

Delegated Report		Analysis sheet		Expiry Date:		05/09/2018	
		N/A / attached		Consultation Expiry Date:		12/08/2018	
Officer				Application Number(s)			
Elaine Quigley				2018/1153/P			
Application Address				Drawing Numbers			
Flat A, 45 Lancaster Grove London NW3 4HB				See draft decision notice			
PO 3/4		Area Team Signature		C&UD		Authorised Officer Signature	
Proposal(s)							
Erection of ground floor rear extension and reinstatement of ground floor rear bay all in connection with the existing flat (Class C3).							
Recommendation(s):		Refuse planning permission					
Application Type:		Full Planning Permission					
Conditions or Reasons for Refusal:		Refer to Draft Decision Notice					
Informatives:							
Consultations							
Adjoining Occupiers:		No. notified	00	No. of responses	00	No. of objections	00
				No. electronic	00		
Summary of consultation responses:		A site notice was displayed on 18/07/2018 that expired on 11/08/2018 and a press notice was published on 19/07/2018 that expired on 12/08/2018. No letters were received from local residents following the statutory consultation period.					
CAAC/Local groups* comments: *Please Specify		Belsize Residents Association – object 1. The length of the main extension seems excessive and likely to cause loss of light to the immediately adjacent neighbours. In order to determine if this be the case, Right to Light study should be submitted, in addition to the illustration of the wider context of rear extensions. This is necessary in order prevent a compounded negative effect of this extension on the neighbours 2 The shallow, stepped pitches of the proposed roofs are incongruous with the steep pitched roofs of the host building. In addition, the taller of the roofs cuts insensitively into the original brick banding of the host building (the single story bay window resolves this design feature much better)					

Site Description

The site comprises a two storey red brick detached Victorian property that has been sub-divided into 3 self-contained flats. The application relates to the basement and ground floor flat. Formerly to the rear of the property was a single storey extension.

Following planning permission in 2008 this was demolished and a two storey extension (basement and ground floor) was constructed without the benefit of planning permission to the rear of the building in 2011 (see planning history below for further details). The site benefits from a substantially sized rear garden that measures approximately 26m in length (325 sq. m). It includes a number of established trees that are mainly located around the northern and western boundary adjacent to no. 47 Lancaster Grove.

The site is located on the north side of Lancaster Grove in close proximity to the junction with Lancaster Drive that lies to the west. This part of Lancaster Grove is characterised by a mixture of detached and semi-detached properties with similarly sized rear gardens that are predominated by vegetation and trees.

The property is located within the designated Belsize Conservation Area (sub area 3: Eton Avenue) that was designated on 01st November 1985. The building has been identified in the Belsize Conservation Area Statement (BCAS) as making a positive contribution to the character and appearance of the conservation area for its group value as part of a number of buildings (nos. 45-71 odds). The statement advises "Nos. 45-51 are a group of two storey detached houses with an attic, built in red brick with red tiled roofs. They are of slightly different designs but have common decorative brickwork and rendered gables over two storey bays. Unfortunately, most of the original features have been lost, including walling to the front gardens of these properties and the chimneys of nos. 49 and 51" (page 24 of the BCAS).

Relevant History

A planning application was submitted in May 2005 (2005/2029/P) for the replacement of existing single storey rear extension with new single-storey conservatory at ground floor level linked to a new outbuilding (at lower ground level) in the rear garden with a terrace over top, including changes in garden level. This rear addition extended near the entire length of the garden and was **withdrawn** by the applicant in August 2005.

Planning permission was **granted** on 14/10/2005 (2005/3563/P) for the demolition of the existing single storey rear extension and erection of a new single-storey rear extension for the ground floor flat.

Planning permission was **granted** on the 21/08/2007 (2007/2133/P) for demolition of the existing single storey rear extension and erection of a new two storey rear extension at basement and ground floor level for the existing flat.

Planning permission was **granted** on the 15/01/2008 (2007/4905/P) for excavation of basement level with front lightwell enclosed by railings and with bridge over to the front entrance door all in connection with additional accommodation for the ground floor level flat; as a revision to planning permission granted 21/08/2007 (2007/2133/P) which allowed for the demolition of existing single storey extension and erection of a new two storey rear extension at basement and ground floor level for the existing flat.

A planning application was registered on the 06/10/2011 (2011/3657/P) for 'Revision to existing approvals 2007/2133/P and 2007/4905/P namely: revised roof with new glazed and sloping roof sections raised slightly; reduction in width of rear elevation; revised lightwells' rear revised to (sic) staircase; revised external walls with overhangs and render finish; revised ground floor plan layout.' A detailed basement assessment had not been submitted with the application. This application was

withdrawn by the applicant before a decision was made.

Planning permission was **refused** on 30/05/2012 (2012/1510/P) for excavation of basement extension to rear and erection of rear ground floor level extension above all in connection with existing flat (Class C3) (Retrospective) and warning of enforcement action to be taken. The reasons for refusal were:

(1) The proposed rear extension at ground floor level, by virtue of its height, bulk, mass, detailed design and materials, would be detrimental to the character and appearance of the host property and the surrounding Belsize Park conservation area.

(2) The development by virtue of its excessive length into the garden and height would result in loss of daylight and outlook to the neighbouring properties and would be considered harmful to the amenity of the adjoining properties

(3) In the absence of sufficient information by way of a Basement Impact Statement (including Sustainable Urban Drainage System) to demonstrate to the contrary, it is considered that the excavations to create a basement may have significant adverse impact on the structural stability of adjacent properties, drainage and the local water environment.

(4) The development, by reason of the position and size of the ground floor window in the side elevation would result in loss of privacy to no.43a

On 6 August 2012 an enforcement notice was served on the property. The Notice alleged that without planning permission the following breach of planning control had occurred at the property within the last four years:

“Excavation of basement extension to rear and erection of rear ground floor level extension above all in connection with existing flat.”

The Notice required the complete removal of the rear ground and basement floor level extension and the return of the building to the condition shown on the plans of the property as submitted in connection with the retrospective application for the 2012 Scheme within a period of nine months of its effective date of 17 September 2012.

An appeal was lodged (ref APP/X5210/A/12/2188543/NWF) against the planning decision and the enforcement notice and was dismissed on 03/03/2014 following a 3 day public inquiry. The planning appeal (Appeal A) was dismissed on the basis that (1) it would cause unjustified harm to the character and appearance of the Belsize Conservation Area; (2) it would cause harm to the living amenity of properties neighbouring the application property and (3) may adversely affect the underground drainage and the structure of the adjacent buildings. The enforcement appeal (Appeal B) was **dismissed** on the basis that it would not be appropriate to require compliance with the 2008 permission.

The applicants challenged this decision at the High Court of Appeal on 16th July 2014 with a decision dismissing the appeals issued on 01st August 2014. The requirements of the enforcement notice were held in abeyance until the appeal process was exhausted. The 9 month compliance period started on the 1st August and was due for compliance in May 2015.

On 9th October 2014 (before the expiry date of the compliance period) the owners of 45 Lancaster Grove and their agents met with Council officers to discuss proposals for a replacement rear extension. Following these discussions the current planning application was submitted.

An application for the notification of intended works to trees in the conservation area was submitted on 09th December 2015 (ref 2015/6930/T). This was for the crown reduction of the beech tree in the rear garden by 2m. The Council's Tree Officer raised no objection to the works and the decision was granted on 20th January 2016.

Planning permission was **granted** on 14/06/2017 (ref 2015/2534/P) for excavation of basement extension to the rear (retrospective) and erection of ground floor rear extension above, all in connection with existing flat (Class C3).

Relevant policies

National Planning Policy Framework (2018)

The London Plan (2016)

The Camden Local Plan 2017

Policy A1 (Managing the impact of development)

Policy D1 (Design)

Policy D2 (Heritage)

Camden Planning Guidance

The Council is reviewing and updating its Camden Planning Guidance documents to support the delivery of the Camden Local Plan following its adoption in summer 2017. The update is being carried out in two phases to manage the amount of material to be consulted on at any one time and ensure that relevant revised CPG documents take into account changes to the London Plan and to national planning policy.

The CPG documents below were adopted by Council on 26 March 2018 following consultation as Phase 1 of the review.

CPG Amenity

The following CPG documents (amended where necessary to reflect changes made in Phase 1) continue to apply until they are updated in Phase 2 of the review. Where text has been superseded by the adopted Phase 1 documents the existing CPG has been updated with relevant text “struck-through” accordingly.

CPG 1 Design (July 2015 updated March 2018)

CPG 6 Amenity (September 2011 updated March 2018)

Other supporting documents

Belsize Conservation Area Statement (BCAS) 2003

Assessment

1.0 Background

1.1 Planning permission was granted on 14/06/2017 (ref 2015/2534/P) for excavation of basement extension to the rear (retrospective) and erection of ground floor rear extension above, all in connection with existing flat (Class C3). Following lengthy discussions during the course of the application the single storey extension was revised in the following ways:

- Reduction in the length of the ground floor level from 10m to 6m
- Reduction in the height of the ground floor extension from 4.6m at its highest point to 4.5m reducing to 2.75m in the new extension
- Reduction in the width of the ground floor extension from 9.6m (at its widest) to 5.8m (at its widest)
- Retention of the bay window in the ground floor rear elevation that was partially obscured by the existing extension on site
- Amendments to the design and treatment of the extension from a contemporary white rendered extension to more traditional brick built extension
- Amendments to the form of the extension from a contrasting modern angular form to more traditional rectangular form.
- Amendments to the roof design from unusual angular roof to flat monopitch roof

2.0 Proposal

2.1 Planning permission is now sought for the erection of a ground floor rear extension and reinstatement of ground floor rear bay, all in connection with the existing flat (Class C3).

Single storey extension

2.2 The single storey rear extension would measure 8m (length) by 6.19m (width closest to the main part of the host building) to 6m (width furthest into the garden) including the single storey flat roof glazed side projection. The height of the extension would range from 4.34m (to the ridge) closest to the main rear elevation of the property for a length of 3.23m decreasing to 3.93m in height (to the ridge) for a length of 4.97m (see diagram 6 below). Both parts of the roofs of the extension would be pitched roof. A rooflight measuring approximately 2.84 sq. m would be installed in the roof of the lower element of the extension to provide light into the room below. The extension would be constructed from facing brick to match the existing building. A full height sliding door would be installed in the eastern side elevation that would be set in from the eastern façade of the main property by 0.41m. A recessed brick panel would also be installed in the eastern side elevation that would be in line with the eastern side elevation of the main property. The western side elevation would include a full height window opening measuring 4.2m (width) by 2.53m (height). The rear elevation of the extension would include full width sliding glass doors. The roof of the extension would be constructed from roof tiles to match the existing.

2.3 A glazed single storey side extension would be incorporated within the ground floor plan however it would not be incorporated within the roof of the main extension. It would measure 3m (length) by 0.5m (width) by 2.5m (height). It would be located on the western elevation of the main single storey extension and would be constructed of laminated double glazed panels.

2.4 The extension would include a living room area and dining area and a spiral staircase to provide access to the basement below. It would provide an additional 43 sq. m of floor area for the existing flat.

Changes between the approved scheme and the proposed scheme

Amendments have been made to various aspects of the scheme from the approved scheme in 2017 that relate to the ground floor extension. These include:

- Increase in length from 6m to 8m
- Changes to the roof form from mono-pitched roofs to pitched roofs

- Increase in the height of the roof from

3.0 Assessment

3.1 The main considerations associated with the application are:

- Design and impact on the character and appearance of the conservation area
- Impact on amenity

Design and impact on the character and appearance of the conservation area

3.2 The application site is located within the Belsize Conservation Area, wherein the Council has a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the area. As noted above, the application site is identified within the Belsize Conservation Area Statement (BCAS) as making a positive contribution to the special character and appearance of the area.

3.3 The Inspector in his appeal decision confirmed that the conservation area is still characterised by attractive Victorian buildings that reflect the period through their materials, scale and detailing and outlined the importance of the rear bay which further enhances the property's contribution to the significance of the historic surroundings.

Length and height

3.4 The 2017 approved scheme was revised to reduce the length of the extension from 10m to 6m. This length was considered acceptable in the context of the building and the surrounding properties and was considered to have reached its limits to which it could be extended to the rear, without causing further significant harm to the form and external appearance of the building. The length of the proposed extension at 8m is considered excessive in the context of the 2 storey host building and the surrounding properties and would be harmful to the original character and appearance of the building.

3.5 The height of the proposed rear extension would measure 4.32m to the ridge for a length of 3.2m. It then drops down in height to 3.9m to the ridge for a length of 4.89m. The higher pitch roof would project above the dentil course on the rear elevation of the main building by almost 0.5m. This partially obscures the dentil course and would not respect this architectural feature. The roof form is somewhat unresolved with a drop in the eaves height between the different sections of the extension resulting in an uncomfortable junction between the two elements of the extension. The large roof-light within the pitch of the roof breaks the solidity of the roof form leaving an awkward visual gap at the ridge of the sloping roof. This would be considered harmful to the integrity of the roof form. The overall height of the roof would add to the bulk of the extension and its unresolved form is considered unacceptable.

3.6 Due to its length and height the extension appears as a bulky appendage rather than as a subordinate and proportionate extension to the host building. Overall, the extension fails to respect the form, character and architectural integrity of the property, and is therefore considered harmful to the character and appearance of the building and the wider conservation area.

Width

3.7 Overall, the width of the proposed extension would measure 6.7m (at its widest). It would be set in from the western side elevation by approximately 5.8m. The extension would not encroach on the bay and addresses the Inspectors concerns about the impact on this feature which serves to add to the character of the host building. The proposed width is considered to be subordinate to the host building and allows the original elevation of the host building to be clearly read.

3.8 It is recognised that the extension is close to the side window of the bay window it must be noted that the extension would not interfere with it. It would allow for the retention and appreciation of the existing bay window that had been identified in the Inspector's decision as a feature of merit and its reinstatement is therefore considered acceptable.

Detailed design

3.9 The proposed extension would be constructed from brick work to match the existing property. This would complement the architectural style and age of the existing building. Recessed windows have been designed into the western and eastern side elevations of the extension to provide some relief and interest in the flank facades. The use of roof tiles to match the existing roof tiles is considered acceptable. If the scheme had been acceptable in all other respects a condition would be attached to any permission requiring the submission of a brick sample to ensure that it matches the existing brickwork.

Amenity

3.10 Policies A1 (Managing the impact of development) seek to ensure that the existing residential amenities of neighbouring properties are protected, particularly with regard to visual privacy, outlook, sunlight, daylight and overshadowing, noise and vibration levels.

3.11 The main properties that are likely to be affected by the proposal are the house at no. 43a Lancaster Grove and the ground floor flat at no. 47 Lancaster Grove.

Overlooking / Loss of privacy

3.12 The proposed single storey rear extension would include a set of full height double glazed door openings on the eastern elevation and two picture windows on the western side elevation. The windows in the western elevation would be 5.8m from the boundary of the neighbouring property at no. 43a and the windows in the eastern elevation would be 1.5m from the boundary with no. 47. Due to the orientation and stepping of the buildings the windows would not provide direct views into neighbouring windows or gardens. If the scheme had been acceptable in all other respects a condition would have been attached to any permission to obscure glaze the windows in the western side elevation to restrict light spill (see para 3.19 below) and this would also remove the potential for any further overlooking from these windows.

3.13 Any views out of the skylight towards the neighbouring windows in the rear elevation of the upper floors of the application building itself would be restricted by the parapet and roof of the higher element of the single storey extension. It is not considered that there would be any direct overlooking or loss of privacy to neighbouring properties.

Daylight

3.14 The western elevation of the extension would be approximately 5.9m to 6.1m away from the boundary with the neighbouring property at no. 43a. Due to its distance from the boundary with this property it is considered that the proposal would have an acceptable relationship with this property and its occupiers in terms daylight.

3.15 No. 47 is on the east side of the property and has been converted into flats. One of the flats is on the ground floor and has a principal room at the rear with a bay window. The rear garden area for the ground floor flat is immediately outside the bay window and along the eastern side of this garden is the boundary with the application site. The higher element of the proposed single storey extension that projects out 3.2m from the rear elevation of the application building would not be visible from the windows in the rear elevation of no. 47 due to the stepped nature of the properties. The lower element of the extension would project beyond the rear elevation of no. 47 by 4.89m.

3.16 The BRE guidelines for assessing the skylight impact of extensions adopt a "45° approach" and advise a line be drawn in elevation diagonally down at an angle of 45° away from the top of the development and in plan diagonally back at an angle of 45° towards an affected window. If the centre of a window lies on the development side of both the 45° lines then the development may well cause a significant reduction in skylight. The centre of the ground floor bay window to no. 47 does not lie within both lines so there would not be a significant impact on daylight.

Sunlight

3.17 In terms of sunlight, the BRE guidelines suggest that living rooms and conservatories should be

checked if they have windows facing within 90° of due south. The proposed single storey rear extension faces north and the potential affected windows in the neighbouring properties face north. The proposal would not have an adverse impact on the sunlight to the neighbouring properties.

Sense of enclosure

3.18 The proposed extension would measure 2.75m in height to the eaves and would be 1.2m from the shared 1.8m high boundary fence with no. 47. Its length beyond the rear elevation of the neighbouring property would be approximately 4m in length. This would ensure the extension would not unduly dominate the rear room and garden of the ground floor flat and would retain an acceptable level of outlook and would be considered acceptable.

Light spillage

3.19 Due to the sizes of the windows in the western side elevation of the single storey rear extension there may be the potential for light spill if artificial lighting were to be used late into the evening. If the proposal was considered acceptable in all other respects to prevent any harm to surrounding occupiers, a condition would be attached requiring these windows to be obscure glazed.

4.0 Recommendation

4.1 Refuse planning permission