

Delegated Report		Analysis sheet	Expiry Date:	03/04/2019
		N/A / attached	Consultation Expiry Date:	13/04/2019
Officer			Application Number(s)	
Elaine Quigley			2018/6048/P	
Application Address			Drawing Numbers	
5 Hemstal Road London NW6 2AB			See draft decision notice	
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature	
Proposal(s)				
Erection of a first floor rear extension to the existing flat				
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	03	No. of objections	03
			No. electronic	00		
Summary of consultation responses:	<p>A site notice was displayed from 15th March 2019 to 20th March 2019.</p> <p>5 letters were received from local residents at 3 Hemstal Road, Flat D, 5 Hemstal Road; Ground floor flat, 9 Dynham Road; 11 Dynham Road; 21a Dynham Road raising the following concerns:</p> <p>Inaccuracy in the submitted documents</p> <ul style="list-style-type: none"> The applicant has stated that there are no trees on land adjacent to the proposed development site when there is a large plane tree close to the building in the garden The applicant has stated that the site cannot be seen from public road when the site is clearly visible from Dynham Road <p><i>Officer's comments: Following a site visit to a neighbouring property officers were able to view the site and its surroundings so are aware of the context of the site.</i></p> <p>Density</p> <ul style="list-style-type: none"> This is already one of the densest areas in Camden. Further increasing it does not seem appropriate. Developing large blocks of flats near West Hampstead Tube station is the right way to deliver more housing into Camden, not squeezing out the final bits of garden in an area that has such high population density <p><i>Officer's comments: The proposal would not increase the density of the existing site but would enlarge a living room associated with the existing flat to create additional habitable space.</i></p> <p>Design</p> <ul style="list-style-type: none"> The development is inevitably ugly since it is about cramming more space by a sort of cancerous growth on the back of the property that was intended to be a homogenous component of the terrace <p><i>Officer's comments: Refer to section 4 Design of the assessment section of the report</i></p> <ul style="list-style-type: none"> The proposed development would create a large lump visible to a large number of people. Not only can it be seen from the backs of houses in Dynham Road which has a very high density of occupation but also from Dynham Road itself. <p><i>Officer's comments: Refer to section 4 Design of the assessment section of the report</i></p> <p>Loss of privacy</p>					

- Direct overlooking to garden as well as encroaching on privacy of kitchen and first and second floor bedrooms of no. 3
- Balcony would allow views directly into garden and house of neighbouring properties

Officer's comments: Refer to para 2.4 and section 5 Amenity of the assessment section of the report

Additional noise

- Use of balcony would lead to significant noise and disturbance due to close proximity of houses
-

Officer's comments: Refer to para 2.4 and section 5 Amenity of the assessment section of the report

- French doors of kitchen and first floor bedroom window and doors would open only a few metres away without any sound reducing barrier in between

Officer's comments: Refer to para 2.4 and section 5 Amenity of the assessment section of the report

- Noise during building works

Officer's comments: The hours during which construction works can be carried out would be controlled by Environmental Health legislation.

Loss of sunlight

- Reducing sunlight into gardens does not seem appropriate.

Officer's comments: Refer to section 5 Amenity of the assessment section of the report

Loss of damage to trees

- There is a large cherry tree that helps to shield neighbouring properties and provide privacy during the summer. The development may not be able to take place without heavily cutting it back and potentially damaging it.

Officer's comments: Refer to section 6 Trees of the assessment section of the report

Difficulty in renting

- Difficult to rent out house with the proposed extension and balcony leading to potential loss in revenue or even a house standing empty

Officer's comments: Impact of development on rent potential is not a material planning consideration and would not be considered in the assessment of any application.

**CAAC/Local groups*
comments:**
*Please Specify

Fortune Green and West Hampstead Neighbourhood Forum – **objects**

The FGWHNF object to the height of the first floor extension and the fact that it is not a full storey below the roof eaves in line with design guidance and advice. There are no other extensions of a similar nature at first floor level on neighbouring properties along this part of Hemstal Road. It would appear out of character within the surrounding area particularly when viewed through the gap where it would be visible from Dynham Road.

Site Description

The site is located on the south side of Hemstal Road and comprises a three storey terrace brick property. The building has been subdivided into flats. The first floor flat is the subject of this application.

The building is not listed and the site does not lie within a conservation area. The site lies within the Fortune Green Neighbourhood Plan Area.

Relevant History

Planning application was submitted in 2014 for erection of a rear extension with associated terrace at first floor level (ref 2014/7602/P). The applicant was advised by the Council that -

Leaving aside amenity issues, some of which may be overcome with amendments, as I advised on site, the proposed extension does not comply with our planning guidance which discourages the erection of new extensions which are not set one full storey below eaves level, as in this case, and there aren't any recent precedents that would justify a departure from our guidance. The proposal is therefore considered to have a detrimental impact on the character and appearance of the property and surrounding area. This is exacerbated by the fact that the rear elevation of the house is visible from the public realm. Consequently it does not comply with current policy.

The application was **withdrawn** on 06/02/2015.

Planning permission was refused on 30/06/2015 (ref 2015/1380/P) for erection of a rear extension at first floor level with 3 x rooflights. There was one reason for refusal:

"The proposed first floor rear extension, by reason of its height, bulk and detailed design, would be an incongruous and obtrusive addition which would harm the architectural integrity of the existing building and the character and appearance of the surrounding area contrary to policies CS14 (Promoting high quality places and conserving our heritage) of the London Borough of Camden Local Development Framework Core Strategy and policy DP24 (Securing high quality design) of the London Borough of Camden Local Development Framework Development Policies."

The decision was taken to appeal by written representations and the Inspector **dismissed** the appeal on 03rd February 2016 (appeal ref: APP/X5210/W/15/3134507). The Inspector concluded that the proposal would harm the character and appearance of the existing building and surrounding area. He also found that the proposal would give rise to an unacceptable harm to the living conditions of the occupiers of neighbouring properties on Dynham Road in terms of loss of privacy and a poor outlook for the occupiers of the extended flat.

Planning application was submitted in 2016 (ref 2016/1663/P) for the creation of a raised rear terrace and associated alterations over the existing flat roof at first floor level. The Council raised concerns about overlooking to neighbouring properties from the balcony. The application was thus withdrawn.

Relevant policies

National Planning Policy Framework 2019

The London Plan March 2016

Draft New London Plan 2017

Camden Local Plan 2017

Policy A1 Managing the impact of development

Policy D1 Design

Fortune Green and West Hampstead Neighbourhood Plan 2015

Policy 2: Design and Character

Camden Planning Guidance

CPG Altering and extending your home (March 2019) – Chapters 3

CPG Amenity (March 2018) – Chapters 2, 3 and 6

CPG Interim Housing (March 2019) – Chapter 4

Assessment

1.0 Background:

1.1 Planning permission was **refused** on 30/06/2015 (ref 2015/1380/P) for erection of a rear extension at first floor level with 3 x rooflights. There was one reason for refusal:

“The proposed first floor rear extension, by reason of its height, bulk and detailed design, would be an incongruous and obtrusive addition which would harm the architectural integrity of the existing building and the character and appearance of the surrounding area contrary to policies CS14 (Promoting high quality places and conserving our heritage) of the London Borough of Camden Local Development Framework Core Strategy and policy DP24 (Securing high quality design) of the London Borough of Camden Local Development Framework Development Policies.”

1.2 The decision was appealed against and the appeal was **dismissed** on 03rd February 2016 (appeal ref: APP/X5210/W/15/3134507). Whilst the Council did not refuse the application on the grounds of the effects of the proposal on the living conditions of the occupiers of neighbouring properties in Dynham Road, it did refer to this issue in its delegated report and the subsequent statement of case. Consequently the Inspector stated that the main issue raised by the appeal were design related (effect of the proposal on the character and appearance of the existing building and surrounding area) and amenity (effect of the proposal on the living conditions of the occupiers of neighbouring properties on Dynham Road with particular reference to privacy). He concluded that the proposal would harm the character and appearance of the existing building and surrounding area. He also found that the proposal would give rise to an unacceptable harm to the living conditions of the occupiers of neighbouring properties on Dynham Road in terms of loss of privacy and a poor outlook for the occupiers of the extended flat.

1.3 Prior to the application being registered by officers, the agent was advised in writing about the Council's concerns regarding the height of the extension and its impact on the host building and surrounding streetscene. The applicant did not wish to withdraw the application and so it was registered by the Council.

2.0 Proposal

2.1 Permission is sought for the erection of a first floor rear extension above the existing ground floor flat roof extension to provide additional habitable accommodation to the first floor flat. The extension would extend approximately half the width of the ground floor extension measuring 5.97m in width. It would project out 2.1m from the rear elevation of the main building but would not project out over the full width of the extension below leaving an area of flat roof of approximately 1.46m. The extension would measure 3.39m in height to the eaves and would include a sloping roof that would project 4.1m to the ridge. The extension would project above the eaves of the existing building by approximately 0.5m. It would be constructed from brick with roof tiles to match the main building. A new window frame with two sash windows be inserted in the rear elevation of the new extension to serve the extended living room.

2.2 The new scheme comprises the following differences from the previous appealed 2015 scheme in order to try to overcome the Council's reasons for refusal and address the Inspector's concerns in his appeal decision:

- Reduction in the width of the first floor extension from 10.15m to 5.97m
- Amendments to the design of the roof from flat roof to sloping roof
- Omission of the monopitched roof on the ground floor extension
- Reduction in the number and proportions of the window openings on the rear elevation of the first floor extension from 3 to 1.

2.3 The projection of the extension from the main rear elevation would remain the same as the refused 2015 scheme at 2.1m. Its overall height has been increased from approximately 3.5m to 4.1m.

Revisions

2.4 The balcony at first floor level was removed from the scheme.

3.0 Assessment

3.1 The principal considerations as part of the proposal are:

- Design (impact on the character and appearance of the host building and surrounding streetscene)
- Amenity (impact on neighbouring amenity in terms of daylight, privacy, outlook and noise).

4.0 Design

4.1 The Council's design policies are aimed at achieving the highest standard of design in all developments, including where alterations and extensions are proposed. Policy D1 of the Local Plan requires development to be of the highest architectural and urban design quality, which improves the function, appearance and character of the area. The Fortune Green and West Hampstead Neighbourhood Plan supports the Local Plan policy on design. Policy 2 states that all development shall be of a high quality of design, which complements and enhances the distinct local character and identity of Fortune Green and West Hampstead.

4.2 The Inspector noted that the host building has already had some alterations and the existing flat roof extension may not add positively to the character and appearance of it. He confirmed that the 2015 extension *"albeit using matching materials, would nevertheless appear bulky and out of character with the host building. In particular, the proposed flat roof terminating at eaves level, extending in width beyond the gable and accentuated by the proposed mono pitch roof above the existing ground floor, would give rise to an incongruous and obtrusive addition. This would be out of character with the host building and those surrounding on Hemstal Road."* He went on to state that *"Whilst there are other tall, flat roofed extensions on the rear of properties on Dynham Road, they relate to buildings of a different design and are not necessarily indicative of what should be followed in this case."*

4.3 The scheme has been revised as part of this proposal to try to overcome the Inspector's concerns. The extension would no longer extend in width beyond the gable but would measure 5.97m in width and would be set away from the gable end of the host building by 1.95m. The monopitched roof on the existing ground floor rear extension has also been omitted from this scheme. However the extension would still project above the eaves of the roof of the main host building by 0.5m and would extend 4.1m in height up to the bottom of one of the existing rear dormer windows. It is thus acknowledged that the design and bulk of the scheme has been improved in some respects compared to the previous appealed one. Nevertheless, the height and bulk of the first floor extension is still considered excessive and inappropriate.

4.4 The height of the first floor extension would not be set down a full storey below the roof eaves in line with the Council's design guidance in CPG (Altering and extending your home) – see para 3.3. Its location at first floor level together with its height and its sloping roof form would not appear subordinate to the original building and would be considered harmful to its character and appearance. The height of the extension in fact extends above the eaves line of the main building. This would increase the visual bulk of the extension at first floor level and would result in an extension that would no longer appear subordinate to the main building. The flat roof of the proposed rear extension would extend above the roof eaves of the main host building resulting in an awkward and unsympathetic relationship with it. The proposed rear extension would alter the rear roof profile and would introduce features that would over-complicate the existing design and would be considered harmful to the existing roof profile. The bulk, size and detailing of the proposed rear extension would also be unacceptable in design terms as the proposed extension would dominate and harm the appearance of

the rear elevation of the existing building.

4.5 The Inspector acknowledged in his decision that there is a variety in the style and nature of alterations to the rear of buildings along Hemstal Road. In the design and access statement it suggests that this statement provides the scope for further extensions at the rear of the site, particularly at first floor level. However officers do not share this view and consider that any extension to this property at first floor level would fail to comply with the Council's policy and guidance for the reasons cited above.

4.6 There are no other extensions of a similar nature at first floor level on neighbouring properties along this part of Hemstal Road. Consequently it would appear out of character within the surrounding area particularly when viewed from private vantage points of upper floors windows from neighbouring properties and (as acknowledged by the Inspector) through the gap where it would be visible from Dynham Road. Part of the rear elevation of the extension would be particularly visible in winter time when the tree that is currently planted in the gap between nos. 11 and no. 21 Dynham Road, that partially obscures views in the summer time, would lose its leaves and provide little screening.

5.0 Amenity

5.1 Policy A1 seeks to protect the amenity of Camden's residents by ensuring the impact of development is fully considered. It seeks to ensure that development protects the quality of life of occupiers and neighbours by only granting permission to development that would not harm the amenity of neighbouring residents.

Overlooking

5.2 There is currently overlooking from the existing first floor flat to the rear windows of no 11 Dynham Road and other properties in Dynham Road. Nos. 11 has windows that serve habitable rooms in the two storey rear closet wing of the house that face onto the site. In his decision about the 2015 scheme the Inspector acknowledged the close proximity of the rear of the properties on Hemstal Road and Dynham Road. He also noted that "*whilst the rooms are already compromised to a degree in terms of privacy due to the proximity of windows in the rear of buildings on Hemstal Road the proposed rear extension would bring the windows of habitable rooms about 2.1m nearer to the rear habitable room windows of no. 11. The additional effects upon the privacy of the occupiers of no. 11 which would result are unacceptable.*" The projection of the currently proposed extension is the same as before and would bring the extension 2.1m nearer to the rear habitable room windows of no. 11. There would be one new first floor window opening on the rear elevation of the extension that would serve a living room, instead of the previous three. Despite the reduction in number of windows, views from the new window into the windows of no. 11 could be gained and there would be an increased perception of being overlooked by the occupiers of no. 11 Dynham Road. Consequently the proposal would be considered to give rise to unacceptable harm to the living conditions of the occupiers of the neighbouring properties on Dynham Road in terms of loss of privacy.

5.3 Concerns have been raised by local residents regarding loss of privacy from the balcony. The proposed drawings were revised prior to the registration of the application to remove the balcony from the proposal. The design and access statement was not updated to reflect this change. The description of development only refers to the first floor extension which would be read in conjunction with the proposed plans. If a balcony were to be constructed on site, this would be without the benefit of planning permission and enforcement action would be taken to rectify the breach.

5.4 The proposed extension would not include the installation of any windows in the eastern side elevation. Consequently there would be no overlooking from windows in the extension into the gardens of no. 3 or no. 7 Hemstal Road.

5.5 In his appeal decision the Inspector raised concerns about the poor level of outlook for the occupiers of the extended flat. This was due to the windows being obscure glazed. The current proposal does not incorporate obscure glazing into the new window of the extended flat as a

mitigation measure. Consequently the outlook from the application property is considered acceptable.

Loss of sunlight

5.5 Concerns have been raised by local residents regarding loss of sunlight to the gardens of neighbouring properties. The extension would be located to the south of the main host building. Due to the length of the extension (2.1m) and its location at first floor level there may be some overshadowing to the rear gardens in the late morning and mid-morning of no. 3 and 7 Hemstal Road respectively. However this would not be considered so significant to justify reason for refusal on this issue.

6.0 Trees

6.1 There is a large cherry tree in the rear garden of the application site. If the proposal was considered acceptable in all other respects a condition would be attached to any permission requiring details of tree protection measures to be submitted prior to the commencement of development on site to ensure the tree would be protected during any construction works

7.0 Conclusion

7.1 The proposed first floor extension would be unacceptable in design terms and would cause harm to the amenity of neighbouring properties. The proposed extension, by reason of its height, size, bulk and unsympathetic design, would be a harmful addition to the existing building which would harm the architectural integrity of the existing building and the character and appearance of the surrounding area. It would also result in loss of privacy to neighbouring occupiers particularly no. 11 Dynham Road.

8.0 Recommendation

8.1 Refuse planning permission.