

Delegated Report		Analysis sheet	Expiry Date:	25/11/2016
		N/A	Consultation Expiry Date:	18/11/2016
Officer			Application Numbers	
Samir Benmbarek			2016/5780/P	
Application Address			Drawing Numbers	
The Old Dairy 2 Falkland Place London NW5 2PT			Unnumbered location plan; E-01; E-02; E-03; E-06; E-07; E-08; E-09; E-10; E-11; E-12; E-13; P-01Rev1; P-02Rev2; P-03Rev01; P-05Rev01; P-06Rev01; P07-Rev01; P-08Rev01; P-09Rev01; P-10Rev01;P-11Rev01; P-12Rev01; P-13Rev01; P-101; Daylight and Sunlight Assessment dated December 2016 (Ref: 2296); SLP10; SLP11; SLP12; SLP13; SLP14; Design and Access Statement DAS-01 Revision 02; Daylight and Sunlight Addendum dated March 2017 (Ref: 2296 Issue 2)	
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature	
Proposal(s)				
Erection of additional storey at second floor level, infilling of first floor level and erection of double storey front extension following demolition of existing conservatory and associated alterations to existing dwelling house.				
Recommendation:	Refuse planning permission			
Application Type:	Householder Permission			

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	0	No. of responses	05	No. of objections	05
Summary of consultation responses:	<p>Neighbour consultation letters were sent to adjoining properties on 23 October 2016. The development description was as follows:</p> <p><i>“Erection of 2 storey roof extension and double storey front extension following demolition of existing conservatory and associated alterations to existing dwelling house.”</i></p> <p>Three objections have been received from the following addresses:</p> <ul style="list-style-type: none"> • 3 Falkland Place • 4 Falkland Place • 5 Falkland Place <p>The above have objected/commented on the following grounds:</p> <ol style="list-style-type: none"> 1. Overlooking into neighbouring properties 2. Loss of sunlight and daylight as a result of the development 3. Inappropriate design and materials 4. Inappropriate mass and bulk of the development 5. Detrimental to the character and setting of the Kentish Town Conservation Area and the adjacent open space which is within close proximity 6. Increasing the occupancy for the dwelling would lead to increase need for parking 7. The process of construction and development within an area with less parking provisions and a smaller highway network <p>On the 30 December 2016, revised plans for the scheme were received from the applicant which involved significant alterations from the original proposal (refer to paragraph 1.2). Therefore a re-consultation was undertaken again with site notices within close proximity of the site. Due to a technical error, the re-consultation period took place between 31/01/2017 to 21/02/2017 inclusive. The development description is as follows:</p> <p><i>“Erection of additional storey at second floor level, infilling of first floor level and erection of double storey front extension following demolition of existing conservatory and associated alterations to existing dwelling house”.</i></p> <p>To date, a further four objections were received from the following addresses:</p> <ul style="list-style-type: none"> • 2A Falkland Road • 1 Falkland Place • 3 Falkland Place • 4 Falkland Place <p>The above have objected/commented on the following grounds:</p> <ol style="list-style-type: none"> 1. Incorrect boundary shown on the site notice 2. Overlooking/loss of privacy to neighbouring properties 3. The building will be visually overbearing 4. The development will alter the character and setting of the adjacent Kentish Town Conservation Area as well as alter associated outlook from properties opposite 					

	<ol style="list-style-type: none"> 5. Overlooking into the Falkland Place public open space (Designated LDF39 AND LDF40) 6. Choice of materials are not in keeping with the character of the area 7. Increased density leading to congestion issues and parking issues 8. Changing the scheme significantly within the application process 9. The massing and sense of enclosure is greater in comparison to the original proposal 10. Loss of daylight/sunlight by virtue of the close proximity, limited area and massing of the proposal 11. Disruption from construction work in relation to the proposal
CAAC comments:	The applicant site is not within a Conservation area. However, as the site is located within close proximity to the Kentish Town Conservation Area, the Kentish Town CAAC was informally consulted. No response has been received to date.

Site Description

The application related to a two storey dwelling house located on the western side of Falkland Place behind Nos 324-326 Kentish Town Road. The building is not located within a conservation area but faces directly onto the Kentish Town Conservation Area. It is not a Listed Building.

The site adjoins the designated public open space: Falkland Place Open Space (#40 on LDF Map).

The building shares a plot with 4 Falkland Place ('the hayloft'). It is understood that existing rights of way allow free passage across the front of the application dwelling to gain access to the front door of no 4, which faces onto the side elevation of number 2.

Relevant History

2016/227/PRE- Pre-application advice issued for alterations and extensions to form a 4 storey 6 bedroom dwelling house- Issued 28 June 2016.

Relevant policies

National Planning Policy Framework, 2012

The London Plan 2016

LDF Core Strategy 2010

- CS1 (Distribution of growth)
- CS5 (Managing the impact of growth and development)
- CS11 (Promoting sustainable and efficient travel)
- CS13 (Promoting climate change by promoting higher environmental standards)
- CS14 (Promoting high quality places and conserving our heritage)
- CS15 - Protecting and improving our parks and open spaces and encouraging biodiversity)
- CS19 (Delivering and monitoring the Core Strategy)

LDF Development Policies, 2010

- DP18 (Parking standards and limiting the availability of car parking)
- DP20 (Movement of goods and materials)
- DP21 (Development connecting to a highway network)
- DP24 (Securing high quality design)
- DP25 (Conserving Camden' heritage)
- DP26 (Managing the impact of development on occupiers and neighbours)

Camden Local Plan, Submission 2016

- A1 (Managing the impact of development)
- D1 (Design)
- D2 (Heritage)
- T2 (Parking and car-free development)
- T4 (Sustainable movement of goods and materials)
- DM1 (Delivery and monitoring)

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.

Camden Supplementary Planning Guidance

CPG1 Design, 2015- paragraphs 5.7-5.10, 5.14- 5.20

CPG6 Amenity 2013- section 6 and 7

Kentish Town Conservation Area Appraisal and Management Strategy (Adopted 11 March 2011)

Assessment

Proposal

1. The original proposal was for substantial re-modelling of an existing dwelling, comprised of a two storey roof extension and a two storey front extension to an existing dwelling house to form a four storey dwelling house with 6 units. The additional storeys were proposed to be clad in mixed London stock brick slips while the front extension at the lower level would be in a white render finish. The development would feature triple glazing windows within white pressed metal pediments, pilasters and plinths, a zinc flat roof at proposed roof level and a white triple glazed roof at second floor level at the front extension.
2. Following advice from officers that the design of the proposals was not acceptable, revisions to the proposal were received on 30 December 2016. The overall floorspace of the revised form remains roughly equivalent to the original submission, achieved through removing the top story but substantially expanding the lower levels. The revised proposal is for the erection of an additional storey at second floor level and infilling at first floor level to form a three storey house. This will also include a three storey front extension which will be at a length of 11.6m by depth of 2.2m. The height of the front extension will be 8.1m from ground level. The height of the rear of the building as a result of the proposal will be 7.5m. The proposed roof will be at a pitch of c.18 degrees.
3. The materials used in the revised scheme are white render cladding for the exterior walls, zinc roofing, white painted aluminium framed windows and doors to feature triple glazing and aluminium with Juliet balconies painted black.
4. The main issues for consideration are:
 - Design: The impact of the proposal upon the character or appearance of the host building, the nearby conservation area and the character of the designated Falkland Open Space
 - Amenity: The impact the proposal may have upon the amenity of the occupiers of the neighbouring properties.
 - Transport implications

Assessment of Impact on Host Building and Surrounding Area

5. Along the eastern side of the junction of Kentish Town Road and Fortess Road, there are two storey buildings existing with a group of three storey buildings forming at the southern end of Fortess Road. To the rear of these buildings is Falkland Place which is characterised by smaller sized buildings situated along a small passage. On the western side of Falkland Place the host building and No. 4 Falkland Place share the same access point, and on the eastern side is the two storey terrace of Nos. 1-7 Falkland Place. They are within the Kentish Town Conservation Area. They are also described as buildings which make a positive contribution to the conservation area. There is also a playpark located on the eastern side of Falkland Place and a playing field on the western side, adjacent to the host building. These are designated open spaces known as Falkland Place Open Space (designation LDF39

and LDF40).

6. The host building shares a plot with No. 4 Falkland Place (The Hayloft), a two storey dwelling house with a pitched roof and situated 2.6m south (at the closest point) from the application building. To the west are Nos. 324-326 Kentish Town Road which are three storey flat roof buildings and to the north are the three storey buildings of 2 Falkland Road. The host building is a smaller two storey dwelling house with a semi-pitch roof with a single storey front conservatory. The site is constrained with a small front garden and pathway connecting the site to Falkland Place which is shared access with No.4 Falkland Place. The application site area 52.0sqm (not including the shared pathway).
7. The site is outside, but immediately adjoins and faces onto the Kentish Town Conservation Area. Of this part of Kentish Town the CAMS notes (para 5.1) *“Falkland Place runs perpendicular to the north off Leverton Place. Here is the smallest scale terraced development in the area, and the layout is fragmented where part of the terraces was cleared to form the public gardens and play area in Falkland Place.”*
8. It continues, by describing the specific Leverton Street and Falkland Place character area (p17) *“Falkland Place retains a short row of altered terraced cottages to the north end and then opens out where houses have been cleared, leaving the backs of the adjoining streets exposed and a play and open space has been created. Also the south end of Falkland Place, which turns from street to path, is flanked by a very old wall. This may be one of the oldest structures in the area, possibly predating 304 Kentish Town Road. This has been incised with new openings.”*
9. LDF design policies expect respect for the local character as an intrinsic aim of development. In particular, DP24 and DP25 require new development to respond with careful consideration of the characteristics of the site, features of local distinctiveness, and the wider context to be demonstrated in order to achieve high quality development which integrates into its surroundings. Within areas of distinctive character or adjacent to one, it is considered development should reinforce those elements which contribute to and create the character.

Character

- 10 Falkland Place is ringed immediately by low two storey dwellings and outbuildings/rear extensions, with taller three and four storey buildings located along the main road set further apart from the Place. The character of the Place is relatively intimate and small scale, as acknowledged in the CAMs. The public children's playground and open space sits within the centre of the block and is enclosed by low buildings and developments which are at a maximum of two storeys. These small buildings are also within small and confined plots. While a number of the adjacent buildings overlook the open space their character is generally of piecemeal accretions added to existing buildings and the overlooking is usually screened or low key.
- 11 The existing building is considered to be a complete composition within a limited plot area which can be evident when observed in comparison to the larger building that surrounds it on Kentish Town Road, Fortress Road and Falkland Road. This is in terms of both its scale and detailed design which is of a different character to the larger neighbouring buildings. The building is screened from the open space by a brick wall, which, combined with the low building height and setback front elevation means that the building is recessive when viewed from the public space. It doesn't intrude on the character of the open space nor the character of the CA. The building feels like a backland low key structure and allows this end of the Place to maintain a sense of the village character from which Kentish Town rose.
- 12 The neighbouring building at 4 Falkland Place ('the hayloft') is taller than the application building and taller than the predominant height adjoining the open space, but turns a flank wall with steeply pitched slate roof to the open space and is not a dominant structure when viewed from the space but reads as part of the fragmented composition of the Place, as identified in the CAMs.

Bulk and Mass

13. The erection of an additional storey (which also includes infilling at first floor level with a sheer front elevation) would remove all signs of the composition of this smaller scale building and overwhelm it.

The proposed extensions to the dwelling would result in the host building disappearing within the new structure, thereby contradicting all aspects of the design guidance of CPG2 which expects extensions to existing developments to

- Be secondary to the building being extended in terms of location, form, scale, proportions, and dimensions and detailing;
- Respect and preserve the original design and proportions of the building, including its architectural period and style;
- Respect and preserve the historic pattern and established townscape of the surrounding area including the ratio of built to unbuilt space;
- Allow for the retention of a reasonable sized garden;
- Not cause loss of amenity to adjacent properties with regard to sunlight, daylight, outlook, overshadowing, light pollution/spillage, privacy/overlooking and sense of enclosure.

14. It is considered therefore that there is limited relevance to assessing the proposals as discrete extensions to the dwelling, which would be indistinguishable from the resulting dwelling. Instead this assessment focuses on the overall approach and impact of the proposals.
15. The existing dwelling makes a limited contribution to the character of the area through its detailed design, other than through its recessive and discrete form and low key appearance. The proposals, in contrast, would create an awkward and imbalanced relationship with the neighbouring buildings by competing with them in height, scale and massing. This would be viewed from along Falkland Place and the open spaces as an incongruous and overbearingly large building which looms over the open space by reason of the additional storey and increased proximity to the open space.
16. Due to the layout and constraints of the application site, the host building has a front garden which is used in the same manner as a rear garden. The existing conservatory would be replaced by the erection of a three storey front extension (dimensions in paragraph 1.2). The single storey traditional conservatory on the existing building is not visible from the open space. It sits c.1.2m from the boundary wall at its closest point. The existing front elevation of the dwelling sits between 4 and 5.5m from the same boundary wall. The proposal would bring the ground, first and second floors forward to the existing front corner of the conservatory, at 1.2m from the wall at its closest point and 3m at its furthest. When combined with the increase in height the impact of the building would loom over the open space, removing any sense of the existing subordinate relationship between the existing dwelling and the open space, and its immediate neighbours.
17. In assessing the contribution of the Falkland Place open space to the character of the Conservation Area, the CAMS states (s 2.8) that *“the play area and gardens are the only public open spaces in the area. This is an important space and a quiet area for relaxation, play and a pedestrian route, although the edges appear vulnerable where the houses back onto the area.”*
18. Policy CS15 states that *“the council will protect and improve Camden’s parks and open spaces”*. Supporting text makes it clear (para 15.6) that *“We will only allow development on sites adjacent to an open space that respects the size, form and use of that open space and does not cause harm to its wholeness, appearance or setting, or harm public enjoyment of the space.”*
19. It is considered that the additional height and bulk would add significant visual weight to the building, which would be overbearing and out of character with the immediate area, and have a detrimental impact upon the character of the surrounding area, the conservation area and the adjoining open space.

Detailed design

20. The existing building is white painted brick with a modern zinc roof and therefore the choice of zinc roofing may be acceptable as a roofing material on a suitably designed building. While local buildings exhibit stucco at lower floors, the choice of fully rendered cladding with a white finish does not relate well to the character and appearance of the surrounding area the existing building nor to the proposed building.

21. The proposed front elevation which faces the Conservation Area and the Open Space would be flat, with no apparent articulation or modelling of roof form or the building itself. It is unclear whether there would be any depth of reveal to the windows. It would be fully rendered with extensive glazing in a range of fenestration patterns and styles and includes a range of Juliet balconies, represented in what appears to be indicative form only in the elevation drawing. The appearance of the primary elevation appears awkward and excessive, without any sense of hierarchy, composition or contextual relevance. The use of symmetrical 8 over 8 sashes and asymmetrical 4 over 4 jars and seem inappropriate and inconsistent for the design of the building. The extensive glazing further exacerbates the harmful and overbearing relationship of the proposed building to the adjacent open space. The fenestration appears to make reference to the grander and older buildings within the vicinity (located in the adjacent Kentish Town Conservation Area) but does not relate well to its own composition. At the rear elevation, the proposed windows and arrangement are considered to be adequate.
22. The south and north elevations would be largely blank white rendered flank walls, with limited design interest or depth of detailing. The rear elevation, in very close proximity to a number of neighbouring upper floor dwellings, would be characterised by square opaque glazed openings, with vents/stacks rising to roof level at various points. The paucity of design detail in this elevation does little to mitigate the impact on outlook from the nearest residential flats, see discussion on amenity below.
23. Remedial works are included within the proposal which include replacing the granite cobbles with re-laid cobbles and repairing of the boundary wall at the north of the site with London stock brick as the existing. These works are considered to be acceptable.
24. Although not located within a conservation area, the application site is located in very close proximity to the Kentish Town Conservation Area. The boundary of the conservation area is Falkland Place with the eastern side being within the Kentish Town Conservation Area. Any alterations or additions that can be viewed from Falkland Place are considered to have an impact upon the setting of the conservation area. Text supporting LDF Policy DP25 states (25.9) *“due to the largely dense urban nature of Camden, the character or appearance of our conservation areas can also be affected by development which is outside of conservation areas, but visible from within them. This includes high or bulky buildings, which can have an impact on areas some distance away, as well as adjacent premises. The Council will therefore not permit development in locations outside conservation areas that it considers would cause harm to the character, appearance or setting of such an area”*.
25. The composition of the building lacks a clear design vision: it is neither a well composed, detailed and considered contemporary design which responds to contextual cues, nor a more scholarly approach to reproducing the better characteristics of this small but highly characterful part of Kentish Town. Overall the bulk, height and detailed design conspire to create an overbearing, incongruous and poorly detailed building which would cause harm to the host building, to the character of the local townscape in this backland site, the character and appearance of the Kentish Town Conservation Area and the character of the designated open space. The proposals are therefore contrary to LDF policies CS5, CS15 (open space), DP24 and DP25 and is refused on that basis.

Amenity

26. As aforementioned previously, the host building and site is located within a constrained space. In addition, the host building is located within close proximity to various adjoining residential buildings as listed below:
 - a. No. 4 Falkland Place- 3.3m (south)
 - b. No. 324 Kentish Town Road- 6.3m (west)
 - c. No. 326 Kentish Town Road- 8.4m (west)
 - d. No. 2 Fortess Road- 3.8m (west)
 - e. No.2A, 2B and 2C Falkland Place- 10.0m (northeast)

f. Nos. 1-7 (odd) Falkland Place- 14.5m (east)

27. Within the LDF policies, protecting the quality of life for occupiers and neighbours is important. In particular DP26 ensures that development will not cause adverse amenity impacts upon neighbours in terms of sunlight, daylight, overshadowing, overlooking and outlook.

Daylight/Sunlight

28. The applicant has submitted a daylight/sunlight assessment by T16 Design along with the application which appears to demonstrate that directly affected habitable windows of adjoining residential properties will not be adversely impacted by the proposal in terms of sunlight and daylight levels experienced.

29. An objection from No. 4 Falkland Place is accompanied by a daylight/sunlight assessment (marked 'draft') by The Chancery Group which has different findings than that of the applicant's assessment in relation to the windows at No. 4 Falkland Place. This assessment appears to demonstrate that there will be an adverse loss of light towards No. 4 Falkland Place.

30. An addendum to the applicant's initial daylight/sunlight assessment was submitted which still states their initial findings in respect of daylight and sunlight impacts upon habitable windows.

31. The applicant's assessment and subsequent addendum provides measurement criteria and reference but no analysis or methodology on how the findings were produced. The draft assessment which accompanies the objection does not provide a methodology as to how the findings were produced. Additionally, the impact of existing trees in the vicinity was also apparently included in the neighbour's assessment. It is clear that there is dispute between the assessments. However there is insufficient evidence of calculations in the applicant's submission on which to base a reliable conclusion, given the doubt cast on it by the third party. From site visits and observations it is considered that the top of the proposed building would cut more than a 45degree angle to the windows at each level in The Hayloft. It is therefore likely that there would be adverse impacts upon daylight and sunlight towards No. 4 Falkland Place by virtue of the short separation distance between No.4 and No.2 Falkland of 3.5m (this measurement includes the proposed setback of the additional storey), the increased height of the application building at a difference of 3.3m, and the extended depth of the building to the front.

32. It is also considered for the reasons of short separation distance (3.8m) and increase in height (4.0m at the rear), the proposal would also cause adverse impacts to daylight and sunlight as experienced by the first floor rear habitable window of No. 2 Fortess Road. It is not considered the proposal would adversely impact upon the habitable windows of the other residential buildings listed within paragraph 3.1.

Overshadowing

33. Within the submitted addendum to the applicant's daylight/sunlight assessment, there was a shadow study which was undertaken on March 21st. The study demonstrates that the proposal will not contribute adversely to the existing overshadowing situation in relation to neighbouring buildings and the adjacent open spaces.

Overlooking/Privacy

34. It is not considered the proposal will lead to issues of overlooking between adjoining residential properties as no new windows are proposed on the side elevation. This is apart from a window to the side elevation at ground floor level which replicates the existing situation with the existing conservatory. Windows are proposed to the rear elevation which will be opaque glazed and will serve the staircase and proposed bathrooms. A condition to require these windows to be obscured glazed and fixed shut to an internal height of 1.7m from finished floor level would be required if the scheme had been considered acceptable. Therefore it is not considered there would be issues of overlooking into the rear habitable windows of Nos. 324 -326 Kentish Town Road and No. 2 Fortess Road. It is also not considered there would not be direct overlooking across the open space into Nos. 1-7 Falkland Place.

Outlook/sense of enclosure

35. The principal elevation of No.4 Falkland Place which directly fronts onto the application building and the proposed extensions contains habitable windows which serve the living room and kitchen. The outlook from these windows and resulting sense of enclosure by virtue by the proposal will be severely compromised due to the overbearing sense of the development from the short separation distance between No. 4 and No. 2 Falkland Place and the absence of any significant relief in terms of setback, modulation or design interest on the flank wall.
36. The outlook and resulting sense of enclosure from the rear first floor habitable windows of No. 2 Fortess Road and 324 Kentish Town Road are also considered to be adversely impacted by the proposal for the same reasons of the short separation distance, the increased height of the application building and the stark elevation. Views from these windows would be of the rear wall and the proposed windows of the extended building which would lead to an increased sense of enclosure.
37. It is not considered the proposal would adversely impact upon the outlook and create a sense of enclosure for Nos. 326 Kentish Town Road as there is more of a separation distance due to the positioning of the application building. Furthermore, although the front habitable windows of Nos. 1-7 Falkland Place will be able to view additional storey and front extension, it is not considered the proposal would cause and adverse impact upon outlook towards these properties because of the significant separation distance and these occupiers will still maintain views to Falkland Place and the open space. It is not considered the proposal would adversely affect 2A, 2B and 2C Falkland Road. Overall the proposal would contribute harm to the quality of amenity of neighbouring buildings, contrary to policy DP26, and it refused on that basis.

Transport

38. The site's Public Transport Accessibility Level (PTAL) is 5 and the site falls within the East Kentish Town Controlled Parking Zone. Policy DP18 seeks to ensure that developments provide the minimum necessary car parking. The proposals would retain a single family dwelling on the site and there would be no increase in the number of residential units. It is therefore considered unlikely that the development proposals would lead to increased demand for private vehicle use and car-free development would not be sought in this instance.
39. The site is in a constrained location, ringed by residential properties in close proximity and sharing an access route with the immediate neighbour. Furthermore the playground in the Falkland Open space is adjacent to the site entrance. In order to ensure that the substantial movement of materials and construction activity associated with the development does not lead to conflicts with pedestrians, cyclists, users of the Open Space and local residents, further details of how the site will be accessed and serviced during the construction have been requested to be submitted by the Council's Transport Department. In the absence of a legal agreement securing the submission and implementation of a Construction Management Plan, it would be likely to contribute unacceptably to traffic disruption and road safety hazards and be detrimental to the amenities of the area generally, contrary to policies CS5, CS11 and CS19 of the Core Strategy and policies DP20 and DP21 of the Local Development Framework Development Policies.

Community Infrastructure Levy

40. Should the application be granted planning permission, the scheme would have been liable for the Mayoral CIL. This is as the scheme involves an uplift of more than 100sqm of residential floorspace. Based on the information given on the submitted plans, the charge is likely to be £5,500 (110sqm x £50) for the Mayor's CIL.

Recommendation

41. Refuse planning permission on grounds of unacceptable design, harm to neighbouring amenity and absence of a s106 legal agreement to secure a Construction Management Plan.