

Delegated Report		Analysis sheet	Expiry Date:	20/01/2020
		N/A / attached	Consultation Expiry Date:	17/02/2020
Officer			Application Number(s)	
Elaine Quigley			2019/5927/P	
Application Address			Drawing Numbers	
Flat 3 37 Platt's Lane London NW3 7NN			See draft decision notice	
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature	
Proposal(s)				
Erection of a brick-built first floor rear extension following demolition of the existing first floor conservatory to residential unit (C3 use).				
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	07	No. of objections	07
Summary of consultation responses:	<p>7 letters received from occupiers of neighbouring properties at Flat 1, 37 Platt's Lane, Flat 2, 37 Platt's Lane, Flat 4, 37 Platt's Lane, 33 Platt's Lane, 39 Platt's Lane, 2B Briardale Gardens and 2C Briardale Gardens raising the following concerns:</p> <p>Design</p> <ul style="list-style-type: none">• The brick structure creates a dominant and overbearing intrusion when viewed from the side and rear garden of no. 39 Platt's Lane and from its facing side window of the ground floor sitting room• Brick extension is highly inappropriate and visually damaging• The application presages an unacceptable and dramatic change to the nature and fabric of 37 Platt's Lane• The scale and design of the extension is not consistent with neighbouring properties and not in line with the values and quality expected in a conservation area• Planning conditions for conservatories are substantially different from those for brick-built extensions. The planning permission for a conservatory at this location and of that size is not sufficient cause to allow the current application• Due to the visibility of the rear from the street (front of no. 1 Briardale Gardens) the application should be evaluated against the relevant criteria for alterations to the front of a building in a conservation area (CA) and this one would be deemed unacceptable to the front of the building in a CA.• The proposed larger brick-built extension would make this extension a most prominent feature, given its elevated location. The existing unsympathetic conservatory design should not be used as justification in principle for the proposed extension• Extension would be out of keeping with the property, its neighbours and the conservation area• Details of the new bricks haven't been provided (new or weathered)• The sloped topography of the area makes the proposed extension at the rear of the building an upper first floor (even higher than above ground) which has a number of implications when assessed against advice in para 3.3 of CPG 'Altering and extending your home':<ul style="list-style-type: none">a) The application is for an extension of the second levelb) The footprint is larger rather than smallerc) The proposed rear extension will be easily visible from the street and without obstruction <p>Amenity</p> <ul style="list-style-type: none">• Loss of light to side window of ground floor sitting room at no. 39 Platt's Lane, to the bedroom windows in Flat 2, 37 Platt's Lane as well as to the garden and patio used by the other occupants of the building and to windows from Flat 4, 37 Platt's Lane• Loss of privacy / overlooking as new room would have direct views into the bedroom and en suite shower room windows of Flat 2, 37 Platt's Lane as well as its private terrace garden and would result in					

	<p>overlooking to nos. 33 and 35 Platt's Lane</p> <ul style="list-style-type: none"> • View of the garden from Flat 4, 37 Platt's Lane would be lost by the extension and sense of oppression would be overwhelming • The size and insensitive design of the carbuncle would be detrimental to neighbours in Briardale Garden and Platt's Lane <p>Consultation</p> <ul style="list-style-type: none"> • No site notices displayed outside the property • No notice sent to the leaseholders within the building to notify them of the submission of the application <p>Construction</p> <ul style="list-style-type: none"> • Could the existing flat roof support the heavier brick built structure without affecting its structural integrity • No evidence that a structural survey of the flat roof has been undertaken <p>Drawings</p> <ul style="list-style-type: none"> • Exact dimensions of the extension and the size of the windows have not been given
<p>Local groups comments: Redington Frogna! Neighbourhood Forum and Redington Frogna! Association</p>	<p>Redington Frogna! Neighbourhood Forum - objects</p> <p>The proposal would cause overlooking and intrusion to other flats at no. 37. It would be contrary to CPG "Altering and extending your home" and "Amenity" which requires developments to be designed to protect the privacy of occupiers of both existing and proposed dwellings (references made to paras 2.2, 2.3 and 2.4).</p> <p>It would be contrary to Camden Local Plan policy A1 6.4 as the extension would cause overlooking to flats 1 and 2 and a loss of their privacy and outlook.</p> <p>Note that a daylight and sunlight report has not been prepared</p> <p>Redington Frogna! Association – objects</p> <p>The proposal would cause harm to the consistent properties at the rear and continue privacy issues for other flats in the property. The original conservatory at first floor level had been erected contrary to many rear extensions objectives of the conservation area. The many privacy concerns of other flats in this building had been overlooked and disregarded.</p> <p>The new proposed alterations have not remedied the above issues and have increased their prominence in scale and design. The proposals are contrary to all design aspirations of the local community (Conservation Area Appraisals) and the neighbouring flats in this building</p>

Site Description

The site is located on the western side of Platt's Lane which is a curved residential street to the east of Finchley Road. The building is a Quennell designed semi-detached property and comprises lower ground, upper ground, first floor and roof levels. The property has been divided into 4 self-contained flats and this application refers to the flat at first floor level only.

The building is part of a set of 6 semi-detached properties including nos. 29-39 (odds) Platt's Lane. The adjoining properties at nos. 29, 31 and 39 have original three storey rear extensions. No. 33 has a lower ground floor conservatory extension with roof terrace above and no. 35 had a lower ground floor rear extension with a roof terrace above. No. 31 has an upper ground floor rear extension.

Although the property is not listed, the building is identified in the Conservation Area Statement (CAS) as making a positive contribution to the character and appearance of the Redington / Frognal Conservation Area in which it is located. It is noted for its group value with nos. 3-37 (odd). The site is located within the Redington Frognal Neighbourhood Area.

Relevant History

Application site

2019

Planning permission was **granted** on 02/09/2019 (ref 2019/1110/P) for enlargement of first floor conservatory to residential unit (Class C3).

2011

Planning permission was **refused** on 30/03/2011 for erection of glass balustrading in connection with creation of rear first floor roof terrace to existing flat (Class C3). It was refused due to its height, bulk design and prominent location on the building and was considered harmful to the character and appearance of the host building and the conservation area. The applicant appealed the decision and the Planning Inspector dismissed the appeal on the incongruent design and prominence of the balustrade and its impact on the character and appearance of the building and the conservation area.

2009

Planning permission was **granted** on 27/10/2009 (ref 2009/2681/P) for erection of a conservatory extension at rear upper ground floor level to the existing flat.

Planning permission was **refused** on 10/03/2009 (ref 2008/1275/P) for erection of a conservatory extension at rear first floor level, and installation of a balustrade to allow use as a roof terrace. There was one reason for refusal relating to loss of privacy to neighbouring occupiers due to roof terrace allowing direct views into the habitable rooms of neighbouring properties without adequate screening.

The design, scale and siting of the extension was not a reason for refusal of this application.

Other neighbouring sites

31 Platt's Lane

Planning permission was **granted** on 19/09/2000 (ref PWX0002567) for the erection of a single storey extension at the rear to accommodate an additional room for the existing single dwellinghouse

35 Platt's Lane

Planning permission was **granted** on 24/06/2008 (ref 2008/1893/P) for erection of extension at rear lower ground and upper ground floor level with roof terraces at upper ground and first floor level; excavation of front garden to enlarge lower ground floor; erection of dormer window on rear roof slope; and replacement of windows and doors on the rear elevation all in connection with existing single-family dwellinghouse (Class C3).

Relevant policies

National Planning Policy Framework (2019)

London Plan (2016)

Draft London Plan (2017)

Camden Local Plan (2017)

G1 (Delivery and location of growth)

A1 (Managing the impact of development)

D1 (Design)

D2 (Heritage)

Camden Planning Guidance

CPG Design (2019)

CPG Altering and extending your home (2019)

CPG Amenity (2018)

CPG Transport (2019)

Redington / Frognal Conservation Area Statement (CAS) (2003)

Assessment

1.0 Background

1.1 Planning permission was granted on 02/09/2019 (ref 2019/1110/P) for enlargement of first floor conservatory to residential unit (Class C3). The upper ground floor conservatory extension that was approved measured 3.75m (width) by 3m (length) by 2.45m in height to the eaves and 3m in height to the ridge. The conservatory included a timber frame with glazed sliding doors on the rear façade, obscure glazed full height windows on the side elevations and a glazed roof. It provided additional floorspace for the existing upper ground floor flat.

2.0 Proposal

2.1 Planning permission is sought for the demolition of the existing conservatory and erection of brick-built first floor rear extension (description used by the agent in relation to the location of the extension). The extension would be similar in terms of its dimensions to the recently approved conservatory at 3.75m (width) by 3m (length) by 2.45m in height to the eaves and 3m in height to the ridge however it would be constructed from brick and glass rather than a timber frame and glass.

3.0 Assessment

3.1 The main issues associated with the proposal include the following:

- Consultation
- Design
- Impact on the conservation area
- Amenity

Consultation

3.1 Concerns have been raised by all of the leaseholders of the flats in the application building about not being served a notice about the application (Certificate B) prior to the submission of the application. Having checked the details in section 25 of the planning application form that supports the application Certificate B has been completed by the applicant and a notice served on 37 Platts Lane Limited, Flat 4, 37 Platt's Lane. The notice has been served to the management company of the building who manages the interests of all the leaseholders of the flats within the building. This fulfils the requirement of the applicant to serve notice on anyone else who was an owner (those with a freehold interest or leasehold interest with at least 7 years left to run) of any part of the building to which the application relates.

3.2 The description of the development in the application form refers to the first floor of the building

and the existing and proposed floor plan drawings are annotated showing the existing conservatory and proposed extension at first floor level. The application was advertised in both the site notices and press notices as a first floor extension. Due to sloping nature of the land the building is accessed from street level by a set of steps leading up to upper ground floor level however the rear of the building is lower and the garden level would be a storey below the entrance. Consequently the proposed extension would be considered to be at first floor level. This is considered to accurately reflect the location of the proposed extension and the description of development was agreed with the applicant on 23/12/2019.

3.3 Concerns were raised that site notices had not been displayed outside the application site to advertise the application. Unfortunately due to technical difficulties the site notices were not displayed outside the site until 24/01/2020. This delayed the expiry date of the consultation period until 17/02/2020. A press notice was however advertised in the local press on 09/01/2020 which expired on 02/02/2020.

Design

3.4 The building is identified in the conservation area statement as making a positive contribution to the character and appearance of the conservation area for its group value (nos. 3- 37 (odds) Platt's Lane). The upper ground floor rear conservatory with obscure glazed side elevations is sited on a deeper and wider flat-roofed lower ground floor rear extension. Whilst the conservatory is not particularly characteristic of the conservation area, due to its hipped roof form, and its limited depth and width it is not considered to have an adverse impact on the character and appearance of the building. Much of the neighbouring buildings can also still be appreciated.

3.5 The recently approved scheme in 2019 increased the length of the conservatory by 0.9m from 2.1m to 3.0m. Due to the modest increase in its length and the fact that all the other dimensions of the conservatory, including its width and height, and its location and overall appearance would remain the same, the enlargement of the light-weight conservatory was considered acceptable.

3.6 The Council's design policies are aimed at achieving the highest standard of design in all developments. Policy D1 states that the Council will require all developments to be of the highest standard of design and to respect the character, 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' its established character and appearance.

3.7 CPG (Design) guidance recommends alterations take into account the character and design of the property and surroundings, that windows, doors and materials should complement the existing buildings, and that extensions should be subordinate to the main building in terms of scale and situation.

3.8 The property is located within the Redington / Frognal Conservation Area (CA); 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 by the Enterprise and Regulatory Reform Act 2013. As such, there is a statutory presumption in favour of the preservation of the character and appearance of Conservation Areas, and a proposal which would cause harm should only be permitted where there are strong countervailing planning considerations which are sufficiently powerful to outweigh the presumption.

3.9 The Redington / Frognal CAS notes that nos. 29-39 (odds) have somewhat lost their group value due to unsympathetic alterations however 3-37 (odds) are still considered to make a positive contribution to the conservation area; which includes this site.

3.10 This proposal includes the demolition of the existing conservatory and the construction of a brick built extension. The glazed side elevations of the existing conservatory would be replaced by mainly

brickwork with a smaller proportion of glazing in the form of horizontal window openings. The change to the materiality of the extension at first floor level would introduce an extension that would include more elements of solidity (including brick work to the sides and a partial tiled roof) resulting in an extension that would be more solid and bulky in terms of its appearance. Although these changes appear modest they would change the solid to void ratio of the extension and the balance between the existing timber and glass conservatory which gives it its lightweight refined character would materially change to introduce more solid elements of brickwork particularly along the side elevations of the extension. This would result in a bulky and more visually prominent extension at first floor level and would be considered harmful to the character and appearance of the building. The proposed brick built extension would reduce the legibility of the rear elevation of the building and would be considered harmful to its character and appearance. As such, the proposal would be considered contrary to Policy D1 of the Camden Local Plan and guidance detailed in the Design CPG.

Impact on the conservation area

3.11 This part of the Redington and Frognal Conservation Area is largely characterised by late nineteenth century and Edwardian mainly residential suburban development, in a range of architectural styles, set in verdant surroundings with properties having long rear gardens.

3.12 The site is located to the west of Hampstead Town Centre in an area with streets sloping downhill to the west. Due to the sloping nature of the land the rear of the site is visible between a gap in the buildings where no. 39 Platt's Lane ends and 2b Briardale Gardens begins. The existing conservatory is visible through the gap between the buildings. It is partially screened in the summer by trees within the rear gardens of neighbouring properties and a street tree on Briardale Gardens but is more significantly more visible in the winter.

3.13 Due to the change to the materiality of the extension from a lightweight timber frame and glazed structure to a brick built extension, the proposal would be more solid and robust in its appearance at this elevated position on the rear elevation of the building. This in turn would be considered more harmfully prominent in views from the surrounding dwellings and gardens and from the street when viewed between the gap between the rear of new no. 39 Platt's Lane and no. 2b Briardale Gardens. It is considered that the proposed extension would detract from the character and appearance of the streetscene and surrounding conservation area and would be considered unacceptable.

3.14 There are no other recently approved extensions above lower ground floor level within this group of positive contributors (nos. 3 to 37 (odds)) along this part of the terrace. The exception is the adjoining building at no. 39 Platt's Lane which includes a substantial rear extension. This building is not identified as part of the group of buildings that make a positive contribution to the character and appearance of the conservation area. In fact it is noted in the CAS that no. 29 to 39 (odds) have somewhat lost their group value due to unsympathetic alterations. Due to its materiality and resultant heavier solid form together with its prominent elevated position, it is considered that the proposal would result in an incongruous additional at this prominent siting at first floor level that would be out of character with the remainder of the terrace as a group and would not be considered acceptable.

3.15 During the course of the application the applicant provided an example of another extension that was considered similar to the proposal. This included an extension at the rear of no. 31 Platt's Lane that is also at first floor level within the group of positive contributors. When researching the history of this extension it is not clear when it was granted planning permission however it appears to be historic (potentially granted in 2000 – see planning history above). Although within the same terrace of buildings as the application building the extension at no. 31 has a somewhat different context. The extension at no. 31 is closely flanked by the three storey rear extensions at nos. 29 and 31 Platt's Lane and is viewed against the large brick built elements of these properties. On the other hand, the proposed brick built extension at the application site would be visually more open and therefore prominent as there are no first floor extensions bounding it to either side. Notwithstanding this, if the conservatory at no. 31 was approved in 2000, which was prior to the CAS being adopted in 2003, it would have been assessed against different statutory local plan policies. It would not form a precedent for the proposal and would be given limited weight in the assessment of the proposal..

Amenity

3.16 Policy A1 seeks to protect the amenity of Camden's residents by ensuring the impact of development is fully considered. Policy A1 seeks to ensure that development protects the quality of life of occupiers and neighbours by stating that the Council will only grant permission for development that would not harm the amenity of neighbouring residents. This includes privacy, outlook, noise and impact on daylight and sunlight.

3.17 The flats within the existing building and the properties at nos. 39 to the northeast and no. 35 to the southwest adjoin the site would be most affected by the proposal.

3.18 In terms of the impact to the flats within the existing building (no. 37) the proposed extension would remain below the second floor window in the rear elevation of the building. Although the length of the extension would be increased by 0.9m its height and width together with its roof form would remain the same as the existing conservatory. Consequently, the proposal would not have an adverse impact on the daylight and sunlight or outlook from this flat at second floor level nor would result in loss of privacy.

3.19 The extension would measure 3m in length. It would be set back from the rear elevation of the ground floor extension below by 1.1m. Daylight and sunlight is already restricted to the windows in the rear elevation of the ground floor flat at no. 37 that are set back behind the existing ground floor rear extension. Due to the position of the extension, it would not result in any further loss of daylight or sunlight to the windows on the ground floor of no. 37. The ground floor flat has a small garden area at the rear that is enclosed from the remainder of the shared garden by a render brick wall. The garden of this flat and the communal garden area are currently overlooked by the windows of neighbouring properties in nos. 39, the roof terrace at no. 35 as well as first floor windows in the side elevation of properties fronting onto Briardale Gardens. It is possible to gain views into the rear garden from the existing conservatory. The proposed extension would increase the potential to look over into this garden however given the fact that an area of flat roof would still be retained, direct views into the garden below would not be possible. If the proposal was considered acceptable in all other respects a condition would be attached to ensure that the flat roof area is not used as a roof terrace and access restricted for maintenance purposes only.

3.20 The proposal would not have an adverse impact on the amenity of the flats within the existing building (no. 37) in terms of daylight, sunlight or outlook. There are views from the upper floors of no. 37 of the rear garden of the ground floor flat and the communal garden areas. The proposed extension would not harmfully alter the ability to gain views into the rear garden or neighbouring gardens and would be considered acceptable in terms of outlook.

3.21 The proposed extension would be set away from the boundary with the neighbouring property at no. 39 by 3.8m. There are windows at second floor level in the side elevation of the three storey extension that currently look out over the existing conservatory. The windows in the side elevation of the extension would be obscure glazed and would restrict any views into the windows of the neighbouring properties at no. 39. The height of the extension would remain the same as the existing. Due to the location of the windows in the rear elevation of no. 39 the proposed extension would not result in further loss of daylight or sunlight to these windows. The outlook from the windows in the rear elevation of no. 39 are already restricted by the existing ground floor extension at no. 37. It is considered that the proposed extension would not have an adverse impact in terms of loss of sunlight, daylight or outlook to the rooms that these windows serve above that of the existing conservatory.

3.22 Due to the stepped nature of the properties, the existing conservatory already projects forward of the rear elevation of no. 35. This property is a single family dwelling and the first floor window in the rear elevation closest to the first floor conservatory appears to serve a dressing room. The daylight into the windows in the rear elevation of no. 35 closest to the application property are already compromised by the stepped position of the application building. The proposal would not be considered to have any further harmful adverse impact on the windows in the rear elevation of no. 35

in terms of daylight, sunlight or outlook. Views into the first floor roof terrace of no. 35 from the extension would be screened by the obscure glazing that would be installed in the windows in the side elevation. If the proposal was considered acceptable in all other respects a condition would be attached to ensure that the obscure glazing is integrated into the new window openings. Overall, the relationship with this property would be considered acceptable.

3.23 It is considered that any potential light spillage as a result of the proposal would not be any more harmful than that generated by the existing conservatory. Furthermore, the obscure glazed finish to the windows in the side elevations of the extension would substantially reduce light spillage at night.

3.24 The proposed extension would be increase the habitable accommodation within an existing flat. This would not be considered to result in an increase in noise and disturbance to neighbouring occupiers as the use of the flat is not being intensified. Consequently the proposal would be considered acceptable in terms of potential noise.

4.0 Recommendation

4.1 Refuse planning permission