



7 November, 2016

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Dear Sirs

42 FAIRFAX ROAD, LONDON, NW6 – REF. 2016/5232/P

We have been asked by Mr and Mrs Luke of 44 Fairfax Road to comment on the application for Prior Approval Permitted Development in respect of a 3.9 metre deep, 3.35 metre tall single storey rear extension at 42 Fairfax Road NW6.

The application is submitted pursuant to Class A.1(g) and follows the prior approval route.

However, ahead of the prior approval regime one has to ascertain whether the proposed development would indeed qualify as permitted development. In the case of this proposed scheme it would fall foul of Class A.1(i) of Part 1 to Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015.

Class A.1(i) requires that development is not permitted if:

“The enlarged part of the dwellinghouse would be within 2 metres of the boundary of the curtilage of the dwellinghouse and the height of the eaves of the enlarged part would exceed 3 metres.”

The application contains no details of the side elevations of the proposed building but the height of the end elevation is 3.35 metres and we assume that details will run along both side elevations. Therefore either the height to eaves (i.e. the top of the vertical wall) is 3.35 metres and the proposed development is not permitted by reason of Class A.1 or insufficient information has been provided to conclude on this matter and Prior Approval will be required.

My clients also note the inaccuracy of the plans relied on by the appellant. The stagger between the rear elevations of 42 and 44 Fairfax Road is 1.5 metres in favour of no. 42. Whilst the Existing Ground Plan on drawing 16517 PA_050 would appear to show this correctly, the Proposed Ground Plan on the same drawing and all the other drawings including the floorplans have reduced this set back to just 0.8 metres.

As such, the plans relied on by the applicant do not accurately represent the relationship between the neighbouring houses. Given this inaccuracy the applicant has failed to provide information sufficient or accurate enough to allow a proper determination to be made and again the application should be turned away.

As noted above the stagger between the properties is 1.5 metres with the rear elevation of 42 Fairfax Road set 1.5 metres rear of 44 Fairfax Road. Therefore, the proposed extension would project 5.4 metres rear of the rear elevation of 44 Fairfax Road. The existing brick boundary wall between the properties is 1.75 metres tall. The proposal would site the 3.35 metre tall extension on the boundary between the properties providing a substantive degree of enclosure to the rear courtyard garden of 44 Fairfax Road.

The rear garden to 44 Fairfax Road has an average depth of approximately 8.5 metres. Of that the two-storey stagger between nos. 42 and 44 already encloses the first 1.5 metres. The proposal would enclose a further 3.9 metres resulting in a total depth of enclosure on the boundary to 44 Fairfax Road of 5.4 metres which equates to 64% of the garden depth being enclosed by tall buildings.

Given the small size of gardens in this terrace of properties the degree of enclosure will have a disproportionate impact and result in an overwhelming degree of harm to amenity by reason of both enclosure and loss of outlook from the garden.

In addition to this is the harm to the amenity within the house. There are two ground floor east facing rear windows to the dining/ living area of the house at 44 Fairfax Road; the closest to the application site is a window and the furthest a pair of French Doors with surrounding glazing. The rear of the property receives light and provides a degree of outlook for the room at present. The proposals will diminish outlook and general light and sky component to the rear facing windows to the detriment of the occupier of these rooms. The result will be a poorly lit living room that will depend upon artificial light and thus the proposal would not comprise sustainable development.

As such, it is clear that the proposals will lead to an adverse impact on the amenity of the occupiers of 44 Fairfax Road both in terms of the use of their dwellinghouse and also in terms of their enjoyment and use of their garden. The proposal accordingly conflicts with the provisions of Camden Core Strategy policy CS5 and Development Policies DP26.

Furthermore, I note that the proposal would reduce the rear tapered garden area to the existing (and enlarged) 4 bedroom family dwellinghouse to just 30 m². That space is narrow (at 5.5 metres), tapered in shape and enclosed by tall walls, it does not provide usable and quality amenity space to meet the requirements of a four bedroom family dwellinghouse as required by the Camden Planning Guidance at 4.29 which requires that private gardens are allocated to family dwellings

The Camden Development Policies DPD notes at 23.23:

“Private outdoor amenity space can add significantly to resident’s quality of life and applicants are therefore encouraged to explore all options for the provision of new private outdoor space. Gardens, balconies and roof terraces are greatly valued and can be especially important for families. However, the densely built up nature of the borough means that the provision of private amenity space can be challenging, and the Council will require that the residential amenity of neighbours be preserved, in accordance with policy DP26 - *Managing the impact of development on occupiers and neighbours* and Core Strategy policy CS5 - *Managing the impact of growth and development*.”

Policy DP26 relates to managing the impact of development on occupiers and neighbours and states inter alia:

“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. The factors we will consider include:

- a) visual privacy and overlooking;
- b) overshadowing and outlook;
- c) sunlight, daylight and artificial light levels;
- [...]

We will also require developments to provide:

- h) an acceptable standard of accommodation in terms of internal arrangements, dwelling and room sizes and amenity space;
- [...]
- k) outdoor space for private or communal amenity space, wherever practical.”

The proposal would not provide development that makes adequate amenity space provision for future occupiers having regard to the quality and quantity of the space provided at 42 Fairfax Road.

We would therefore urge the council to rule that the proposed development:

- Is not permitted development having regard to the height of the external walls of the proposed development relative to the boundaries with neighbours where the tops of the walls comprise the eaves of the proposed extension (Class A.4(3)); or
- Inaccurate plans do not enable the proposals to be considered properly (Class A.4(3); and
- Insufficient information has been provided to enable a clear judgment to be reached on the height of the eaves to both side boundaries (Class A.4(3); and
- Require the prior approval of the scheme having regard to the impact on the amenity of the occupiers of neighbouring properties pursuant to Class A.4(7) and (9)

We trust the above information is of assistance to you, however if we can be of any further assistance, with this or any other matter, please do not hesitate to contact us.

Yours sincerely



Phillip E. Hughes
For PHD Chartered Town Planners