

CONSULTATION SUMMARY

Case reference number(s)

2016/6333/P

Case Officer:

Rob Tulloch

Application Address:

1A Well Road
London
NW3 1LJ

Proposal(s)

Variation of condition 3 (approved plans) of planning permission dated 24th February 2014 (ref 2013/7179/P) for the erection of single storey infill rear extension with associated a roof terrace, installation of a rear dormer window and other alterations in association with change of use from 2x flats to single dwellinghouse; namely to clarify the rear elevation of the building.-

Representations

Consultations:	No. notified	0	No. of responses	2	No. of objections	1
					No of comments	1
					No of support	0

<p>Summary of representations</p> <p>(Officer response(s) in italics)</p>	<p>The Heath and Hampstead Society originally objected, but withdrew their objection.</p> <p>The owner/occupier of No 2a Well Road has objected to the application:</p> <ul style="list-style-type: none"> • Loss of sunlight and daylight due to the wall being built much higher than approved and 1m higher than the original existing wall substantially impacting on light to the rear of property i.e. terrace, dining area, hallway & kitchen. • Loss of light equivalent to 50% of that which would have been available under the approved plans • The terrace was a sun trap which would filter through to the kitchen and dining areas, now it will probably receive 60% less light and 80% less direct sunlight. • The brickwork is 40% higher and the wall is approx 20 inches higher • The ambience of the terrace is reduced as the overall wall is now nearly 3m high • The revised plan refers to the use of the boundary wall instead of a separate wall – as indicated on the approved plans which places the screen closer to my terrace, further enclosing my terrace space and reducing light • The glass balustrade has been built on the party wall not a separate wall, which is not shown on the submitted MMA plans. • This Party Wall Award was used to justify the new wall. It does not indicate the further encroachment onto my terrace. • The applicants have misled Camden and myself in regards to the impact on amenity. • It is inconceivable how the architects and engineers got the plans wrong. After construction it became obvious that the development was not being built in accordance with the plans. • The impact on the terrace affects the value of our property. • The right to light consultants, Anstey Horne, state “the roof of the basement (of 1A Well Road) has been constructed higher than detailed in the original planning documents....” <p>The objection was accompanied by a letter from Anstey Horne, a rights of light and party wall consultancy, which states:</p> <ul style="list-style-type: none"> • The wall and balustrade should be 1800mm (800m brickwork/1000mm glass) above the terrace and no higher than the lintels to no. 2A • The constructed wall is 1100mm of brickwork above the likely terrace • The top of the brickwork is at lintel level suggesting the roof of the basement has been built higher than approved • Whilst we have not measured the loss of light, the change in the amount of brickwork and apparent raising of the basement roof raises the level of the wall and has significantly impacted light entering the terrace <p>The objector also commissioned a planning consultant to submit a further objection on their behalf:</p> <ul style="list-style-type: none"> • The boundary wall has not been built in accordance with the approved plans or current existing plans which are inaccurate and misrepresentative of the existing wall. The wall has been built too high and in the incorrect position, 150mm closer/over the boundary than the submitted drawings suggest and an extra 1400mm height of brickwork.
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- The current proposal creates an additional and significant loss of daylight and sunlight (estimated 40%) externally (to the terrace) and internally (to dining room, stairwells and kitchen). Fig 4 in the letter of objection shows where the glass balustrade should have been built up to in accordance with the approved plans (taped line) “The yellow spot indicates the position of the sun at 1605hrs on 17/01/17, and although it would be behind a building at this time the movement of the sun is shallow and the extra height of the glass significantly affects direct light to the terrace. Fig 5 shows the sun path and sun to the terrace at Aa is only available from the side obscured by the raised balustrade.
- The wall and balustrade now rise to the height of the eaves of the property to the rear (1 White Bear Place) and are no longer subservient or secondary, but a dominant structure. No examples can be found of boundary walls rising higher than the gutter/line of eaves, and therefore affecting the roofline. A boundary wall should not become the dominant feature of a terrace/garden.
- CPG1 clearly states “development in rear gardens must ensure building heights will retain visibility over garden walls and fences”. There is no visibility over the constructed wall when viewed from no. 2A, roofs of neighbouring properties cannot be seen from the terrace, all remaining views of anything other than the rear wall of 1A has been removed by the increase in height.
- No ‘fully translucent glass’ has been used in the previous or current construction, as suggested and it is entirely misleading to suggest otherwise. This is crucial when considering areas of tight space.
- It is questioned whether the existing building works have been carried out to the ‘highest quality’. An inability to follow drawings, plans, to take proper measurements or to build the wall in the correct position suggests otherwise and we respectfully disagree that there is no damage to the conservation area. A dominant feature, by definition, does not respect conservation values. There is a significant difference between a secondary feature (as approved 2013/7179/P) and that which is applied for here. A wall which rises to the roofline and dominates the attached terraces is not the same as a wall which sits significantly below the roofline and forms only a secondary feature.
- It is unlikely Camden would have granted permission for the amended scheme. The application is unreasonable and pays little regard for neighbours, policy, is badly designed and disproportionately large.

The plans were revised to more accurately show the existing situation. The planning consultant acknowledged that the revised plans are now accurate and further responded.

- The benefits of the proposal are at the expense of no. 2a
- There continues to be a loss of sunlight/daylight
- The amendment is contrary to policy DP26

Officer Response

It should be noted that the application is for an amendment to an approved scheme and only the changes highlighted in the submission are required to be assessed. Furthermore, the development itself is not changing, thus the changes are only the drawings insofar as they represent neighbouring buildings.

The approved scheme featured, among other things, a new terrace at rear 1st floor

level. The terrace is formed by infilling a small rear ground floor courtyard, laying decking on top to create a terrace, and raising the height of the party walls at first floor level to prevent overlooking. The development has largely been implemented except for the decking on top of the terrace.

The approved/as built terrace measures approximately 3.25m (d) x 4.9m (w). Although the decking has not yet been laid, the party wall, which has already been raised, will be 1.8m higher than the level of the decking (once installed) in line with condition 4.

Whilst the terrace, and the remainder of the approved scheme, may have been built largely in accordance with the approved plans, the problem arises from inaccuracy in the survey drawings which show the heights of the surrounding buildings incorrectly and therefore the development's relationship with its neighbours. The survey drawings show the neighbouring terrace to no. 2a Well Road to be 0.47m higher than it actually is, and the roof of the adjacent property, no 1 White Bear Place 0.315m higher than it actually is. So although the terrace and associated balustrading were accurately shown on the approved plans in relation to the host building there is a discrepancy principally in the relationship between the balustrading and neighbouring properties. The objector claims that this inaccuracy leads to a loss of amenity in terms of loss of daylight and sunlight, as the party wall is now in effect higher than approved. The objector also claims that the increase in height is harmful to the character and appearance of the conservation area.

Design

The existing section of the approved scheme (EXT-SE-020 Rev A) shows the party wall between nos. 1A and 2A Well Road rising from lower ground floor level (on the 1A side) to a maximum height of 4.83m (54.0 m datum) the brick wall slopes downwards from the rear of the host building to the rear wall of no. 1 White Bear Place. A triangular section of obscured glass, slightly lower than the highest point of the brick wall, levels out the party wall so the effective height is 4.70m (53.87m datum) when measured from the base of the original terrace of no. 1A. It also shows the eaves of no. 1 White Bear Place to be 1.68m higher than the 1st floor of the application site (55.23m datum). The existing elevation (EXT-EL-010 Rev A) shows the base of the terrace to no. 2A Well Road to be between ground and 1st floor levels and 1.48m below the top of the party wall (52.38m datum).

The approved section (SE-120 Rev B) shows the proposed terrace 0.47m lower (53.10m datum) than the first floor of the host building with a new wall abutting the party wall comprising 0.80m of brick wall and 1.0m of glass balustrading on top giving the party wall a height of 1.8m above the approved terrace (54.90m datum) and 0.32m below the eaves of no. 1 White Bear Place. The approved elevation (EL-110 Rev B) shows the top of the balustrading to be 2.52m above the base of the terrace to no. 2A. However the actual base of the terrace to no. 2A is 0.47m lower than shown on the approved plans so the actual height of the raised party wall is 2.98m.

The amended plans aim to rectify this by correcting the heights of neighbouring buildings. The level of the terrace to no. 2A Well Road has been lowered as have the eaves to no. 1 White Bear Place. The amended plans also show the retention of the single shared party wall, rather than a new wall abutting the existing party wall (the elevation was further corrected to show the party wall at the boundary of the two properties rather than within the curtilage of no. 1A Well Road).

The amended section (SE-120 Rev C) shows the brick element of the party wall to have been built up to the highest point of the original wall, 0.92m above the decking (54.04m datum) with 0.88m of glass balustrading above. Thus the brick section is 0.12m higher than approved, but the overall height of the party wall remains 1.8m above the base of the terrace (54.92m datum) as approved and therefore the as-built party wall is approximately the same height as the approved party wall. As the actual height of no. 1 White Bear Place is 0.315m lower than the approved plans showed, the balustrading now extends to the eaves of no. 1 White Bear Place.

The amended elevation shows the party wall to comprise the retained/enlarged brick wall up to a height of 2.11m when measured from the base of the terrace of no. 2A Well Road with 0.88m of glass balustrading above to form a party wall of a height of 2.98m when measured from the base of the terrace to no 2A Well Road. This compares to the 2.52m height shown on the approved plans.

In terms of design, the inaccuracies of the approved plans are considered to have minimal impact on the character or appearance of the conservation area. The-as built scheme is virtually in accordance with the approved plans insofar as it relates to the host building. The balustrading rising to the eaves of no. 1 White Bear Place would only be visible in a very narrow view from New End Square over the rear yard of the White Bear public house, and the difference between a balustrade that is close to the eaves and one that is directly under eaves is not considered harmful to the character or appearance of the conservation area given the extremely restricted view.

Amenity

It is accepted that the inaccurate representation of the level of the terrace to no 2A Well Road means that the party wall is 0.46m higher than it was originally assessed to be, when experienced from the terrace, and is actually 2.98m high. The response from the objector's daylight/sunlight consultant incorrectly suggests that the adjoining terrace is higher than approved which is not the case, but is correct in stating that the party wall is higher when viewed from the terrace of no. 2A Well Road. Whilst admitting that loss of light to the terrace has not been measured, it is claimed that the increase in height of the party wall significantly impacts light entering the terrace.

The terrace to no. 2A is at upper ground floor level with similar dimensions to the application site. It is enclosed on all sides with a party wall to the north east with no. 1 Well Road extending to approximately 2.15m above the base of the terrace, and the rear wall of no. 1 White Bear Place to the south east rising to 2.98m at eaves level.

The BRE guidelines give advice for assessing the skylight impact of extensions where the nearest side of an extension is perpendicular to the windows affected. It adopts the "45° approach" and advises a line be drawn in elevation diagonally down at an angle of 45° away from the top of the extension and in plan diagonally back at an angle of 45° towards the affected window. If the centre of a main window lies on the extension side of both the 45° lines then the extension may well cause a significant reduction in skylight. The rear of no. 2A comprises full-width French doors, and the guidelines advise that for patio doors a point 1.6m above ground level should be used. The measurement point is therefore at the centre of the row of doors 1.6m above the floor of the terrace.

The length of the balustrade would mean that the centre of the patio doors would be within the 45° angle when drawn in plan form regardless of the level of the terrace. When drawn in elevation the centre of the windows would not be within the 45° angle whether the angle is drawn using the approved plans or amended plans. Therefore as the centre does not lie within both 45° lines there is not considered to be significant loss of skylight to the dining room/kitchen of no. 2A in line with the BRE guidelines. It should be noted that the frosted glass privacy screen does allow some light to pass through as evidenced by the letter from the objector's planning consultant of 20th January 2017 (fig. 5) where the outline of a chair on the terrace of no. 1A can clearly be seen through the glass.

In terms of sunlight, the BRE guidelines suggest that only living rooms and conservatories should be checked if they have windows facing within 90° of due south. Whilst the french doors are within 90° of due south, they are to a kitchen/dining room, and the guidelines state that kitchens and bedrooms are less important, although care should be taken not to block too much sun. A kitchen/dining room could be considered a primary room, but the addition of up to 47cm of brickwork is not considered to significantly affect the amenity of neighbours, relative to the extant scheme. The guidelines also advise that sunlight potential will not be significantly affected if the window wall faces within 90° of due south and no obstruction, measured in the section perpendicular to the window wall, subtends an angle of more than 25° to the horizontal. Again, this concerns living room windows and furthermore would only relate to development directly in front of the affected windows which is not the case here. The guidelines also advise that if an outdoor space is already heavily obstructed then any loss of sunlight should be kept to a minimum, and it is considered that any impact on sunlight would be minimal.

In light of the above it is not considered that correcting the plans would significantly affect the amenity of adjoining occupiers or harm the character or appearance of the conservation area.

Recommendation:- Grant Minor Material Amendment