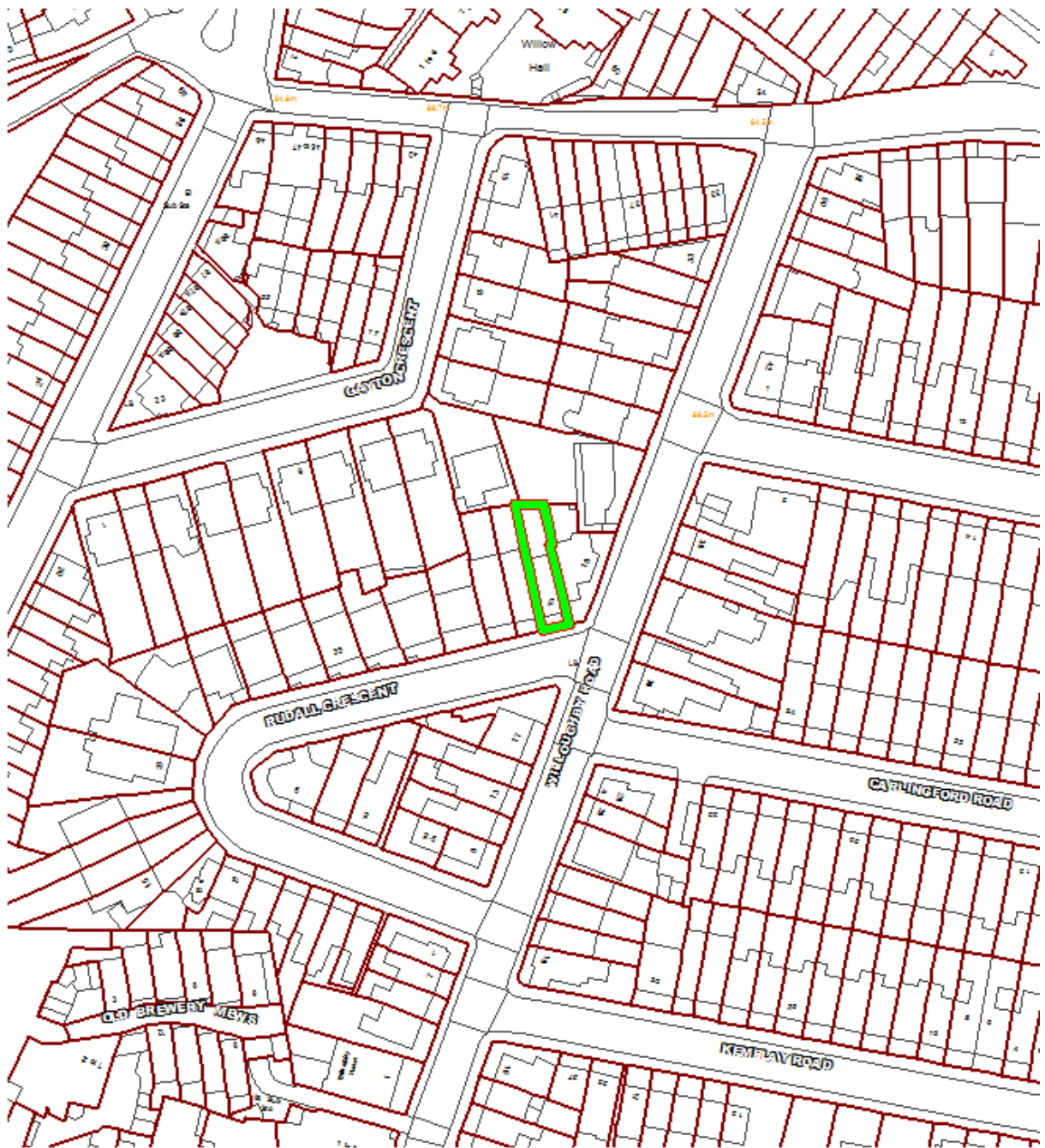


47 Rudall Crescent ref: 2017/6994/P



Below: Street View



Below: Bird's eye view of the rear





Below: Rear view from within the rear garden



Below: View from within the existing 'lightwell' showing the flower bed to be removed/dismantled and the retaining wall at the back of it; View of the 'Victorian' toilet also to be dismantled.



<b>Delegated Report</b>		<b>Analysis sheet</b>	<b>Expiry Date:</b>	<b>14/02/2018</b>
<b>(Members Briefing)</b>		N/A	<b>Consultation Expiry Date:</b>	<b>15/02/2018</b>
<b>Officer</b>			<b>Application Number(s)</b>	
Matthias Gentet			2017/6994/P	
<b>Application Address</b>			<b>Drawing Numbers</b>	
47 Rudall Crescent LONDON NW3 1RR			Refer to draft 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>				
Erection of a two storey rear extension at lower and ground floor level with new balcony, glass balustrade and access stairs, height increase of existing side boundary timber fences and associated landscaping to dwelling (Class C3).				
<b>Recommendation(s):</b>		<b>Grant Conditional Permission</b>		
<b>Application Type:</b>		<b>Householder Application</b>		

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
<b>Consultations</b>						
Adjoining Occupiers:	No. notified	00	No. of responses	08	No. of objections	08
Summary of consultation responses:	<p>Consultation Letters were sent out on 18/01/2018 and expired on 08/02/2018. Site Notices were displayed on 24/01/2018 and expired 14/02/2018 and a Press Advert was published on 25/01/2018 and expired on 14/02/2018.</p> <p>An objection from <b>No19 Willoughby Road, NW3 1RT</b> was received, summarised as follow:</p> <ul style="list-style-type: none"> <li>- Infringement of the Right of Light Act of 1832;</li> <li>- Proposal obstructs the light enjoyed through my window and would prevent access to it for cleaning;</li> <li>- BIA is required due to extension as basement level (see letter from <b>Consulting Engineers</b> dated 08/02/2018);</li> <li>- Depth lower than the wall foundation;</li> <li>- Risk of damage to adjoining properties;</li> <li>- Large amount of earth will be dug out with damage to plants and increase damp;</li> <li>- Revised extension still too close, would render cleaning and repair to my extension and would cause noise nuisance.</li> </ul> <p><b>Consulting Engineers</b> letter in support of the above objection, summarised as follow:</p> <ul style="list-style-type: none"> <li>- No BIA has been provided;</li> <li>- Basement extension is quite small but would require excavation beside a garden wall between No47 Rudall Crescent and No19 Willoughby Road;</li> <li>- No45 would be affected in the same way;</li> <li>- Rear lightwell at No47 is deeper than at No45 with proposed excavation below the foundation level of the house and garden wall.</li> </ul> <p><u>Officer's Response:</u></p> <p><i>The officer has attended the site on two separate occasions. The first, to assess the originally submitted proposal in context with the area affected by the development. The second, in response to some of the objections already received whereby the need for a BIA was questioned. This had already been looked at prior to registration. However, in view of the responses, the officer wanted to ensure that a BIA was indeed not needed.</i></p> <p><i>There is to be no excavation. The proposed extension is to occupy an already excavated area located underneath the existing rear extension (to be removed and replaced). However, prior to the construction of the current extension, a flower bed was created within a large patio/lightwell area outside the rear windows at lower ground floor level and sitting in front of the garden retaining wall. This flower bed is to be dismantled/removed to allow for the construction of the lower ground floor part of the proposed extension.</i></p>					



*The dismantling of the old Victorian toilet adjacent to No19 Willoughby Street will allow for the occupation of the space it will provide for the extension. Again, no excavation is taking place.*

*The revised proposal is now including 'paddock' style flower beds on both sides of the extension and the width of the extension has been reduced, leaving a generous space between the neighbouring properties in either side.*

*See also paragraphs 2.1 to 2.8, 5.1 to 5.7 in the below report.*

An objection from **No23 Willoughby Road, NW3 1RT** was received, summarised as follow:

- Concerns over the impact of the proposal on the aquifer;
- Each digging in recent times has had impact on the water table affecting our and neighbouring properties.
- Redevelopment of homes within congested urban area causes disruption to neighbours in terms of noise, dust, vibration and traffic;
- Our garden boundary has suffered the loss of an entire line of mature specimen plants;
- Bog condition now support moss;
- Fungal growth assessed by surveyor as due to development and associated shift in water courses and increased water damage.

**Officer's Response:**

*The officer has attended the site on two separate occasions. The first, to assess the originally submitted proposal in context with the area affected by the development. The second, in response to some of the objections already received whereby the need for a BIA was questioned. This had already been looked at prior to registration. However, in view of the responses, the officer wanted to ensure that a BIA was indeed not needed.*

*There is to be no excavation. The proposed extension is to occupy an already excavated area located underneath the existing rear extension (to be removed and replaced). However, prior to the construction of the current extension, a flower bed was created within a large patio/lightwell area outside the rear windows at lower ground floor level and sitting in front of the garden retaining wall. This flower bed is to be dismantled/removed to allow for the construction of the lower ground floor part of the proposed extension.*

*The dismantling of the old Victorian toilet adjacent to No19 Willoughby Street will allow for the occupation of the space it will provide for the extension. Again, no excavation is taking place.*

*The proposal should not have no direct impact on the water table in the vicinity.*

An objection from **No45 Rudall Crescent, NW3 1RR** was received, summarised as follow:

- Effect light to our property (see **Right of Light Surveyor** letter dated 14/02/2018);
- Extension is too large and disproportionate in relation to property itself;
- Design not in keeping with the rest of the terrace.

**Right of Light Surveyors** letter in support to the above objection, summarised as follow:

- Daylight/Sunlight study to support the application not submitted;
- Proposal is likely to breach the BRE 45-degree test in relation to the 1<sup>st</sup> floor study window;
- Client faces loss of light from proposed development at No43 Rudall Crescent.

Officer's Response:

*The original proposal (full width lower ground and ground floor extension) was revised following the responses received to the consultation process as well as to feedback from Council officers who considered the proposal that was originally submitted to be unacceptable. The width of the extension at ground floor level was reduced to produce a more balanced and subordinate addition that would increase the gap between the neighbouring properties on either side.*

*This has resulted in the '45 degree' BRE requirements being met and therefore minimising the impact of the proposal on the light of the neighbours at No19 Willoughby Road and No47 Rudall Crescent. It is noted that when this test is needed that a full daylight and sunlight report is not required.*

*Officers note that for Right to Light is a legal consideration and not a material planning one.*

*See also paragraphs 5.1 to 5.7 in the below report.*



Hampstead CAAC

An objection from the **Hampstead CAAC** was received as follows:

1. The proposed rear extension is grossly over-glazed and out of character with the terrace scale and houses' fenestration. It threatens excessive light pollution but is in any case over-proportioned. Both neighbouring houses demonstrate the more appropriate treatment of rear extensions maintaining existing scale. Please ask for radical re-design to avoid harm to the locality threatened by this proposal.
2. Hampstead CAAC wishes to see the rear extension more respectful of the general rear extensions designs. The required design and scale is shown by the neighbour on the right as seen from the rear. The extension on the left has started degradation of the preferred treatment and this proposal exacerbates this. Although at the rear, the proposal offers harm to the CA in that the house backs are close together forming a virtual street and all overlooking each other. We consider the extension must be redesigned.

Officer's Response:

*See paragraphs 2.1, 2.9, 4.1 to 4.14 in the below report.*

Camden Residents'  
Association Action  
Committee (CRAAC)

An objection from **CRAAC** were received, summarised as follow:

- Application is incomplete as there is no BIA;
- The map enclosed shows two wells in close proximity to site address;
- No borehole measurements have been conducted;
- Application does not show how the excavation and foundations are to be constructed;
- The extension into the garden will deprive the next door house of natural light violating national planning policies

Officer's Response:

*The officer has attended the site on two separate occasions. The first, to assess the originally submitted proposal in context with the area affected by the development. The second, in response to some of the objections already received whereby the need for a BIA was questioned. This had already been looked at prior to registration. However, in view of the responses, the officer wanted to ensure that a BIA was indeed not needed.*

*There is to be no excavation. The proposed extension is to occupy an already excavated area located underneath the existing rear extension (to be removed and replaced). However, prior to the construction of the current extension, a flower bed was created within a large patio/lightwell area outside the rear windows at lower ground floor level and sitting in front of the garden retaining wall. This flower bed is to be dismantled/removed to allow for the construction of the lower ground floor part of the proposed extension.*

*The dismantling of the old Victorian toilet adjacent to No19 Willoughby Street will allow for the occupation of the space it will provide for the extension. Again, no excavation is taking place.*

*See also paragraphs 2.1 to 2.8 in the below report.*

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## Site Description

The site is located on the northern side of Rudall Crescent, on the corner with Willoughby Road, and is the first of a set of three identical 3-storey raised ground floor and lower ground floor terrace properties with pitched roofs.

The property is located in Hampstead Conservation Area. Although it isn't listed, it is stated to be a positive contributor - as part of the set of three (No43-No47) – in the Hampstead Conservation Area Advisory Appraisal.

## Relevant History

### Site History:

**PWX0002485** – (refused on 03/10/2000 and dismissed on appeal on 13/03/2001) - The erection of a two storey extension at the rear.

**14717(R)** – (granted on 07/03/1973) - Conversion of the basement at 47 Rudall Crescent, N.W.3, into a separate self-contained flat.

### Adjacent Site History:

#### **No43 Rudall Crescent**

**2017/7057/P** – (granted on 26/02/2018) - Alterations to existing rear extension at lower ground floor level and creation of terrace with railings and privacy screen above.

#### **No44 Willoughby Road**

**PWX0103647** – (granted on 17/05/2002) - Demolition of existing single storey rear extension and replacement by half width 3 storey rear extension with rear terraces at 1st and 2nd floor levels, the erection of a 2 storey side extension, alterations to front and rear dormers and associated external alterations, including to windows.

## Relevant policies

### **National Planning Policy Framework, 2012**

### **The London Plan 2016**

### **London Borough of Camden Local Plan 2017**

A1 (Managing the impact of development)

D1 (Design)

D2 (Heritage)

### **Camden Planning Guidance (2013)**

CPG6 – Amenity – Chap 6 & 7

### **Camden Planning Guidance (2015)**

CPG1 – Design – Chap 3, 4 & 5

### **Camden Planning Guidance (2018)**

CGP1 – Design (July 2015 updated March 2018)

CPG – Amenity – Chap 2 & 3

### **Hampstead Conservation Area Appraisal (October 2001)**

### Assessment

#### 1. Proposal

1.1 The proposal seeks permission for the erection of a two-storey rear extension at lower and ground floor level, the slight increase in height of existing side boundary timber fences and associated landscaping to the dwellinghouse.

#### 2. Background

2.1 The original proposal consisted of a two-storey full width extension with balcony and access stairs to the rear garden replacing the current single storey raised ground floor extension with balcony and access stairs.

2.2 In view of the part of the proposal affecting the lower ground floor level, the requirement for a Basement Impact Assessment (BIA) was looked into by officer as part of the validation process of the submission. It was considered that such report was not necessary due to the limited amount of digging/excavation that was proposed.

2.3 The first site visit did support the preliminary assessment that a BIA was indeed not required. It also allowed for a full assessment of the proposal in context with the area affected by the development to the rear.

2.4 The second was attended in response to some of the objections already received whereby the need for a BIA was questioned.

2.5 The proposed extension is to occupy an already excavated area located underneath the existing single storey rear extension at upper ground floor level (to be removed and replaced). However, prior to the construction of the current extension, a raised bed was created within a large patio/lightwell area outside the rear windows at lower ground floor level, sitting in front of the garden retaining wall. This raised bed is to be dismantled/removed to allow for the construction of the lower ground floor part of the proposed extension.

2.6 The dismantling of the old Victorian toilet adjacent to No19 Willoughby Street will allow for the occupation of the space it will provide for the extension.

2.7 The lower terrace will require some soil removal but not to the extent that would fall within the scope of excavation. The area affected would be no more than 0.6m in height and 2.4m in depth and away from any adjoining properties and boundary walls.

2.8 The officer is therefore satisfied that there is to be no excavation to be undertaken, and that the need for a BIA is therefore not warranted/required.

2.9 Revisions to the proposal consisted of the following:

- (i) reduction in size (width) of the upper ground floor part of the extension;
- (ii) Addition of 'paddock' style planting beds on both sides of the upper ground floor extension;
- (iii) Addition of thin dividers within the glazing area;



### **3. Assessment**

3.1 The principle considerations in the determination of this application are:

- Design and Heritage
- Amenity

### **4. Design and Heritage**

#### Extension

- 4.1 The proposal extends at lower ground floor level by 1.8m in depth, 4.8m in width and 2m in height making it a full width extension. The upper ground floor part of the extension is to measure 4.4m in width, 3m in height and 2m in depth.
- 4.2 The existing extension (to be demolished) measures 1.3m in depth, 3.5m in width and 3.5m in height (including sloped roof).
- 4.3 CPG1 (Design) states that a rear extension is often the most appropriate way to extend a house or property. However, rear extensions that are insensitively or inappropriately designed can spoil the appearance of a property or group of properties and harm the amenity of neighbouring properties, for example in terms of outlook and access to daylight and sunlight. Rear extensions should be designed to be secondary to the building being extended, in terms of location, form, scale, proportions, dimensions and detailing, respect and preserve the original design and proportions of the building, including its architectural period and style, 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, allow for the retention of a reasonable sized garden.
- 4.4 It also states that materials should be chosen that are sympathetic to the existing building wherever possible.
- 4.5 The 'frame' of the upper part of the extension would be stone cladded with the rear element fully glazed.
- 4.6 The subdivided glazing panels forming the rear elevation of the extension - at both levels - break the glazing expanse and would match the similar details on the adjoining rear extensions and rear windows. This would provide an addition in keeping with what is currently found within the rear elevations of the surrounding development.
- 4.7 The two-storey extension is to be erected within an existing lightwell that includes an old Victorian toilet and a raised bed. The raised bed was created many years ago but have been rather unusable in recent years since the erection of the existing upper ground floor extension that hangs above it. It will therefore be necessary to dismantle the raised bed and the access stairs from the garden level to the lightwell located on the right hand side.
- 4.8 The rear part of the extension at upper ground floor level would sit above the dismantled Victorian toilet. However, the forward part of the upper ground floor extension would be detached from the boundary line of the adjoining property at No19 Willoughby Road, thus giving the impression of a smaller and fully detached addition.
- 4.9 The below 3D visualisation illustrates the proposal:



### Deck/Balcony, Balustrade and Access Stairs

- 4.10 The existing metal frame balcony/deck and timber access stairs to the left are to be replaced by a deck/balcony of similar design measuring 4.4m in width by 0.9m in depth. Although similar in terms of size and design, the main difference would be the fully glazed balustrade which would produce a softer and less dominant feature.

### Planters/Landscaping/Fencing

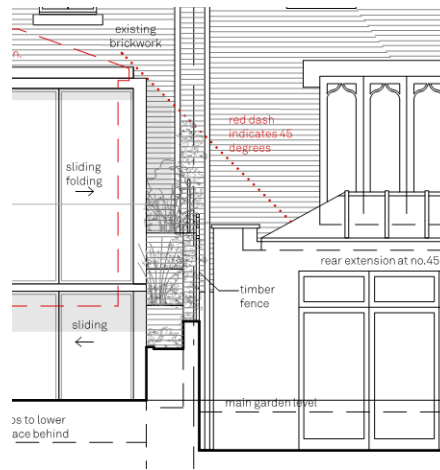
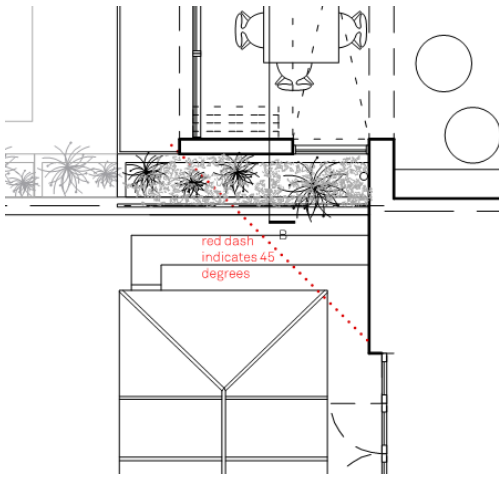
- 4.11 The proposed extension is to be flanked by 'paddock' style brick planters on 4 'espalier' levels that are to extend beyond the bottom of the timber steps leading to the upper ground floor. They would re-instate/replace the vegetation lost from the raised bed (to be disposed of) as well as compensate for a heavily hard landscaped garden area.
- 4.12 Associated landscaping would comprise of a lower terrace area and plant bed 4.3m in width by approximately 2.5m in depth and 0.6m below the main garden level. The planters would also encase the lower terrace area and new planting bed.
- 4.13 The timber fences are to be raised slightly by 300-400mm, to be affixed onto existing and repaired/refurbished boundary walls. This would have very little impact on the setting and appearance of the property and area.
- 4.14 The proposed two-storey rear extension, balcony, glass balustrade, steps and landscaping are therefore considered to be acceptable and in accordance with the policies D1 and D2 of the Camden Local Plan 2017.

## **5. Amenity**

5.1 CPG (Amenity) states that interior and exterior spaces that are overlooked lack privacy, which can affect the quality of life of occupants. The Council therefore expects development to be designed to protect the privacy of occupiers of both new and existing dwellings to a reasonable degree. Therefore, new buildings, extensions, roof terraces, balconies and the location of new windows should be carefully designed to avoid overlooking. Balconies and roof terraces have the potential to increase opportunities for overlooking. Balconies and roof terraces should therefore be carefully sited and designed to reduce potential overlooking of habitable rooms or gardens of neighbouring residential buildings.

5.2 It also states that daylight and sunlight levels are affected by the location of a proposed development and its proximity to, and position in relation to, the windows in nearby properties. Applicants are expected to use the 45-degree test and the 25-degree tests to screen their proposals.

5.3 The below drawing extracts demonstrate the impact of the development in terms of daylight/sunlight:



5.4 The neighbouring feature that would be most affected by the proposal would be the rear upper ground floor level at No19 Willoughby Road. The following photo extract shows the side elevation of a rather unattractive extension. The elevation is rendered with only 2no small windows at the top:



5.5 The proposed balcony/deck is not an added feature. There is a balcony in existence. However, due to the gradient of the street – the properties sitting on sloping ground, the upper ground floor level of each of the houses, from No19 Willoughby Road up to No43 Rudall Crescent are at a different level that is increasing towards No43. The size and forward position of the adjacent lower ground floor extension at No45 would not be materially affected by the presence of the proposed balcony.

5.6 Similarly, the adjacent upper ground floor extension at No19 Willoughby Road projecting beyond the proposed extension and balcony and would therefore not be materially affected by the proposal in terms of loss of privacy, daylight/sunlight:



5.7 In terms of amenity, the proposal would be in accordance with policy A1 of the Camden Local Plan that states that the Council will expect development to avoid harmful effects on the amenity of existing and future occupiers and nearby properties and CPG (Amenity) as above [paragraph 5.1].

## **6. Conclusion**

6.1 The proposed two-storey extension, balcony and associated landscaping would not be unduly dominant. Its design is such that the upper storey gives the appearance of being smaller than it actually is with the forward element sitting central to the rear elevation. The proposal and associated alterations, in terms of size, design, location and materials are considered to be acceptable and would preserve the character and appearance of the host and adjacent buildings, Hampstead Conservation Area and the rear streetscape.

## **7. Recommendation**

7.1 Grant Conditional Planning Permission.

***The decision to refer an application to Planning Committee lies with the Director of Regeneration and Planning. Following the Members Briefing panel on Monday 23<sup>rd</sup> April 2018, 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'.***



Application ref: 2017/6994/P  
Contact: Matthias Gentet  
Tel: 020 7974 5961  
Date: 16 April 2018

**Development Management**  
Regeneration and Planning  
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Paul Archer Design  
103 Farringdon Road  
London  
EC1R3BS

# DRAFT

Dear Sir/Madam

## DECISION

Town and Country Planning Act 1990 (as amended)

### Householder Application Granted

Address:  
**47 Rudall Crescent**  
**LONDON**  
**NW3 1RR**

# DECISION

Proposal: Erection of a two storey rear extension at lower and ground floor level with new balcony, glass balustrade and access stairs, height increase of existing side boundary timber fences and associated landscaping to dwelling (Class C3).

Drawing Nos: Design and Access Statement RevA (23/03/2018); [768.] 150, 151, 152, 200, 202, 203, 204, 205, 206, 207, 208, 209, 222 A, 223 A, 224 A, 225 A, 226 A, 227 A.

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

Condition(s) and Reason(s):

- 1 The development hereby permitted must be begun not later than the end of three years from the date of this permission.

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 The development hereby permitted shall be carried out in accordance with the following approved plans: Design and Access Statement RevA (23/03/2018); [768.] 150, 151, 152, 200, 202, 204, 205, 206, 207, 208, 209, 222 A, 223 A, 224 A, 225 A, 226 A, 227 A.

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

David Joyce  
Director of Regeneration and Planning