



Date: 17th December 2015
Your Ref: APP/X5210/W/15/3134507
Our Refs: 2015/1380/P
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Mariola Bartkowiak
The Planning Inspectorate
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Dear Mariola Bartkowiak,

Town and Country Planning Act 1990
Appeal by Mr. Landon Kulick
Site at 5 Hemstal Road, London NW6 2AB

Summary

The appeal site contains a three storey, terraced building which has been subdivided into flats. The building is located on the south side of Hemstal Road. It is not located in a Conservation Area. The rear of the building is visible from the public realm, from Dynham Road, above an existing electricity sub-station.

Planning permission was refused on 30th June 2015 for the erection of a rear extension at first floor level with 3 x rooflights. It was refused on the grounds that the proposed first floor rear extension by reason of its height, bulk, and detailed design would harm the architectural integrity of the existing building and the surrounding area.

An application for the erection of a first floor rear extension with terrace was withdrawn in February 2015 (ref 2014/7602/P) following Officer advice that the

extension and terrace would be considered unacceptable.

The Council's case is largely set out in the officer's report, a copy of which was sent with the questionnaire. In addition to this information, I would ask the Inspector to take into account the following comments.

Status of Policies and Guidance

The London Borough of Camden Local Development Framework was formally adopted on the 8th November 2010. The policies of relevance to the appeal scheme are set out in the delegated report and decision notice. The full text of the relevant policies was sent with the questionnaire documents.

The Council also refers to supporting guidance documents CPG1: Design. The Camden Planning Guidance has been subject to public consultation and was approved by the Council in July 2015.

With reference to the National Planning Policy Framework 2012, policies and guidance contained within Camden's LDF 2010 are up to date. In line with paragraphs 214 – 216 (Annex 1) of the NPPF they should be given substantial weight in the decision of this appeal. The National Planning Policy Framework was adopted in April 2012 and states that development should be refused if the proposed development conflicts with the local plan unless other material considerations indicate otherwise. There are no material differences between the council's policies and the NPPF in relation to this appeal.

Comments on appellants' grounds of appeal

The appellant's grounds of appeal are summarised below in italics and addressed beneath:

The Appellant argues that "the existing single flat roofed rear extension does not improve the overall rear elevation and is out of keeping when viewed from properties on Dynham Road."

This may be the case, however this is not a reason to accept an extension above the single storey extension which would further accentuate the extensions and bulk on the rear facade. The proposed extension would be visible from i) properties on the same side of Hemstal Road, from ii) the rear of properties on the north side of Dynham Road and from iii) the public realm, from the street on Dynham Road above the sub-station located between numbers 11 and 21 (see photographs in Appendix 1).

It is recognised that there has been a flat-roofed, single storey rear extension at the appeal site for some time. However this is at ground floor level and views of the extension are more restricted, particularly from the public realm. The proposed extension at first floor would be even more visible from the public realm (on Dynham Road) and would add bulk to the building, detracting from the character and appearance of the host building and surrounding buildings.

Policy DP24 seeks to ensure that extensions are of the highest standard of design and consider their character, setting, context, form and scale of the neighbouring buildings. Paragraph 4.10 of Camden Planning Guidance 1 states that rear extensions should be “secondary to the building being extended, in terms of location, form, scale, proportions, dimensions and detailing” and “respect and preserve the historic pattern and established townscape of the surrounding area”. There are no similar first floor extensions in close proximity to the site (highlighted in the birdseye and aerial photographs in Appendix 2). Paragraph 4.12 of CPG 1 goes on to say “In most cases, extensions that are higher than one full storey below roof eaves/parapet level, or that rise above the general height of neighbouring projections and nearby extensions, will be strongly discouraged.” The proposed first floor extension would rise to the eaves of the existing building and as such would not be subordinate to the existing building. The extension would not follow the form, character and context of the rear of buildings along this side of Hemstal Road, contrary to DP24.

The proposed design would appear disjointed and incongruous to the host building and rest of the terrace. The proposed design of the windows would not

match the existing building. The existing building has a two storey infill building, linking it to number 3 Hemstal Road. As a result, the proposed extension would have an awkward roof profile which steps down from to address this existing infill link building.

“There are existing rear additions to properties on Dynham Road that have flat roofs commencing at a level close to the main eaves line which set a precedent. There are mixed variety of properties on the street.”

The aerial and birdseye photographs within Appendix 2 show that there are no two storey rear extensions on this side of the Hemstal Road terrace which extend up to eaves line. As stated in the delegated report Camden Planning Guidance 1 (Design) 2015 seeks to ensure that extensions are designed in relation to the existing buildings and groups of buildings and should respect the rhythm of existing rear extensions. The properties on Dynham Road are of a different character and period and where there are two storey rear extensions, these cannot be treated as a precedent for allowing a first floor extension at the appeal site.

Development Policy DP24 seeks to ensure that alterations are sympathetic to the character and appearance of the existing building in relation to its: scale; proportions; built footprint and materials. It is considered that the proposed extension would be contrary to CPG1 and policies CS14 and DP24.

“The existing line of windows in flat 4 move just 2100mm closer to properties in Dynham Road and the rear garden at 5 Hemstal Road. There is no impact on amenity space, overlooking or loss of privacy. My client would be happy to incorporate an acceptable degree of obscure glazing”.

The planning application was refused principally on design grounds. It is however recognised that the proposed extension would bring windows of habitable rooms at the appeal site closer (just 3.9metres) to windows of habitable rooms at properties on Dynham Road. Consultation responses from occupiers of 9 and 11

Dynham Road received at application stage had strong concerns about the loss of privacy. The Appellant considers that this issue could be overcome by obscuring glazing windows. However the proposed extension would serve two bedrooms and a kitchen and therefore would not provide a reasonable standard of accommodation for these habitable rooms to have no outlook. It is considered that this loss of privacy (contrary to policy DP26) could not be overcome by adding a condition to ensure windows are obscured without impacting unacceptably on the proposed accommodation.

Conclusion

In conclusion, the Council maintains that the proposed extension would not meet the aims of policies CS14 and DP24 and it does not meet the highest standards of design. The proposal also fails to meet the adopted guidance set out in CPG1.

I ask the Inspector to uphold the Council's policies, guidance, London Plan policies and the advice contained in NPPF and dismiss this appeal. However, in the event of the appeals being allowed, the Inspector is requested to impose conditions set out in Appendix 3.

If you would like to discuss this matter further please contact Rachel English on 020 7974 1343.

Yours sincerely

Rachel English

Principal Planning Officer

Appendices

- 1 – Photographs of the site
- 2 – Birdseye and aerial views of Hemstal Road
- 3 – Suggested conditions

Appendix 1 - photographs

1. Front façade



2. View of rear facade from 11 Dynham Road





3. View from 11 Dynham Road

4. View from 9 Dynham Road



5. Streetview from Dynham Road between numbers 11 and 21

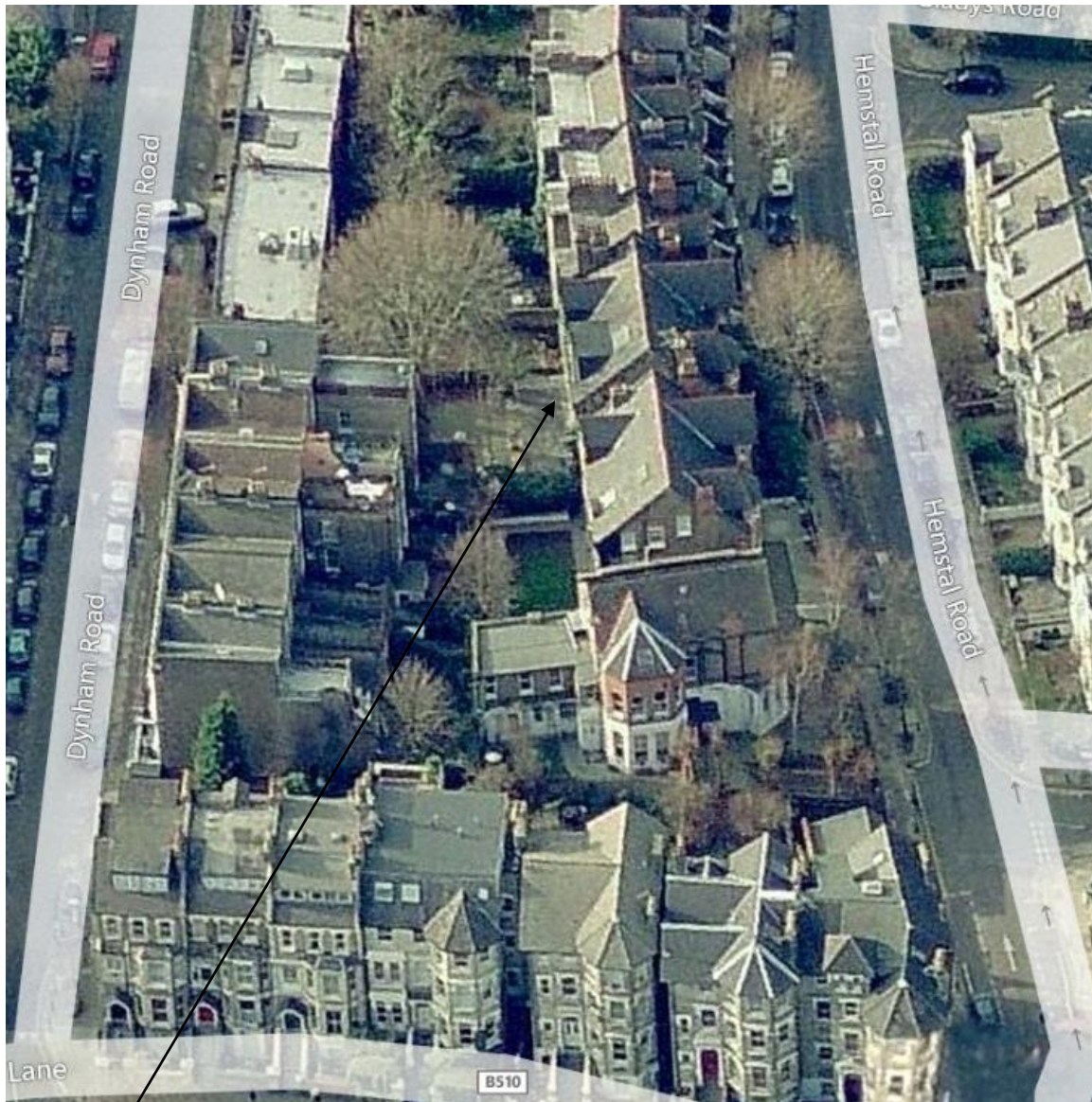


Appendix 2 - Birdseye/aerial photographs

a. Aerial view



b. Birdseye view



Appeal site

Appendix C – Suggested conditions

1. The development hereby permitted must be begun not later than the end of three years from the date of this permission.

Reason: In order to comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

2. The development shall be carried out in accordance with the following approved plans: Site location plan, 5292, 5294, and Design and access statement

Reason: For the avoidance of doubt and in the interest of proper planning.

3. All new external work shall be carried out in materials that resemble, as closely as possible, in colour and texture those of the existing building, unless otherwise specified in the approved application.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policy CS14 of the London Borough of Camden Local Development Framework Core Strategy and policy DP24 of the London Borough of Camden Local Development Framework Development Policies.