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Your Ref: 2020/2044/P
Date: 30th June 2020

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Dear Sirs

Re: Planning application ref: 2020/2044/P for the Erection of single storey side/rear ground floor extension at Flat A, 68 Agamemnon Road London NW6 1EH

We are instructed by Ms Jill Henry of 66 Agamemnon Road, London, NW6 1EH to object to the above planning application at Flat A, 68 Agamemnon Road London NW6 1EH ("the Site"). Our client resides in the immediately adjacent property to the west of the Site.

The Site is located within a residential area characterised predominantly by two storey Victorian terraced properties. The properties on the northern side of Agamemnon Road, on which the Site is located, have very shallow rear gardens which back on to the Hampstead Cemetery, a Grade II listed Park and Garden.

It is considered that the proposal constitutes an unacceptable form of development, contrary to the relevant policies provided within the Camden Local Plan (adopted 2017) ("the Local Plan") and relevant Camden Planning Guidance, the Fortune Green & West Hampstead Neighbourhood Plan (adopted March 2015) ("the Neighbourhood Plan") and the National Planning Policy Framework (NPPF). The salient issues of this application are considered in turn below:

Effect on Residential Amenity

Paragraph 127 of the NPPF seeks to ensure a "...*high standard of amenity for existing and future users*".

Camden Planning Guidance: Altering and Extending Your Home, March 2019 sets out a number of design principles in section 3, of which the following are considered particularly relevant:

"f. not cause a loss of amenity to adjacent properties with regard to daylight, sunlight, outlook, light pollution/spillage, privacy. Please ensure the extension complies with the 45 degree test and 25 degree test as set out in the CPG for Amenity – or demonstrate BRE compliance via a daylight test.

g. allow for the retention of a reasonably sized garden;

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h. retain the open character of existing natural landscaping and garden amenity, including that of neighbouring properties, proportionate to that of the surrounding area."

As stated above, the gardens on the northern side of Agamemnon Road are extremely small. The Site's existing garden has a depth of 5.5m. The rear extension would result in the depth of the garden being reduced to approximately 3.8m. The proposed extension would adversely impact on the immediately adjacent properties on both sides. Whilst the rear extension is not overly deep (at 1.71m) its mere existence, due to the shallow depth of the garden and adjacent gardens, would result in harm to the amenities of the neighbouring property at no. 66 Agamemnon Road. In particular, at the proposed height of 2.8m the extension would result in an overbearing form of development and an unwelcome sense of enclosure, harming the amenities of the neighbouring properties, exacerbated by the very shallow rear gardens.

In addition to this, the side extension, which extends the length of the side return of our client's property will result in a loss of light to our client's property. In particular, the extension fails to comply with the 45 degree floor plan test. The extension, due to its length, siting on the boundary and height will result in an unneighbourly and overbearing form of development adversely impacting on the residential amenities enjoyed at our client's property.

Whilst the "Daylight Models" included in the submitted Design and Access Statement do not demonstrate a direct impact on our client's property it is considered that this alone is not determinative in assessing impacts on residential amenity. Indeed, in this location the impact needs to be assessed against the small size of the rear garden. In this case, the proximity and size of the extension would be harmful to the amenities enjoyed by our client. Furthermore, the models provided do not take into account the impact of the large trees to the rear of our client's property which result in significant shading to the property in the afternoon.

The submitted Design and Access Statement states that the proposal will *"provide a good quality visual outlook to the garden than can be enjoyed by the occupant"*, however it entirely fails to consider the adverse visual impact the extension will have on my client's property. In addition, the Statement considers impact on neighbouring properties to be minimal as *"the closest wings of the neighbouring properties serve as kitchens and other non-habitable rooms"*. This is not correct, the rooms immediately adjacent to the application site where the proposed extension is to be located comprise a kitchen and living room. Our client's living room doors open onto the side elevation of the property and will be immediately adjacent to the proposed site extension, resulting in a tunnelling effect which will create an unacceptable sense of enclosure and visual impact as well as loss of light. Our client's kitchen window, opposite the existing back door of the application site, will also suffer from loss of light and a harmful visual impact due to the size and proximity of the extension.

Furthermore, the mass and bulk of the proposed extension, being a wraparound extension would be harmful to our client's property due of the proximity of the extension and its design. The flat roofed designed of the rear element adds to the bulk and is not in keeping with the characteristic sloping roofs of the application site and surrounding area. Accordingly, the proposal fails to accord with local and national policies and guidance.

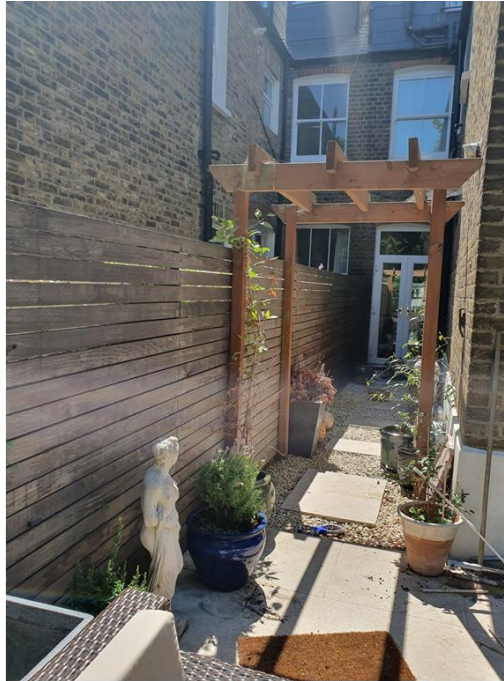
The photographs below demonstrate the above points.



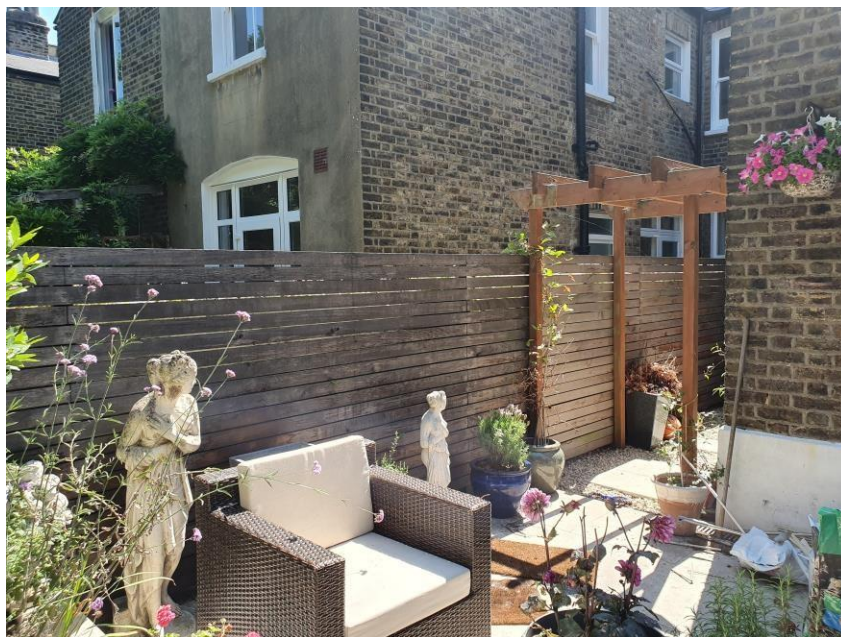
View towards the application site - Extension will create a dominant form of development and unneighbourly sense of enclosure.



View from dining room doors, application site to the right - Tunnelling effect will severely harm the amenities of no. 66.



*View towards the dining room doors,
application site to the left - Tunnelling
effect will severely harm the amenities of no. 66.*



*View towards application site – The design, proximity and extent of
the wraparound extension will harm the amenities of no. 66.*

Design and character

Local Plan Policy D1 (Design) seeks to achieve 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. It stipulates that “*extensions should be in proportion to the existing building, should not have an impact on existing rhythms, symmetries and uniformities of the townscape and alteration/extension would not be acceptable where the architectural style would be undermined by any addition*”.

In addition, the Camden Planning Guidance: Altering and Extending Your Home, March 2019 the Neighbourhood Plan is also relevant and in Policy 2 seeks:

“ (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.

(vii) Extensions – and infill development – being in character and proportion with its context and setting, including the relationship to any adjoining properties.” iv. Development which has regard

To date, none of the houses on the northern side of Agamemnon Road have rear extensions and the rear building line is retained intact. This is an important feature of the northern side of Agamemnon Road due to the shallow depth of the rear gardens. Whilst a planning permission does not create a precedent it is considered that the approval of this application would make it significantly harder for the Council to resist similar inappropriate applications in the future. The loss of some or all of the rear gardens in this location would significantly alter the form and pattern of development in this area to the detriment of the character of this row of Victorian terraced houses.

It is considered that an extension of any depth in this location, due to the depth of the rear gardens, would not be in proportion with its context and setting and would result in the overdevelopment of the site.

The proposal, due to its location and loss of part of the rear garden results in an inappropriate form of development, not in keeping with the character of the surrounding development. Accordingly, the proposal fails to accord with the Local Plan Policy D1 and Camden Planning Guidance: Altering and Extending Your Home.

Heritage assets

Paragraphs 193 to 202 of the NPPF consider the potential impacts of development on heritage assets. Immediately to the rear of the site lies Hampstead Cemetery, a Grade II listed Park and Garden.

Our client is concerned that the extension of the Site as proposed will, on its own and through opening the door to similar extensions on the northern side of Agamemnon Road, will detract from the significance of the heritage asset. Careful consideration of the impact of the development on the adjacent Hampstead Cemetery is required to due its close proximity to the boundary wall.

Other matters

It is noted that there have been incidences of surface water flooding in the area in recent times. Our client is concerned that additional built development will further exacerbate this issue.

Summary

For the reasons discussed within this letter, it is considered that the application would be an inappropriate form of development in terms of the effect on the amenity of our client. In addition, the proposal results in a form of development that detracts from the character of the surrounding area and also the significance of the adjacent heritage asset. The proposal does not result in any planning benefits which would outweigh the harm caused. Therefore, the proposed development does not accord with the policies contained within the adopted Local Plan, Camden Planning Guidance, the Neighbourhood Plan and is in conflict with the NPPF and should be refused.

The case officer is invited to view the Site from our client's property. During the current restrictions, due to Covid-19, this may not be possible at this point in time but it is considered essential to enable full consideration the impact of the development on her residential amenity. Please contact the agent directly to arrange a mutually convenient time.

If the application is determined by Committee, we request that we are advised of the Committee date so that our client or their representative can attend and make any further representation, should they wish to do so.

Yours faithfully

Attwells Solicitors LLP