

| | | | | |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------|----------------------------|-------------------------------------|------------|
| Delegated Report | | Analysis sheet | Expiry Date: | 13/04/2020 |
| | | N/A / attached | Consultation Expiry Date: | 12/04/2020 |
| Officer | | | Application Number(s) | |
| Sofie Fieldsend | | | 2020/0782/P | |
| Application Address | | | Drawing Numbers | |
| Flat A, 200 West End Lane London NW6 1SG | | | See decision notice | |
| PO 3/4 | Area Team Signature | C&UD | Authorised Officer Signature | |
| | | | | |
| Proposal(s) | | | | |
| Conversion of upper floors maisonette to create 3 flats (Class C3) consisting of 2 x 2bed 3person flats and 1x 3bed 4person flat; erection of enlarged rear extension at 1st floor; loft conversion involving a rear dormer roof extension, rear roof terrace and 3 front rooflights; erection of bin and bike stores in rear garden. | | | | |
| Recommendation: | | Refuse planning permission | | |
| Application Type: | | Full Planning Permission | | |

| | | | | | | |
|------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----|------------------|----|-------------------|----|
| Conditions or Reasons for Refusal: | Refer to Decision Notice | | | | | |
| Informatives: | | | | | | |
| Consultations | | | | | | |
| Adjoining Occupiers: | No. notified | 00 | No. of responses | 00 | No. of objections | 01 |
| | | | No. electronic | 00 | No. of comments | 00 |
| Summary of consultation responses: | <p>A site notice was displayed on the 18/03/2020 and the consultation period expired on the 11/04/2020. A press notice was advertised on 19/03/2020 and expired on 12/04/2020.</p> <p>1 objection was received from 2 Fawley Road summarised as follows:</p> <ul style="list-style-type: none">Overlooking and loss of sunlight/daylight from extensions and terraces to adjacent buildings <p><i>Officer response:</i> <i>See sections 5.1-5.4.</i></p> | | | | | |
| CAAC and other community groups | West End Green CAAC and the Fortune Green and West Hampstead Neighbourhood forum were consulted and no response was received. | | | | | |

Site Description

The site is a four storey mid terrace property located on the east side of West End Lane with retail at ground floor level and one 6 bedroom maisonette occupying the remaining upper floors.

The site is located within the West End Green Conservation Area and, while the building is not listed, it is recognised as making a positive contribution to the character of the conservation area. It is also within the Fortune Green and West Hampstead Neighbourhood Plan area.

Relevant History

Application site

2019/3505/P - Change of use from 1x6B flat to 2x 2B4P and 1x 3B5P flats. Erection of rear extension at 1st floor, 3 storey side infill extension (1st-3rd floor) and rear balcony at 2nd. Erection of roof extension involving rear dormer and roof terrace and 3x front rooflights. Installation of bin and bike stores in rear garden. – **Refused 06/10/2019**

Reasons for refusal:

- 1) The proposed development, by reason of its detailed design, height, scale, bulk and siting, would harm the character and appearance of the host property, terrace and conservation area contrary to policies D1 (design) and D2 (heritage) of the Camden Local Plan 2017 and policies 2 (Design and character) and 3 (Safeguarding and enhancing Conservation Areas and heritage assets) of the Fortune Green and West Hampstead Neighbourhood Plan (2015).
- 2) The proposed 2nd floor terrace, by reason of its siting and scale, would result in potential close range overlooking and noise disturbance to adjacent properties contrary to policy A1 (Managing the impact of development) of the London Borough of Camden Local Plan 2017.
- 3) The proposed development, in the absence of a legal agreement for car-free housing, would be likely to contribute unacceptably to parking stress and congestion in the surrounding area and fail to promote more sustainable and efficient forms of transport, contrary to policies T1 (Prioritising walking, cycling and public transport), T2 (Parking and Car Parking) and A1 (Managing the impact of development) of the London Borough of Camden Local Plan 2017.
- 4) The proposed development, in the absence of a legal agreement securing a Construction Management Plan and associated monitoring fee, would be likely to contribute unacceptably to traffic disruption and be detrimental to general highway and pedestrian safety, contrary to policies A1 (Managing the impact of development) and T4 (Sustainable movement of goods and materials) of the London Borough of Camden Local Plan 2017.

Neighbouring properties

190 West End Lane

PWX0202552 -The erection of an extension at rear first floor level, the erection of a dormer roof extension with terraced area in the rear roofslope and 2 rooflights in the front roofslope, in connection with the creation of 3 self-contained flats on the 1st, 2nd and 3rd floors. - **Granted 26/06/2003**

192a West End Lane

2005/1602/P - Conversion of the 3 upper floors of the property from 3 flats to create 2 x 2 bedroom flats & 1 x 3 bedroom maisonette, conversion of the roof space into additional habitable accommodation through the erection of a rear dormer and 2 rooflights to the front elevation, the erection of a single storey rear extension at first floor level, and the creation of a roof terrace on the rear flat roof adjoining the new dormer. – **Granted 19/07/2005**

Relevant policies

National Planning Policy Framework (2019)

London Plan (2016)

London Plan intend to publish (2019)

Camden's Local Plan (2017)

A1 – Managing the impact of development

D1 – Design

D2 – Heritage

T1 - Prioritising walking, cycling and public transport

T2 - Parking and car parking

T4 - Sustainable movement of goods and materials

Fortune Green and West Hampstead Neighbourhood Plan (2015)

Policy 1: Housing

Policy 2: Design and Character

Policy 3: Safeguarding and enhancing Conservation Areas and heritage assets

Policy 7: Sustainable Transport

Policy 8: Cycling

Supplementary Guidance

CPG Altering and extending your home (2019)

- Chapters 1, 2, 4

CPG Design

CPG Amenity (2018)

West End Green Conservation Area Appraisal and Management Strategy (2011)

Assessment

1.0 Proposal

1.1 Planning permission is sought for the following:

- Conversion to create 3 flats (Class C3) consisting of 2 x 2bed 3person flats and 1x 3bed 4person flat
- Erection of enlarged rear extension at 1st floor
- Erection of roof extension in loft involving rear dormer and roof terrace and 3 front rooflights
- Installation of bin and bike stores in rear garden.

1.2 Differences from refused scheme ref. 2019/3505/P are:

- Flat size reduction to 2x 2bed 3p and 1x 3bed 4p (previous 2x 2bed 4p and 1x 3bed 5p).
- Removal of 3 storey side infill extension (1st-3rd floors) and rear balcony at 2nd floor.
- Reduction of depth/width of roof terrace
- Reduction in width of rear dormer by 0.4m

2.0 Assessment

2.1 The main considerations in relation to this proposal are:

- Land use
- The visual impact upon the character and appearance of the host property, streetscene and West End Green conservation area (Design and Character)
- Impact on the amenity of adjoining occupiers

3.0 Land Use

3.1 The proposal includes the subdivision of the existing 6 bed flat (C3) into 3 flats consisting of 2x 2bed 3p and 1x 3bed 4p. The proposed development would increase housing supply in the borough in accordance with policy H1. However, whilst there is a need for additional housing in the borough and the general principle of adding to the housing stock is supported, there are concerns regarding the impact of the extensions on the character of the building/terrace which are discussed in detail in the design section below.

4.0 Design and Appearance

Policy background

4.1 Policy D1 of Camden's Local Plan outlines that the Council will require all developments to be of the highest standard of design and will expect developments to consider character, setting, context and the form and scale of neighbouring buildings and the character and proportion of the existing building. In addition it should integrate well with the surrounding streets and contribute positively to the street frontage. Policy D2 states that Council will only permit development within conservation areas that preserves and enhances the character and appearance of the area. Camden Planning Guidance (CPG Altering and extending your home) states that "design should positively enhance the character of existing buildings on site and other building immediately adjacent and in the surrounding area".

4.2 Camden's Design Guidance indicates that proposals should have regard to the scale, form and massing of neighbouring buildings and respect and preserve the historic pattern where it exists.

4.3 CPG Altering and extending your home states that:

"Extensions that are higher than one full storey below roof eaves/parapet level, or that rise above the general height of neighbouring projections and nearby extensions, will be strongly discouraged. This is because such extensions no longer appear subordinate to the building."

And

"The width of a rear extension should be designed so that it is not visible from the street and should respect the rhythm of existing rear extensions in neighbouring sites."

4.4 Policy 2 of the Fortune Green and West Hampstead Neighbourhood Plan 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. This shall be achieved by:

- i. Development which positively interfaces with the street and streetscape in which it is located.
- ii. Development which maintains the positive contributions to character of existing buildings and structures.

- iii. Development which is human in scale, in order to maintain and create a positive relationship between buildings and street level activity.
- iv. Development which has regard to the form, function, structure and heritage of its context – including the scale, mass, orientation, pattern and grain of surrounding buildings, streets and spaces.
- v. A presumption in favour of a colour palate which reflects, or is in harmony with, the materials of its context.
- vi. New buildings and extensions that respect and are sensitive to the height of existing buildings in their vicinity and setting. Tall buildings in the Growth Area will need to have regard to their impact on the setting of the two immediately adjacent conservation areas, in order to avoid any negative impact on them.
- vii. Extensions - and infill development - being in character and proportion with its context and setting, including the relationship to any adjoining properties.
- viii. The provision of associated high quality public realm.

4.5 Policy 3 of the Fortune Green and West Hampstead Neighbourhood Plan states that:

- i) Development that enhances or preserves Conservations Areas and heritage assets in the Area – as well as their distinct character, appearance, and setting – will be supported.
- ii) Proposals which detract from the special character, and/or, architectural and/or historic significance, and setting of Conservation Areas and heritage assets in the Area will not be supported.

Rear extension and terrace

4.6 To comply with CPG 'Altering and extending your home', extensions in terms of their location, form, scale, proportions, dimensions and detailing should be secondary to the building being extended. It should respect and preserve the original design and proportions of the building as well as the historic pattern and established townscape of the surrounding area.

4.7 It is noted that the properties in this terrace are highly consistent to the rear and are characterised by uniform outriggers of the same width and consistent gaps along the rear elevation.

4.8 At first floor a rear extension measuring 2m wide and 2.1m deep with a flat roof to match the existing outrigger is proposed. Although it is noted that No.190 has built a full width extension at first floor, this was approved in 2003; guidance on rear extensions has since been strengthened. This extension also adjoins a much larger property at No.186-188 which reduces the prominence of this extension. It is considered that the mid terrace host property of this application has a different context and a rear extension at this level would not respect the rhythm of existing rear extensions within this terrace. The rear would also be partly visible from Fawley Road in the public realm. The proposal would erode the characteristic uniformity of the rear elevations within this terrace. It is thus considered unacceptable due to its negative impact on the character and appearance of the host property and consequently this part of the conservation area.

4.9 While this application does not include a three storey rear/side infill extension as before, it is still not considered that this overcomes the reason for refusal under ref. 2019/3505/P.

Roof extension and terrace

4.10 CPG 'Altering and extending your home' recommends that alterations to, or the addition of, roof dormers should be sensitive changes which maintain the overall structure of the existing roof form; should not be introduced into shallow roofs; should not disrupt an unbroken roofscape; should

maintain adequate roof slope to maintain projection into the roofline; and should utilise materials which are complementary to the host building and local area. This guidance also advises that roof alterations / extensions may be accepted where they act to re-unite a group of buildings; remain architecturally sympathetic to the host building; maintain the integrity of the roof form; or where there is an established pattern of development of a similar form would not result in harm.

4.11 This CPG further adds that they should be sufficiently below the ridge of the roof in order to avoid projecting into the roofline when viewed from a distance. Usually a 500mm gap is required between the dormer and the ridge or hip to maintain this separation. Full-length dormers, on both the front and rear of the property, will be discouraged to minimise the prominence of these structures. In number, form, scale and pane size, the dormer and window should relate to the façade below and the surface area of the roof. They should appear as separate small projections on the roof surface.

4.12 The proposed dormer is contrary to CPG 'Altering and extending your home' as it occupies nearly the full height and width of the roof slope and is not set at least 500mm away from the eaves and ridges of the roof. The proposed dormer therefore subsumes the character of the roof and appears as an incongruous bulky addition which fails to be subordinate in relation to the roof slope. There are no examples of the same scale of dormer found within this terrace. In addition, the proposed design and scale of the fenestration does not relate to the existing rear elevation below and appear out of proportion. The rear would also be visible from Fawley Road in the public realm so this extension would have an impact on both public and private parts of the conservation area and streetscene.

4.13 It is noted that there are some examples of smaller dormers and roof terraces at No.190, 192 and 198 within the terrace. The dormers granted at No.190 and 192 in 2003 and 2005 respectively were much smaller in scale and significantly set away from the edges of the roof slope. Both roof terraces at No.190 and 192 were granted with a setback from the edge of the roof. There appears to be no record of planning permission for the roof extension and terrace at No.198 and it is likely to be lawful due to its age.

4.14 The proposed roof terrace would not be as wide or as deep as the previously refused application ref. 2020/0782/P due to the absence of the 3 storey infill rear/side extension. The reduction in depth and width is welcomed and protects the symmetry of this terrace and their characteristic uniformity.

4.15 Compared with the previously refused application, the rear dormer has been pulled away 0.4m from the boundary with No.202. It is not considered that this minor reduction on one side overcomes the reason for refusal under ref. 2019/3505/P. It is still contrary to guidance as it is not set at least 0.5m away from all edges of the roof and it still appears as a dominant excessively bulky feature on the roof slope.

4.16 A 1.7m obscured glass privacy screen is proposed on the edge of the roof terrace between No. 198 West End Lane and the host property. This is considered to mitigate concerns about occupiers being able to look directly into the rear dormer windows of this property. However the use of glass at high level within a Conservation Area is not acceptable and would appear out of character; a traditional timber screen would be more appropriate and the screen could include planting to soften it. The use of glass as a rear balustrade is also unacceptable for the reasons stated above and black railings would be more in keeping with the character of these properties. The Conservation area statement highlights that the use of inappropriate materials harms the appearance of the conservation area. Given that the proposed privacy screen remains unchanged to the previously refused application, it does not overcome the reason for refusal under ref. 2019/3505/P.

Rooflights

4.17 Nos.190 and 192 West End Lane were granted permission for two small rooflights located near the top of the front roofslope and there are no other examples within this terrace. Three rooflights are proposed on the front roofslope, although one is hidden behind the front parapet. They are considered to be modest and small scale alterations which are not visible from the street. Thus they will not detract from the character and appearance of the host property and conservation area.

Conclusion

4.18 The development is not considered to maintain the positive contribution that the host property makes the conservation area and it does not give regard to the form and heritage of its context in terms of its scale, mass and pattern of surrounding buildings. It does not reflect the character and appearance of the terrace it sits within and appears out of proportion in relation to the host property and adjoining properties.

4.19 Angled views of the rear elevation are possible from Fawley Road. The consistent rear outriggers and elevations of the terrace significantly adds to the group value of the terrace and enhances its special character. It is considered that the addition of the rear and roof extensions and roof terrace privacy screen would disrupt the historic rhythm, form and pattern of development along the terrace, eroding its uniformity and group value, to the detriment of the host building, terrace and surrounding conservation area.

4.20. The proposed rear 1st floor and roof extensions plus the roof terrace privacy screen, by reason of their detailed design, height, scale, bulk and siting, would harm the character and appearance of the host property, terrace and conservation area contrary to policies of the Camden Local Plan 2017 and the Fortune Green and West Hampstead Neighbourhood Plan 2015.

Bin and bike stores

4.21 The rear garden is entirely screened from the public realm. It is considered that the erection of timber bin and bike stores in this location would be acceptable. They would provide 3 cycle parking spaces and bin storage for 6 wheelie bins and 3 boxes. Their siting, design and small scale would not warrant a reason for refusal.

4.0 Amenity

Neighbouring properties

5.1 Local Plan Policy A1 seeks to ensure that the amenity of neighbours is protected including visual privacy, outlook, sunlight, daylight and overshadowing.

5.2 CPG Amenity states that development should be designed in order to ensure that “the proximity, size or cumulative effect of any structures do not have an overbearing and/or dominating effect that is detrimental to the enjoyment of their properties by adjoining residential occupiers” and that where development is considered to have a detrimental impact upon levels of daylight, sunlight or overshadowing into neighbouring properties, the submission of further evidence of this impact may be required.

5.3. The setback proposed on the roof terrace would help mitigate some issues of overlooking to surrounding properties and it considered to be no worse than that at No.190 and 192 which were granted permission. It is noted that a 1.7m obscure glass privacy screen is proposed between No. 198 West End Lane and the host property. This is considered to mitigate concerns about occupiers being able to look directly into the rear dormer windows of this property.

5.4 Given the siting of the extensions and separation distance to neighbouring properties, it is considered that the proposed extensions would not lead to a detrimental impact upon neighbouring properties by virtue of loss of light, outlook and privacy or excessive noise and disturbance given the significant separation distance to neighbouring properties.

Future occupiers

5.5 The existing unit will be subdivided to provide three flats are proposed comprising the following mix of 2 x 2beds and 1 x 3bed-

| Flat | Floor | Unit Size (GIA) | London Plan Minimum GIA | Dual Aspect (Y/N) | Amenity space |
|------|-----------------|------------------|-------------------------|-------------------|---------------|
| 1 | 1 st | 68.6sqm (2b/3p) | 61sqm | Y | Y |
| 2 | 2 nd | 61.15sqm(2b/3p) | 61sqm | Y | N |
| 3 | 3 rd | 87.5 sqm (3b/4p) | 84sqm | Y | Y |

5.6 Local Plan Policy H7 seeks a mix of large and small units. As indicated in para 3.185, large homes are those with 3 or more beds. Policy H7 also indicates that the proposal should contribute to meeting the priorities in the Dwelling Size Priorities Table. For market housing, the priorities given are 2 and 3 bed. This mix proposed would be acceptable as it provides three high priority units in line with policy H7 of the Local Plan and Policy 1 of the West Hampstead and Fortune Green Neighbourhood Plan.

5.7 All flats comply with minimum space standards and only flat 2 will not have access to private amenity space. Overall the proposal is considered to provide adequate accommodation for future occupiers.

6.0 Transport

6.1 Policy T1 of the Camden Local Plan requires development to provide cycle parking facilities in accordance with the minimum requirements of the London Plan and design requirements outlined in CPG Transport. Three cycle spaces are proposed in the rear garden. To comply with the London Plan, 1 space per studio/1bed and 2 spaces per all other dwelling should be provided. In this instance 6 spaces would need to be provided and designed in accordance with the cycle facilities section of CPG Transport. Only 3 cycle parking spaces have been shown in the rear garden. If the overall development was acceptable in principle, the policy-required number of cycle parking spaces could be conditioned as it is considered that there is sufficient space in the rear garden to facilitate the required number of cycle spaces.

6.2 Policy T2 of the Local Plan requires all new development in the borough to be car-free regardless of PTAL rating, this would be secured by a S106 legal agreement. For car-free developments, the Council will not issue on-street parking permits and will use planning obligations to ensure that future

occupants are aware they are not entitled to on-street parking permits. In absence of a S106 securing car free development, this forms a reason for refusal.

6.3 Policies A1 and T4 (Sustainable movement of goods and materials) state that Construction Management Plans should be secured to demonstrate how a development will minimise impacts from the movement of goods and materials during the construction process (including any demolition works). For some developments, this may require control over how the development is implemented (including demolition and construction) through a Construction Management Plan (CMP). Highways officers consider that a CMP would be required if the scheme was acceptable due to the highway constraints. In absence of a S106 agreement securing a CMP and its associated monitoring fee of £3,136, this would form a reason for refusal.

6.4 Policy A1 of the Camden Local Plan states that the Council will repair any construction damage to transport infrastructure or landscaping and reinstate all affected transport network links, road and footway surfaces. A highway contribution is not required for this small scale development.

7.0 Conclusion

7.1 The proposed rear extension and roof extension plus roof terrace privacy screen, by reason of their siting, scale, bulk and detailed design, would appear as visually obtrusive and bulky and dominate the rear elevation of the property. They would fail to respect and preserve the original design and proportions of this terraced row of properties, all to the detriment of the character and appearance of the host building, terrace and the wider conservation area. It is therefore contrary to policies D1 (design) and D2 (heritage) of the Camden Local Plan 2017 and policies 2 (Design and character) and 3 (Safeguarding and enhancing Conservation Areas and heritage assets) of the Fortune Green and West Hampstead Neighbourhood Plan (2015).

7.2 In absence of a S106 legal agreement securing a CMP (and associated monitoring fee) and car-free development, it would likely to contribute unacceptably to parking stress and congestion in the surrounding area and fail to promote more sustainable and efficient forms of transport as well as contribute unacceptably to traffic disruption and be detrimental to general highway and pedestrian safety. It is therefore contrary to policies T1 (Prioritising walking, cycling and public transport), T2 (Parking and Car Parking), T4 (Sustainable movement of goods and materials) and A1 (Managing the impact of development) of the London Borough of Camden Local Plan 2017.

8.0 Recommendation

8.1 Refuse planning permission.