

October 2016

# Planning appeal statement

**25 Holmdale Road, London, NW6 1BJ**

Prepared for:

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## **1.00 Introduction / Existing Context**

25 Holmdale Road is a Victorian terrace house. It is not in a conservation area. The property is not listed.

The front facades of the houses on the street are fairly uniform with the plan form of the houses mirrored in pairs along the street. Although uniform in their footprint and predominant form, there is still much variation resulting from the installation of dormer windows and rooflights on various properties over time.

A new property adjoining 33 Holmdale Road, which is of a contemporary design, has been granted planning permission (2013/0680/P) and is currently being built. Immediately beyond that property there is a mid-20<sup>th</sup> Century four storey block of flats.

The rear /garden elevations have an eclectic mix of windows and extensions that have been added and altered over time. This is typical of London terraces where the picturesque higgledy piggledy massing of the rear elevations contrasts with the more restrained and uniform street elevations.

The front and rear elevations including the various extensions are shown on drawing 'PL-500 Site Context'.

## **2.00 Planning History**

Planning permission was granted for a rear extension on 03/06/2016 ( 2016/2171/P) with an infill side extension.

## **3.00 Appeal Scheme**

A certificate of lawfulness was submitted to increase the length of the rear extension to 5.9 meters beyond the rear of the existing house - as is currently allowed under the householder's permitted development rights.

Even though the scheme fulfilled all the criteria under permitted development, a certificate of permitted development was not granted on the grounds that the extension would have an unacceptable effect on the amenity of the neighbouring occupiers at 27 Holmdale Road.

## **4:00 We are appealing this decision.**

4.01: The government have made a considered decision to allow householders to build, under their permitted development rights, rear extensions of up to 8m, for a detached house, and up to 6m, for all other houses.

With the need for more housing stock in London, the Government has recognized a need to allow larger extensions to be built, as well as allowing offices to be converted to residences without the need for planning permission.

At the same time, the Government has recognized that a longer rear extension may have some impact on the Neighbours amenity.

Therefore, if the extension is greater than 3m but less than 6m it is for the council to consider whether the extension will have a 'significant' impact on the neighbour's amenity.

The fact that the Council has challenged the changes to the permitted development rights, may suggests that the Council are opposed in general to the new permitted development rights.

We contend that Camden Council unreasonably refused this application, even though the proposal does not have a significant effect on the neighbour's amenity.

We contend that the effect of this extension will have on the neighbour's amenity is minor and cannot be considered to be 'significant'.

As the council have noted in their refusal letter that;

- The height of the existing fence running between the 25 and 27 Holmdale road is 1800mm high
- The existing houses here are built on a slope so that the level of the ground at 25 Holmdale road is approx. 350m lower than the ground level of 27 Holmdale road.
- Planning permission already exists for a 4.7m extension.

We note that:

- The legal height of a garden wall between properties can be up to 2000mm high, 200mm higher than the existing wall on the side of 25 Holmdale Road and 600mm higher than the height of the fence on the side of 27 Holmdale road.
- Crucially the change in Ground level between 25 and 27 Holmdale road varies between 400 and 500mm, so the ground level of 25 Holmdale Road is significantly lower than the ground level at 27 Holmdale Road.

This means that the proposed roof of the 5900mm rear extension will only sit 2500 – 2600mm above the Ground floor level of 27 Holmdate Road, 400 – 500mm lower than what is allowed under permitted development.

The proposed extension only extends 1.2 meters further than the line of extension which already has planning permission.

#### Current overlooking

- Because of the slope in the Natural Ground Level, the Garden fence between 25 and 27 Holmdale Road is 1800mm high on our client's side, but only 1400mm high on the neighbour's side. This means that that when the neighbour stand on the decking in their garden, they look over the fence and directly into the Garden of 25 Holmdale Road.

To protect their privacy, our clients have been intending to either increase the height of the wall to 2000mm on the neighbour's side, or plant a tall hedge or row of pleached limes along the wall.

#### Affect on Neighbour's Amenity

All rear extensions to terraces houses in London will have some impact on the Neighbours' amenity, as does more building work, but this has not and cannot preclude a metropolitan city like London growing, changing and adapting over time. What needs to be assessed is whether the impact on the neighbours' amenity is significant.

Although we acknowledge that the extension will have some impact on the amenity of the neighbours at 27 Holmdale Road, we contend that it that it does not have a 'significant' effect on the daylight, sunlight, or visual amenity of the neighbours and it is therefore not contrary to CPG 1 (P32) and therefore on balance the 5900mm extension should allowed.

There will be no increased overlooking, and due to the extension's location, the front (street elevations) of these houses face South West, the extension will have very little effect on the neighbours sunlight or daylight. Any Southern sun is already blocked by the existing buildings 25 and 23 Holmdale road.

#### Height of Existing Garden walls

There are many garden walls at the rear of London houses which have two meter walls covered with creepers, taking the height of vegetation up to three meters high or more. Many gardens have evergreen hedges of privet, yew or even, in some cases leyland cypress along their boundaries, growing higher than three meters. Many Gardens have pleached limes or hornbeam while other gardens have trees planted along their boundaries which when fully grown, and often covered by a TPO, cast significant shade on the neighbouring gardens.

Many gardens in London have 'green walls' of around three meters. These gardens do not feel overly enclosed and the height of these walls do not have a negative impact on these rear gardens.

For example, the current garden wall between 27 and 29 Holmdale Road is smothered in evergreen creepers and is higher than three meters, and yet the neighbours at 27 Holmdale Road would seem to have no objection to this wall of green on their north west boundary.

The height of the parapet of the proposed extension would be lower than the current fence covered with creepers between Wall between 27 and 29 Holmdale road.

Camden Council have built a wall.

Camden Council have recently rebuilt a four meter high brick wall (not including the sports netting on top ) along the Eastern boundary of our client's garden, between the gardens of Holmdale Road and Camden's outdoor space. If the council considered that this four meter high wall had no 'significant' effect on the neighbours, we question how can they be arguing that the proposed extension to 25 Holmdale Road will.

Existing Planning permission.

Camden Council have already granted planning permission for a 4700m long extension at 25 Holmdale Road and noted in the decision letter that:

*“ Due to the proposed extensions' size and location, there would be minimal harm to the amenity of any adjoining residential occupiers in terms of the loss of sunlight, outlook, privacy or an increased sense of enclosure”*

If the council consider that extension of 4.7m would only have minimal impact on the neighbouring property in terms of loss of sunlight, outlook, privacy or an increased sense of enclosure, we question how by increasing the length of the extension by 1300mm the impact on neighbours' amenity will suddenly become “significant”.

**Response to Consultation response:**

*The Neighbours at 27 Holmdale objected on the grounds that:*

- 1. The Proposal will cause significant negative consequences on the amenity of the neighbouring property at no. 27 such as a significant reduction in daylight and sunlight and therefore increase in dampness.*

Paul+O response:

Because the ground level of Homdale Road is lower by 400–500mm than 27 Holmdale road, the roof of the proposed extension will only be 2600mm above ground level on the side of 27 Holmdale Road, 400mm lower than the height allowed under Permitted Development. Camden have already agreed that a 4700mm extension does not significantly affect the neighbour's amenity.

- 2. The wall of the proposed extension will replace the existing fence and will benefit only to the occupiers of no 25. It is not clear what will happen to the remaining part of the Fence. The objection refer to the unilateral use of the shared fence and area.*

Paul+O response:

The wall adjoining wall between 25 and 27 Holmdale Road would be rebuilt as a brick wall (the proposed brick being a handmade brick ( Vande Moortel Nature 7) which has a very similar colour and texture to the existing aged London Stock bricks.

Our Client would in time, and through the process of a Party Wall Agreement, consult with the neighbours at 27 Holmedale Road as to the choice of brick on their side of the wall, the colour of the mortar and the detailing .

The neighbours will therefore benefit from a beautiful new brick wall which will, in our opinion improve the neighbour's amenity.

The rebuilding of the remainder of garden wall does not form part of this application as it can be built without planning permission.

- 3. The proposal is 1-1.5m higher than the current wooden fence will cause an unpleasant feeling of being hemmed within the garden due to the brick wall on the other side of the garden.*

Paul+O response:

This is correct, but only because the current height of the garden fence is very low (only 1400mm high on the side of 27 Holmdale) which currently means that the garden at 25 Holmdale Road is overlooked,

If our clients wished, they too could plant a hedge or trees or combination of two along their boundary wall which would grow significantly higher than three meters. By building this extension, the neighbours can be assured that this boundary wall will never be higher than 2500- 2600mm above their own garden level. The neighbours will then be in control of any planting on the wall so no creepers will be able to grow on top the wall, unless they wish them to, and no trees can be planted in the future in the garden of 25 Holmdale which might have a significant effect on their daylight.

In General:

The Proposed extension is of the same considered design as that which was submitted for planning, simply 1.2m longer.

Although these houses may seem large, with four or five bedrooms, the living spaces of these Victorian houses are disproportionately small, and like the majority of London terrace houses they are quite narrow. We live in a completely different way to our Victorian ancestors, preferring to live and eat with family and friends in open plan kitchen/eating rooms which open out onto the garden.

Our clients want to increase the length of the extension as the extra 1.2 m of internal space would allow our clients to have a dining table big enough to sit most of their family.

Although many extensions have been allowed in Camden for full width extensions. The proposed extension is not full width, the infill extension only extends as far as the rear of the existing outreach extension.

This ensures that the new rear extension continues the 'in /out' rhythm of the existing outreach extension, which is encouraged especially in a conservation areas.

Our Client is therefore not requesting any more internal space than Camden would normally allow with a full width extension. They are simply requesting a different configuration which is more sympathetic to the existing building but still fulfills the clients brief.

#### Design / Finishes

The proposed extension is to be built predominantly with brick with a similar colour to that of the existing surrounding buildings. We propose using Vande Moortel Nature 7 Brick V.

The parapet, where not brick, will be finished with bronze cladding that references the cladding of the roofs of the surrounding bay window. The use of the bronze cladding helps break up the elevation and adds to the picturesque patchwork of bay windows that vary in shape, size and materiality.

These high quality materials combined with contemporary detailing ensure the extension is of its time and also embraces the site's history. The design also conforms to the guidelines of the UDP, London Plan, and the English Heritage.

#### **In conclusion:**

The proposed extension at 5900mmlong falls within the Clients Permitted Development Rights.

The height of the parapet will, because of the slope in the land, sit at 2400-2500mm above natural ground level on the side of 27 Holmdale road.

Planning permission already existing for an extension of 4 700mm . Camden has acknowledged that this extension will not have a significant negative effect on the neighbours' amenity.

The proposed extension to be built under PD is only 1200mm longer than the extension that already has planning permission.

We acknowledge that the extension will have some impact on the neighbours' amenity but the crucial question is whether it is significant. We contend it is not and we suggest that Camden are therefore being unreasonable in not allowing this application for a certificate of permitted development.

We therefore request that this appeal is allowed.