

Delegated Report		Analysis sheet		Expiry Date:	10/10/2016
		N/A / attached		Consultation Expiry Date:	14/09/2016
Officer			Application Number(s)		
Matthew Dempsey			2016/4318/P		
Application Address			Drawing Numbers		
Flat A 43 Kingsgate Road LONDON NW6 4TD			Block and location Plan: 16025/1, 16025/2, 16025/3E		
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature		
Proposal(s)					
Erection of single-storey rear/side extension to flat.					
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	13	No. of responses	04	No. of objections	04
			No. electronic	04		
Summary of consultation responses:	<p>The property in question is outside of a conservation area and is not listed. Therefore no press or site notices were displayed as part of the consultation exercise.</p> <p>The owner occupier of No. 41 B Kingsgate Road raised concern over the proposed extension to the rear of the property and that this would not be in keeping with the unaltered rear of the terrace of Victorian housing. They are also concerned about loss of light to their existing basement & ground floor windows. Furthermore they are concerned about the possible loss of privacy and the proposed treatments to the garden and loss of the tree and other soft landscaping.</p> <p>The owner occupier of the Garden flat at 48 Mazenod Avenue have concern regarding loss of privacy brought about by the proposed rear extension encroaching towards their property at the rear. They also raise the issue of the existing retaining wall between properties on Kingsgate Road and Mazenod Avenue and requested an impacts assessment to alleviate their concern. In addition they do not want to see the entire rear garden of No.43 to be covered due to concern about adequate drainage and water dispersal. They are also concerned about noise from construction and also post development as the proposal would see living spaces closer to their own. They are also against the loss of the aesthetically appealing rear elevation view of the terrace which they currently enjoy from their property.</p> <p>The owner occupier of 45 B Kingsgate Road raised concerns that;</p> <ul style="list-style-type: none"> • This proposal would set an undesirable precedent in the immediate locality by permitting the erection of an unduly large extension, • with inappropriate built form and design, • employing inappropriate materials and; • involving very substantial garden loss. <p>The owner occupier of 45 A Kingsgate Road raised concerns over the impact the proposed extension would have on their amenity in terms of light into their rear windows because of the size of the extension in relation to their property and living spaces.</p>					
CAAC/Local groups* comments: *Please Specify	No responses were received from local amenity groups.					

Site Description

The site is within a converted 3 storey plus loft space Victorian terrace house on Kingsgate Road. The property is not listed nor is it within a conservation area.

The application concerns the 2 bedroom flat on the lower ground and part of the floor immediately above at the rear, which is at first floor level viewed from the rear.

The immediate area is characterised by a mixture of residential properties. Kingsgate Road is met by Smyrna Road and Gascony Road to the north and Kingsgate Place and Quex Road to the south of the site. Properties on Kingsgate Road back on to those of Mazenod Avenue to the rear.

Due to difference in topography the houses along Kingsgate Road sit substantially lower than those on Mazenod Avenue. The lower ground floors to the rear of houses along Kingsgate Road are enclosed by the alternating closet wings along the terrace and the rear elevations of houses on Mazenod Avenue. This result of this is the lower rear windows of Kingsgate Road properties do not receive a great deal of light under the existing arrangements.

Relevant History

H4/22/19/29871 - The formation of a dormer window and roof terrace and the creation of a conditional habitable room in the roof. **Granted conditional approval 17/04/1980.**

Relevant policies

National Planning Policy Framework 2012

National Planning Policy Guidance (2014)

The London Plan 2016

Camden LDF Core Strategy 2010

CS5 (Managing the impact of growth and development)

CS14 (Promoting high quality places and conserving our heritage)

Camden Development Policies 2010

DP24 (Securing high quality design)

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

Camden Planning Guidance

CPG1 Design (July 2015)

CPG3 Sustainability (July 2015)

CPG6 Amenity (2011)

Please note:

The emerging Local Plan is reaching the final stages of its public examination. Consultation on proposed modifications to the Submission Draft Local Plan began on 30 January and ends on 13 March 2017. The modifications have been proposed in response to Inspector's comments during the examination and seek to ensure that the Inspector can find the plan 'sound' subject to the modifications being made to the Plan. The Local Plan at this stage is a material consideration in decision making, but pending publication of the Inspector's report into the examination only has limited weight.

Meeting Housing Needs

Policy H3 Protecting existing homes

Protecting Amenity

Policy A1 Managing the impact of development

Design and Heritage

Policy D1 Design

Assessment

1.0 Proposal

- 1.1 Planning permission is sought to erect a single storey rear and side extension to wrap around the existing three storey closet wing. The proposed extension would leave a small light-well space between the existing rear elevation & the closet wing, the proposed side extension and the existing party wall.
- 1.2 The original submission proposed a 2 x storey rear extension; however this has been revised to a single storey.
- 1.3 The rear extension is proposed to be the full width of the rear garden 5.4m across, and the side extension would be 6.0m in length, leaving a 1.3m space from the rear elevation. The proposed extension would project 3.0m from the existing closet wing into the rear garden.
- 1.4 The height of party walls on either side would be increased from 1.4m to 2.6m to the northern boundary with No. 45, and; from 2.0m to 3.2m to the southern boundary with No. 41.
- 1.5 2 x roof lights are proposed to the side and 1 x roof light to the rear within part flat/ part sloping roofs.
- 1.6 Proposed treatments to the rear garden include; removal of a mature tree, replacement of natural grass and flower beds with artificial grass and timber decking. These elements of the proposal would not normally require planning consent on their own, however; they are highlighted on the proposed plans within the application documents.

2.0 Assessment

2.1 The principle considerations material to determining this application are as follows:

- Design (the impact of the proposal on the character and appearance of the host property, as well as that of the wider area).
- Amenity (the impact of the proposal on the residential amenity of neighbouring occupiers).

2.2 It is also worth noting; Sustainability (the impact of the proposal on climate change, promoting sustainable design and construction and water), however as previously stated; the proposed changes to the landscaping could be implemented without the need for formal planning consent.

3.0 Design

- 3.1 The general principle of rear extension design is that; extensions should be secondary to the building being extended. They should respect and preserve the original and/ or existing features. They should not cause loss of amenity to adjacent properties. They should allow for retention of gardens and retain existing natural landscaping (CPG 1 – Design 4.10).
- 3.2 The proposal for a full width and wrap around extension at the ground floor would be overly dominant to the host building and that of the neighbouring property (No.45) to the north where the party wall is required to be increased in height from approximately 1.4m to 2.6m. The neighbour on the other side (No. 41) would see their party wall increase in height from approximately 2.0m to 3.2m which could affect their outlook and light.
- 3.3 The proposed rear doors and windows are not in keeping with the existing building. There is no confirmation of proposed materials for these features, however the drawing shows quite thick framed double patio doors flanked by a full height window on either side; these are not considered elegant or in keeping with original fenestration on this property.

- 3.4 The proposal for the rear elevation would detract from the existing feature of the first floor sash window by citing the roof line immediately below it without any gap to allow the feature window to breathe. The proposal for the part pitched roof is adding to the bulk at this location. A Recent planning permission at No 49 Kingsgate Road (2014/2142/P, granted 21/05/2014) benefits from being much lower in comparison to the host building and the flat roof across the rear does not impact so heavily on the existing rear elevation as the pitched roof in the proposal under consideration here.
- 3.5 The proposed loss of natural landscaping is not welcomed. It should however be noted that the applicant would have the right to make the alterations to the garden/ landscaping as shown on the proposed plans without the need for planning consent.
- 3.6 A design and access statement was requested, but not provided. Inconsistencies with the proposed plans have been highlighted, i.e.) there are 2 x section C-C drawings and 2 x section A-A drawings which do not match the section lines on the proposed floor plan.
- 3.7 The proposed development is considered to detract from the appearance of the host building. It would be out of keeping with the rear elevations of neighbouring buildings along the terrace. The cumulative impact of the combined side and full width rear extension wrapping around the closet wing is overly dominant and bulky.

4.0 Amenity

- 4.1 The Council expects all buildings to receive adequate daylight and sunlight. Day light and sunlight reports will be required where there is potential to reduce existing levels of daylight and sunlight (CPG6 – Amenity 6). Because of concerns raised by neighbouring residents during the consultation process; a daylight and sunlight report was requested from the applicant. Despite being given extensive time to produce this document and indications from the applicants that this would be forthcoming, no such report has been submitted and as such it has not been possible to accurately assess the impacts of the proposed development in this regard.
- 4.2 Development should be designed to protect the privacy of both new and existing dwellings and outlook from new developments should be designed to be pleasant (CPG6 – Amenity 7). Because of the proposal to increase the party wall, residential outlook from basement windows of No. 45 will be negatively impacted.
- 4.3 In the absence of a daylight/ sunlight report it is difficult to assess the impacts of the proposal in this regard, However, due to the topographic difference in the levels and the revision to reduce the height of the proposed rear extension to a single storey, Officers do not think that residents in Mazenod Avenue will be negatively impacted by a single storey addition on Kingsgate Road..
- 4.4 Having visited the neighbouring properties, No. 45 Kingsgate Road and 48 Mazenod Avenue, The planning officer does not think a single story rear extension would have a significant impact on the residents of Mazenod Avenue. However those of No. 45 Kingsgate Road could be particularly affected by the increase in height of their party wall and potential loss of light to bedrooms in their lower ground floor flat. The existing space between neighbouring closet wings (of No. 43 and No. 45) is already noticeably darkened and enclosed, this would be further exacerbated to residents in No. 45 should an extension of this sort be approved.
- 4.5 The party wall between No. 43 and No. 45 would almost double in height from 1.4m to 2.6m. The existing corridor between closet wings on each property would be lengthened from 4.3m to 7.5m. The space between the party wall and No. 45 is 1.7m. Given the increase in height, officers consider that there would be a sense of enclosure to the ground floor window of No. 45 and along with the potential loss of light, there would be an

unacceptable amenity impact to this property.

4.6 The increase to the party wall with No. 41 is not insignificant, from 2.0m to 3.2m, and; the proposed extension would project a further 3.1m from the existing closet wings. However due to its' position on the southern side officers think the impact on light to No. 41 would not be as severe as that on No. 45.

4.7 Given that the proposed extension is on lower ground than the rear garden of 48 Mazenod Road (to the rear of the site) and given that there is a garden wall/ fence in-between, there would be no material overlooking to this property.

4.8 The (proposed) loss of a mature tree in the rear garden could have had the potential for loss of privacy and a less pleasant outlook for inhabitants of surrounding properties, particularly to the Garden flat of 48 Mazenod Avenue. However, a site visit has shown that the tree described by the existing plans has already been removed and as noted above, the removal of this tree does not require permission.

5.0 Sustainability

5.1 Neighbouring residents have raised concerns that this proposed development would see the loss of all permeable garden space which would inhibit water drainage and also harm neighbouring visual amenity with the loss of natural habitats for wildlife and an interruption of the existing green corridor between gardens along Kingsgate Road.

5.2 The proposed flat roof could have offered some mitigation by provision of a green roof, however this has not been proposed here (CPG3 – Sustainability 10.11). A green roof here may not be an adequate solution, as this would in all probability add height to the already bulky proposed extension.

5.3 Although the proposal would benefit from the retention of a reasonably large garden space, there would be a total loss of natural habitat and a negative impact on biodiversity. "Development can ham biodiversity directly by destroying or fragmenting habitat". (CPG3 - Sustainability 13.2 & 13.31).

5.4 There is no justification provided for the loss of the mature tree within the application documentation. An arboriculture statement was requested but not provided. The Council tree officer was concerned about the loss of this tree, but no detail was supplied to allow them to assess this point. The proposal to remove the tree is included within the application plans, but it must be conceded that there would be the right of removal without the need for consent as it sits outside of a conservation area and is not protected by a preservation order.

5.5 Having visited the site, it is apparent that the tree has already been removed. As previously noted, due to its position outside of a conservation area and lack of a tree preservation order, the applicant did not need consent to remove this tree. The remaining stump, visible on site, suggests that the tree was not of a great size.

6.0 Conclusion

6.1 The proposed development is considered to detract from the appearance of the host building. It would be overly dominant and out of keeping with the rear elevations of neighbouring buildings along the terrace.

6.2 A single story extension of either; a modest side extension, or; a rear extension to the closet wing alone, may be acceptable, but the cumulative impact of the wrap around design and increased height is not acceptable as it creates a sense of enclosure to the neighbour, No. 45.

6.3 It has not been demonstrated that there would be no harm to the amenity of existing properties at the north side (No. 45). In the absence of a daylight/ sunlight report to demonstrate the impact on the rear lower windows of No. 45, it is considered that the occupiers will be harmed by loss of daylight and sunlight contrary to policy DP 26.

6.4 It is considered that there could be negative impacts on the amenity of residents at No. 41, although less so than No. 45. It is considered there would not be significant impacts on the residents of the garden flat, No. 48 Mazenod Avenue.

7.0 Recommendation

7.1 Refuse planning permission.