

<b>Delegated Report</b>		<b>Analysis sheet</b>	<b>Expiry Date:</b>	18/05/2016
		N/A / attached	<b>Consultation Expiry Date:</b>	18/05/2016
<b>Officer</b>			<b>Application Number(s)</b>	
Ian Gracie			2016/1626/P	
<b>Application Address</b>			<b>Drawing Numbers</b>	
1F Parsifal Road London NW6 1UG			Refer to Decision Notice	
<b>PO 3/4</b>	<b>Area Team Signature</b>	<b>C&amp;UD</b>	<b>Authorised Officer Signature</b>	
<b>Proposal(s)</b>				
Erection of single storey roof extension with various alterations.				
<b>Recommendation(s):</b>		Refuse Planning Permission		
<b>Application Type:</b>		Householder Application		

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
<b>Consultations</b>						
Adjoining Occupiers:	No. notified	<b>40</b>	No. of responses	<b>00</b>	No. of objections	<b>00</b>
Summary of consultation responses:			No. electronic	<b>00</b>		
	<p>Site Notice: 27/04/2016 – 18/05/2016. Letters were sent to adjoining neighbours.</p> <p>No objections received.</p> <p>An <b>identical</b> application, in design terms, was previously refused on this site on 18 November 2015 (LPA Ref. 2015/3564/P) – see below for more details. Notwithstanding the lower levels of response to the most recent consultation, and as there have been no material changes to the proposals themselves, it is considered that the consultation responses from the previous identical application <i>remain material considerations</i> for the current assessment.</p> <p>Objections were received from the owner/occupiers of 31, 33, 35, and 37 Lyncroft Gardens, and 519C Finchley Road who raised the following concerns:</p> <ul style="list-style-type: none"> <li>• Impact on the amount of daylight to reach the surrounding properties;</li> <li>• Loss of privacy and light would be unacceptable with taller buildings overshadowing the garden and property;</li> <li>• Concern with overlooking and overshadowing;</li> <li>• The views from the rear of 37 Lyncroft Gardens would be restricted as well as blocking out light. The roof terrace will affect privacy;</li> <li>• It extends the obstruction of views from upper floors, aggravating the damage done by the 1984 extension;</li> <li>• The proposal would be contrary to planning policy by virtue of its size and bulk which would be detrimental to the appearance of the building and the visual amenity of the surrounding area.</li> <li>• The windows on the west facing elevation will infringe on privacy;</li> <li>• The scale and proportions of the building would be overwhelmed by an additional extension as per the Council’s CPG1 (Design) guidelines.</li> <li>• There is no established form of roof addition in this location, or alteration to a terrace or group of buildings and this proposal would separate it from the existing group of buildings and townscape;</li> <li>• The office at the rear of my property will lose light as a result of the proposal.</li> </ul> <p>The privacy of the two main rooms of no.37 will be affected which includes the main bedroom.</p> <p>A letter of support was received from the owner/occupier of 1E Parsifal Road noting that the roof extension will create uniformity from a cosmetic point of view which will create a nicer view from the property.</p>					

**Local groups  
comments:**

No response received

## Site Description

The application site is located on the eastern side of Parsifal Road, occupying a backland site which is accessed by a driveway off of Parsifal Road. The application site comprises a two storey building, which was originally built as part of a pair of detached houses which includes 1E Parsifal Road to the west.

The site is surrounded on all sides by residential properties ranging from 3 to 4 storeys. The site is located particularly close to the rear of the properties along Lyncroft Gardens, particularly no.35 and 37 (approximately 9 metres).

The site is not in a Conservation Area, however the southern and eastern boundaries of the site adjoin the boundary of the West End Green Conservation Area. The site is not in the setting of any Listed Buildings.

## Relevant History

**F4/5/B/25466** – Erection of 2 houses on the site – **Granted 08 February 1978.**

**PW9802404R1** – The erection of a mansard roof extension including the installation of rooflights to provide an additional storey for each property as shown on drawing number(s); 37/97/3, /4, /5 revised drawing, /6 revised drawing, 37/97/5, /6, /7, /8 and /9. – **Refused 26<sup>th</sup> November 1998.**

### Reason for refusal:

- 1. The proposed roof extension would be contrary to council policies and guidelines as contained in the draft Unitary Development Plans and Special Planning Guidance by virtue of size, and bulk and they would therefore be detrimental to the appearance of the building and the visual amenity of the surrounding area.*
- 2. The proposed roof extensions are considered undesirable as they would overshadow and create a sense of enclosure to adjoining properties to the detriment of their amenities.*

**Dismissed at Appeal 02 September 1999.**

The inspector concluded that:

*“The proposal would not cause harm to the appearance of the area. However, on the second main issue, I am of the opinion that the extension would have an unacceptable effect on the living conditions of the occupiers of 35 Lyncroft Gardens. On balance I find this to be a compelling reason to dismiss this appeal.”*

**2008/2271/P** – Erection of single-storey extension at ground floor level on north east elevation in connection with existing single-family dwellinghouse (Class C3). – **Certificate of Lawfulness (Proposed) Granted 01 August 2008.**

**2008/2272/P** – Certificate of lawfulness for proposed alteration to window and door openings and part cladding of exterior – **Certificate of Lawfulness (Proposed) Granted 29 July 2008.**

**2008/2273/P** – Erection of first floor (south-west elevation) extension and ground floor single storey (north-east elevation) extension. – **Granted 14 October 2008.**

**2015/3564/P** – Erection of single storey roof extension with various alterations. – **Refused 18 November 2015.**

### Reasons for refusal:

1. *The proposed roof extension, by virtue of its size, bulk and proximity to No.35 Lyncroft Gardens, would be overbearing and create an unacceptable sense of enclosure, harming the amenities of neighbouring residential occupiers contrary to policy CS5 (Managing the Impact of Growth and Development) of the London Borough of the Camden Local Development Framework Core Strategy and policy DP26 (Managing the Impact of Development on Occupiers and Neighbours) of the London Borough of Camden Local Development Framework Development Policies.*

## **Relevant policies**

### **National Planning Policy Framework (2012)**

Paragraphs 14, 17, 56-66, and 126-141.

### **London Plan (2015) Consolidated with Alterations Since 2011**

Policy 3.5 – Quality and Design of Housing Developments

Policy 7.4 – Local Character

Policy 7.6 – Architecture

Policy 7.8 – Heritage Assets and Archaeology

### **Local Development Framework**

#### ***Core Strategy (2011)***

CS5 – Managing the impact of growth and development

CS14 – Promoting high quality places and conserving our heritage

#### ***Development Policies (2011)***

DP24 – Securing high quality design

DP25 – Conserving Camden's heritage

DP26 – Managing the impact of development on occupiers and neighbours

#### ***Fortune Green & West Hampstead Neighbourhood Plan (September 2015)***

Policy 2 – Design & Character

#### ***Supplementary Guidance***

CPG 1 – Design (2014) – Section 5

CPG 6 – Amenity (2011) – Chapter 7

## Assessment

### 1. Proposal

1.1 The applicant seeks planning permission for the:

*“Erection of single storey roof extension with various alterations.”*

1.2 The proposal comprises the following elements:

- 2.6m roof extension with an internal head clearance of 2.3m;
- Zinc clad walls with EDPM membrane on the roof;
- Two obscure windows on the south-east elevation, two windows on the north-west elevation; single window on the south-west elevation; single window on the north-east elevation, all at roof level.
- The pitch of the proposed roof extension will be 80 degrees.

### 2. Planning Practice Guidance (PPG) – Dealing with ‘repeat applications’ for development that has already been refused

- 2.1 This application is identical in design to the one refused in November 2015. The applicant has sought this time to simply add further justification for the proposals in the planning statement. Paragraph 056 of the PPG states that *“a local planning authority may also decline to determine an application for planning permission if it has refused more than one similar application within the last two years and there has been no appeal to the Secretary of State.”* Officers have taken the view that, as this application constitutes only one similar application to that which was recently refused, the application was accepted.
- 2.2 It is officers’ view however that this application has been submitted due to the lapse of the period in which the applicant had the right to appeal their previous refusal which passed on 10 February 2016. Officers’ are concerned that this application has been submitted, as is identified in paragraph 058 of the PPG, with the intention of, over time, wearing down opposition to proposed developments. As such, it is considered that the objections received from the previously refused application are a material consideration in the determination of this application and should be considered as part of any potential appeal process.
- 2.3 The council will be mindful, in the event of an appeal of this refusal, to consider seeking costs for the effort required to process and determine this planning application, which incurred no planning fee, due to the absence of any relevant material changes to the substance of the application.

### 3. Design & Heritage

- 3.1 Policy DP24 states that developments will be expected to consider the *“character, setting, context and the form and scale of neighbouring buildings”* and *“the character and proportions of the existing building, where alterations and extensions are proposed.”*
- 3.2 With regards to roof extensions on more contemporary buildings, CPG 1 (Design), at paragraph 5.20, provides further clarity to this policy which sets out the considerations for a less traditional form of roof addition. Proposals should have regard to:
- The visual prominence, scale and bulk of the extension;
  - Use of high quality materials and details;

- Impact of adjoining properties both in terms of bulk and design and amenity of neighbours, e.g. loss of light due to additional height;
- Sympathetic design and relationship to the main building.

3.3 As noted above, planning permission was previously refused on the application site in 1999. The proposal was of a very similar design to that of this proposal. The only difference being that the previous scheme proposed a roof extension 2.5m in height compared to this application which proposes a height of 2.6m. The Council's reason for refusal, in terms of design, stated:

*“The proposed roof extension would be contrary to council policies and guidelines as contained in the draft Unitary Development Plans and Special Planning Guidance by virtue of size, and bulk and they would therefore be detrimental to the appearance of the building and the visual amenity of the surrounding area.”*

3.4 This reason for refusal was then assessed by the inspector who concluded that:

*“I have come to the view that the character of the area is largely derived from a wide variety of building styles and would not be harmed by the construction of mansard roof extensions to the appeal properties.”*

3.5 More recently, planning permission was refused on 18 November 2015 for a proposal identical to that which planning permission is being sought for in this instance. Whilst the application was refused, it is noted that the application was considered acceptable in design terms.

3.6 The application site is only visible from private views from the rear of the properties surrounding the site, whilst it is also partly visible from views along Parsifal Road when stood at the western end of the access road that leads to the application site. As such, it is considered that the visual impact of the proposal on the surrounding area will be limited. What's more, the proposal is considered an interesting addition to a building which is currently of no particular architectural merit.

3.7 With regards to the proposed scale and choice of materials, the proposal is considered acceptable. The 2.6m extension is considered sufficiently subordinate to the host building whilst the choice of zinc cladding is considered appropriate addition which relates to the surrounding area.

3.8 In light of this, and the guidance as set out in paragraph 5.20 of CPG1, it is considered that the proposal is considered to be in accordance with Policy DP24 (Securing high quality design).

3.9 As noted above, the application site adjoins the boundary of the West End Green Conservation Area. However, due to the limited visibility of the site from public views, it is considered that the proposal will not impact upon the views both into and out of the Conservation Area and is therefore considered to be in accordance with Development Policy DP25 (Conserving Camden's Heritage) and Policy 2 (Design & Character) of the Fortune Green and West Hampstead Neighbourhood Plan.

#### **4. Amenity**

4.1 Policy DP26 states that the Council will protect the quality of life of occupiers and neighbours by only granting permission for development that does not cause harm to amenity which includes visual privacy and overlooking, and overshadowing and outlook.

4.2 Paragraph 7.9 of CPG 6 (Amenity) provides further clarity and guidance on this policy which states that:

*“When designing your development you should also ensure the proximity, size or cumulative effect of any structures do not have an overbearing and/or dominating effect that is detrimental*

*to the enjoyment of their properties by adjoining residential occupiers.”*

- 4.3 As noted above, planning permission was refused on site in 1999 for a very similar scheme to that of the proposed scheme. The second reason for refusal was:

*“The proposed roof extensions are considered undesirable as they would overshadow and create a sense of enclosure to adjoining properties to the detriment of their amenities.”*

- 4.4 The Appeal Inspector noted the proposal's effect on the living conditions of the surrounding buildings. One of the effects was that of the impact on the amount of daylight/sunlight to the surrounding buildings. The Inspector noted that:

*“I concur with the Council that the occupiers of 35 Lyncroft Gardens would experience the greatest impact with a significant loss of sunlight and daylight particularly to the rooms in the rear projection.”*

- 4.5 What's more, planning permission was refused for a scheme identical to that of the proposal in November 2015. The reason for refusal stated:

*The proposed roof extension, by virtue of its size, bulk and proximity to No.35 Lyncroft Gardens, would be overbearing and create an unacceptable sense of enclosure, harming the amenities of neighbouring residential occupiers contrary to policy CS5 (Managing the Impact of Growth and Development) of the London Borough of the Camden Local Development Framework Core Strategy and policy DP26 (Managing the Impact of Development on Occupiers and Neighbours) of the London Borough of Camden Local Development Framework Development Policies.*

- 4.6 As there is no material difference to the proposal that was refused in November 2015, the same concerns remain. As such, it is considered that the proposal is still unacceptable in amenity terms by virtue of the sense of enclosure it would create to the neighbouring occupiers, principally those at no.35 and no.37 Lyncroft Gardens.

- 4.7 The applicant has however submitted a Daylight and Sunlight Report in support of this application which demonstrates that there is a negligible impact on the levels of daylight and sunlight that would reach the surrounding residential properties, which includes 35 Lyncroft Gardens. As such, it is considered that the proposal is considered acceptable in daylight and sunlight terms.

- 4.8 As noted above, a mixture of obscure and clear windows are proposed at roof level as part of the plans. It is considered that the obscure windows on the south-east elevation are considered acceptable as they prevent any opportunity of overlooking into the adjacent properties at Lyncroft Gardens. It is considered that the windows on all of the remaining three elevations are considered appropriate as overlooking is not considered an issue.

- 4.9 The other issue that the Inspector assessed in 1999 was the more fundamental aspect of the overbearing nature of a roof extension in this location. As the topography and layout of the built environment in this location has not altered since the appeal decision in 1999, this remains a material planning consideration to this case.

- 4.10 At its closest point, the rear wall of no.35 Lyncroft Gardens is 8.9m away from the boundary of the application site. The ground of no.35 Lyncroft Gardens is also 1.1m below that of the application site. As a result of this, the existing building is already considered an overbearing feature to no.35. A further increase in height of 2.5m at the application site, together with its close proximity to neighbouring properties, would have an overbearing and dominating effect which would create an unacceptable sense of enclosure to the neighbouring properties. It is therefore considered that the application is not in accordance with policies CS5 and DP26 of Camden Council's Local Development Framework.

## **5. Conclusion**

- 5.1 Since the refusal of an identically designed proposal in November 2015, the applicant has submitted additional justification making the case for the benefits of this proposal. However, the issues raised were fully assessed during the previous scheme and, as such, officers have come to the same conclusions with regards to this proposal.
- 5.2 It is considered that the design of the proposed roof extension is considered acceptable as it will both add a visually interesting feature to the host building whilst it is considered to preserve the character of the adjoining West End Green Conservation Area by virtue of its limited visual impact from public views.
- 5.3 However, the addition of a 2.5m roof extension in this location, together with its proximity to no.35 Lyncroft Gardens, in particular, is considered to have a dominating and overbearing impact on the surrounding residential properties.

## **6. Recommendation**

- 6.1 Refuse planning permission.