

CONSULTATION SUMMARY

Case reference number(s)

2016/1071/P

Case Officer:

Leela Muthoora

Application Address:

14a St Paul's Crescent
London
NW1 9XL

Proposal(s)

Variation of condition 3 (approved plans) in relation to 2015/5096/P dated 30/10/2015 for erection of a single storey extension namely to increase the height of the extension by 350mm.

Representations

Consultations:	No. notified	10	No. of responses	2	No. of objections	2
					No of comments	0
					No of support	0

Summary of representations

(Officer response(s) in italics)

Summary of comments

The owner/occupier of No. 6 Cantelowes Road has objected to the application on the following grounds:

- Construction completed not in accordance with approved plans. Development should be restored to original approved scheme.
- Negative affect on view and amenity of garden.

The extension has been built an extra 0.35m in height on the parapet walls. The applicants sought retrospective approval via the variation to approved plans (or minor material amendment) process as soon as the error became apparent. The Council does not take formal action while the applicant is

actively seeking to regularise the breach.

The boundary timber fence has been replaced with a brick wall which although not on the plans is 2m or less and meets the criteria of lawful permitted development and does not form part of this application.

As the flank wall of the extension is higher than the existing wall, it does cause a marginal loss of outlook; however, this is not materially significant and would not form a justifiable reason for refusal.

As the garden of no. 6 is south-west facing, it is considered that there may be potential loss of light to the rear part of the garden at certain times of the day and year, however, the impact is not considered to significantly harm the amenity of the garden as the would be an approximate increase of 0.35m from the approved boundary wall height. There is no loss of privacy from overlooking.

Although not surveyed, the nearest window in the rear elevation of no. 6 would be an approximate distance of 18.5m. It is considered that this distance is sufficient for the proposed extension to sit beneath the 25 degree line of this window so would be unlikely to have any impact on the existing living space. The specific view from a property is not protected as this is not a material planning consideration.

The owner/occupier of No. 14 St Paul's Road has objected to the application on the following grounds:

- Excessive increase in height to one and a half storeys
- Loss of light to a habitable room
- Loss of garden amenity and sense of enclosure
- Loss of outlook
- Negative impact on Conservation Area
- Sets a precedent to encourage retrospective applications for extensions not built according to approved plans.

The remaining wall of the garage structure that preceded the existing house forms the existing boundary wall and projects approx. 2.6m from the site's rear elevation building line. The proposed extension would project 3m from the rear elevation. The height of the existing boundary wall is approximately 2.4m, approved at 3m with the roof of the extension sloping towards the garden to a height of 2.8m and the proposed extension flank wall would increase to a height of approximately 3.4m sloping to 2.9m. The extension roof is no higher than the first floor window sills, so the proposal is considered a single storey extension.

There is an existing half width rear extension to no. 14 which is in keeping with the neighbouring properties on St Paul's Crescent. The window looks onto the rear garden. Seen from this rear window the proposed development would appear slightly more intrusive than the approved extension. However, this would not be to a degree which would result in harm to living conditions through over dominance. There are no windows in the side elevations of either extension and therefore, the proposed extension does not impact on outlook.

The increase in the height of the flank wall to the extension has the potential to cause loss of light to the part of the garden area closest to the house at certain times of the day and year. This is not considered to cause any excessive additional impact over the approved scheme to be materially significant. The siting of the proposed extension to the northeast of the site means that the surrounding occupiers would not experience an unacceptable loss of daylight or sunlight and the proposals would not harm residential amenity of neighbouring occupiers.

The extension is considered in relation to the host building being constructed in a contemporary design which is significantly different to the surrounding properties. The boundary timber fence is 2m or less and therefore, meets the criteria of lawful permitted development and not part of the consideration of this application.

Policy CS5 seeks to protect the amenity of Camden's residents by ensuring the impact of development is fully considered. Furthermore Policy DP26 seeks to ensure that development protects the quality of life of occupiers and neighbours by only granting permission to development that would not harm the amenity of neighbouring residents. This includes privacy, overlooking, outlook and implications on daylight and sunlight. CPG6 seeks for developments to be "designed to protect the privacy of both new and existing dwellings to a reasonable degree." On balance, the proposed extension is not considered to significantly harm the amenity of the neighbouring residential amenity.

It should be noted that the original proposal and this variation to amend the approved drawings would normally be considered permitted development under the Class A of Part 1 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 2015 other than for a condition attached to a previous appeal decision dated 20 February 1990 ref: APP/X5210/A/89/123572/P7 and APP/X5210/A/89/123573/P7 stating that "no extensions shall be erected to the permitted dwelling without the permission of the local planning authority.

Recommendation:-

Grant planning permission

