will be approved. No. 1 Hillfield Road has three flats and all three flats objected.

Camden Council simply takes the objection and uses the objection against their own guidelines to refuse the application as the Council does prefers small extensions. If one studies the LPA website it is clear the LPA does not approve these extensions where an objection has been made on the grounds of amenity.

The LPA is required to assess the impact of the extension will have on the amenity. The delegate report assessment is broken down to two elements, visual amenity and neighbour amenity. However the decision notice gives the reason for refusal the living condition of the adjoining neighbour at 1 Hillfield Road.

Visual Amenity

“1.1 The visual amenity of occupiers is the quality of their surrounding environment which may be impacted by the quality, scale and character of the built environment. The current level of visual amenity enjoyed by the neighbouring properties of 1 and 5 Hillfield Road are formed by the grain of development in the area, properties with large rear gardens which create breathing space between built structures which is largely formed by the greenery of the rear gardens which provides good outlook. “

As stated the properties have large gardens and the extension will be small in scale and will not have a significant effect on the breathing space and outlook.

“1.2 There is a steep slope to the rear elevation of the host building with steps leading up to the garden level. The garden area elevates approximately 800mm. Due to the excessive depth of the extension, it would impact on the prevailing pattern of the rear garden of the host building and would have a notable impact on the views and vista from surrounding properties.”



- i. The current garden starts with a few steps bringing it to height of roughly 800mm and the slope continues to the rear. The fact that the gardens are elevated makes the extension more subordinate to the host building and the surrounding area thus less noticeable.
- ii. Under clause 8 the council may require further information. The LPA could have asked to submit the proposal for a green roof which would reduce the visual impact of the extension.
- iii. Once the 3m extension would have been built it would have change the pattern of the building as similar extensions have been carried out on houses further down.

“1.3 In addition, the rhythm, symmetry and uniformity of the rear elevation would be lost. The boundary fence adjoining number 1 Hillfield Road is approximately 2.3m at its highest point. Therefore, the proposed extension would have an adverse visual impact with the property next door and would not preserve or enhance the character and appearance of the local area or neighbouring building. “

- i. The rhythm, symmetry and uniformity with adjoining neighbours would be lost in any case as explained above.
- ii. The fence height measurements are completely incorrect and disappointing that such a fact is stated. The garden fence is roughly 2m high and with the slope of the garden starting at 800mm as stated it is clear that this statement is wrong. As the garden is sloping away from the house the extension wall would not have an impact on the amenity.
- iii. At the site meeting with the Case Officer I had a tripod and a laser so the Case Officer could see the levels however it was clear that the extension will not have an impact and therefore did not require the instruments to be set up.

Neighbour Amenity

“1.4 Planning policy DP26 (section 26.3) emphasizes that “a development’s impact on visual privacy, overlooking, overshadowing, outlook, access to daylight and sunlight and disturbance from artificial light can be influenced by its design and layout, the distance between properties, the vertical levels of onlookers or occupiers and the angle of views. These issues will also affect the amenity of the new occupiers. We will expect that these elements are considered at the design stage of a scheme to prevent potential negative impacts of the development on occupiers and neighbours”. “

Planning statement on amenity. The extension does not have a negative impact on the neighbour gardens as it is similar in height with the neighbour fences.

“1.5 1 Hillfield Road does not benefit from a rear extension and contains windows on the rear elevation which serve a ground floor flat. Due to the excessive depth of the rear extension along the shared boundary with 1 Hillfield Road, it is considered that it would be an unneighbourly and overbearing addition that would materially harm the existing levels of light and outlook of those occupiers. “



This is incorrect as the extension will not make a difference to the garden flat and the view will be similar to that of a 3m extension or 6m extension. In fact as the fence will be replaced with a wall that can be rendered and painted white tends to make the space lighter and bounces further light thus improving the area.

“1.6 Overall, the proposed extension due its depth and width would have a significant impact upon the amenity, biodiversity and character of the area. It would detract from the generally soft and green nature of gardens and other open space, contributing to the loss of amenity for existing and future residents of the property contrary to CPG 1 (P 32). “

Most of these points where covered above. The house currently has a very large garden in comparisons to most houses in the area. The garden will remain large in relation to the London Borough of Camden it will have a very large garden.

The decision notice gives;

“The proposed extension, by reason of its siting, depth, scale and bulk would result in a dominant addition which would have an unacceptable impact on the living conditions of the adjoining neighbour at 1 Hillfield Road. The proposal therefore fails to comply with Class A of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2015. “

From above reasoning it is clearly not the case due to the garden slope up from the house and the fence will be simply replaced with a wall with similar height, also the current view is semi blocked with the metal staircase. A site visit will demonstrate that this is not the case.

The objection comes from the neighbours adjoining the extension and below I am addressing the impact on their flats.

- The garden flat will not have a significant difference due to the topography and the fence height. The wall will simply replace the current fence.
- The two upper flats current view is predominantly of the metal spiral staircase which goes from the garden to the second floor. The extension will not affect their views due to the staircase and in addition they will need to be looking down from their windows to see the extension.

