

Delegated Report		Analysis sheet		Expiry Date:	07/12/2015
		N/A		Consultation Expiry Date:	02/12/2015
Officer			Application Number		
Anna Roe			2015/5996/P		
Application Address			Drawing Numbers		
29 Prince of Wales Road London NW5 3LH			Please refer to draft decision notice.		
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature		
Proposal					
Erection of a single storey rear extension (6m deep x 5.4m wide x 3.6m to the highest point of roof).					
Recommendation:		Refuse Prior Approval			
Application Type:		GPDO Prior Approval Class A Householder extensions			

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	09	No. of responses	02	No. of objections	02
			No. electronic	00		
Summary of consultation responses:	<p>The owner/occupier of the Ground Floor Flat A, 27 Prince of Wales Road objected to the application on the following grounds:</p> <ol style="list-style-type: none">1. The extension that is the subjects of the plans has already been built and extends more than 0.6m farther into the rear garden than shown in plans submitted with application 2015/3037/P.2. The building comes right to the boundary between the gardens of 27 and 29 Prince of Wales Road and might require alteration of the boundary line. It will certainly shorten the fence that I own between our gardens, and the applicants have not requested permission for this.3. The plans submitted as "Existing..." in the present application are out of date, failing to show a large extension adjacent to No.31 and a mansard roof 3rd floor extension that are already virtually complete. Nor do they show my garden shed that replaced a lean-to extension at No.27 in 2014. The newly constructed ground floor building extends beyond my shed, which is wider than the former lean-to. Architects and their representatives have visited my garden several times and had ample opportunity to modify the plans.4. The unapproved building has been faced with plaster and presents a blank wall towards my property. If the previous application 2015/3037/P is approved, allowing construction of a first floor extension directly above the party wall between No. 27 and No. 29, it will have a major deleterious effect on my rear garden and on the light and outlook of all three flats at No.27.5. This is the fifth application submitted by Mr Kander for extensions to No.29. Construction has already continued for over 18 months and caused damage and disruption to Nos. 27 and 31, and we were told last month by the Built Project Director John McGarrity that it would not end before late summer 2016. This timescale presupposes that the owners and developers have actually decided on their final plans. Contractors appear to have ignored plans and geotechnical reports in previous applications, and appear to have done so in this case. Please ask them to submit a genuine consolidation application that does not extend their development any farther than in plans later 2014/1977/P, 2013/7680/P and 2013/1350/P, to which objections were submitted. We have not been informed that they were approved without modification. They should agree a final set of plans with Camden Council and stick to them, desisting from further external construction until they are approved, especially if they extend at the back.I reiterate comments that I made in my objection to 2015/3037/P on the manner in which the applicants have conducted themselves in respect to Camden Council Planning Department and neighbours ever since application 2013/1350/P.					

Officers response:

1. *Having visited the application site and spoken with adjoining neighbours, officers are aware that the proposed extension is almost complete.*
2. *When a decision is made on a planning application only certain issues can be taken into account, these are often referred to as material planning considerations. Party wall matters are civil matters between those with a legal interest in the land and cannot be taken into account when making a decision on a planning application.*
3. *Please refer to the section entitled 'assessment' of this delegated report.*
4. *Please refer to the section entitled 'assessment' of this delegated report.*
5. *This is not a valid reason to refuse the application. Construction is for a temporary period. Hours of construction are controlled by Environmental Health legislation.*

The owner/occupier of 27 Prince of Wales Road objected to the application on the following grounds:

1. I object to the proposed rear extension. It is invasive and negatively impacts the balanced green space in the area.
2. Given that the extension is already built it seems as if this has been done without building permission; I have to ask what impact this has on the planning process?
3. In addition I need to say that given the sheer number of planning permissions granted and requests filed I have now no clear idea of what the overall project plans for no. 29 are. With the continued disruption and damage that no. 29 is causing to neighbouring properties I would like to ask Camden Council to act in the interest of all impacted neighbours and to help and protect neighbouring properties before granting further planning permissions. Despite numerous complaints addressed to no.29's party wall surveyor and project management firm, damage caused to our property remains unrepaired or even acknowledged. While I realise that this is not directly impacting the planning process as far as planning regulations are concerned, I would like Camden Council to take this into consideration when making its decision. The interests and property needs at least as much protection from aggressive developments as property owners need to be able to remodel their house – another balance that is under severe strain with regards to this development.

Officers response:

1. *Please refer to the section entitled 'assessment' of this delegated report.*
2. *This is an on-going matter, with as yet, outstanding determinations.*
3. *Permission will only be granted for applications which do not significantly impact upon neighbours' amenity; however damage to adjoining properties during construction is not a planning matter.*

CAAC/Local groups comments:	N/A
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Site Description

The site contains a 3-storey, semi-detached property located on the south side of Prince of Wales Road, west of the junction with Castlehaven Road and south of Grafton Road. The building is currently vacant however was previously used as a single family dwellinghouse.

The site is not located in a conservation area and is not listed.

Relevant History

Application Site

2013/1305/P - Erection of a mansard roof extension to existing dwelling house (Class C3). Approved on 01/05/2013.

2013/7537/P - Excavation of single storey basement extension under the footprint of existing dwelling house. Certificate of lawfulness granted on 20/01/2014.

2013/7680/P - Erection of a 3 storey side extension including installation of 3x sash windows to front elevation and erection of roof extension including dormer windows at front and rear. Approved on 17/02/2014.

2013/7684/P - Erection of a 2 storey rear extension. Approved on 04/03/2014.

2013/7775/P - Single storey rear extension. Certificate of lawfulness granted on 29/01/2014.

2013/7949/P - Single storey ground floor rear extension (3.5 metres maximum height with 3.3metres to eaves level x 6 metres from rear wall of original dwellinghouse). Prior Approval not required 20/01/2014.

2014/1977/P - Erection of single storey basement extension and creation of rear garden lightwell. Approved on 08/12/2014.

2015/2182/P - Erection of 3 storey side extension and mansard roof extension. Erection of part single, part2-storey part rear extension. Excavation of single storey basement extension with the creation of rear garden lightwell. Undecided.

2015/3037/P – Conversion of dwellinghouse into three flats (1 x 3 bedroom, 1 x 2 bedroom and 1 x 1 bedroom units). Erection of a 3 storey side extension, erection of mansard roof extension with front and rear dormer windows and erection of part single, part 2 storey rear extension with roof terrace at first floor level. Excavation of single storey basement extension and creation of rear garden lightwell. Withdrawn 16/07/2015.

Relevant policies

GPDO Prior Approval Class A Householder extensions

Assessment

Class A The enlargement, improvement or other alteration of a dwellinghouse

If yes to any of the questions below the proposal is not permitted development		Yes/no
A.1 (a)	Permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P or Q of Part 3 of this Schedule (changes of use);	No
A.1 (b)	As a result of the works, will the total area of ground covered by buildings within the curtilage of the dwellinghouse (other than the original dwellinghouse) exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse)?	No
A.1 (c)	Will the height of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the highest part of the roof of the existing dwellinghouse?	No
A.1 (d)	Will the height of the eaves of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the eaves of the existing dwellinghouse?	No
A.1 (e)	Will the enlarged part of the dwellinghouse extend beyond a wall which (i) fronts a highway, and (ii) forms either the principal elevation or a side elevation of the original dwellinghouse?	No
A.1 (f)	Will the enlarged part of the dwellinghouse have a single storey and (i) extend beyond the rear wall of the original dwellinghouse by more than 4 metres in the case of a detached dwellinghouse, or 3 metres in the case of any other dwellinghouse, or (ii) exceed 4 metres in height?	N/A
A.1 (g)	Until 30th May 2019, for a dwellinghouse not on article 2(3) land nor on a site of special scientific interest – will the enlarged part of the dwellinghouse have a single storey and (i) extend beyond the rear wall of the original dwellinghouse by more than 8 metres in the case of a detached dwellinghouse, or 6 metres in the case of any other dwellinghouse, or (ii) exceed 4 metres in height?	No
A.1(h)	Will the enlarged part of the dwellinghouse have more than one storey and— (i) extend beyond the rear wall of the original dwellinghouse by more than 3 metres, or (ii) be within 7 metres of any boundary of the curtilage of the dwellinghouse opposite the rear wall of the dwellinghouse?	No
A.1(i)	Will the enlarged part of the dwellinghouse be within 2 metres of the boundary of the curtilage of the dwellinghouse, and the height of the eaves of the enlarged part exceed 3 metres?	Yes
A.1(j)	Will the enlarged part of the dwellinghouse extend beyond a wall forming a side elevation of the original dwellinghouse, and either (i) exceed 4 metres in height, (ii) have more than one storey, or (ii) have a width greater than half the width of the original dwellinghouse?	No

A.1(k)	Would it would consist of or include either (i) the construction or provision of a veranda, balcony or raised platform, (ii) the installation, alteration or replacement of a microwave antenna, (iii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or (iv) an alteration to any part of the roof of the dwellinghouse?	No
Is the property in a conservation area? If yes to any of the questions below then the proposal is not permitted development		
A.2(a)	Would it consist of or include the cladding of any part of the exterior of the dwellinghouse with stone, artificial stone, pebble dash, render, timber, plastic or tiles?	N/a
A.2(b)	Would the enlarged part of the dwellinghouse extend beyond a wall forming a side elevation of the original dwellinghouse?	N/a
A.2(c)	Would the enlarged part of the dwellinghouse have more than one storey and extend beyond the rear wall of the original dwellinghouse?	N/a
Conditions. If no to any of the below then the proposal is not permitted development		
A.3(a)	Would the materials used in any exterior work (other than materials used in the construction of a conservatory) be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse?	Yes
A.3(b)	Would any upper-floor window located in a wall or roof slope forming a side elevation of the dwellinghouse be— (i) obscure-glazed, and (ii) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed?	N/a
A.3(c)	Where the enlarged part of the dwellinghouse has more than one storey, would the roof pitch of the enlarged part, so far as practicable, be the same as the roof pitch of the original dwellinghouse?	N/a

Condition A.4 (1) and (2) applies to development permitted by Class A which exceeds the limits in paragraph A.1(f) but is allowed by paragraph A.1(g). Before beginning the development the developer must provide the information set out in paragraph A.4(2) to the local planning authority. Having visited the application site it is evident that the developer did not provide the information set out in paragraph A.4(2) before beginning the works because the rear extension is almost complete.

In accordance with paragraph A.4(3)(a) the local planning authority may refuse an application where, in the opinion of the authority the proposed development does not comply with the conditions, limitations and restrictions applicable to development permitted by Class A which exceeds the limits in paragraph A.1(f) but is allowed by paragraph A.1(g). As demonstrated above, the development does not comply with condition A.1(i).

Furthermore, condition A.10 stipulates that the development must not begin before the occurrence of one of the following: the receipt by the developer from the local planning authority of a written notice that their prior approval is not required; the receipt by the developer from the local planning authority of a written notice giving their prior approval; or the expiry of 42 days following the date on which the information referred to in subparagraph was received by the local planning authority without the local planning authority notifying the developer as to whether prior approval is given or refused. Having visited the application site, the works are almost complete therefore the development does not comply with condition A.10.

Conclusions

Given the height of the development and that the works are almost complete, the proposal would fail to meet conditions A.1(i), A.4(1) and (2), A.4(3) and A.4(10) of Class A of the Town and Country Planning (General Permitted Development Order) (England) Order 2015.