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Ms Jenni Ball
The Planning Inspectorate
Room 3P, Temple Quay House
2 The Square
Bristol
BS1 6PN

Dear Ms Ball,

Town and Country Planning Act 1990
Appeal by Mr Erkin Yildiz
Site at Flat 5, 103 Priory Road, London, NW6 3NN

1.0 Summary

1.1 The appeal relates to a three storey detached dwellinghouse on the western side of Priory Road, north west of the junction with Compayne Gardens. The property is in residential (C3) use and has been split into five self-contained flats.

1.2 The property benefits from a number of historic side and rear extensions at ground and first floor level, and planning permission was recently granted for a single storey rear extension, two storey side extension and second floor rear infill extension (full planning history is provided in the officer's delegated report, sent previously).

1.3 The appeal building is not listed, but is located within the South Hampstead Conservation Area and has been identified as making a positive contribution to the area.

1.4 Planning permission was refused on 16 February 2016 for the erection of a second floor side and rear wraparound extension with hipped roof and side dormer window. It was refused on the grounds that the proposed extension, by reason of its scale, bulk, location and detailed design, would be detrimental to the character and

appearance of the host building and harmful to the character and appearance of the South Hampstead Conservation Area.

1.5 The Council's case is largely set out in the officer's report, a copy of which was sent with the questionnaire (see appendix 1). In addition to this information, I would ask the inspector to take into account the following comments.

2.0 Status of Policies and Guidance

2.1 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.

2.2 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.

2.3 With reference to the National Planning Policy Framework 2012, policies and guidance contained within Camden's LDF 2010 are up to date and fully accord with paragraphs 214 – 216 (Annex 1) of the NPPF and should therefore 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.

3.0 Comments on the appellant's grounds of appeal

3.1 The appellant's grounds of appeal are summarised as follows:

1. The proposed scheme should not cause harm to the appearance and character of the building or the conservation area. The extension would be subordinate as the overall height is below the height of the existing roof of the host property and would not interfere with the roofline of the main roof.

The mansard roof would be more in keeping with the character and appearance of the property than the existing extension and would enhance its appearance when viewed from Priory Road.

2. The proposed scheme seeks to improve the internal living standards of the appeal premises in accordance with policy 3.5 of the London Plan.

Response to ground of appeal 1

3.2 The Council considers the proposed development to be contrary to Camden's Planning Guidance and design guidance set out in the South Hampstead Conservation Area character appraisal and management strategy (2011). This strategy emphasises that alterations and extensions to the rear elevations of buildings should respect the historic pattern of development and preserve the character and historic features of existing buildings (paragraph 12.15). Camden Planning Guidance (CPG1 – Design), provides more specific guidance regarding side extensions and states that they should be no taller than the front porch and set back from the main building (paragraph 4.16). CPG1 also states that rear extensions should be subordinate to the original building and their heights should respect the existing pattern of rear extensions, where they exist (paragraph 4.12).

3.3 The appellant claims that the extension would be a subordinate addition that would not overwhelm the host building or interfere with the original roofline. The Council disagrees with this statement. Although the rear and side elevations of the appeal building have been subject to much piecemeal development over the years, the erection of an additional storey atop the existing two storey side/rear extension would result in unacceptable bulk at a high level, completely overwhelming the host building. Furthermore, the extension would be constructed just 65cm below the roof eaves level. This would be contrary to specific guidance in CPG1 (Design) Guidance which strongly discourages extensions that would be higher than one full storey below eaves height (paragraph 4.13).

3.4 When viewed from Priory Road, the extension would appear equally domineering, constructed on top of a previously approved two storey side extension (granted on 15/09/2015 under reference 2015/4258/P) as shown in photo 1. The Council acknowledges that the approved extension would be a storey higher than

recommended in Camden's planning guidance; however, the previous scheme was considered on its own merits and considered acceptable in this instance. Namely, due to the fact that the approved extension would project forward at the same height as an existing two storey side/rear extension, and therefore would not have a significant impact on the character and appearance of the host building, would not affect the existing gap between the two properties, nor harm the character of the wider conservation area.

3.5 However, the erection of an additional storey would appear excessively bulky at this level, overwhelming the side elevation of the appeal building, and would appear unduly prominent when viewed from Priory Road. The extension would reduce the gap at higher level between the appeal building and no.78 Compayne Gardens, contrary to CPG1 which states that side extensions between buildings would not be considered acceptable where significant views or gaps between buildings are blocked (please see photo 1 which shows the gap between the appeal building and the neighbouring property). The loss of the gap serves to further enhance the scale of the extension.

3.6 The appellant argues that the extension would be an improvement on the current arrangement, with the existing two-storey flat roofed side extension providing a roof form which is not in keeping with the design of roofs in this area and appears unfinished. However, the Council considers that any additional storey at this level, whether flat-roofed or mansard would be considered unacceptable by reason of the additional height and bulk at this level.



Photo 1: The appeal building is shown to the right, and no.78 Compayne Gardens to the left. The proposed extension would be constructed on top of the existing two storey rear/side extension which can be seen to the centre of the photo.

Response to ground of appeal 2

3.7 The existing 3 bedroom second floor flat has a gross internal floor area of approximately 120sqm. The London Plan's new nationally described space standard states that the minimum floor area for a 3 bedroom, 4 person unit should be 74sqm, which the unit currently comfortably meets. The proposal therefore would not be bringing substandard accommodation up to standard, nor providing a new residential dwelling which is the priority land use of Camden's LDF. The provision of additional

family accommodation is not considered sufficient justification to outweigh the resulting harm to the host building and wider conservation area previously identified.

4.0 Conclusion

4.1 Based on the information set out above, and having taken account of all the additional evidence and arguments made, the proposal is considered contrary to policy CS14 (promoting high quality places) of the London Borough of Camden Local Development Framework Core Strategy and Policies DP24 (securing high quality design) and DP25 (Conserving Camden's heritage) of the London Borough of Camden Local Development Framework Development Policies.

4.2 The information submitted by the appellant in support of the appeal does not overcome or address the Council's concerns. For these reasons the proposal fails to meet the requirements of policy and therefore the Inspector is respectfully requested to dismiss the appeal.

4.3 If the Inspector is of a mind to accept the appeal, proposed conditions have been included in Appendix B below.

4.4 If any further clarification of the appeal submission is required please do not hesitate to contact Laura Hazelton on the above direct dial number or email address.

Yours sincerely,

Laura Hazelton
Planning Officer

Appendix A

Officer's delegated report

Delegated Report		Analysis sheet		Expiry Date:		16/02/2016	
		N/A / attached		Consultation Expiry Date:		11/02/2016	
Officer				Application Number(s)			
Laura Hazelton				2015/7172/P			
Application Address				Drawing Numbers			
103 Priory Road London NW6 3NN				Please refer to decision notice			
PO 3/4		Area Team Signature		C&UD		Authorised Officer Signature	
Proposal(s)							
Erection of second floor side and rear wraparound extension with hipped roof and side dormer window.							
Recommendation(s):		Refuse planning permission					
Application Type:		Full Planning Permission					
Conditions or Reasons for Refusal:		Refer to Draft Decision Notice					
Informatives:							
Consultations							
Adjoining Occupiers:		No. notified	28	No. of responses	00	No. of objections	00
				No. electronic	00		
Summary of consultation responses:		<p>The application was also advertised in the local press on 21/01/2016 (expiring 11/02/2016) and a site notice was displayed between 20/01/2016 and 10/02/2016.</p> <p>One comment was received from the tenant of 78 Compayne Gardens:</p> <ul style="list-style-type: none"> • The extension would potentially obstruct views from no.78; • It is not clear whether the side window would be directly opposite the side window of no.78. 					
CAAC/Local groups* comments: *Please Specify		There is no South Hampstead Conservation Area Advisory Committee (CAAC).					

Site Description

The application property is a three storey detached dwelling house on the western side of Priory Road, north west of the junction with Compayne Gardens. The property is in residential use and has been split into five self-contained flats.

The building is not listed, but is located within the South Hampstead Conservation Area and has been identified as making a positive contribution to the area.

The property already benefits from a number of side and rear extensions, and planning permission was recently granted for a single storey rear extension, two storey side extension and second floor rear extension (please refer to planning history below).

Relevant History

2015/6229/P - Erection of second floor rear infill extension. Granted 08/12/2015

2015/4258/P - Construction of 2 storey side extension and 1st floor rear extension. Granted 15/09/2015.

2015/2653/P – Erection of single storey rear extension with rooflight. Granted 07/07/2015.

2012/0324/P – Replacement of an existing door with a window and an existing with French doors. Granted 30/03/2012.

2008/2069/P - Erection of single-storey rear extension, single-storey side extension and replacement window (bathroom) in the side elevation all at ground floor level in connection with Flat 1 and relocation of existing shed. Granted 16/09/2008

16084 - The erection of a rear addition at 103 Priory Road, NW6 at first floor level, to provide for the extension of the kitchen and bathroom. Granted 30/04/1973

15560 - The erection of a rear addition to 103 Priory Road, NW6 at first floor level, to provide for the extension of the kitchen and bathroom. Granted 21/02/1973.

14935 - Enclosure of rear balcony at second floor level at 103 Priory Road, NW6, to provide shower room and hall. Granted 1972

TPD1003/63/2 - The erection of a conservatory and addition to form bathroom at second floor level at 103 Priory Road, NW6. Granted 28/02/1963

TP2963/079065 - a bathroom addition at 103, Priory Road, Hampstead, at second floor level. Granted 28/08/1935

Relevant policies

National Planning Policy Framework 2012

London Plan 2015, consolidated with amendments since 2011

LDF Core Strategy and Development Policies

Core Strategy

CS5 (Managing the impact of growth and development)

CS14 (Promoting high quality places and conserving our heritage)

Development Policies

DP24 (Securing high quality design)

DP25 (Conserving Camden's heritage)

DP26 (Managing the impact of development on occupiers and neighbours)

Supplementary Planning Guidance

South Hampstead Conservation Area character appraisal and management strategy 2011

Fortune Green & West Hampstead Neighbourhood Plan 2015

CPG1 (Design) 2015

CPG6 (Amenity) 2011

Assessment

1.0 Proposal

1.1 The proposal involves the following:

- The erection of a side and rear wraparound extension at second floor level, constructed above the flat roof of a part-existing, part-approved two storey side and rear extension.
- The extension would measure 16.1sqm and would be approximately 2.8m high.
- To the rear, the extension would not extend to the full depth of the existing two storey rear extension to provide a second floor roof terrace (in the same position as the existing but reduced in size) with a glazed balustrade to the rear.
- The front/side elevation would be designed as a mansard roof clad in matching slate tiles to the existing roof and would feature a side dormer measuring 1.7m high, 2.4m wide and 0.6m deep.
- The rear elevation would be fully glazed with a sliding door to provide access to the terrace.
- The installation of 2 x rooflights at rear rooftop level.

2.0 Assessment

2.1 The main planning considerations in the assessment of this application are:

- Design (the impact of the proposal on the character of the host property as well as that of the wider South Hampstead Conservation Area); and
- Amenity (the impact of the proposal on the amenity of neighbouring occupiers).

3.0 Design and impact on Conservation Area

3.1 Policy CS14 (Promoting high quality places and conserving our heritage) aims to ensure the highest design standards from development. Policy DP24 (Securing high quality design) also states that the Council will require all development, including alterations and extensions, to be of the highest standard of design and to respect the character, setting, form and scale of the neighbouring properties as well as the character and proportions of the existing building. Policy DP25 (Conserving Camden's heritage) seeks to preserve and enhance the character and appearance of conservation areas.

3.2 The application site is located within the South Hampstead Conservation Area. The Conservation Area Character Appraisal and Management Strategy (2011) states that development proposals must preserve or enhance the character or appearance of South Hampstead Conservation Area. High quality design and high quality execution will be required of all new development at all scales. Alterations and elevations to the rear elevations of buildings should respect the historic pattern of development, and preserve the character and historic features of existing buildings (paragraph 12.15).

3.3 CPG1 (Design) provides more detailed guidance relating to new extensions and additions, stating that side extensions should be no taller than the front porch and set back from the main building (paragraph 4.16). Rear

extensions should be subordinate to the original building and their heights should respect the existing pattern of rear extensions, where they exist (paragraph 4.12).

3.4 The current application proposes an additional storey atop the previously approved two storey side/rear extension. CPG1 (Design) states that side extensions between buildings would not be considered acceptable where significant views or gaps between buildings are blocked. Although planning permission was recently granted for a new two storey side extension at the application site, the proposal was considered acceptable due to the fact that the extension projected forward at the same height as the existing two storey side/rear extension, and therefore would not impact the existing gap between the two properties.

3.5 However, the current proposal would result in an additional storey at second floor level between the host property and neighbouring property at no. 78 Compayne Gardens. The additional storey to the side of the host building would be contrary to Camden's Planning Guidance and is considered unacceptable due to the extra bulk at this height, and the loss of the gap and views between the neighbouring properties. The addition of an extra storey in this location would not be a subordinate addition to the host building and is considered overdevelopment of the site that would deteriorate the outline of, and overwhelm, the existing house. The development would be highly visible from the public realm, and is therefore considered to cause harm to the character and appearance of the host building and wider conservation area.

3.6 To the rear, the extension would be constructed approximately 65cm below the roof eaves level which is contrary to CPG1 (Design) guidance which emphasises that extensions that are higher than one full storey below roof eaves/parapet level will be strongly discouraged (paragraph 4.13).

3.7 CPG1 (Design) recommends that in historic areas traditional materials such as brick, stone, timber and render will usually be the most appropriate complement to the existing historic fabric. Although modern materials such as steel and glass may be appropriate they should be used sensitively and not dominate the existing property. It is considered that the fully glazed rear elevation would dominate the existing property and would not be complementary to the host building.

3.8 The proposal includes the installation of 2 x rooflights to the rear rooftop. They would project to a height of approximately 80mm and would not be visible from ground level. They are not therefore considered to cause harm to the character or appearance of the host building.

4.0 Amenity

4.1 Policy CS5 (Managing the impact of growth and development) seeks to protect the amenity of Camden's residents by ensuring the impact of development is fully considered. Furthermore, Policy DP26 (Managing the impact of development on occupiers and neighbours) seeks to ensure that development protects the quality of life of occupiers and neighbours by only granting planning permission to development that would not harm the amenity of neighbouring residents. This includes privacy, outlook, daylight and sunlight.

4.2 CPG6 (Amenity) provides specific guidance with regards to privacy, overlooking and outlook.

4.3 The new extension would include two side windows and a side dormer. The dormer would be obscure-glazed which would ensure the privacy of the neighbouring residents at 78 Compayne Gardens was preserved. The new windows would not be obscured, but as they do not directly overlook any neighbouring windows and are located in place of the existing roof terrace, they are not considered to cause any additional harm to neighbouring amenity than the existing situation.

4.4 The proposed roof terrace would be located in the same position and would be of a reduced size compared to the existing; and is therefore not considered to result in any additional overlooking of the neighbouring residents.

4.5 It is likely that the construction of an additional storey at second floor level would have an impact on the levels of daylight and sunlight entering the windows of the neighbouring property. However, no daylight/sunlight

report has been submitted in support of the application and it is therefore difficult to determine the impact of the proposal on light levels.

5.0 Conclusion

5.1 The proposed second floor side/rear extension, by reason of its size, bulk and location, would be detrimental to the character and appearance of the host building, and would neither preserve nor enhance the character and appearance of the South Hampstead Conservation Area. Therefore, it would be contrary to policies CS5 (Managing the impact of growth and development) and CS14 (Promoting high quality places and conserving our heritage) of the London Borough of Camden Local Development Framework Core Strategy and policies DP24 (Securing high quality design) and DP25 (Conserving Camden's heritage) of the London Borough of Camden Local Development Framework Development Policies.

Appendix B

Condition(s) and Reason(s):

Planning Permission 2015/7172/P

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. 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.

3. The development hereby permitted shall be carried out in accordance with the following approved plans:

5101, 5102, 5103, 5104, 5151, 5152, 5153, 5154, 5155, 5156, Planning Statement dated December 2015, and Design and Access Statement reference 103PR3A010 dated 15.12.2015.

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