

<b>Delegated Report</b>		<b>Analysis sheet</b>	<b>Expiry Date:</b>	11/04/2019
		N/A / attached	<b>Consultation Expiry Date:</b>	28/04/2019
<b>Officer</b>			<b>Application Numbers</b>	
Laura Hazelton			2019/0275/P	
<b>Application Address</b>			<b>Drawing Numbers</b>	
5 and 6 Rossllyn Park Mews London NW3 5NJ			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>Proposals</b>				
Erection of new 2nd floor extension spanning nos. 5 & 6; erection of 3 storey extension to south east corner of no.6; erection of single storey extension at 2nd floor level above existing extension to south of no.5; alterations to windows and doors at no.6.				
<b>Recommendation:</b>	Refuse planning permission			
<b>Application Type:</b>	Full Planning Permission			

Conditions or Reasons for Refusal:						
Informatives:	Refer to Draft Decision Notice					
<b>Consultations</b>						
Adjoining Occupiers:	No. notified	<b>00</b>	No. of responses	<b>16</b>	No. of objections	<b>16</b>
Summary of consultation responses:	<p>The application was advertised in the local press on 04/04/2019 and site notices were displayed between 03/04/2019 and 27/04/2019.</p> <p><b>16 objections</b> were received from the owners/occupiers of flats at 12, 13, 14 Lyndhurst Road and the Lyndhurst Road Management Company on the grounds of loss of daylight/sunlight, loss of outlook and design:</p> <ul style="list-style-type: none"> <li>• As an owner of a ground floor flat in 13 Lyndhurst Road, I am greatly concerned about the potential effects the redevelopment will have on the little daylight and sunlight we currently receive in our rear garden facing bedrooms due to the large brick wall from the above address. I vehemently object to the construction of a further extra floor on the above mentioned property as the redevelopment proposes as it will only further reduce what little daylight and sunlight I receive in the above mentioned rooms.</li> <li>• We would like to express our concerns with respect to the proposed planning and the implication this will have on our daylight at 12 Lyndhurst Road. Having read the surveyor's note and his conclusion I believe that our ground floor windows will be negatively impacted too. The surveyor states that only the lower ground windows/light will be impacted, but given the size of the "roof extension" I am convinced our ground floor will be severely impacted. We won't be able to see the "sky" anymore. The distance is just far too short.</li> <li>• I object to the proposed plans as they will block the light to our building - 13 Lyndhurst Road.</li> <li>• Quite apart from the overpowering visual impact on our development that will be created by the substantial increase in height of the proposed development immediately next to the rear boundary of the small gardens at the rear of 13 and 14 Lyndhurst Road, we are particularly concerned and worried about the major impact the proposed development will have on diminishing light to many of the flats at the Lyndhurst Road development and, above all, to Flat 1 at 13 and Flat 1 at 14, the two lower ground floor flats.</li> <li>• The analysis for 13 Lyndhurst Road shows that there are main habitable windows which will experience reductions beyond that permitted by the BRE with Living Room Windows having their VSC reduced to less than 0.8 times this former value. In conjunction with this, the same room will experience a c.40% reduction in daylight distribution, double which the BRE advocates.</li> <li>• In relation to 14 Lyndhurst Road, the analysis shows that all reductions in VSC will be within the parameters permitted by the</li> </ul>					

BRE. However, no daylight distribution analysis is submitted. Following the most recent JR decisions *Rainbird* and *Guerry*, the judge made it very clear that, “*The BRE guide is clear that both the total amount of daylight and the distribution of light within a building are important*”. As such, without this analysis an understanding of how the light will be impacted to this property cannot be reached.

- The application raises significant concerns as a result of harm to our outlook, daylight and privacy.
- From a review of the daylight and sunlight analysis, provided by the applicants’ consultants, Rights of Light Consulting, 14 Lyndhurst Road will experience reductions in its light condition beyond that which the BRE advocates and not within an acceptable margin.
- No daylight distribution analysis has been submitted. On this point alone the application is deficient and should not be granted. It does not properly represent the true position and is thus open to challenge.
- The proposed development will have a substantial deleterious impact on the outlook for our basement garden flat. A large part of the visible sky will be blocked reducing the level of sunlight on the garden and thereby unfairly restricting any occupant’s enjoyment of this precious outdoor amenity.
- The existing building already overshadows the back garden and the substantial increase in height will cause disproportionate loss by casting the garden into shade for longer periods than presently occur. The light that the basement flat gets at the moment is limited and this development will cause the flat to be in darkness for the most of the day. This is not acceptable and monetary compensation is not an option (should this be suggested by the developer).
- The bulk, height and detailed design of the roof extension along with the proposed terraces would also cause harm to the character and appearance of the host buildings and wider Mews. The disproportionality of scale will create a tunnel effect between the two properties. The so called “Artists impression” is misleading.
- The effect on the Lyndhurst Road properties of the extra floor would be overbearing; the rear windows will look out onto the blank rear wall of the mews houses which would be increased in height by 50%.
- The extended mews building will become overwhelming in scale and create a canyon effect between the two blocks of buildings.
- The additional height will block out a very large part of the visible sky when viewed from the rear windows of the Lyndhurst Road properties.
- The existing building overshadows the back gardens to the Lyndhurst Road properties for a significant period. Adding height to the building will cause disproportionate injury by casting the back gardens into shade for a significantly longer period than at present, materially damaging the residents’ outdoor amenity.
- The shadows cast by the extension would extend much higher up the back elevation of the Lyndhurst Road properties, affecting more windows – the ‘Artists interpretation’ misrepresents this.

- The scale of the proposed development and the subsequent impact on the loss of light to surrounding properties, in particular the impact on 13 and 14 Lyndhurst Road. Many of the flats within these premises have their main sitting/reception rooms facing the proposed development - specifically our flat (at ground floor) and those at lower ground floor/basement level). The development would cast shade and cut the hours of sunshine / light currently enjoyed by these premises. Due to their current 'lower' aspect, these particular properties already suffer reduced sunlight. The proposed development will exacerbate this further and may create a quite darkened and foreboding environment.
- As you will be aware, the rear (green) outdoor space enjoyed by the flats is currently very limited, but it does provide some relief to the very built up nature of the surrounding area. Effectively boxing in this area and casting additional shadow and shade here will undoubtedly affect light and the current enjoyment of this space. Whilst there may be an argument for maximising development in urban areas, the scale of this proposal needs to be considered in relation to existing properties. The negative impact on surrounding properties must be taken into consideration. Further loss of light to these premises - where there are reduced levels to start with - must be unacceptable.
- The existing three storey rear boundary wall is a large brick wall dominating the whole of the rear of 12 & 13 Lyndhurst Road which is currently quite oppressive. However, the planning application looks to redevelop and said wall a full storey higher than it is now.

A report was submitted by Alex Schatunowski and Co., a firm of Party Wall, Rights of Light and Daylight Consultants, which challenges the conclusion of the Daylight and Sunlight Report that there is no daylight/sunlight reason why planning consent should not be granted, and concludes that there would be an adverse impact on the lowest flats and gardens directly behind the application site.

<p><b>CAAC comments:</b></p>	<p>No response received from the <b>Fitzjohn's Netherhall CAAC</b> to date.</p> <p>The <b>Hampstead CAAC</b> objected to the proposed roof extension on the following grounds:</p> <ol style="list-style-type: none"> <li>1. Drawings unclear so reference to the model.</li> <li>2. The external space constriction and overshadowing of the proposed form appears to be exacerbated in viewing the model.</li> <li>3. The proposal is against policy – A1.6.5, D1.7.2 &amp; .4</li> <li>4. We agree with the Pre-app conclusion.</li> </ol>
<p><b>Councillor comments</b></p>	<p><b>Councillor Maria Higson</b> (Conservative MP for Hampstead Town Ward) objected to the application on the following grounds:</p> <p>I have been made aware of an application for an additional story to be added to 5 and 6 Rosslyn Park Mews. Whilst the official consultation period is over, I have read through the objections submitted by residents around the property and would like to add my concern to their points. Whether this can be formally considered at this point or not I don't know, but I really do feel that this development would have a material impact on those surrounding the properties.</p>

## Site Description

The application site comprises 2 x 2 storey semi-detached post war 1960s properties which are located in a mews of an intimate scale to the south of Lyndhurst Road.

The buildings are not listed, but are located in the Fitzjohns Netherhall conservation area.

## Relevant History

### No.5

2015/3209/P - Erection of front two storey part width extension, conversion of garage to residential use including new window, new windows at second floor front and first floor side elevations, replacement front door and awning, installation of two rear rooflights and replacement of two rear roofslope rooflights. Planning permission granted 16/07/2015.

### No. 6

No planning history.

## Relevant policies

### **National Planning Policy Framework 2019**

### **The London Plan March 2016**

### **Camden Local Plan 2017**

Policy A1 Managing the impact of development

Policy D1 Design

Policy D2 Heritage

### **Camden Planning Guidance**

CPG Design 2019

CPG Altering and extending your home 2019

CPG Amenity 2018

### **Fitzjohns and Netherhall conservation area statement 2001**

### 1.0 Proposal

1.1 Planning permission is sought for the following works:

- Erection of new second floor extension spanning nos. 5 & 6 measuring 22.6m wide, 5.3m deep and a maximum height of 2.6m from the internal floor level.
- Erection of three storey extension to south east corner of no.6 to match the height of the new roof extension.
- Erection of single storey extension at second floor level above existing extension to the south of no.5 to match the height of the new roof extension.
- Alterations to front elevation windows and relocation of front door at no.6 to match the design of those at no.5.
- New window openings to the east and west elevations.

1.2 Revisions

- The roof extension was revised to introduce a curved rear roof slope and reduce the massing to the rear of the roof extension. The appearance and size of the extension remained the same to the front elevation.

### 2.0 Assessment

2.1 The principle planning considerations are considered to be the following:

- Design (Impact on the character and appearance of the host building, Rosslyn Park Mews and wider Fitzjohn's and Netherhall Conservation Area); and
- Amenity (impact on neighbouring amenity in terms out daylight, outlook and privacy).

### 3.0 Design

3.1 Policy D1 aims to ensure the highest design standards for developments. Policy D1 states that the Council will require all developments to be of the highest standard of design and to respect the character, setting, form and scale of neighbouring buildings, and the character and proportions of the existing building. Policy D2 states that within conservation areas, the Council will only grant permission for development that 'preserves or, where possible, enhances' the character and appearance of the conservation area. Policy D2 also advises that in order to maintain the character of Camden's conservation areas, the Council will take account of conservation area statements, appraisals and management strategies when assessing application within conservation areas.

3.2 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 ("the Listed Buildings Act") is relevant which requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area when considering applications relating to land or buildings within that Area.

3.3 The application site is located within Sub Area 2 (Rosslyn) of the Fitzjohn's Netherhall conservation area, which has a smaller and more intimate character than other parts of the

conservation area. The Conservation Area Statement (CAS) describes Rosslyn Park Mews as being tucked away behind the larger Lyndhurst Road properties (nos. 12, 13, 14), with an intimate small scale, created in the 1860s and rebuilt in the 1970s. The CAS highlights insensitive roof alterations as being an issue in the conservation area, noting how these can harm the character of the roofscape with poor materials, intrusive dormers, inappropriate windows, and in many instances there is no further possibility of alterations.

3.4 The CAS further states that roof extensions are unlikely to be acceptable where:

- It would be detrimental to the form and character of the existing building.
- The property forms part of a group of terrace which remains largely, but not necessarily completely unimpaired.
- The property forms part of a symmetrical composition, the balance of which would be upset.
- The roof is prominent, particularly in long views.
- The building is higher than many of its surrounding neighbours.

3.5 The application buildings are different to the prevailing architectural character of most properties in the conservation area, being of a more recent 1970s design. Planning permission was granted in 1966 for the redevelopment of the mews with the erection of three three-storey terrace houses, two two-storey semi-detached houses and a two storey detached house. The application proposals relate to the two two-storey demi-detached houses, which are located to the north side of the Mews.

3.6 The proposals include the erection of a second floor extension spanning the width of nos. 5 & 6 with almost full width glazing to the front elevation. The existing two storey L-shaped projection to no.5 would be extended by a single storey so that it would be the same height as the roof extension, and a new three storey extension would be erected to the south east corner of no.6. In addition, new windows would be installed to each floor of the east elevation of no.6, two new windows to the west elevation at second floor level of no.5

3.7 In terms of the detailed design of the proposals, the roof extension would follow a similar pitch to the existing roof form to the front, before dropping off in a curved slope to the rear. The extension would cover the full width of the application plot, with no windows to the rear, although new windows would be introduced to the side (east and west) elevations and the new windows to the front elevation would match the second floor glazing of nos. 1-3 on the south side of Rosslyn Park Mews. The new windows would match the design and materials of the existing windows and the extensions would be constructed of matching materials.

3.8 Although the properties in Rosslyn Park Mews are not symmetrical, with those to the south side being a storey taller than the application buildings, it is clear that the scale, design and height of nos.5 and 6 was limited to 2 storeys with no rear windows in direct response to the relationship with the properties along Lyndhurst Road which are located less than 6m away at their closest point. This not only preserves the amenity of neighbouring residents to nos.12 – 14 Lyndhurst Road, but gives the application properties a more intimate scale, appearing as smaller mews properties which are subordinate to both the Lyndhurst Road properties and those to the southern side of Rosslyn Park Mews. Although the detailed design of the extensions to the front elevation would be sympathetic to the host and neighbouring buildings in terms of detailed design, the additional massing of an extra storey would interrupt and unbalance this relationship,



causing harm to the intimate character, appearance, and scale of Rosslyn Park Mews. Furthermore, the curved rear roofslope would be highly visible from Lyndhurst Road and would appear as an alien, incongruous feature in this location. The design of the rear roof extension would not be sympathetic to, nor reference the architectural language of the surrounding conservation area. As such, the proposals are considered unacceptable due to the harm caused to the intimate scale of the Mews within which the application site is located, contrary to policies D1 and D2 of the Camden Local Plan.

- 3.9 The principle of an extension to the south east corner of no.6 would be considered acceptable were it to be two storeys in height; however, this element of the proposals as currently proposed, as well as the second floor extension to the south west corner cannot be supported for the same reasons as detailed above.
- 3.10 The proposed extension would provide two additional bathrooms and a shower room for each dwellinghouse. Due to the shape of the roof extension, the highest central point of the room would have a floor to ceiling height of 2.3m which meets Camden's recommended minimum height; however, the majority of the floor to ceiling height would be less than 2.3m which would not be considered acceptable if this were a new dwelling. However, given the proposed roof extension is proposed to provide additional floorspace to existing dwellings, this would not form a reason for refusal.
- 3.11 Special attention has been paid to the desirability of preserving or enhancing the character or appearance of the conservation area, under s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Enterprise and Regulatory Reform Act [ERR] 2013.

#### **4.0 Amenity**

- 4.1 Policy A1 seeks to protect the amenity of Camden's residents by ensuring the impact of development is fully considered and would not harm the amenity of neighbouring residents. This includes privacy, outlook, noise, daylight and sunlight.
- 4.2 No new windows are proposed to the rear elevation and all new windows to the south, east, and west elevations are in a similar location to existing windows and would serve the same dwellinghouse. As such, the proposals are not considered to materially increase the opportunity for overlooking of neighbouring properties.
- 4.3 A Daylight and Sunlight Study has been submitted in support of the application which assesses the impact of the development on the light receivable by the neighbouring residential properties and 1 to 4 Rosslyn Park Mews, 12, 12c and 13 – 15 Lyndhurst Road. The study is based on the BRE guide 'Site layout planning for daylight and sunlight: a guide to good practice' 2011. The report concludes that the development would have a relatively low impact on the light receivable by neighbouring properties and that there is no daylight/sunlight related reason why planning permission should not be granted.
- 4.4 A review of the detailed daylight distribution calculations show that a number of windows serving habitable rooms 13 Lyndhurst Road would experience a noticeable reduction in daylight and/or sunlight. Window 61 serving a bedroom and windows 62, 63, 64 serving a living room at no.13 would see reductions equating 0.78 their former value for the bedroom window, and 0.75 times

their former value for the living room windows. BRE guidelines state that a ratio loss of 0.8 or more would be noticeable, and as such, the proposed development would result in a noticeable worsening of the current situation.

- 4.5 The proposed development would also result in increased overshadowing of the rear gardens of nos.12 – 14 Lyndhurst Road. These gardens already receive less sunlight than recommended in the BRE guidelines – against a target of at least 50% of the garden receiving at least 2 hours of sunlight on 21<sup>st</sup> March, the gardens received 10%, 12% and 23% respectively, which would reduce by more than 20% of their former value. At no.13, the area of garden receiving daylight would reduce from 12% of the garden to 7% of the garden – a loss of 58% of the sunlight available on March 21<sup>st</sup>.
- 4.6 The Probable Sunlight Hours figures suggest that nos. 12, 13 and 13 Lyndhurst Road would experience significance reductions in their Winter Sunlight Hours, with windows achieving between 0.33 to 0.78 times their former values.
- 4.7 In addition, the erection of an extra storey to the existing blank rear elevation is considered to have a considerable impact on the outlook from the residential windows to the rear windows of nos. 12 – 14 Lyndhurst Road and to create a harmful sense of enclosure. For these reasons, the proposed roof extensions are considered to result in unacceptable harm to the amenity of neighbouring residents, contrary to Policy A1 of the Camden Local Plan.

## **5.0 Conclusion**

- 5.1 The proposed roof extension, by reason of its siting, height, detailed design and massing, would be detrimental to the intimate scale of Rosslyn Park Mews and the character and appearance of this part of the Fitzjohn's and Netherhall Conservation Area, contrary to policies D1 (Design) and D2 (Heritage) of the Camden Local Plan 2017.
- 5.2 The proposed roof extension, by reason of its siting, height, and massing would cause unacceptable harm to the amenity of surrounding residential occupiers by way of loss of outlook and daylight/sunlight, contrary to policy A1 (Managing the impact of development) of the London Borough of Camden Local Plan 2017.