

**Louise Bouvier**  
Flat 1, 4 Sherriff Road  
London NW6 2AP

2 May 2017

## **Design and Access Statement**

Application Ref:  
RE: Minor Material Amendment to Planning Permission for Proposed Ground Floor Rear Extension  
Originally granted: 24-08-2016 Ref: 2016/3634/P

Dear Ms. Tessa Craig,

Thank you for your help with our planning proposals. Please find below a design and access statement relating to the application for an amendment to the above referenced Planning Permission for a proposed ground floor extension.

### **Reason for and Scope of Amendment**

The Planning Permission granted on 24 August 2016 allows a joint extension of both ground floor flats (Flat 1 and Flat 2) at 4 Sherriff Road, onto Flat 1's rear garden. Due to the unusual division of the two ground floor flats, Flat 2's bedroom window looks out directly into Flat 1's patio / garden—allowing Flat 1 residents to look into Flat 2's bedroom, while Flat 2 residents can look at Flat 1's most used part of the garden. This poses a significant privacy issue for both Flat 1 and Flat 2. To resolve this, the owner of Flat 1 agreed to sell a part of its garden to Flat 2, so that Flat 2 can extend its bedroom, along with Flat 1's own extension. However, the owner of the Flat 2 no longer wishes to pursue the joint development, as he has placed Flat 2 on the market.

Therefore, we (the owners of Flat 1) have made a minor modification to the proposed extension, and are now seeking an amendment to the Planning Permission. The new plan is substantially similar to the previous one—except it incorporates a light well to allow sufficient light into Flat 2's bedroom. The plan was revised in line with advice received from a right to light surveyor and an architect. However, as some of the neighbours queried appropriateness of the new plan, we also sought advice from a property lawyer who specialises in this type of matters to answer these queries (*please see the section below*). We had a meeting with our neighbours to provide and discuss answers to these questions last week.

As the new plan is substantially similar and remains within the same footprint of the original plan (for which the planning permission is already granted), in this letter, we focus our discussion on what has changed—i.e., incorporation of the light well—and how we addressed our neighbours' queries. We will then discuss how the new plan remains in compliance with Camden's development framework.

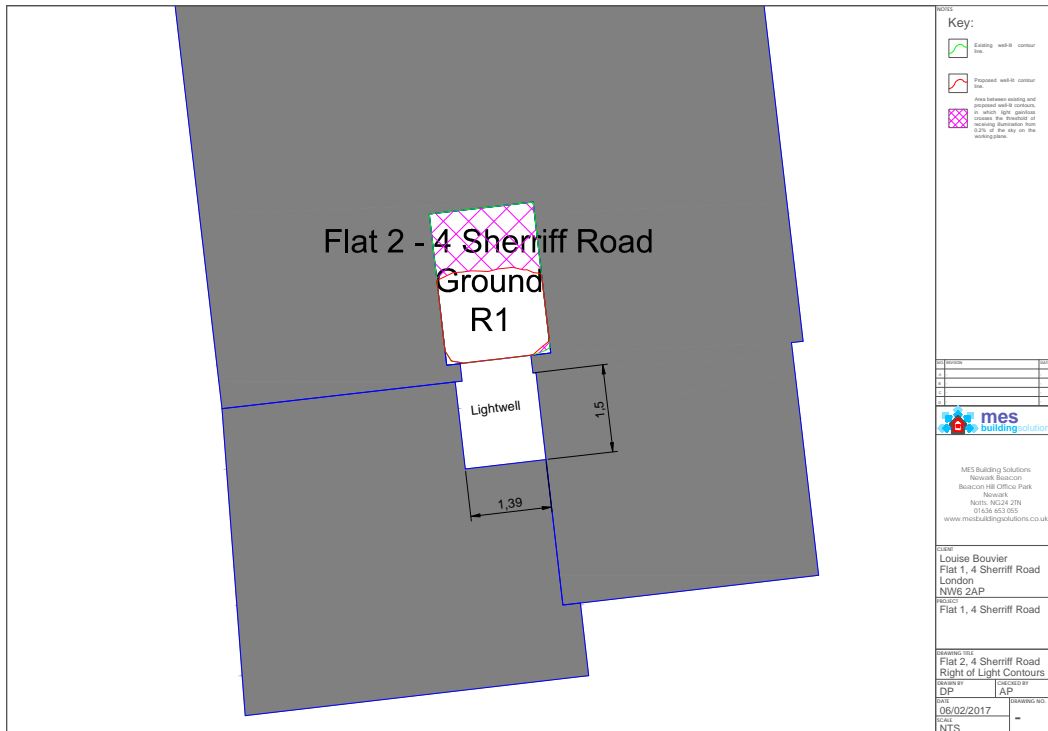
### **Queries from neighbours**

#### **Impact on light to Flat 2's small bedroom**

The owner of Flat 2 queried whether sufficient light will continue to reach Flat 2's small bedroom.

To address this point, a right-to-light surveyor was commissioned to build a CAD model to compute the impact a light well would have on Flat 2's small bedroom (see below). This model indicated that the inclusion of a light well, with the size of 1.5m x 1.39m, in front of the bedroom window would ensure that there would be no injury to Flat 2's "right to light". To ensure that the small bedroom receives even more light than required, the proposed amendment contemplates a larger light well, with dimensions of 1.6m x 1.4m.

It is also important to note that the owner of Flat 2 built a similar extension 5 years ago, which itself is responsible for a large proportion of any light lost to its bedroom window.



*Ground floor plan of CAD model commissioned by Right to light Surveyor showing size of light well required to ensure no injury to Flat 2's "right to light"*

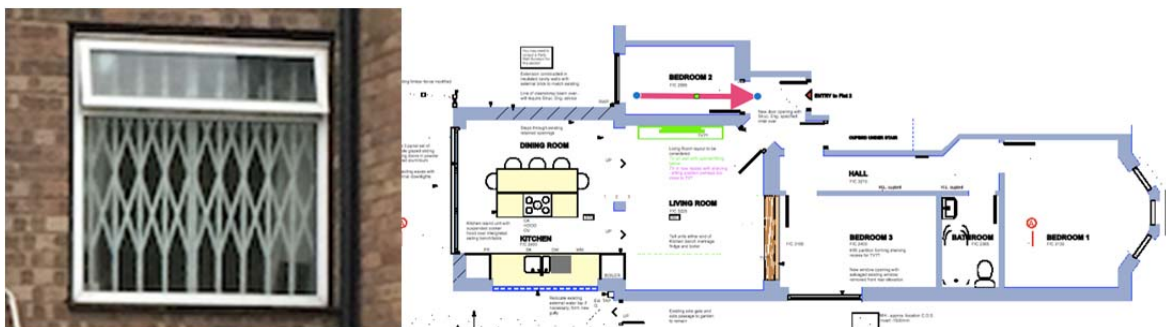
Obstruction of a possible fire exit from Flat 2's bedroom window into Flat 1's garden

The owner of Flat 2 also queried whether the amended plan would block Flat 2's fire exit.

On this point, a property lawyer advised that this would not form a valid basis for objections for the following reasons:

- i) the small bedroom already has a valid fire escape (into the hallway – see the pink arrow on the floor plan below);
- ii) the bedroom window does not allow any escape (see the recently taken photo below), as the opening is very small and high, and the window is covered by security bars;
- iii) under the lease, residents of Flat 2 have no right of access to Flat 1's garden under any circumstances; and
- iv) under building regulations, an exit into a neighbour's garden does not qualify as a valid fire escape

We have offered to provide an escape ladder in the light well, if this is a real concern.



*Photo of Flat 2's window, showing it is not a viable fire escape, and the floorplan with arrow showing a valid fire escape through the hallway.*

### Obstruction of view of Flat 1's garden

Other neighbours previously queried whether the extension would be appropriate, as it would block a view of Flat 1's garden.

There is no legally recognised right to a view. In any case, this "view" violates Flat 1's privacy and it poses a major privacy issue for both Flat 1 and Flat 2. Residents of Flat 1 can look into Flat 2's bedroom, and Flat 2 looks straight onto the patio, the most used part of the garden of Flat 1.

The proposal resolves this privacy issue, which benefits both Flat 1 and Flat 2.

### Overarching fairness consideration

Advisors also raised an important fairness consideration. The owner of Flat 2 constructed a very similar extension 5 years ago, which is an equal contributor to all the potential issues raised by the neighbours.

Without Flat 2's own extension, the bedroom window would i) receive significantly more light, ii) have an exit to its own garden from the light well, iii) have a view of its own garden, etc. Put another way, Flat 2's own extension is causing these issues just as much as the proposed extension.

Accordingly, it would not be fair to allow extension to Flat 2, while barring the same to Flat 1—when potential "issues" arising from Flat 1's proposed extension are caused just as much by Flat 2's own extension.

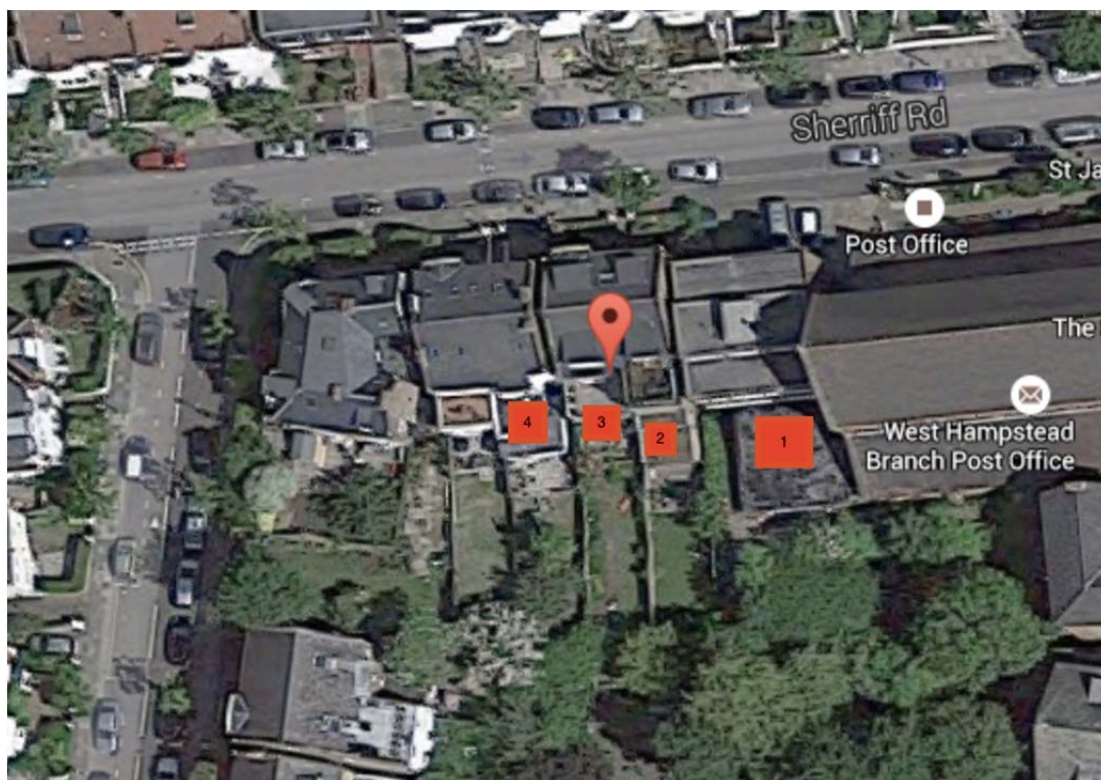
### **Site Location**

The site is located on Sherriff Road, South West of West Hampstead station in the London Borough of Camden. The proposed site is in a large converted detached building consisting of five individual flats. The proposal seeks a minor amendment to the Planning Permission granted on 24 August 2016, by replacing part of the footprint of the extension with a light well, while keeping the rest of the plan substantially the same as the approved plan.

### **Site Context**

The proposal aims to both respect and reinforce the character of the site's immediate context. Extensions of this nature and size are common architectural features in this area. It will make a restrained and minimal impact only from certain viewpoints in the surrounding area and does not negatively impact on the perceived appearance from the street.

As demonstrated below, several neighbouring properties have already been extended. The proposed extension responds to its particular context, is proportionate to its surrounding area and is in compliance with the planning guidance (as discussed below).



1. *St James' House: Currently extends approximately 9m further than existing extension*
2. *Flat 2, 4 Sherriff Road: Currently extends approximately 4m further than existing extension*
3. *Flat 1, 4 Sherriff Road: Proposed extension of approximately 5m*
4. *6 Sherriff Road: Currently extends approximately 2m further than the existing extension*

### **Compliance with Camden's Development Framework**

We believe that the proposal would comply with the following of Camden Council's Core Strategy, Local Development Framework and Planning Guidance:

#### General

*CS1: Distribution of growth - "Making the best use of Camden's limited land"*

The proposed extension will be constructed over an existing patio in a large rear garden, and seeks to provide additional residential accommodation space, making the best use of Camden's limited land. This will allow the owners to remain in their home rather than being forced to relocate in search of more living space.

#### Privacy considerations

*CPG6 – 7.4 – Development should be designed to protect the privacy of both new and existing dwellings to a reasonable degree. Spaces that are overlooked lack privacy. Therefore, new buildings, extensions, roof terraces, balconies and the location of new windows should be carefully designed to avoid overlooking.*

There is an unusual current garden division that has the window of one of Flat 2's bedroom windows located and looking into the garden space of the adjoining Flat 1. This causes a major privacy concern for both flats, having sensitive areas overlooked by each other (bedroom and part of garden closest to property).

The proposed extension seeks to resolve this issue by creating a light well in front of Flat 2's small bedroom—this will prevent Flat 1 residents from looking into Flat 2's bedroom, and the Flat 2 residents from looking into Flat 1's garden. As seen on the proposed plans, Flat 1 intends to use obscure glazing on the door leading into the light well, to avoid any overlooking issues.

The recently constructed roof terrace of the flat directly above Flat 1 has also created a lack of privacy on the Flat 1's patio area. The proposed extension would remedy this issue by creating space between the two outdoor areas.

#### Size considerations & retention of reasonably sized garden

**CPG1 4.8** – *Extensions should be subordinate to the original building in terms of scale and situation unless the specific circumstances of the site, such as the context of the property or its particular design, would enable an exception to this approach*

The proposed extension will be smaller / secondary to the original footprint of the building. The original depth of building was 10m. In 1986, a 3m single storey rear extension was completed, and the proposed extension adds a further 5m, bringing the total size to 8m, subordinate to the original 10m.

**CPG1 4.10** – *rear extensions should be designed to allow for the retention of a reasonable sized garden; and retain the open character of existing natural landscaping and garden amenity, including that of neighbouring properties, proportionate to that of the surrounding area*

The proposed extension allows for the retention of a large garden, retaining the open character of the existing garden amenity. Before the extension completed in 1986 the garden was 27m deep, and following the proposed extension it will be 19m deep, leaving 70% of the original garden. The use of a green roof means that neighbours will continue to benefit from looking onto a green space and habitats can continue to thrive.

#### Height considerations

**CS5** - *Managing the impact of growth and development - "making sure that the impact of developments on their occupiers and neighbors is fully considered"*

**CPG1 – 4.12** – *new extensions should be subordinate to the original building and their heights should respect the existing pattern of rear extensions*

During the pre planning advice service, a concern was raised over the height of the proposed extension and whether it would have a negative impact on No.6 Sherriff Road. However the height of the proposed extension is inline with the existing extension and approximately level (actually lower than some parts – see photo) to the neighbouring extension at No.6 Sherriff Road. The proposed extension will not cross the 45 degree line of sight with neighbouring windows and therefore will be unlikely to affect natural light conditions of any immediate neighbours.

We have therefore formulated a design that considers and respects the impact it would have on the neighbours and are happy that this neither impacts the light received to No.6 Sherriff Road or looks out of place in its surroundings.







*Note: proposed extension will be approximately the same level as No.6's extension and the 45 degree line of sight to neighbouring windows is not obstructed, with light continuing to be received over the roof*

### Environmental considerations

**CS13** – *Tackling climate change through promoting higher environmental standards - "Reducing the effects of and adapting to climate change"*

It is important for us to construct an extension that is considerate to environmental impacts, such as conserving water, reducing carbon emissions, mitigating flooding and safeguarding biodiversity. We have incorporated different methods of meeting these criteria into our design:

- ***Safeguarding biodiversity:*** – A green sedum roof has been included in the design as well as green walls—climbing plants provide useful habitat for invertebrates and can be effective in trapping airborne pollutants. Selective landscaping will increase biodiversity of the site and our garden design includes supported climbers (honeysuckle and jasmine) on the blank wall of the extension as well as the fences around the garden. Most of the proposed extension replaces a paved area and plants displaced during the build will be replaced in the garden. The proposed extension incorporates a green roof, which can create new habitats and help reduce temperatures in urban environments, which is particularly valuable in the Camden area, which suffers from increased temperatures.
- ***Conserving water and mitigating flooding*** – Run off water will be stored in water butts to be reused for watering plants. The incorporation of a green roof will help to store and slow down the rate of rain water run-off, helping reduce the risk of flooding.
- ***Reducing carbon emissions*** – Current single glazed patio doors will be replaced by double glazed doors, making the flat more energy efficient.

**CS14** – *Promoting high quality places and conserving our heritage—“Excellence in design”*

The proposal seeks to construct an extension of the highest quality and design, while being sympathetic to existing materials. The flat was purchased 3 years ago in a poor condition and the proposed development will thoroughly update and improve both the look and function of the flat.

Yours sincerely,

Louise Bouvier