

Delegated Report		Analysis sheet		Expiry Date:	14/01/2019
		N/A / attached		Consultation Expiry Date:	16/02/2018
Officer			Application Number(s)		
Leela Muthoora			2018/4156/P		
Application Address			Drawing Numbers		
168 West End Lane London NW6 1SD					
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature		
Proposal(s)					
Erection of a ground floor rear extension to mixed-use existing retail and cafe (Sui Generis).					
Recommendation(s):		Refused			
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	01	No. of objections	01
Summary of consultation responses:	<p>A site notice was displayed between 21/11/2018 and 15/12/2018. A press notice was published in a local newspaper on 22/11/2018.</p> <p>One objection was received from a resident from Lymington Road and relates to</p> <ol style="list-style-type: none"> 1 Size of extension. The extension would be one third bigger leading to addition noise from the extended use and the impact on neighbouring amenity 2 Additional mechanical plant from the increase in capacity, would lead to an increase in noise. 3 Additional delivery and servicing vehicles leads to an increase in disruption. 4 Non-compliant with the neighbourhood plan as in does not enhance the character of the CA 5 Experience of non-compliance with permitted opening hours and hours of operation during construction / conversion to café/retail <p><i>Officer response</i></p> <ol style="list-style-type: none"> 1. See Design section 2.2 and Amenity section 3.2 and 3.6 in the assessment below. 2. See Amenity section 3.2 in the assessment below. Additional mechanical plant has not been proposed in this application. A new extract duct and filter box has been proposed to the flat roof and addressed in the revised acoustic report. 3. Servicing and delivery. See Amenity section 3.7 in the assessment below. 4. Conservation Area/Neighbourhood Plan. See Design section 2.3 and 2.4 in the assessment below. 5. Non-compliance with permitted opening hours can be reported to the planning enforcement team to investigate further. 					
CAAC/Local groups comments:	No responses received					

Site Description

The application site is a mixed use retail and café unit arranged over the basement and ground floors of a four storey plus basement and attic host building situated on the eastern side of West End Lane. The commercial units from 166 to 174 West End Lane are located at the basement and ground floors and the upper four floors form a purpose built block of residential flats, Canterbury Mansions. The site also shares a boundary with 158-164 West End Lane.

The site is not listed but identified as a building that makes a positive contribution within the West End Green Conservation Area.

The site is located within the Fortune Green and West End Lane Neighbourhood Development Area.

Relevant History

2017/0628/P Installation of replacement shopfront. **Granted 29 June 2017.**

2017/0630/A Display of 1x externally illuminated fascia sign, 1x internally illuminated projecting sign and retractable awning. **Granted 29 June 2017.**

2017/0631/P: Change of use of ground and lower ground floor to mixed-use retail and cafe use (Class A1/A3) (Sui Generis). **Granted 29 June 2017.**

166 and 168 West End Lane

CTP/G5/3/Q/24229/R The installation of a new ground floor frontage. **Granted 27/04/1977**

AD561 The erection of two internally illuminated fascia signs each of length 19' (5.7m) and depth 3' (0.9m) to read "KWIK COPY CENTRE" on a white background, the sign to be 11' (3.3m) above the footway. **Granted 27/04/1977**

G5/3/P/9737 The continued use of the ground floors of Nos. 166/168 west End lane, N.W.6. for office purposes. **Granted 22/10/1970**

G5/3/P/9196 The Council is not satisfied on the evidence produced that the ground floors of Nos 166-168 West End Lane, N.W.6. Have been continually used for primarily Office purposes since the end of 1963, as required by the Town and Country Planning Act, 1968. **Refused 24/09/1970**

Relevant policies

National Planning Policy Framework (2019)

The London Plan (2016)

London Borough of Camden Local Plan (2017)

A1 Managing the impact of development

A4 Noise & Vibration

D1 Design

D2 Heritage

TC4 Town Centres

Camden Supplementary Planning Guidance

CPG Design (2018) Chapter 5 Alterations and extensions in non-residential development

CPG Amenity (2018)

CPG Town Centres (2018)

West End Green Conservation Area Appraisal and Management Strategy 2011

Fortune Green and West Hampstead Neighbourhood Plan 2015

Policy 2: Design & Character

Policy 3: Safeguarding Conservation Areas and Heritage Assets

Policy 13: West Hampstead Town Centre

Assessment

1. Proposed Development

This application seeks planning permission for the erection of a single storey infill rear extension above the existing lower ground floor extension. The details are as follows:

- 1.1 Location: The proposed single storey rear extension would be at rear ground floor level which would infill between the boundary walls to 158-164 West End Lane and the rear access corridor/hallway elevation to Canterbury Mansions and would extend to the boundary line of 2 Lympington Road at the rear of the site.
- 1.2 Size: It would be approximately 9m wide to a depth of 4.5m beyond the ground floor rear elevation, and due to the difference in ground level, would be to a height of 7m above the ground level and approximately 7.5m to the ridge height of the roof lantern.
- 1.3 Materials: The proposed extension would consist of 'red' brick to match existing, with four timber sash windows painted white to the rear elevation and a pitched roof lantern with a dark timber frame and double glazing measuring 5.8m width x 2.35m depth. The existing windows to the bay and the windows to the corridor/hallway would have one way mirrors to allow light between the proposed floor space and existing areas.
- 1.4 Revisions: Following officer advice, amendments to the original proposal were made to the following elements:
 - 1.4.1 The roof height of the extension was amended from to 4.8m to 4.5m to reduce the height from nearest neighbouring window to the flat above.
 - 1.4.2 The roof ridge of the lantern was originally proposed as level with the window cill of nearest neighbouring window to the flat above the proposal. This was amended to reduce the height from being level with the window cill to the flat above to 0.3m below the window cill.
 - 1.4.3 The proposed roof lantern has been amended to a reduced size and with non-openable and obscure glazing.
 - 1.4.4 The windows to the rear elevation were initially proposed as 'tilt and turn' slim casement windows and were amended to non-openable and obscure glazed timber sash windows to match the windows at the upper levels.
- 1.5 A site visit was carried out on 01 November 2018. The site was viewed internally from the rear of the premises, adjacent residential access corridor/hallway to Canterbury Mansions and from the nearest neighbouring flat above the site at the 1st floor level. The site was also viewed externally from the rear property at 2 Lympington Gardens and the lower ground floor access route.

2. Planning Considerations

The key considerations in the assessment of this application are the impact of the development on the host building and the Conservation Area, and the impact on the amenity of neighbouring properties, summarised as follows:

a) Design

b) Impact on Amenity

- 2.1 Context: The extension would infill the existing rear 'yard' space between the boundary wall of 158-164 West End Lane and the residential access corridor/hallway to Canterbury Mansions. The corridor/hallway is accessed from Lymington Road and is set back from the rear elevation to allow light to the windows of the commercial units at 166-178 West End Lane; the corridor/hallway allows access from Lymington Road to the upper residential floors of Canterbury Mansions where it connects via a hallway adjacent to the application site. The corridor/hallway runs parallel with the boundary of 2 Lymington Road and there is a light well to the rear basement level which allows access to the lower levels of the West End Lane commercial units. The proposed extension would infill the area between the corridor/hallway at the rear ground floor level, the boundary wall to 158-164 West Lane and the boundary line to 2 Lymington Road, directly beneath the residential flats and to the rear of the adjacent commercial unit. The applicant has recently acquired the basement rear access and storage areas of the neighbouring unit as well as owning the ground floor rear yard space; as a result, the proposal would enclose the neighbouring unit, to the extent that there would no longer be a clear demarcation between them.
- 2.2 Subordinate: In order for a new extension to be subordinate to the original building, its height and depth should respect the existing common pattern of rear extensions at neighbouring sites. Whilst the scale of the host building may allow for a small addition, due to the complexity of the existing situation at ground floor level with neighbouring windows, its form, proportions and siting of the extension it would not be considered subordinate to the host building. The proposal would extend to the rear boundary line at number 2 Lymington Road. The application site has an existing basement extension, the roof to this basement extension projects above the ground level by 2.8m at this boundary. The proposed extension would be an additional 3.7m in height and 4.5m to the roof ridge. The proposal would make the total height from the neighbouring ground level approximately 7.5m to the ridge height of the roof lantern. This has the effect of one and a half storey extension which would not be considered subordinate. The dominant height of the proposal at this boundary would not be considered human in scale and would be disproportionate to the adjoining properties, contrary to the NDP policy 2 for design and character and the Local Plan Policy D1 for Design.
- 2.3 Impact on conservation area: The West End Green CAAMS states that 'The east and west of WEL are lined with predominantly red brick houses and mansion blocks, which are characteristic of the area which form a coherent area that was almost all built within 50 years. The mansion blocks have a uniformity that is a positive contrast to the individualistic character of the houses. Details are bold and repetitive, boundaries and hedges are neat, the roofline of the blocks makes simple skylines.' Whilst it is acknowledged that the scale of the mansion block may allow some capacity for additions, this block remains unaltered to the rear elevation and the additional bulk to the rear would be discordant and have detrimental impact on the original design and proportions of host building, contrary to the NDP policy 2 for design and character and the Camden Local Plan Policy D2 for Heritage.
- 2.4 Loss of bay architecture: The West End Green CAAMS states the appearance of all buildings within the conservation area is harmed by the loss of original architectural details, and expect them to be retained and protected and only replaced where they are beyond repair. The rear elevation of the mansion block is unaltered and includes the architectural feature of a projecting bay window running vertically from the ground to third floors. The extension would enclose the neighbouring bay window at the rear ground floor level and therefore it is considered that the proposal would not preserve this architectural feature or respect the projecting bay that is read as a continuous architectural feature to the upper floors. The elevation is visually prominent from the views of the rear gardens of Lymington Road, notwithstanding that these are private views, the proposal would

harm the appearance of this rear elevation from the local views and would be exacerbated by the proposed height and bulk which is considered to have a detrimental impact on the character and appearance of the West End Green Conservation Area, contrary to the NDP policy 2 for design and character and the Camden Local Plan Policy D2 for Heritage.

- 2.5 It is acknowledged that, following amended design to the windows to the proposed extension, the windows would relate to the existing windows at upper levels in style. However, the number and size should be reduced to be subordinate to the window arrangement at upper levels. The siting of the windows at 3.5m above the ground level of the neighbouring garden, in addition, their position on the boundary line would result in a dominant feature to this boundary to Lymington Road, contrary to the NDP policy 2 for design and character and the Camden Local Plan Policy D1 for Design. Were the extension to be considered acceptable, the number and size of windows would need to be reduced to be considered sympathetic to the host building and buildings nearby.
- 2.6 In relation to the new extractor roof vent positioned on the flat roof to the proposed extension, whilst it would be located behind a parapet it would be within 5m of the nearest neighbouring windows to the flat above the site and visible from this building. Therefore it would be contrary to D1 Design of the Camden Local Plan.
- 2.7 In summary, the proposed extension would not be subordinate to the host property, respect and preserve the historic pattern and established townscape of the surrounding area, including the ratio of built to unbuilt space and be out of character for a group of buildings that are unaltered at the rear resulting in harm to the character of the host building and the character and appearance of the West End Green Conservation Area would be contrary to policies D1 Design and D2 Heritage of the Camden Local Plan.

3. Impact on Amenity

- 3.1 Policy A1 of the Camden Local Plan states that extensions and alterations to food, drink and entertainment uses should not have a detrimental impact upon the amenity of neighbouring residents by way of noise disturbance, privacy, loss of sunlight/daylight and outlook.
- 3.2 Effect on working conditions of adjacent non-residential buildings: The proposal would entirely enclose and abut the east facing windows to the adjacent commercial unit at number 166 West End Lane. The existing outlook is a view of garden spaces to Lymington Road, the proposal would result in a view of the interior of a café. The proposal seeks to build right up to this existing bay window and includes one-way mirrored windows within the bay and a small lightwell between the extension and the existing elevation. Whilst this may allow some day and sunlight to enter the unit, the amount of daylight and sunlight that the occupiers would experience is significant. As the development would be attached to the existing rear elevation, it would also fail the 25-degree and 45 degree tests, as set out in Camden Planning Guidance for Amenity, indicating that the development would result in a detrimental effect on the amount of light entering the rear of the neighbouring commercial unit. The proposed extension to the rear ground floor level seeks to enclose this neighbouring unit at ground floor level, to the extent that there would no longer be a clear demarcation between the units. It is considered that the development would result in an overbearing sense of enclosure and would have a negative effect of the working conditions of its occupants.
- 3.3 Daylight and sunlight: The impact on the daylight and sunlight entering the rear of the shop at number 166 has been addressed in section 3.2. The proposal would also entirely enclose the south facing windows to the adjacent corridor/hallway to Canterbury Mansions. The amount of daylight and sunlight entering the corridor/hallway through the south facing windows to the access to Canterbury Mansions would be adversely affected due to their enclosure and the overbearing

nature of the development right up against these windows.

- 3.4 Outlook: The extension would be visible from private vantage points from the rear elevations and gardens of the properties on Lymington Road as outlined in section 2.4 as well as from the adjacent commercial property at number 166 West End Lane and Canterbury Mansions as assessed in section 3.2 and 3.3. The existing basement flank wall and roof projects 2.8m above the ground level and is screened by a fence. The proposed rear elevation would extend to the boundary line and project 7m above the ground level. As a result, it would impact the visual amenity and create an increased sense of enclosure to the neighbouring gardens in Lymington Road.
- 3.5 Light spillage: The proposed floor plans show the extension would be for additional seating. It is more than likely that the area would be artificially lit during the hours of operation, which are identified in the previous planning permission as 7am to 9pm Monday to Sunday. The roof lantern would be 0.5m from the nearest residential neighbouring window to the floor above and would have a pitched roof which terminates 0.5m below this window. It is acknowledged that the proposed windows to the rear elevation will be non-opening and obscure glazed, however, glazing allows light spill during the hours of opening. Due to the increased activity within the proposal and its proximity to the nearest residential neighbouring properties and the large roof lantern proposed, it would result in an unacceptable increase in light trespass and would be detrimental to the neighbouring residential properties to the rear and above the site in terms of light pollution.
- 3.6 Noise: Food & drink uses can be particularly difficult in terms of noise and disturbance when close to noise sensitive facades, such as in this instance. It is considered, that the proposed use of the extension as additional seating for the café would have a detrimental increase in accumulative noise levels. Were the proposal considered acceptable in other respects the Council would seek that there were no noise generating activities associated with the use carried out in this area within specified operating hours. A new extractor roof vent to the mechanical ventilation equipment is proposed and the applicant submitted a revised acoustic report which has been reviewed by The Councils Environmental Health officer. The report found the suggested noise levels and mitigation reasonable and practicable to ensure noise compliance subject to conditions regarding maximum capacity noise levels, installation of acoustic screening and mounting of anti-vibration isolators. However, as the proposal is contrary to local development plan policies, in relation to a number of the main issues set out above, I have not addressed this matter further.
- 3.7 Servicing: The Council expects that deliveries and refuse collections to be carried out between 08:00-20:00hrs. Due to the constrained location of the site and the increase in café use, were the Council recommending the proposal for approval, a delivery and servicing management assessment and a Construction Management Plan would be secured by planning obligation. However, as the proposal is contrary to local development plan policies, in relation to a number of the main issues set out above, I have not addressed this matter further.
- 3.8 Observations were made during the site visit that no. 2 Lymington Road is in use as a hotel, there is no planning history to confirm its lawful use. The latest planning permission was for the change of use to three self-contained flats in 1988. Irrespective of its current lawful use we are required to consider the impact of the development on the occupants' amenity.
- 3.9 Whilst it is accepted that there are no clear guidance for amenity standards for commercial units, it is considered that due to the enclosure of the rear yard, this proposal constitutes unneighbourly development in a highly constrained location, building right up against neighbouring windows. Whilst the Council do understand and support businesses looking to expand within the borough, on balance the application site is highly constrained and due to the small existing rear elevation as well as the amount of neighbouring windows that look onto this space, it is not suitable for further development in this instance. Therefore, the proposed extension by reason of its bulk, size,

height and proximity to the neighbouring windows is considered to result in an overbearing structure which would be detrimental to the amenity, living and working conditions of neighbouring occupiers. The proposal would result in an increased sense of enclosure, light spill and noise and would be detrimental to the amenity of neighbouring occupiers, contrary to policy A1 of the Local Plan 2017.

4 Other considerations: Use

- 4.1 Balance of use: The permission for retail and café mixed use in 2017 was assessed and considered acceptable as a mixed use only, and as a class use of its own under Sui Generis. The Council seeks to ensure a mix and balance of uses within the core town centre frontages. The planning permission for mixed use included a condition that the use was considered acceptable as it included a designated retail area to the front of the unit and therefore protected the retail viability within the West End Lane town centre location. The Camden Local Plan Town Centre policy TC4 seeks to resist more than 25% food, drink and entertainment premises within a core frontage and no less than 75% retail within a frontage. The proposed plans show an additional 16 covers to the existing 16 covers within the proposed extension, which effectively doubles the cafés capacity. Whilst the proposal does not specify the loss of retail, the increased capacity of the café would alter the balance of the use, making it the primary use, which would not be acceptable within this town centre location core frontage. As a result would be contrary to policy TC4 Town Centre Uses of the Camden Local Plan and Policy 13 of the Fortune Green and West Hampstead Neighbourhood Plan 2015.

5 Conclusion

- 5.1 The proposed extension by reason of its siting, height, bulk and mass would fail to be subordinate to the host building and be out of character for a group of buildings that are unaltered at the rear resulting in harm to the character of the host building and the character and appearance of the West End Green Conservation Area contrary to policies A1 (Managing the impact of growth and development), D1 (Design), D2 (Heritage) of the London Borough of Camden Local Plan and policies (Design & Character) and 3 (Safeguarding and Enhancing Conservation Areas and heritage sites) of the Fortune Green and West Hampstead Neighbourhood Plan 2015.
- 5.2 The proposed extension, by reason of its size, height and location abutting the neighbouring windows, would result in an increased sense of enclosure, light spill, noise and loss of outlook and daylight and sunlight which would be detrimental to the living and working conditions of neighbouring occupiers, contrary to policy A1 (Managing the impact of development) of the London Borough of Camden Local Plan 2017.

6. Recommendation – Refuse planning permission