

<b>Delegated Report</b>		<b>Analysis sheet</b>		<b>Expiry Date:</b>		23/01/2020			
		N/A		<b>Consultation Expiry Date:</b>		16/02/2020			
<b>Officer</b>				<b>Application Number(s)</b>					
Patrick Marfleet				2019/5984/P					
<b>Application Address</b>				<b>Drawing Numbers</b>					
Heysham House Heysham Lane London NW3 7LX				Please refer to decision notice					
<b>PO 3/4</b>		<b>Area Team Signature</b>		<b>C&amp;UD</b>		<b>Authorised Officer Signature</b>			
<b>Proposal(s)</b>									
Erection of single storey side/rear extension (retrospective).									
<b>Recommendation(s):</b>		Refuse Planning Permission and Warn of Enforcement Action							
<b>Application Type:</b>		Full Planning Permission							
<b>Conditions or Reasons for Refusal:</b>		Refer to Draft Decision Notice							
<b>Informatives:</b>									
<b>Consultations</b>									
<b>Adjoining Occupiers:</b>		No. of responses		0		No. of objections		0	
<b>Summary of consultation responses:</b>		Site notice: displayed from 23/01/2020 – 16/02/2020 Press notice: displayed from 23/01/2020 – 16/02/2020  No objections were received from neighbouring properties.							
<b>Local Groups</b>		<p><b>The Hampstead CAAC and Hampstead Neighbourhood Forum</b> objected to the application on the following grounds:</p> <ol style="list-style-type: none"> <li>1. This extension has been built in an area designated as a Branch Hill Local Green Space in the Hampstead Neighbourhood Plan. The NPPF states that local policy for managing development within an LGS should be consistent with policy for Green Belts. The NPPF states that development harmful to Green Belt areas should not be approved unless the harm is “clearly outweighed by other circumstances”. Exceptions would only be permitted if the extension does not result in disproportionate additions over and above the size of the original building. The proposed extension is a substantial increase of the floor space and should be refused as contrary to</li> </ol>							

- Hampstead Neighbourhood Plan NE1 and the NPPF.
2. Hampstead CAAC objects on principle to retrospective applications. The proposal here is a substantial extension barely subservient to the main building and the need for prior application for consent should have been clear.
  3. The drawings submitted are insufficient to judge the merits of the building and extension. The site plans show the setting as a large land area, but the extension appears to take up an unnecessarily large portion of the remaining garden area in that corner.

### **Site Description**

The site is located on the northern side of Heysham Lane and relates to a large, four storey detached property which is divided into four separate flats (Class C3). The surrounding area is largely characterised by large detached properties with mature garden areas to the front and rear.

The property is located in the Hampstead Conservation Area, it is not a listed building and is identified as a building that makes a neutral contribution to the character of the area. The property is also located within the Hampstead Neighbourhood Area and is identified in the Hampstead Neighbourhood Plan as designated Local Green Space. The site is also identified on the Councils policies map as designated open space and as part of the Branch Hill SINC.

### **Relevant History**

No relevant planning history.

### **Relevant policies**

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

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

Intend to Publish London Plan 2019

#### **Camden Local Plan 2017**

A1 Managing the impact of development  
A2 Open space  
A3 Biodiversity  
D1 Design  
D2 Heritage

#### **Camden Planning Guidance 2018/2019**

CPG Design  
CPG Amenity

#### **Hampstead Neighbourhood Plan 2018**

DH1 Design  
DH2 Conservation areas and listed buildings  
NE1 Local green spaces  
NE4 Supporting biodiversity

## Assessment

### 1 PROPOSAL

1.1 Retrospective planning permission is sought for the erection of a single storey side/rear extension to provide additional habitable space for the existing lower ground floor flat. The extension is attached to the northern elevation of the host property and has a maximum depth of 13.8 metres and a total floor area of approximately 140sqm.

### 2 ASSESSMENT

2.1 The material considerations for this application are as follows:

- Design
- Impact on local green space
- Amenity of neighbouring residential occupants

#### 2.2 Design

2.2.1 Local Plan Policies D1 (Design) and D2 (Heritage) are aimed at achieving the highest standard of design in all developments. Policy D1 requires development to be of the highest architectural and urban design quality, which improves the function, appearance and character of the area; and Policy D2 states that the Council will preserve, and where appropriate, enhance Camden's rich and diverse heritage assets and their settings, including conservation areas and listed buildings. Furthermore, Policies DH1 (Design) and DH2 (Conservation areas and listed buildings) of the Hampstead Neighbourhood Plan states that development proposals must seek to protect and/or enhance buildings (or other elements) which make a positive contribution to the Conservation area.

2.2.2 The existing extension has a floor area of approximately 140sqm (GIA) which is 8sqm below the footprint of the original house (148sqm approximately). Therefore, the extension essentially doubles the size of the property at lower ground floor level and officers do not believe that a development of this size can reasonably be considered to be a subordinate addition to the host dwelling, as domestic extensions should be.

2.2.3 Officers note that the application site is a large detached building that could accommodate a reasonably sized extension to the side or rear however, the overall size and scale of the proposed single storey rear extension is considered excessive in size and would fail to respect the original design and proportions of the host building. The proposed extension would consume an existing bay window feature to the side/rear of the property whilst also altering the original plan form of the building at lower ground level, which is considered to cause unacceptable harm to the appearance of the building. This harm is compounded by the existing raised balcony at the site (attached to the west elevation) which also does not appear to benefit from planning permission and is considered to have a significant impact on the appearance of the host dwelling.

2.2.4 The application site is located in Sub Area 6 of the Hampstead Conservation Area which is described in the Hampstead Conservation Area Statement as principally woodland on the western slopes of Hampstead in which buildings play a subordinate role.

2.2.5 The unauthorised extension is largely screened from public view by the existing property and does not cause significant harm to the character of the conservation area in views from Heysham Lane. However, the extension is located in close proximity to a number of neighbouring garden boundaries and could be considered to cause harm to private views of the site.

2.2.6 Therefore, whilst in isolation it may not appear particularly harmful, given its limited visibility, the extension still occupies a large portion of the existing garden area which would cause significant harm

to the open and verdant nature of this part of the conservation area.

2.2.7 Special attention has been paid to the desirability of preserving or enhancing the character or appearance of the host building and 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. The overall size and design of the proposed extension is considered to cause unacceptable harm to the character and appearance of the Hampstead Conservation Area.

#### Impact on Local Green Space

2.2.8 Policy NE1 of the Hampstead Neighbourhood Plan seeks to protect designated Local Green Spaces and will not permit development on Local Green Space except in very special circumstances. Furthermore, Policy A2 of the Camden Local Plan seeks to protect all designated public and private open spaces unless equivalent or better provision of open space in terms of quality and quantity is provided within the local catchment area.

2.2.9 Furthermore, Paragraph 101 of the NPPF states that policies for managing Local Green Space should be consistent with those for Green Belt land. With regard to the development on Green Belt land Paragraph 145 of the NPPF states that a Local Planning Authority should regard the construction of new buildings in the Green Belt as inappropriate, and then lists a number of exceptions to this. The most relevant exception in this instance is point c) which states:

*c) The extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building*

2.2.10 As stated above, the existing extension adds approximately 140sqm of additional floor space to the property and nearly doubles the footprint of the existing building at lower ground floor level. The extension is therefore considered to be a disproportionate addition that would result in the unacceptable erosion of protected land and would be contrary to the Local and Neighbourhood Plan policies and the NPPF. Further, officers do not believe a domestic extension to be a development that would provide any discernible benefit that would justify the loss of designated open space and the harmful impact this would have on the amenity and character of the wider area.

### **2.3 Amenity of neighbouring residential occupants**

2.3.1 Policy A1 of the Local Plan 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 for development that would not harm the amenity of neighbouring residents.

2.3.2 The size, scale and location of the proposed extension is not considered to cause harm to neighbouring amenity in terms of loss of light, outlook or privacy, particularly given the significant distances between the host property and neighbouring properties in the surrounding area.

## **3 Recommendation**

3.1 Refuse planning permission and warn of enforcement action to be taken

3.2 That the Borough Solicitor issue an Enforcement Notice under section 172 of the Town & Country Planning Act 1990 (as amended), to secure the removal of the unauthorised single storey side/rear extension, and that officers be authorised in the event of non-compliance to prosecute under section 179 or appropriate power and/or take direct action under section 178 in order to secure cessation of the breach of planning control.

**The Notice shall allege the following breach of planning control:**

Erection of single storey side/rear extension.

The Notice shall require that, within a period of 6 months of the Notice taking effect:

1. Completely remove the unauthorised side/rear extension; and
2. Make good any damage caused as a result of the above works.

**Reasons for Issuing the Notice:**

**The unauthorised development has resulted in unacceptable harm to the appearance of the host property, the character and appearance of this part of the Hampstead conservation area, and has also resulted in the unacceptable loss of protected Local Green Space contrary to policies D1, D2 and A2 of the London Borough of Camden Local Plan 2017 and Policy NE1 of the Hampstead Neighbourhood Plan (2018).**