

Planning Appeal Statement

**Flat 1, Sussex House, Glenilla
Road, NW3 4AU**

Prepared For
Mr Alan Craig

**9282
May 2019**



bell cornwell

CHARTERED TOWN PLANNERS

Bell Cornwell LLP, Unit 2, Meridian Office Park, Osborn Way,
Hook, Hampshire RG27 9HY

01256 766673 | info@bell-cornwell.co.uk | bell-cornwell.co.uk



CONTENTS

1	INTRODUCTION	1
	The Site and Surroundings	2
2	PLANNING POLICY CONSIDERATIONS	5
	The Development Plan	5
	Reasons for Refusal	5
3	SUMMARY AND CONCLUSIONS	11
	APPENDIX 1 – DELEGATED REPORT	12



1 INTRODUCTION

1.1 This statement is prepared in support of the planning appeal made by Mr Alan Craig against the London Borough of Camden Council's decision to refuse planning permission for a single storey extension to the property known as Flat 1, Sussex House.

1.2 The application was given the reference number 2018/5842/P and is assessed against the following drawings and application documents:

- 294-DWG-000;
- 294-DWG-001;
- 294-DWG-020;
- 294-DWG-021;
- 294-DWG-100 Rev P2;
- 294-DWG-120 Rev P2;
- 294-DWG-121 Rev P2;
- 294-DWG-123 Rev P2;
- Design & Access Statement (dated 04/03/2019)

1.3 A further drawing is submitted with the Appeal, reference 294-DWG-100, which includes a variation in the rooflight arrangement (see paragraph 2.25 for further details) and has not been previously seen by the Council.



THE SITE AND SURROUNDINGS

- 1.4 The appeal site relates to a ground floor flat (Flat 1), located within Sussex House on Glenilla Road, in the Belsize Conservation Area of Camden. The flat is a single aspect property with a living room/kitchen facing a small private patio and communal gardens at the rear of the block. The building extends to five storeys and is detailed with 6-and-6 sash windows and crenellations at its roof level.



Figure 1. Photo of Sussex House from Glenilla Road

- 1.5 Due to its height, it is an imposing structure that is not in keeping with the 2 and 3 storey houses that are otherwise found along Glenilla Road. This is also the view set out in the adopted Belsize Conservation Area Statement (BCAS), which describes Sussex House as “*an overbearing flat block significantly larger than the other buildings in the street*”. The BCAS goes on to identify the building as a negative feature, due to it being “*an oppressively large block*”. It is therefore officially recognised as detracting from the character and appearance of the conservation area.
- 1.6 Glenilla Road is also described in the BCAS and is assessed as having an inconsistent character due to the variety of buildings of different ages, materials, styles and heights along its southern side. The consequence is a mix-match of property types and architectural quality which removes from the sense of any special architectural or historical merit it might otherwise have.



- 1.7 This inconsistency is also found along the rear of the properties, with several of the buildings having been extended or altered in some way.

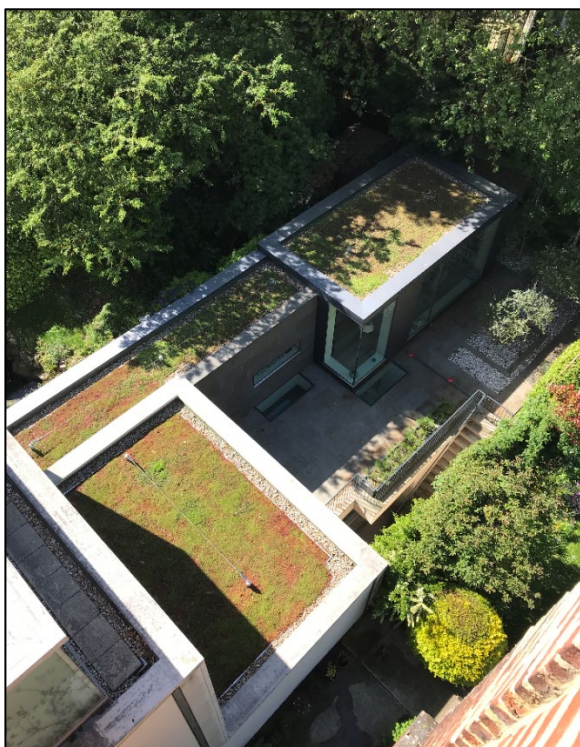


Figure 2. Rear extension of neighbouring property



Figure 3. Rear building line extends beyond rear wall of Sussex House

- 1.8 Sussex House has on the other hand remained unaltered. However, this is not necessarily uncommon for flatted developments, due to their arrangement over several storeys and divided ownership, which make extensions and other alterations more difficult to realise. Indeed, the online planning register reveals that the site has not been the subject of any planning applications other than the application subject to this appeal and those relating to trees works.



1.9 Table 1 below sets out the planning history for Sussex House.

Application Number	Site Address	Development Description	Status	Date Registered	Decision
2018/5842/P	Flat 1, Sussex House 14-26 Glenilla Road London NW3 4AR	Single storey rear extension	FINAL DECISION	15-01-2019	Refused
2018/2784/T	Sussex House, 14-26 Glenilla Road London NW3 4AR	REAR GARDEN: 1 x Sycamore (T1) - reduce by 30% back to previous points	FINAL DECISION	18-06-2018	No Objection to Works to Tree(s) in CA
2016/3242/T	Sussex House 14-26 Glenilla Road London NW3 4AR	REAR GARDEN: 3 x Poplars - pollard back to previous points.	FINAL DECISION	14-06-2016	No Objection to Works to Tree(s) in CA
2011/5257/T	Sussex House 14 - 26 Glenilla Road London NW3 4AR	REAR GARDEN: 1 x Sycamore - Reduce by 25%. 1 x Yew - Thin by 20%.	FINAL DECISION	19-10-2011	No Objection to Works to Tree(s) in CA
2011/5205/T	Sussex House 14 - 26 Glenilla Road London NW3 4AR	(TPO Ref. C973) REAR GARDEN: Black Poplar - Fell to ground level.	FINAL DECISION	18-10-2011	Approve Works (TPO)
2011/2039/T	Sussex House 14 - 26 Glenilla Road London NW3 4AR	REAR GARDEN: 1 x Sycamore - Crown reduce by 30%. Deadwood and shape. 5 x Lombardy Poplar - Reduce crown to previous reduction points. Remove deadwood. 1 x Yew - Reduce crown by no more than 1m and shape.	FINAL DECISION	04-05-2011	No Objection to Works to Tree(s) in CA
2011/2038/T	Sussex House 14 - 26 Glenilla Road London NW3 4AR	(TPO Ref. C973) REAR GARDEN: Black Poplar - (Option 1) Fell to ground level. (Option 2) Reduce crown to previous reduction points. Remove deadwood.	FINAL DECISION	04-05-2011	Part Granted/Refused
2011/0601/T	Sussex House 14 - 26 Glenilla Road London NW3 4AR	REAR GARDEN ADJACENT TO BOUNDARY WITH 12 GLENILLA ROAD: 1 X Black Poplar - Fell 1 X Lombardy Poplar - fell	FINAL DECISION	09-02-2011	Part Granted/Refused
2005/1335/T	Sussex House 14 - 26 Glenilla Road London NW3 4AR	FRONT GARDEN 1 x Robinia - fell. REAR GARDEN 1 x Holly - reduce 1-1.5m 1 x Yew - reduce back by approx 1 to 1 1/2m around the sides and top. 1 x Italian Poplar - pollard, remove deadwood, de-sucker. 5 x Lombardy Poplar - pollard. 1 x Prunus - reduce 15%, thin, remove deadwood, reshape. 1 x Prunus - fell.	FINAL DECISION	07-04-2005	No Objection to Works to Tree(s) in CA
TC9906686	3, SUSSEX HOUSE GLENILLA ROAD LONDON NW3 4AR	Deadwood 1x Acacia in front garden and clear away 1x fallen Laburnum in rear garden and cut back branches of 1x Cherry tree in adjacent garden.	FINAL DECISION	06-09-1999	No objection to works-TCA-Council spec

Table 1. Planning History (Source: www.planningrecords.camden.gov.uk)



2 PLANNING POLICY CONSIDERATIONS

THE DEVELOPMENT PLAN

- 2.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications should be determined in accordance with the Development Plan unless material considerations indicate otherwise.
- 2.2 For the purposes of this appeal, the Development Plan comprises of policies from the:
- Camden Local Plan (adopted 2017);
 - Camden Site Allocations Local Development Document (Adopted 2013);
 - Policies Map;
 - London Plan 2016

REASONS FOR REFUSAL

- 2.3 Two reason for refusal were given in the Council's decision notice, which we set out in full below:
1. *The proposed rear extension, by virtue of its siting, scale and detailed design, would cause harm to the character and appearance of the application building and would fail to preserve and enhance, but instead would detract from the character and appearance of the Belsize Conservation Area, contrary to Policies D1 and D2 of the Camden Local Plan 2017.*
 2. *The proposed rear extension, by virtue of the proposed skylights on the roof, would cause harm to the residential amenity of the neighbouring property above by way of lightspill contrary to Policy A1 of the Camden Local Plan 2017.*
- 2.4 Further information is then provided in the Delegated Report (**Appendix 1**) which sets out the Council's detailed planning assessment.

Reason 1

- 2.5 The first reason for refusal relates to the impact of the proposed rear extension on the character and appearance of the Belsize Conservation Area and therefore a designated



heritage asset. In examining the Delegated Report, much is made of the significance of the host building, with Officer's taking a different view to the Belsize Conservation Area Statement (BCAS) which identifies Sussex House as a negative feature.

2.6 On the contrary, the Case Officer concludes that:

"The building itself, which dates from the 1920s, is considered to represent a striking example of brick modernism, designed to be reminiscent of a fortress, with crenellations and detailed entrance surround; and the rear elevation is as carefully composed as the front. A symmetrical pair of wings flank a central stair tower of offset arched openings."

2.7 This change in emphasis is unfortunate as it contradicts the findings of the Conservation Area Statement. In any event, we disagree with the Officer's findings and take the view that greater weight should be placed on the BCAS, as this is an adopted document that would have been through the normal consultation process and scrutiny. In our opinion, and as per the BCAS, the building is not exceptional and whilst we agree that it is striking, we do so because of its size and monolithic appearance, rather than any special architectural quality or significance.

2.8 The character of Glenilla Road is also unremarkable and whilst it finds itself within the Conservation Area, it is the neighbouring streets of Belsize Park Gardens, Belsize Avenue and others, which add mostly to its important character, often due to their more uniform appearance and classic stucco facades. In contrast, Glenilla Road has a great deal of variety in its appearance, type and age of buildings. Indeed, in our judgement, the western end of the street, where the appeal site is located, makes very little contribution to the special character and appearance of the Conservation Area.

2.9 Had the Officer come to the same conclusion, then it is possible that their assessment of the building's significance would have also changed. Unfortunately, the significance of the building has instead been overstated.

2.10 Even so, the proposed development is also entirely at the rear of the property, where it would make no impression on the public face of the street as it cannot be seen from the public realm. Although we note that Council is not only concerned with the parts of the Conservation Area that can be seen, this does not detract from the fact that the rear side of properties tend to be less important to the character and appearance of the area. It is also evident from the extension and remodelling of neighbouring houses that alterations at the rear of the



properties has generally been deemed to be acceptable by the Council and reinforces this point. Indeed, the rear building line extends far further out than at the appeal site as a result.

- 2.11 The proposed extension would nevertheless be a modest addition to the building extending to a single storey only. Given the rearward extensions of neighbouring properties, this would not be out of keeping with that form. Indeed, the extension will only project approximately 3.4m from the back wall of the building, which contrasts with the neighbouring wall (on the share boundary) that extends out by approximately 7.5m.
- 2.12 Whilst we understand that Sussex House has to date retained its original form, which may be the Council's motivation for not allowing the application, the proposal would still compliment that form. Indeed, care has been made to ensure that the windows continue the line of those above and whilst horizontally the windows would be longer, this is already the case with the existing doorway. It should also be noted that the building is not in fact entirely uniform at the rear. For example, there is a basing flat on the opposing side of the property, together with an associated lightwell.



- 2.13 Furthermore, whilst it does relate to a flat, in our opinion the proposed extension would be no less acceptable than the development that has been allowed on either side of the property, shown in Figures 3 and 4 above.



- 2.14 The officer also expresses concern about the extension partly wrapping round the projecting part of the host building, stating that:
- 2.15 “Although the rear elevation of the proposed extension has been re-designed to better reflect the host building’s fenestration pattern, the fact the extension would partly wrap around the projecting part of the host building further contributes to the harm the extension would cause to the host building... *In this case, it is not considered that the extension would be suitably subservient, by virtue of the wrap-around element, and neither is it considered that it would respect and preserve the original design and proportions and architectural composition of the host building...*”
- 2.16 However, this amounts to an overlap of a mere 0.3m and would make little difference to the degree of subservience. We also disagree with the officer’s view that the proposal does not respect and preserve the original design and proportions and architectural composition of the host building. Indeed, care has been taken to use matching materials and fenestration that is sympathetic with the host building design, proportions and architectural composition.
- 2.17 It is also concluded that the glazed sliding doors on the side elevation and the roof lights would detract from the character of the host building. However, these features will not be particularly visible due to their location on the extension and due to the hedging around the site. They will therefore have little, if any impact on the appearance of the building.
- 2.18 We therefore disagree with the Council’s position that the proposed extension would harm the character and appearance of the building.

Reason 2

- 2.19 The second reason for refusal relates to the loss of amenity for the neighbouring building above, due to possible light-spill from the proposed rooflights, contrary to policy A1 of the Camden Local Plan 2017
- 2.20 Paragraph 5.7 of the Delegated Report expands on the reason for refusal, stating that:
- “The proposed extension may cause harm to the residential amenities of the flat above in terms of light pollution from the skylights. The roof of the proposed extension would feature 3x skylights, which protrude above the roof by 0.2 metres. Two of the skylights would measure 0.5 by 1.1 metres and the third would measure 1.5 by 2.5 metres, which represents a significant*



proportion of the roof. The largest of the skylights is located only 0.3 metres from the building edge, directly underneath a window of the flat above. Given that the skylights are intended to provide light into the ground floor flat, they are likely to be left open rather than screened with any kind of blind and it would be too difficult to condition the skylights to be covered at night. On this basis, it is considered that the skylights would be harmful to the occupiers of the flat above as a result of lightspill in the evenings. The application is recommended for refusal on this basis.”

- 2.21 The concern regarding potential light spill is therefore raised on the basis that the rooflights would be unlikely to be screened and therefore, in combination with their size and proximity to the windows of the flat above, may cause harm.
- 2.22 However, it should also be noted that the site falls within a suburban area of London where there are already significant levels of ambient light. Whilst this may be less apparent at the rear of properties, which are typically less exposed to street lighting, car lights, etc., light pollution it is nevertheless an accepted part of urban living.
- 2.23 It is also possible that the Council are concerned with more direct light into the above neighbouring windows. However, the extension is likely to be lit by recessed ceiling lights which face down into the room and therefore would not be directly visible through any of the rooflights. Whilst these could be altered over time, it would be unusual for the space to lit upwards as this would be an inefficient way to light the room.
- 2.24 The create space will also form a summer room which will see most use during the summer months, when the days are longer and therefore less need for artificial lighting. Whilst this does avoid its use during the winter months, the main living room space will be retained in its exiting position.
- 2.25 Further, the layout of the flats means that the rooms at the back the building, and above the proposed extension, are living rooms which are less sensitive to intrusive light than a bedroom, because of the way they are used. During night time hours it is also likely that the neighbours will also have their own room living room lights on or would otherwise have their curtains drawn (or blinds shut), further countering any potential impact.
- 2.26 In this case, the Appellant is also prepared to make changes to the rooflights to further minimise the potential for harm. As such, an amended drawing is provided (ref 294-DWG-1—



P3), which substitutes the larger rooflight to reduce the overall roof coverage. Should the Inspector consider that this would be a more satisfactory arrangement, then this allows for them to approve the scheme at his or her discretion, with the amended drawing.

- 2.27 In any event, we find the proposed arrangement of roof lights to be an acceptable part of the proposed development.



3 SUMMARY AND CONCLUSIONS

- 3.1 The appealed scheme is for a modest single storey extension to a ground floor flat. The Council's reasons for refusal amount to concerns on the matters of preserving or enhancing the character and appearance of the Conservation Area and safeguarding the amenity of the flat above.
- 3.2 Significantly, in assessing the application, Officers have chosen to take a contrary position to the adopted Conservation Area Statement which makes clear that Sussex House is a negative feature of the Conservation Area. In doing so, they have misdirected themselves by placing significance on retaining the building as unchanged.
- 3.3 Indeed, the area is characterised by alterations and extensions to properties, particularly at the rear which has a building line that extends beyond that of Sussex House. The proposed extension would not be nearly as abrupt in its impact than over local examples, but rather would be a modest addition that is sympathetic with the character and appearance of the host building and wider Conservation Area.
- 3.4 The design has also been carefully considered to avoid impacting on neighbouring amenity. Whilst concerns have been raised about the potential for intrusive light spilling into the neighbouring property above, we do not agree that this would be a severe as the Council believe. Indeed, the room would likely be downlit, which combined with the high ambient lighting levels would mitigate any potential harm. It should also be noted that the room above the flat is a living room which is less sensitive to light spill. The Inspector has also been given an alternative roof design which further reduces the potential for light spill, should he or she wish to approve as an amended plan.
- 3.5 Consequently, in our assessment, the proposed development complies with the aims of all relevant development plan policies and in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004. In our judgement, no other material considerations weigh against it.
- 3.6 Accordingly, it is our opinion that the appeal should be allowed.



APPENDIX 1 – DELEGATED REPORT

Delegated Report		Analysis sheet	Expiry Date:	21/01/2019
		N/A / attached	Consultation Expiry Date:	21/02/2019
Officer			Application Number(s)	
Kate Henry			2018/5842/P	
Application Address			Drawing Numbers	
Flat 1, Sussex House 14-26 Glenilla Road London NW3 4AR			Refer to Draft Decision Notice	
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature	
Proposal(s)				
Single storey rear extension				
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	02	No. of objections	02
Summary of consultation responses:	<p>A site notice was displayed on 28/01/2019 (expiry date 21/02/2019) and a notice was published in the local press on 24/01/2019 (expiry date 17/02/2019).</p> <p>An objection has been received from the neighbouring property, No. 12 Glenilla Road, summarised as follows:</p> <ul style="list-style-type: none">Sussex House has a strong architectural character and the proposed glazed extension would detract from the character and appearance of the building.Overbearing impact on No. 12 Glenilla Road and its gardenLight pollution from glazed extensionNoise transfer to No. 12 Glenilla RoadImpact on treesUnable to discern from the plans how the proposed extension would attach to the neighbouring property, No. 12 Glenilla Road.The proposal will turn the side wall of 12 Glenilla Road into a party wall and also prevent sun shining on that wallImpact on property values <p>Officer comment <i>Please see the Officer's Report below.</i></p> <p><i>The plans have been revised during the course of the application so that the extension would no longer be fully glazed; however, the comments above have been taken into consideration insofar as they are relevant to the revised scheme.</i></p> <p><i>Party wall issues and the impact on property values are not material planning considerations and cannot therefore be taken into consideration in the determination of the application.</i></p>					
Belsize CAAC	No objection					

Belsize Resident's Association

Object to this application as there is insufficient information to assess the design.

Site Description

The application site is Flat 1, Sussex House on Glenilla Road. Sussex House is a 5 storey (plus basement), red brick housing block on the south-western side of the road. The main entrance to the building is centrally placed on the front elevation and there is a communal garden to the rear, with gated access at the southern side of the building. Flat 1 is located at the rear at ground floor level at the northern end of the building and benefits from its own private terrace area, which then leads onto the communal garden.

The application site is located within the Belsize Conservation Area. The surrounding area is predominantly residential in character. Glenilla Road features a variety of buildings of different ages, materials, styles and heights.

Relevant History

None relevant

Relevant policies

National Planning Policy Framework (2018)

London Plan (2016)

Camden Local Plan (2017)

A1 Managing the impact of development

A4 Noise and vibration

D1 Design

D2 Heritage

Camden Planning Guidance

CPG Altering and extending your home (2019)

Chapter 2: Design excellence for houses and flats

Chapter 3: Extensions: rear and side

Chapter 4: Roofs, terraces and balconies

CPG Design (2019)

Chapter 2: Design excellence

Chapter 3: Heritage

CPG Trees (2019)

Chapter 2: How the Council will protect trees

Chapter 3: New & replacement planting and management

CPG Amenity (2018)

Chapter 2: Overlooking, privacy and outlook

Chapter 3: Daylight and Sunlight

Chapter 4: Artificial Light

Chapter 6: Noise and vibration

Belsize Conservation Area Statement (2003)

1. The Proposal

1.1. This application seeks planning permission for the following:

- Single storey rear extension

1.2. The proposed extension would extend out from the host building by 3.4 metres and would measure 6.3 metres wide. It would measure 3.6 metres tall.

1.3. The proposed extension would be constructed with bricks to match the existing building. The rear elevation would feature 3 sash windows, to align with the windows on the upper floors of the host building. The side (southern) elevation would feature glazed pocket sliding doors.

1.4. The extension would have a flat roof with 3 skylights which protrude above the roof by 0.2 metres. Two of the skylights would measure 0.5 by 1.1 metres and the third would measure 1.5 by 2.5 metres.

2. Revisions

2.1. The following revisions were made during the course of the application:

- The extension would be constructed with bricks to match the host building rather than being fully glazed with aluminium sliding doors on the rear and side elevations
- 3x skylights instead of 1

3. Assessment

3.1. The principal considerations material to the determination of this application are summarised as follows:

- The impact on the character and appearance of the wider area (including the Belsize Conservation Area)
- The impact on nearby and neighbouring properties
- The impact on trees

4. The impact on the character and appearance of the wider area (including the Belsize Conservation Area)

4.1. 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 that area, in accordance with Section 72 of The Planning (Listed Buildings and Conservation Areas Act) 1990 (as amended).

4.2. The Belsize Conservation Area Statement (BCAS) (2003) notes that: "*Sussex House is an overbearing flat block significantly larger than the other buildings in the street*". The building is then listed as being a negative feature of the conservation area.

4.3. Policy D1 of the Local Plan seeks to secure high quality design which respects local context and character; preserves or enhances the historic environment and heritage assets in accordance with Policy D2; comprises details and materials that are of high quality and complement the local character; and preserves strategic and local views. Policy D2 seeks to preserve and, where appropriate, enhance Camden's rich and diverse heritage assets and

their settings, including conservation areas and listed buildings.

- 4.4. Although the BCAS identifies Sussex House as being a negative feature of the conservation area, this is considered to be due to its size in the street scene, where it towers above the neighbouring buildings which are predominantly 2 or 3 storeys tall. The building itself, which dates from the 1920s, is considered to represent a striking example of brick modernism, designed to be reminiscent of a fortress, with crenellations and detailed entrance surround; and the rear elevation is as carefully composed as the front. A symmetrical pair of wings flank a central stair tower of offset arched openings.
- 4.5. The proposal to erect a single storey extension at the northern end of the rear elevation of the host building would disturb the symmetry of the building, to the detriment of the design of the whole building. Furthermore, there is no scope for re-balancing the composition because the opposed wing benefits from a lightwell at the rear. Furthermore, the flat within the opposed wing is in different ownership.
- 4.6. Although the rear elevation of the proposed extension has been re-designed to better reflect the host building's fenestration pattern, the fact the extension would partly wrap around the projecting part of the host building further contributes to the harm the extension would cause to the host building. CPG Altering and extending your home specifically notes that: *"Proposals should (a) be secondary to the building being extended; (c) respect and preserve the original design and proportions of the building, including its architectural period and style; (d) respect and preserve existing architectural features, such as projecting bays, decorative balconies or chimney stacks."* In this case, it is not considered that the extension would be suitably subservient, by virtue of the wrap-around element, and neither is it considered that it would respect and preserve the original design and proportions and architectural composition of the host building, contrary to the CPG guidance.
- 4.7. The CPG also notes at paragraph 3.5 that: *"Sometimes the rear of a building may be architecturally distinguished, either forming a harmonious composition, or visually contributing to the townscape. Where architectural merit exists, the Council will seek to preserve it where it is considered appropriate"*. In this case, the Council considers that the rear elevation of the host building is of merit and is worthy of preservation. As noted, the proposed extension, by virtue of its siting and design, would detract from the rear elevation.
- 4.8. The side elevation, which would be visible from the communal garden at the rear would feature glazed pocket sliding doors and it is considered that this design feature would detract from the pattern of fenestration across the rest of the building (sash windows with glazing bars). Whilst this would not represent a reason for refusal in itself, it contributes to the overall harm.
- 4.9. The proposed skylights on the roof of the proposed extension would also detract from the character and appearance of the host building, as they would project above the roofline and represent alien features, uncommon to a building of this age and style.
- 4.10. To conclude, it is considered that the proposal would cause harm to the host building and also to the Belsize Conservation Area, which is a designated heritage asset. Paragraph 193 of the NPPF notes that: *"When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance"*.
- 4.11. In this case, it is considered that the harm amounts to *"less than substantial harm"* and

paragraph 196 of the NPPF guides that: *“Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use”*.

- 4.12. In this case, the Council does not consider there to be any public benefits associated with the proposal that would outweigh the harm caused and therefore there is no justification for the proposed development and the application is recommended for refusal on this basis.

5. The impact on nearby and neighbouring properties

- 5.1. Policy A1 of the Local Plan seeks to protect the quality of life of occupiers and neighbours by only granting permission for development which does not cause unacceptable harm to amenity.
- 5.2. The main properties that are likely to be affected are other flats within Sussex House (the host building) and the neighbouring property to the north, No. 12 Glenilla Road.
- 5.3. It is considered that the proposal would not cause undue harm in terms of overlooking, as the single storey rear extension would provide views onto the communal garden, which is already overlooked by all the rear-facing flats in Sussex House.
- 5.4. It is considered that the proposed single storey rear extension would not cause any loss of outlook to neighbouring properties, due to its siting at the northern end of the host building, adjacent to a blank brick wall belonging to No. 12 Glenilla Road. Views from the flat above, down into the garden would be altered, but this flat would still benefit from good long-range views across the garden.
- 5.5. It is considered that the proposed single storey rear extension not would cause any loss of sunlight / daylight to neighbouring properties, again due to its siting.
- 5.6. Although concerns have been raised about noise transfer, this should be adequately covered by Building Regulations if the application was otherwise considered to be acceptable.
- 5.7. The proposed extension may cause harm to the residential amenities of the flat above in terms of light pollution from the skylights. The roof of the proposed extension would feature 3x skylights, which protrude above the roof by 0.2 metres. Two of the skylights would measure 0.5 by 1.1 metres and the third would measure 1.5 by 2.5 metres, which represents a significant proportion of the roof. The largest of the skylights is located only 0.3 metres from the building edge, directly underneath a window of the flat above. Given that the skylights are intended to provide light into the ground floor flat, they are likely to be left open rather than screened with any kind of blind and it would be too difficult to condition the skylights to be covered at night. On this basis, it is considered that the skylights would be harmful to the occupiers of the flat above as a result of lightspill in the evenings. The application is recommended for refusal on this basis.

6. The impact on trees

- 6.1. Policy A3 of the Local Plan seeks to protect and enhance sites of nature conservation and biodiversity and the policy notes that the Council will protect and seek to secure additional trees and vegetation. Part (k) requires that trees and vegetation which are to be retained, should be satisfactorily protected during the construction phase of development. Part (l) expects replacement trees or vegetation to be provided where the loss of significant trees or vegetation is justified in the context of the development.
- 6.2. Concerns have been raised about the impact on existing trees in the communal garden. There are some bushes around the edge of the private terrace belonging to Flat 1, and the

application does not make it clear whether or not these bushes would be retained as part of the proposals. However, the bushes are not considered to be so large or substantial so as to require the submission of an Arboricultural impact assessment and if the application was otherwise considered to be acceptable a suitable planning condition could require details of proposed landscaping to be approved prior to the commencement of development, in order to ensure the re-provision of vegetation on site.

Recommendation: Refuse planning permission.