

<b>Delegated Report</b>		<b>Analysis sheet</b>	<b>Expiry Date:</b>	03/01/2018
		N/A	<b>Consultation Expiry Date:</b>	06/06/2018
<b>Officer</b>			<b>Application Number</b>	
Samir Benmbarek			2017/6280/P	
<b>Application Address</b>			<b>Drawing Numbers</b>	
Flat A 43 Kingsgate Road London NW6 4TD			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>				
Erection of single storey rear and side extension at ground floor level and first floor rear extension to ground/lower ground floor flat; alterations to rear garden including lowering of levels to form larger patio and stepped terraces as well as re-landscaping				
<b>Recommendation:</b>	Refuse Planning Permission			
<b>Application Type:</b>	Full Planning Permission			

<b>Conditions or Reasons for Refusal:</b>	<b>Refer to Decision Notice</b>					
<b>Informatives:</b>						
<b>Consultations</b>						
<b>Adjoining Occupiers:</b>	No. notified	--	No. of responses	<b>05</b>	No. of objections	<b>05</b>
<b>Summary of consultation responses:</b>	<p>Site notices were displayed on 16/05/2018 (expiring on 06/06/2018). To date, 4x objections were received from the following addresses:</p> <ul style="list-style-type: none"> <li>• 45A Kingsgate Road</li> <li>• 45B Kingsgate Road</li> <li>• Ground Floor Flat, 48 Mazonod Avenue</li> <li>• 43 Kingsgate Road</li> <li>• Basement Flat, 41B Kingsgate Road</li> </ul> <p>Their comments are as summarised below:</p> <ol style="list-style-type: none"> <li>1. Resubmission of a proposal which was refused by the Council;</li> <li>2. Proposal is unduly large;</li> <li>3. Inappropriate design and materials which would alter the rear elevation;</li> <li>4. Substantial garden loss and soft landscaping</li> <li>5. Proposal would set an undesirable precedent</li> <li>6. Impact towards amenity, especially in regards to sunlight and daylight and noise</li> <li>7. Impact on surface water retention, potential flooding and subsidence implications for the rear gardens;</li> <li>8. Loss of natural habitat and negative impacts on biodiversity;</li> </ol> <p>Officer's Comments</p> <ol style="list-style-type: none"> <li>1. <i>This proposal does differ from the previously approved application and therefore was validated and assessed accordingly;</i></li> <li>2. <i>An error led to the delay of public consultation upon immediate validation. The 21 day consultation period was however undertaken ending on 05 June 2018;</i></li> <li>3. <i>Please refer to section 3.0 of the report;</i></li> <li>4. <i>Please refer to section 4.0 of this report;</i></li> <li>5. <i>Each application is determined on its own merits in which it is considered the refusal of this application would not result in the subsequent precedent within the immediate area;</i></li> <li>6. <i>Please refer to section 5.0 of this report;</i></li> <li>7. <i>Please refer to section 4.0 of this report;</i></li> <li>8. <i>Please refer to section 4.0 of this report.</i></li> </ol>					
<b>CAAC/Society Groups</b>	N/A					

## Site Description

The application site consists of a ground and lower ground floor flat within a three storey mid-terrace building located on the eastern side of Kingsgate Road. The building is not located within a conservation area, nor is it a listed building.

Due to the 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 elevation of houses on Mazenod Avenue. As a result of this, the lower rear windows of Kingsgate Road properties do not have much access to light under this existing situation.

## Relevant History

**2016/4318/P-** Full planning permission refused on 23/02/2017 for the erection of single-storey rear/side extension to flat.

## Relevant policies

### National Planning Policy Framework (2019)

### The London Plan (2016)

### Camden Local Plan (2017)

A1 (Managing the impact of development)

A2 (Open Space)

A3 (Biodiversity)

D1 (Design)

CC3 (Water and flooding)

### Camden Supplementary Planning Guidance

CGP1 Design (Updated March 2018)

CPG3 Sustainability (Updated March 2018)

CPG6 Amenity (Updated March 2018)

## Assessment

### 1. Proposal

1.1 Planning permission is sought for the erection of a single storey rear and side extension at ground floor level to form a “wrap around extension” and the erection of an extension at first floor level of the existing closet wing. The first floor extension would be positioned above the rear element of the ground floor wrap around extension.

1.2 The proposed ground floor rear extension would measure 3.0m from the rear elevation of the closet wing with a width of 5.6m (across the width of the entire garden). The ground floor side extension would measure at 9.2m along the boundary wall and the rear extension would measure 3.0m from the rear elevation of the closet wing. The eaves height of the ground floor “wrap around” would measure 2.3m with a pitched roof rising to a terminating height of 3.0m. The extensions at ground floor level would also feature 1x rooflight at the rear and 2x rooflights along the side.

1.3 At first floor level, a first floor extension would be constructed at a depth of 1.1m from the rear elevation of the closet wing at a height of 3.0m from first floor level (6.0m from ground level). The proposal would be constructed from stock brick and natural slate tiles.

1.4 Planning permission is also sought for partial excavation of the rear garden level to form a larger patio area at lower ground floor level with terraced steps and wooden decking rising to garden level. In order to facilitate this change, the majority of the rear garden would either be hard surfaced and/or covered with solid timber decking or artificial grass. Proposed treatments to the rear garden include the removal of a mature tree, replacement of natural grass and flower beds with artificial grass and timber decking.

## **2. Assessment**

2.1 The main issues for consideration are:

- Design; the impact of the proposal on the character and appearance of the host property, as well as that of the wider area;
- Nature conservation and biodiversity; and
- Amenity; the impact of the proposal on the residential amenity of neighbouring occupiers;

## **3. Design**

3.1 The Council's design policies are aimed at achieving the highest standard of design in all developments. The following considerations contained within policy D1 are relevant to the application: development should consider the character, setting, context and the form and scale of the neighbouring building, and the quality of materials to be used.

### Extensions

3.2 CPG1 (Design) states that extensions should be designed to be secondary to the host building being extended in terms of its form, scale, proportions and dimensions; respect and preserve the original design and proportions of the building and the respect and preserve the historic pattern and established townscape of the surrounding area, including the ratio of built to unbuilt space.

3.3 The eastern side of Kingsgate Road is characterised by three storey closet wings at the rear of the buildings. The original/historic pattern of development of the rear terrace remains clearly discernible within private views as well as public views (e.g. from Smyrna Road). At ground floor level there are some rear and side infill extensions along the row; however, there is no established character of "wrap around" extensions present along the terrace of buildings.

3.4 The proposal for a full width and wrap around extension at ground floor level would be overly dominant to the host building and is not considered to remain secondary or subordinate to the host building. As such, the ground floor works remain contrary to CPG1 (as discussed in paragraph 3.2). This is due to the excessive depth of the side extension to form the wrap around extension with the rear extension. Furthermore, it is considered that the large amount of space being developed upon to form the ground floor extensions would diverge from the established townscape of the surrounding area (including the ratio of built to unbuilt space), which would also be contrary to CPG1.

3.5 At first floor level, the proposed rear extension is considered to an incongruous addition which does not relate, nor sympathise with, the rear elevation of the terrace of buildings. The depth of the closet wing at first floor level remains uniform across the terrace, adding greatly to the character and appearance of the local area. By projecting further than this establish building line the extension would act to undermine the uniformity of the terrace and its contribution to local character. These works to extend beyond those of the adjoining building lines that would also lead to a negative precedent across the terrace of buildings and diminishing the character of the rear setting.

3.6 The detailed design including materials of the proposed extension, proposed rooflights and

fenestration is considered appropriate. However, this does not negate the considerations and concerns about the scale, siting and principle of the extensions as discussed previously.

3.7 Overall, the extensions at ground floor level are considered unsympathetic to the host or neighbouring buildings in terms of its excessive scale, which result in an overly dominant and bulky development, while the first floor extension is considered incongruous. Furthermore, the proposal is considered to detract from the character of the rear of the building and to a wider extent, the row of buildings.

#### Rear garden

3.8 Policy D1 states that the Council will require developments to positively respond to and preserve natural features and gardens (j) and that landscaping works should maximise opportunities for greening (k). CPG1 (Design) states that development in rear gardens should have minimal visual impact to the host garden, not detract from the character and garden amenity and use suitable soft landscaping to reduce the impacts (para.4.24). It also states that scheme must address any impacts of alterations upon water run-off rates and demonstrate that the impact of the new development on water run-off and groundwater flows will be negated by the measures proposed (ibid).

3.9 The row of terrace properties maintain generous rear gardens (c9.5m in length) and along the row many properties feature mature and substantial planting / trees within their gardens which cumulatively establish a verdant character to the local area which positively contributes to local character, remaining visible from public places as well as multiple private views.

3.10 The works to the rear garden would include alterations to the levels as well as relandscaping. Whilst the change in levels is not in and of itself harmful in terms of character, the works would result in the loss of all areas of soft landscaping from the garden and would effectively mean that the entire garden area would be covered / hard surfaced. The ability of the garden to maintain planting and preserve the open and verdant character of the row of gardens would thus be significantly harmed as a result of the works to the detriment of local character. Further comment will be given in the following section.

#### **4. Nature conservation and sustainability**

4.1 Policy A2 and A3 both seek to protect areas of green open space (including private gardens) that are value both in terms of the townscape as well as ecology from detrimental harm. Policy CC3 also seeks to ensure that development avoids harm to the local water environment.

4.2 At present, the host property features a generous garden which contains a small patio, a raised lawn with side planting as well as a raised deck to the rear. The garden currently features a mixture of planting, though there are no protected trees onsite. The Council's register records the site as being within a Local Flood Risk Zone (Kingsgate) and as being subject to constraints including groundwater flows as well as surface water and flooding risks

4.3 The proposal would result in the retention of a reasonably large garden space (approximately 50sqm). Despite this, the proposal seeks to excavate the middle part of the garden to create stepped terraces as well as a larger patio at lower ground level and covering the rear, upper section in either timber decking or artificial grass. Though full details of this aspect of the scheme have not been forthcoming, the works would result in a sizable increase to the level of impermeable materials within the rear garden. The works would also remove all areas of soft landscaping / areas for planting.

4.4 CPG3 (Sustainability) comments that "development can harm biodiversity directly by destroying or fragmenting habitat". The rear gardens of Kingsgate Road and Mazenod Avenue feature heavy vegetation and growth along the boundary of the rear gardens that is considered a 'green corridor'. It is considered that the removal of the existing natural and soft landscaping from the rear garden to be replaced with timber decking and artificial grass would erode biodiversity features such as habitats or opportunities for planting by reason of this

inappropriate material choice. The removal of the existing soft/green features of the garden would also deplete a portion of this 'green corridor' located along the rear of the Kingsgate Road/Mazenod Avenue gardens.

4.5 Furthermore, the resurfacing of the garden with non-permeable materials combined with the additional drainage requirements from the proposed extensions cumulatively increase the surface water run off rates from the rear garden. Given that the site and local area is subject to local flooding issues, this level of hard surfacing is therefore contrary to adopted policies in the absence of reporting to justify or suggest adequate mitigation (i.e. through the use of SuDS). Without any natural/green/soft landscaping within the garden as a result of the proposal, there could be an increased risk of flooding and issues with water run-off as the garden has not opportunities to naturally expel rainwater.

4.6 The proposed works to the rear garden as part of the development are considered to not promote biodiversity and sustainability values and as such, forms a reason for refusal.

## **5. Impact on the amenity of the occupiers of the neighbouring properties.**

5.1 Policy A1 seeks to ensure that development protects the quality of life of occupiers and neighbours by only granting permission for development that would not harm the amenity of neighbouring residents. The factors to consider include privacy, overlooking, outlook and daylight and sunlight. CPG6 seeks for development to be "designed to protect the privacy of both new and existing dwellings to a reasonable degree" and it notes that the Council "will aim to minimise the impact of the loss of daylight caused by a development on the amenity of existing occupiers."

5.2 Due to the topographic difference in the levels between Kingsgate Road and Mazenod Avenue, it is not considered that the proposed development would cause harm to the amenity towards neighbouring occupiers to the rear of the proposal along Mazenod Avenue.

5.3 A daylight and sunlight report was submitted within the application. The daylight and sunlight report concluded that the development would not cause an adverse difference or impact upon access to sunlight and daylight in terms of vertical sky component (VSC) and annual probable sunlight hours (APSH) towards the habitable windows of No. 41 and No. 45 Kingsgate Road, which are the most prone to be affected as a result of this development.

5.4 Although the proposal includes a courtyard between the principal rear elevation of the building and the side extension, it is considered that this side element would result in a sense of enclosure towards the rear and side ground floor windows on No. 45. The flank wall would start at 2.4m from the rear window and would continue along the boundary at 6.2m with a height of 2.7m. The separation distance between the flank wall and the side window would be 3.5m. The extension at first floor level is considered to not cause a sense of enclosure to neighbouring occupiers.

5.5 It is considered that the proposal, including the first floor rear extension would not lead to an increased or adverse level of overlooking, as there are already established rear views into the gardens, which are typical of residential settings.

**Recommendation:** Refuse planning permission.