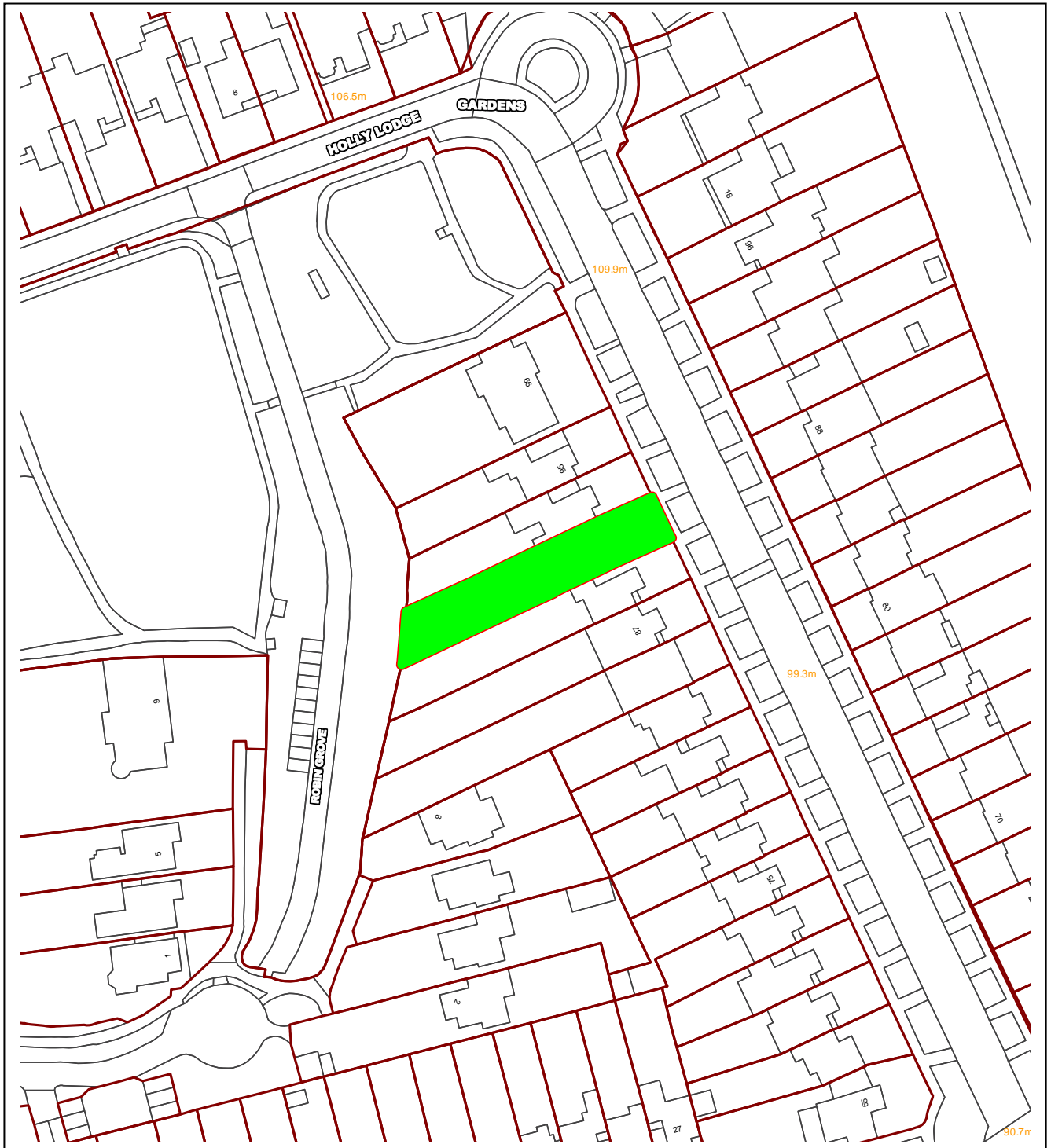


View from the rear garden looking back at the existing extension works currently under construction



Photo 1. Facing west

# 2017/4770/P 91 Hillway



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<b>Delegated Report</b>		<b>Analysis sheet</b>	<b>Expiry Date:</b>	21/08/2017
<b>Member's Briefing</b>		N/A	<b>Consultation Expiry Date:</b>	04/09/2017
<b>Officer</b>			<b>Application Number(s)</b>	
Obote Hope			2017/4770/P	
<b>Application Address</b>			<b>Drawing Numbers</b>	
91 Hillway London N6 6AB			Please refer to decision notice	
<b>PO 3/4</b>	<b>Area Team Signature</b>	<b>C&amp;UD</b>	<b>Authorised Officer Signature</b>	
<b>Proposal(s)</b>				
Variation of condition 3 (approved plans) of planning permission 2015/0245/P dated 19/08/2015 for: Erection of a single storey ground floor rear extension, installation of a new door and balcony at rear first floor level; installation of one rear and one side dormer window, enlargement of the single storey ground floor side extension on the front elevation to facilitate the reinstatement of the original garage in connection with use as a dwelling (Class C3) and associated external alterations to the fenestration, namely, installation of metal balustrade associated with a terrace to the rear at first floor level.				
<b>Recommendation(s):</b>		Grant variation of planning condition		
<b>Application Type:</b>		Householder Application		

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
<b>Consultations</b>						
Adjoining Occupiers:	No. notified	0	No. of responses	3	No. of objections	3
Summary of consultation responses:	<p data-bbox="422 427 1469 495">A site notice was displayed on 06/10/2017, expiring on 27/10/2017, and a press notice published in the local paper on 12/10/2017, expiring on 02/11/2017.</p> <p data-bbox="422 528 1018 562">89 Hillway objected on the following grounds:</p> <ul data-bbox="472 595 1522 1888" style="list-style-type: none"> <li data-bbox="472 595 1522 696">• The Proposed Terrace application at 91 Hillway further erodes the special character of the estate and diminishes greatly the privacy and enjoyment of the neighbouring gardens;</li> <li data-bbox="472 730 1522 931">• The presence of a new terrace at a higher level presents a viewpoint for overlooking into the garden of number 89. This overlooking is contrary to Camden Planning Guidance (CPG/Rear Extensions/4.10 ...not cause a loss of amenity to adjacent properties with regard to sunlight, daylight, outlook, overshadowing, light pollution/spillage, privacy/overlooking, and sense of enclosure...;</li> <li data-bbox="472 965 1522 1099">• Because of the natural incline on Hillway and Number 91 being uphill. The proposed balcony provides a viewing platform and a vantage point over the garden of number 89. For this reason it would appear overwhelming to have a terrace at this level when viewed from the garden of number 89;</li> <li data-bbox="472 1133 1522 1335">• Number 87 Hillway (the other adjacent neighbour) already has a balcony on its rear extension for which planning was never requested. Having overlooking balconies on both sides would take away from the peaceful and private enjoyment of the garden and should not be expected in an environment such as the Holly Lodge Estate which was not designed in a way that enabled overlooking;</li> <li data-bbox="472 1368 1522 1469">• The gardens at Hillway are large and there is already more than enough amenity for one house. There is no need to provide additional amenity at the expense of neighbours;</li> <li data-bbox="472 1503 1522 1603">• The design of the balcony presents a problem of bulk because of its solid sides which while being large and visible do not provide enough protection from overlooking;</li> <li data-bbox="472 1637 1522 1771">• The use of a high level balcony has the potential to present a noise nuisance because of the elevated nature of the terrace and the hard sound reflective surfaces forming the terrace. Noise from a low level and planted garden is less audible and more natural;</li> <li data-bbox="472 1805 1522 1888">• The Proposed Terrace presents a further unnecessary development on an already overdeveloped site;</li> </ul> <p data-bbox="422 1951 863 1984">Officer's comment are as follows;</p> <ul data-bbox="472 2018 1522 2154" style="list-style-type: none"> <li data-bbox="472 2018 1522 2154">• <i>The proposed roof terrace has been revised, it would be set back behind the existing side walls of the host property and the neighbouring properties As such, the harm would be less than detrimental to residential amenity in regards to loss of privacy and overlooking;</i></li> </ul>					

	<ul style="list-style-type: none"> <li>• <i>Due to the revised design, size and scale of the proposed first floor terrace, the proposal is considered appropriate and would not detract from the conservation area.</i></li> <li>• <i>The size and scale of the proposed first floor terrace would not have an impact with noise pollution, given the reduced size and scale proposed;</i></li> </ul>
<p><b>CAAC/Local groups* comments:</b> *Please Specify</p>	<p>Holly Lodge CAAC was consulted twice and raised objections on the following grounds;</p> <ul style="list-style-type: none"> <li>• Although the latest drawings significantly reduce the size of the terrace it still provides a space that will over-look the adjacent gardens and would set a precedent;</li> <li>• The HLE Conservation Area Appraisal &amp; Management Strategy raises the concern of unacceptable overlooking in relation to roof alterations and recessed roof terraces;</li> <li>• CPG 5 states (5.23) Balconies and terraces can provide valuable amenity space for flats that would otherwise have little or no private exterior space. However, they can also cause nuisance to neighbours. Potential problems include overlooking and privacy, daylight, noise, light spillage and security.</li> <li>• Condition 3 applied to the original grant of planning permission, 2013/4512/P, should remain.</li> </ul> <p>Officer's comment are as follows;</p> <ul style="list-style-type: none"> <li>• <i>Planning consent was granted for a Juliet balcony to the rear at first floor level and it is considered that the revised size and appropriate set-back would not significantly impact on neighbours amenities in regards to overlooking, loss of privacy, light pollution to warrant a refusal; Due to the depth of the proposed balcony being 0.5m and being set back 0.5m from the neighbouring property, it is not considered that this would be used as a seating area and would not increase the overlooking from the property.</i></li> </ul>

## Site Description

The site comprises a two-storey semi detached dwelling house located on the west side of Hillway. It lies within a group of similar properties that are homogenous in their design and are a typical of this part of the Holly Lodge Conservation Area. The predominant land use is for residential.

The site is not listed but lies within the Holly Lodge Estate Conservation Area, and is identified as making a positive contribution to the character and appearance of the conservation area.

## Relevant History

**2015/0245/P** - Erection of a single storey ground floor rear extension, following removal of existing extension. installation of a new door and balcony at rear first floor level; installation of one rear and one side dormer window; installation of two roof lights within side roof slope and one roof light on existing first floor side extension; enlargement of first floor window on the front elevation; and enlargement of the single storey ground floor side extension on the front elevation to facilitate the reinstatement of the original garage in connection with use as a dwelling (Class C3). **Granted** on 03/06/2015

**2013/4512/P** - Erection of a single storey ground floor rear extension, following removal of existing extension. installation of a new door and balcony at rear first floor level, installation of a dormer window in the rear roofslope and a dormer window in the northwest side roofslope and enlargement of the single storey front ground floor side extension, all in connection with use as a dwelling (Class C3). **Granted** on 12/09/2013

## Relevant policies

### National Planning Policy Framework 2012

### The London Plan 2016

### The Camden Local Plan 2017

A1 Managing the impact of development

D1 Design

D2 Heritage

G1 Delivery and location of growth

### Camden Planning Guidance 2011/2015

CPG 1 - Design

CPG6 - Amenity

### Highgate Neighbourhood Plan 2017

### DH Development and Heritage

## Assessment

### 1.0 Proposal:

1.1 This application seeks consent for the following works:

- Installation of metal balustrade, following the replacement of the existing glass Juliet balcony for a terrace to the rear at first floor level.

1.2 During the course of the application the application has been revised to:

- Re-design the proposed rear roof terrace by reducing the overall depth and width to be 0.5m deep;
- Set-back the proposed terrace behind the rear parapet walls;
- Omission of the glass screening to the flank elevation;

1.3 The key considerations are:

- Design - The impact on the character and appearance of the host building and conservation area, and;
- Residential amenity

### 2.0 Design

2.1 The proposed roof terrace has been re-designed to minimise potential visual impact at first floor level. The proposed roof terrace would not extend outwards beyond the existing building line. Given its scale and small projection of measure approximately 0.5m in depth 2.8m in width it is considered that the proposed roof terrace would be viewed as a subservient addition to the host building. Furthermore, the proposed glass balustrade has been revised and the metal balustrade now proposed would not detract from the Architectural style of the host building and material would not be out of character with the Highgate Conservation Area. Overall the design would be in general accordance with policy DH of the Highgate Neighbourhood Plan 2017.

2.3 No change is proposed to the approved door under reference 2015/0245/P dated 03/06/2015. The French door as approved is considered to be a quality design which would not detract from the character and appearance of the existing first floor windows. As such, the design of the roof terrace proposed would complement the aesthetics of the host building and considered acceptable in design and appearance in accordance with D1 and D2 of the Local Plan.

2.4 Overall, the proposed development is considered to be acceptable by virtue of its reduced scale, position, and given, the small terrace proposed would preserve and enhance the character of the host building and wider conservation area, and is therefore in accordance with policies D1 and D2 of the Camden Local Plan.

2.5 The proposal is not considered to cause harm to the character of the wider Holly Lodge Estate Conservation Area. Special attention has been paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area, under s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Enterprise and Regulatory Reform Act 2013.

### 4.0 Residential Amenity

4.1 Local Plan policy A1 states that factors to consider in managing impacts on neighbours being: privacy and overlooking, overshadowing, outlook, sunlight, daylight and artificial light levels. CPG6 states the Council should seek to minimise impact of loss of daylight and overshadowing, protect privacy and avoid overlooking, and avoid impacting on neighbours' outlook.

4.2 The proposal is not considered to result in loss of privacy into the neighbours' properties, namely nos 89 and 93 Hillway given its location between the existing parapet walls at first floor level and its small depth of 0.5m. As such, no impact is anticipated to the neighbouring amenities. Furthermore, the proposed terrace would exacerbate levels of overlooking further than the approved balcony. As such, the proposal would be in accordance with policy A1 of the Local Plan 2017.

5.0 Recommendation:

Grant variation of planning condition

***The decision to refer an application to Planning Committee lies with the Director of Regeneration and Planning. Following the Members Briefing panel on Monday 27<sup>th</sup> November 2017, nominated members***

*will advise whether they consider this application should be reported to the Planning Committee. For further information, please go to [www.camden.gov.uk](http://www.camden.gov.uk) and search for 'Members Briefing'.*



Mr Philip Andrews  
WvH Planning Ltd  
Elmwood High,  
Park Avenue,  
East Horsley  
KT24 5DD

Application Ref: **2017/4770/P**  
Please ask for: **Obote Hope**  
Telephone: 020 7974 **2555**

22 November 2017

**DRAFT**

Dear Sir/Madam

**DECISION**

Town and Country Planning Act 1990 (as amended)

**Variation or Removal of Condition(s) Granted**

Address:  
**91 Hillway**  
**London**  
**N6 6AB**

**DECISION**

Proposal:

Variation of condition 3 (approved plans) of planning permission 2015/0245/P dated 19/08/2015 for: Erection of a single storey ground floor rear extension, installation of a new door and balcony at rear first floor level; installation of one rear and one side dormer window, enlargement of the single storey ground floor side extension on the front elevation to facilitate the reinstatement of the original garage in connection with use as a dwelling (Class C3) and associated external alterations to the fenestration, namely, installation of metal balustrade associated with a terrace to the rear at first floor level.

Drawing Nos: Proposed: 1301/PL03REVE.

Superseded: 1301/PL03REVA.

The Council has considered your application and decided to grant permission subject to the following condition(s):

Condition(s) and Reason(s):

Executive Director Supporting Communities



- 1 The development hereby permitted must be begun not later than the end of three years from the date of the original permission 19/08/2015.

Reason: In order to comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 All new external work shall be carried out in materials that resemble, as closely as possible, in colour and texture those of the existing building, unless otherwise specified in the approved application.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policy D1 and D2 of the London Borough of Camden Local Plan 2017.

- 3 For the purposes of this decision, condition no.3 of planning permission 2015/0245/P dated 19/08/2015 shall be replaced with the following condition:

REPLACEMENT CONDITION 3:

The development hereby permitted shall be carried out in accordance with the following approved plans- PL.00; PL.01; PL.02 REVE; PL.03 Rev A; and Design and Access Statement, produced by P Andrews, dated January 2015.

Reason: For the avoidance of doubt and in the interest of proper planning.

Informative(s):

- 1 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts that cover aspects including fire and emergency escape, access and facilities for people with disabilities and sound insulation between dwellings. You are advised to consult the Council's Building Control Service, Camden Town Hall, Judd St, Kings Cross, London NW1 2QS (tel: 020-7974 6941).
- 2 Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You are advised to consult the Council's Noise and Licensing Enforcement Team, Camden Town Hall, Judd St, Kings Cross, London NW1 2QS (Tel. No. 020 7974 4444 or search for 'environmental health' on the Camden website or seek prior approval under Section 61 of the Act if you anticipate any difficulty in carrying out construction other than within the hours stated above.

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.

You can find advice about your rights of appeal at:

<http://www.planningportal.gov.uk/planning/appeals/guidance/guidancecontent>

Yours faithfully

Director of Regeneration and Planning

**DRAFT**

**DECISION**



Photo 2. Facing south towards 87 Hillway