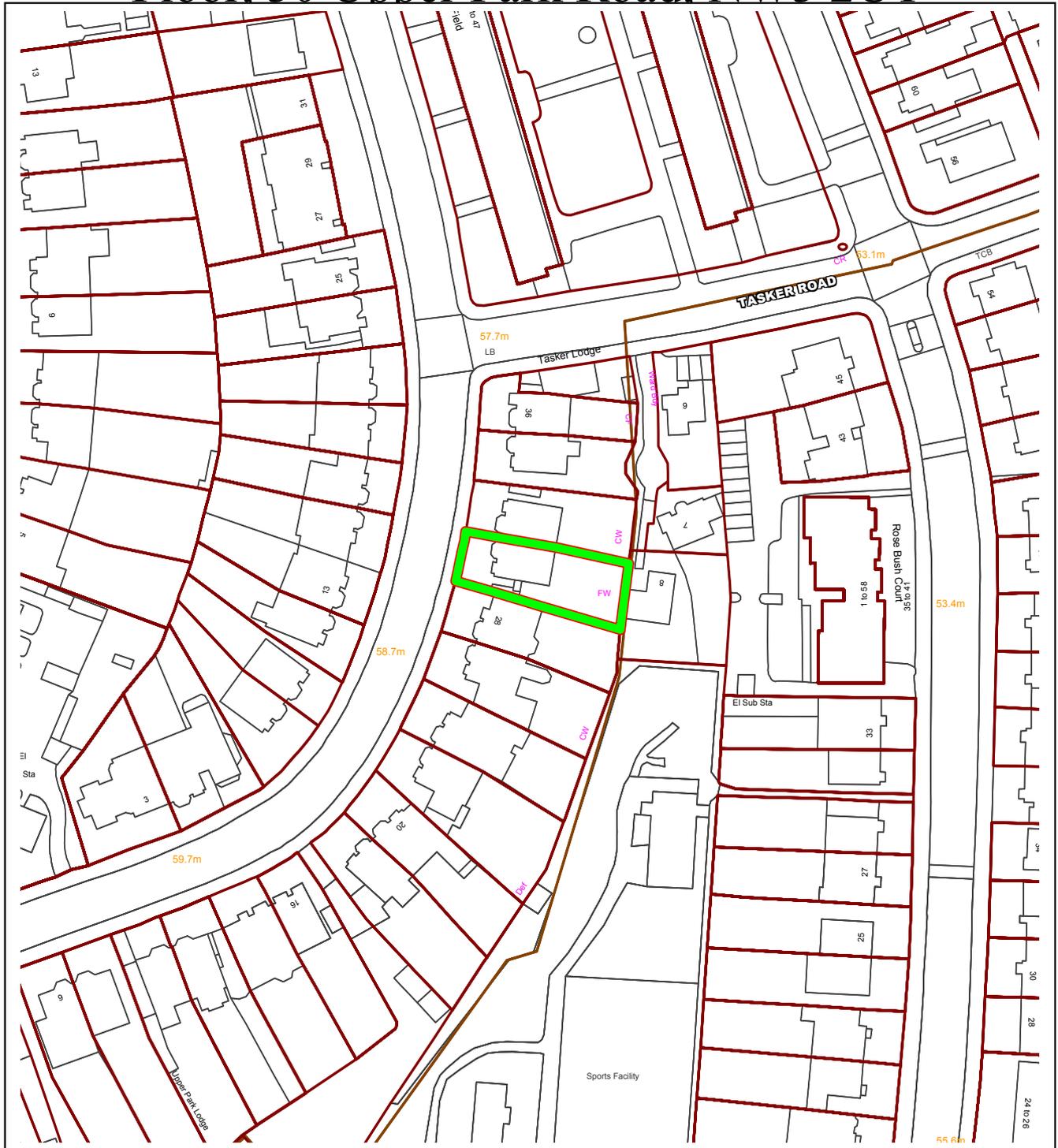


2019/2971/P - Flat Basement and Ground Floor, 30 Upper Park Road, NW3 2UT



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2019/2971/P – Flat Basement and Ground Floor, 30 Upper Park Road, NW3 2UT



Photo 1: Front elevation, showing existing example at no. 28



Photo 2: Examples at nos. 20, 22, 24 & 26 Upper Park Road



Photo 3: Rear elevation of no.30 (application site)



Photo 4: Infill area between nos.28 and 30



Photo 5: Two storey side extension of no.28 showing upper floor side facing bathroom window

Delegated Report		Analysis sheet		Expiry Date:		02/08/2019	
(Members Briefing)		N/A		Consultation Expiry Date:		04/08/2019	
Officer				Application Number(s)			
Ben Farrant				2019/2971/P			
Application Address				Drawing Numbers			
Flat Basement And Ground Floor 30 Upper Park Road London NW3 2UT				Please refer to draft decision notice			
PO 3/4		Area Team Signature		C&UD		Authorised Officer Signature	
Proposal(s)							
Erection of two storey side extension.							
Recommendation(s):		Grant conditional planning permission					
Application Type:		Full planning application					

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice			
Informatives:				
Consultations				
Adjoining Occupiers:	No. of responses	9	No. of objections	4
Summary of consultation responses:	<p>A site notice was displayed on 10/07/2019 (consultation end date 03/08/2019), and a press notice was displayed on 11/07/2019 (consultation end date 04/08/2019).</p> <p>9 letters were received in response to the public consultation on this scheme, 1 made no objection, 4 in support, and 4 objecting to the scheme. The letters of objection were received from the occupiers of the flats at no.28, and object as summarised below:</p> <ol style="list-style-type: none"> 1. Concerns re. the rear extension originally proposed as part of this scheme 2. Fails to comply with 45 degree rule to neighbouring window 3. Neighbouring window at no.28 used to service a kitchen, whilst it is currently a bathroom, this may be changed in the future 4. Light pollution from glazed roof over stairwell 5. Security concerns as a result of the roof light 6. Overlooking concerns as a result of the roof light 7. Presumption against infilling areas between houses (as was enforced at no.22 ref: 2016/3897/P dated 29/06/2017) 8. In application ref: 2016/3897/P dated 29/06/2017 for works to no.22, the case officer required the development to consider the side facing window at the side extension of no.20 9. Camden guidance requires side extensions to be set back 10. Works have commenced on the previously approved rear extension (ref: 2018/5104/P dated 16/01/2019) and should be considered in this context 11. Inconsistencies with the room labels on the various plans 12. Is this going to be for a separate dwelling? 13. The proposed roof light would be impossible to drain and could result in flooding to the side window of no.28 14. Plans do not contain drawing numbers and cannot be referred to with ease 15. The submission does not include a CIL form, meaning it is invalid 16. Concerns re. Party Wall Act 17. Right of Light concerns 18. The proposal fails to meet current building regulations 19. No permission will be given to build off of the boundary wall <p><u>Officer's Response:</u></p> <ol style="list-style-type: none"> 1. <i>A single storey rear extension was originally proposed as part of this scheme to the rear of the proposed two storey side extension; this has subsequently been removed from amended plans (see 'Revisions' section below).</i> 2. <i>Where a scheme fails to comply with the BRE Daylight/Sunlight 45</i> 			

	<p><i>degree test, it does not necessarily mean a scheme would be unacceptable, just that it may have an impact on neighbouring daylight/sunlight. In this instance the neighbouring window facilitates a bathroom (secondary room) which directly fronts the application site. There does not appear to be any planning history for this window. In this instance, the proposal is deemed to be acceptable.</i></p> <ol style="list-style-type: none"> <i>3. The possible future internal alterations of no.28 is not a material consideration in the determination of this application.</i> <i>4. Given the scale of the glazed roof, it is unlikely to result in unduly harmful levels of light overspill to no.28. In any event, a condition has been attached to obscure the glazing which will reduce any overspill.</i> <i>5. The proposal is unlikely to result in significant security concerns.</i> <i>6. A condition has been attached to obscure the glazing which will overcome any privacy concerns.</i> <i>7. The proposal is considered to be acceptable in this instance. The application at no. 22 was determined on its own planning merits.</i> <i>8. The application at no. 22 was determined on its own planning merits. In any event, the side window affected in this instance would retain access to daylight</i> <i>9. The proposal would be set back 650mm from the front elevation and would match the frontage of the addition at no.28</i> <i>10. The previously approved rear extension on site has been noted with a dashed outline on the plans; in any event, this would be considered as part of the application.</i> <i>11. The plans have been amended and are considered to be sufficiently clear and unambiguous for the determination of this application.</i> <i>12. An extension to the existing dwellinghouse has been applied for. A condition has been attached requiring the addition to be ancillary to the main house in perpetuity.</i> <i>13. Drainage of the property would have to comply with current Building Regulations.</i> <i>14. The amended plans contain plan nos. and are considered to be sufficiently clear and unambiguous for the determination of this application.</i> <i>15. A CIL form was originally submitted with the application.</i> <i>16. Concerns regarding the Party Wall Act are a legal matter, and not a material planning consideration in the determination of this application.</i> <i>17. Specific 'Right of Light' concerns are a legal matter, and not a material planning consideration in the determination of this application.</i> <i>18. Building Regulations is a separate matter to planning, and is not a material planning consideration in the determination of this application.</i> <i>19. Ownership rights are a legal matter, and not a material planning consideration in the determination of this application.</i>
<p>Parkhill Conservation Area Advisory Committee (CAAC)</p>	<p>The Parkhill CAAC originally objected to the scheme based on the inclusion of the rear extension. The scheme was subsequently amended to remove the rear extension element. Amended plans were sent to the Parkhill CAAC for further comment, and no objection was raised based on the amended proposal.</p>

Site Description

The application site is the upper and lower ground floor duplex at no. 30 Upper Park Road. The host building is a three storey (plus basement), semi-detached villa on the eastern side of the road, dating from the late 1800s / early 1900s. The site is within the Parkhill Conservation Area and nos. 6-36 (even) are identified within the Conservation Area Appraisal and Management Strategy (July 2011) as making a positive contribution to the conservation area.

The site is not a listed building, nor are there any within the vicinity.

Relevant Planning History

No. 30 (Application Site)

2018/5104/P - Single storey rear extension; alterations to the side elevation, including insertion of doors and removal of window at lower ground floor level – **Granted 16/01/2019**

2012/1832/P – Installation of rooflights to front, rear and side roofslope in association with loft conversion to 2nd floor flat (Class C3) – **Granted 12/06/2012**

28082 – Erection of a single garage at the side – **Refused 16/08/1979**

Relevant policies

National Planning Policy Framework (2019)

London Plan (2016)

Camden Local Plan (2017)

A1 Managing the impact of development

D1 Design

D2 Heritage

Camden Planning Guidance

CPG Altering and extending your home (2019)

CPG Design (2019)

CPG Amenity (2018)

Parkhill and Upper Park Conservation Area Appraisal and Management Strategy (2011)

Assessment

1. The proposal

1.1. This application seeks planning permission for the following works:

- The application proposes the erection of a two storey side extension at lower and upper ground floor levels following the removal of the existing lower ground floor side extension. The addition would have a length of 11m, finishing flush with the original rear building line of the property, and set 650mm back from the front elevation. It would have a height of 6.75m finishing 700mm below the height of the upper ground floor porch.
- A pitched roof with roof light is proposed above the stairwell, adjacent to the existing

upper ground floor window of no.28.

- The proposal would provide additional living accommodation for the existing ground/lower ground floor flat.

2. Revisions

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

- Removal of the originally proposed rear element of the side extension (which measured 4.9m (W) x 2.6m (L) x 3.1m (H)).

3. Conservation and design

3.1. Local Plan Policy D1 states that the Council will seek to secure high quality design in development. The Council will require that development: a. respects local context and character; b. preserves or enhances the historic environment and heritage assets in accordance with policy D2 (Heritage).

3.2. Local Plan Policy D2 states that the Council will require that development within conservation areas preserves or, where possible, enhances the character or appearance of the area.

3.3. The application site is located within the Parkhill Conservation Area, wherein the Council has a statutory duty to pay special attention to the desirability of preserving or enhancing the character and appearance of that area.

3.4. CPG Altering and extending your home (2019) states that the infilling of gaps will not be considered acceptable where “significant views or gaps are compromised or blocked; the established front building line is compromised; the architectural symmetry or integrity of a composition is impaired; the original architectural features on a side wall are obscured; or access to the rear of a property is lost”. Where side extensions are considered to be appropriate, they should be “subordinate to the original building in height and scale; no taller than the porch; and set back from the main building”.

3.5. The Parkhill and Upper Park Conservation Area Appraisal and Management Strategy (2011) states that where infill extensions are considered to be acceptable, they should: “be no more than two storeys in height with the highest part of the extension no higher than the line of the cornice to the front porch; be subordinate to the design of the main building and clearly read as an extension; be set back from the front and rear building lines by a minimum of 1m (a larger setback may be required in some circumstances)”.

3.6. In determining this application it is acknowledged that permission has previously been granted for a single storey rear extension (ref: 2018/5104/P dated 16/01/2019).

3.7. In terms of the principle of development, it is acknowledged that a single storey side extension exists in this location at present infilling the space between the property and no.28. The proposal would not serve to compromise significant views or the established front building line, nor would it harm the architectural symmetry or integrity of the host building. Similar two storey side extensions have been added to several nearby properties (including nos. 20, 22, 24, 26 and 28). As such, it is considered that the loss of this gap would not result in undue harm to the character and appearance of the property or the conservation area, subject to an appropriate design of infill addition.

3.8. It is considered that the extension would be subservient in terms of location, form, scale, proportions, dimensions and detailing, and it would respect and preserve existing architectural features. The fenestration alignment and architectural detail is considered to give an acceptable finish to the proposed addition that would be sympathetic to the character and proportions of the host dwelling. The addition would respect and preserve the historic pattern and established townscape of the surrounding area whereby it is acknowledged that similar additions exist within the vicinity, notably at nos. 20, 22, 24, 26 and 28. The addition would read as a subordinate addition to the host property being set back from its front elevation by 650mm with an acceptable height finishing below the addition at no.28 as well as the porch of the host property. Whilst the Parkhill and Upper Park Conservation Area Appraisal and Management Strategy (2011) requests a setback of 1m from the front elevation, given the surrounding context, and that the addition would match the front elevation of the addition at no.28, this is considered to be acceptable on balance. As such, the proposed extension is considered to cause no harm to the character or appearance of the property or surrounding area.

3.9. Overall, the proposal is considered to have a neutral impact upon the property and surrounding conservation area, and would not constitute harm to its character or appearance. As such, the proposal is considered to comply with policies D1 and D2 of Camden's Local Plan.

3.10. 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 2013.

4. Impact on Neighbour Amenity

4.1. Policy A1 of the Local Plan seeks to protect the quality of life of neighbouring occupiers. The factors to consider include: visual privacy and outlook; sunlight, daylight and overshadowing; artificial light levels; noise and vibration.

4.2. It is noted that a first floor side facing window exists at no.28 (facing onto the application site) sited on the boundary. Having reviewed this, there does not appear to be any planning history for the window, though it appears to have been in place for in excess of four years and would be immune from enforcement action. The window facilitates a bathroom (non-living room).

4.3. The design of the proposed addition has considered this window, incorporating a sloped roof towards the centre of the extension (though this would not be visible from ground level or in any public views).

4.4. The proposed addition would not serve to cover the window at no.28, with the roof designed to angle away from the window. Whilst it is noted that this is the only window which serves the bathroom at no.28, given the context of this window, planning history, use of the room, and design of the proposal, it is not considered that the development would result in undue harm to this window or the amenity of the occupiers of the property at no.28.

4.5. It is considered that the proposed rooflight above the staircase could result in some impact to the occupiers of no.28 in terms of overlooking and light overspill, on this basis a condition has been attached requiring the roof light to be obscure glazed.

4.6. Given the siting, scale, design and material finish of the proposal, subject to the attached conditions it is considered not to result in undue harm to the residential amenities of

neighbouring occupiers in terms of loss of light, outlook or privacy in compliance with policy A1 of the Local Plan.

Recommendation:

Grant conditional planning permission

The decision to refer an application to Planning Committee lies with the Director of Regeneration and Planning. Following the Members Briefing panel on Tuesday 27th August 2019, nominated members will advise whether they consider this application should be reported to the Planning Committee. For further information, please go to www.camden.gov.uk and search for 'Members Briefing'.

Application ref: 2019/2971/P
Contact: Ben Farrant
Tel: 020 7974 6253
Date: 20 August 2019

Development Management
Regeneration and Planning
London Borough of Camden
Town Hall
Judd Street
London
WC1H 9JE

Phone: 020 7974 4444

planning@camden.gov.uk
www.camden.gov.uk

Salisbury Jones Planning
33 Bassein Park Road
London
W12 9RW

DRAFT

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Full Planning Permission Granted

Address:

Flat Basement And Ground Floor
30 Upper Park Road
London
NW3 2UT

DECISION

Proposal: Erection of two storey side extension.

Drawing Nos: 2030(PLA)001, 2030(PLA)002, 2030(PLA)100, 2030(PLA)101,
2030(PLA)110_Rev.A, 2030(PLA)111_Rev.A, 2030(PLA)112_Rev.A, 2030(PLA)200,
2030(PLA)201, 2030(PLA)210_Rev.A, 2030(PLA)211_Rev.A, 2030(PLA)300,
2030(PLA)301, 2030(PLA)310_Rev.A & 2030(PLA)311_Rev.A.

The Council has considered your application and decided to grant permission subject to the following condition(s):

Condition(s) and Reason(s):

- 1 The development hereby permitted must be begun not later than the end of three years from the date of this permission.

Reason: In order to comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 All new external work shall be carried out in materials that resemble, as closely as possible, in colour and texture those of the existing building, unless otherwise specified in the approved application.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policies D1 and D2 of the London Borough of Camden Local Plan 2017.

- 3 The development hereby permitted shall be carried out in accordance with the following approved plans: 2030(PLA)001, 2030(PLA)002, 2030(PLA)100, 2030(PLA)101, 2030(PLA)110_Rev.A, 2030(PLA)111_Rev.A, 2030(PLA)112_Rev.A, 2030(PLA)200, 2030(PLA)201, 2030(PLA)210_Rev.A, 2030(PLA)211_Rev.A, 2030(PLA)300, 2030(PLA)301, 2030(PLA)310_Rev.A & 2030(PLA)311_Rev.A.

Reason: For the avoidance of doubt and in the interest of proper planning.

- 4 Prior to the first occupation of the approved extension, the roof light hereby permitted shall be obscure glazed and retained in perpetuity.

Reason: To protect the residential amenities of the occupiers of no.28 Upper Park Road in accordance with policy A1 of the London Borough of Camden Local Plan (2016).

- 5 The extension hereby approved shall remain ancillary to the use of the main property (Flat Basement and Ground Floor, 30 Upper Park Road, NW3 2UT) and shall not be separately leased, sold or used as separate residential accommodation, business premises or similar non-ancillary use.

Reason: In order to protect the residential amenities of neighbouring occupiers in accordance with policy A1 of the London Borough of Camden Local Plan 2017.

Informative(s):

- 1 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts that cover aspects including fire and emergency escape, access and facilities for people with disabilities and sound insulation between dwellings. You are advised to consult the Council's Building Control Service, Camden Town Hall, Judd St, Kings Cross, London NW1 2QS (tel: 020-7974 6941).
- 2 Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You are advised to consult the Council's Noise and Licensing Enforcement Team, Camden Town Hall, Judd St, Kings Cross, London NW1 2QS (Tel. No. 020 7974 4444 or search for 'environmental health' on the Camden website or seek prior approval under Section 61 of the Act if you anticipate any difficulty in carrying out construction other than within the hours stated above.

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraph 38 of the National Planning Policy Framework 2019.

You can find advice about your rights of appeal at:

<http://www.planningportal.gov.uk/planning/appeals/guidance/guidancecontent>

Yours faithfully

Director of Regeneration and Planning

DRAFT

DECISION