

Prior Approval Report		Analysis sheet	Expiry Date (agreed with Agent):	25/09/2020
		N/A / attached	Consultation Expiry Date:	19/09/2020
Officer			Application Number(s)	
Tony Young			2020/3512/P	
Application Address			Drawing Numbers	
3 Hillfield Road London NW6 1QD			See decision notice	
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature	
Proposal(s)				
Erection of single storey side/rear extension (measuring 6m deep, 2.36m wide, between 3-4m high given part sloping roof and 3m in height to the eaves) to existing dwellinghouse (Class C3).				
Recommendation(s):	Prior Approval Required - Refuse			
Application Type:	GPDO Prior Approval Class A (Larger Home Extensions)			

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	06	No. of responses	02	No. of objections	02
Summary of consultation responses:	<p><u>2 responses have been received from occupants of adjoining and neighbouring properties, summarised as follows:</u></p> <ul style="list-style-type: none"> • noise from proposed work would be disruptive; • adverse effect on the amenity of neighbouring properties needs to be considered in context of other development at the site (especially to occupants at no.5) from increased noise, loss of daylight, privacy and overlooking; • proposals amount to over-development of property and concern about piecemeal approach to works which remain unfinished; • side return is integral to original Victorian design of the property; • the owner has already relied on permitted development rights to build an unsightly extension in the side return and the design is very obtrusive, and extending this further would increase the adverse impact on neighbouring properties. <p><i>Officer response: This application is for prior approval rather than full planning permission, and as such, an assessment of its planning merits as to its acceptability under current policies is not relevant or possible, as it is purely a legal determination. Only matters which impact on the amenity of the adjoining occupiers can be taken into consideration in the assessment of the proposal in so far as the GPDO Regulations allow.</i></p> <p><i>Permitted development rules for larger home extensions, subject to neighbour consultation, were made permanent by the Government in May 2019.</i></p> <p><i>It is within this context that the application has been assessed (please see main body of report below).</i></p>					
CAAC/Local groups comments:	n/a					

Site Description

The site comprises a 2 storey (plus basement and roof accommodation) red brick terrace property and occupied as a single family dwelling. The site is located on the northern side of Hillfield Road which is characterised by terraced properties with similarly sized rear gardens that are predominated by vegetation and trees.

The property is not located in a conservation area and is not listed.

Relevant History

2019/4621/P - Erection of a single storey side/rear extension. Planning permission refused 06/02/2020. Reasons for refusal: (1) The proposed single storey rear and side extension, by reason of its depth, height, bulk, mass and design would be overly large and disproportionate in size to the original building and would be detrimental to the character and appearance of the host property and the surrounding area; (2) The proposed single storey rear and side extension, by reason of its depth, height, bulk and mass would cause harm to the residential amenity of the neighbouring property above by way of sense of enclosure, loss of outlook, and loss of daylight/sunlight.

2019/4710/P - Erection of a single storey side/rear extension. Planning permission refused 06/02/2020. Reasons for refusal: (1) The proposed single storey rear/side extension, by reason of its depth, height, bulk, mass and design would be overly large and disproportionate in size to the original building and would be detrimental to the character and appearance of the host property and the surrounding; (2) The proposed single storey rear/side extension, by reason of its depth, height, bulk, and mass would cause harm to the residential amenity of the neighbouring property above by way of sense of enclosure, loss of outlook, and loss of daylight/sunlight.

2015/5336/P – Erection of single storey rear extension (6m deep x 3.5m wide x 1.6m to eaves and 3.2m to highest point of roof). Appeal allowed 14/03/2016 following refusal of prior approval

2015/4981/P – Single storey side/rear extension. Certificate of lawfulness (proposed) granted 26/10/2015

2015/4977/P - Erection of single storey rear extension. Certificate of lawfulness (proposed) refused 09/12/2015. Reasons for refusal: (1) The proposal is not considered to be permitted development because the enlarged part of the dwellinghouse will be within 2 metres of the boundary of the curtilage of the dwellinghouse, and the height of the eaves of the enlarged part would exceed 3m; (2) The proposal is not considered to be permitted development because the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, and as such would have a width greater than half the width of the original dwellinghouse.

2014/3319/P - The erection of a rear dormer roof extension with Juliet balcony and the installation of 1 x rooflight to the front and 2 x rooflights to the rear roof slopes of single dwelling house. Certificate of lawfulness (proposed) granted 11/06/2014

2014/3320/P - Erection of single storey rear extension. Certificate of lawfulness (proposed) granted 03/06/2014

2014/1573/P - Single storey ground floor rear extension (2.9 metres maximum height and 7 metres from rear wall of original dwellinghouse by 4.1 metres width). Prior approval refused 08/04/2014. Reason for refusal: (1) The proposed extension, by reason of its scale and bulk would result in a dominant addition which would have an unacceptable impact on the amenity of the adjoining neighbour at No. 1 Hillfield Road.

Relevant policies

The proposals can only be assessed against the relevant planning legislation which is the Town and Country Planning Act 1990 and The Town and Country Planning (General Permitted Development) (England) Order 2015 (“GPDO”).

The application is to determine whether the proposal is permitted development and can go ahead without the grant of planning permission from the planning authority. This is made by assessing whether the scheme is lawful as defined by criteria set out in the GPDO.

As this is a process of legal determination against the GPDO, an assessment of the planning merits of the proposal under current policies or guidance cannot be taken into account.

The GPDO states in A.4(7) and (9), where any owner or occupier of any adjoining premises objects to the proposed development, the prior approval of the local planning authority is required as to the impact of the proposed development on the amenity of any adjoining premises. The Council must take into account any representations received as a result of consultation and consider the amenity of all adjoining premises.

Assessment

1. Proposal

1.1 The applicant has submitted the details required under the amended GPDO paragraph A.4 (2) giving the height, depth and all other details required. The proposed extension would measure 6m deep, 2.36m wide, between 3-4m high given part sloping roof element and 3m high to the eaves.

2. Extension of time

2.1 The applicant has agreed to an extension of the statutory time period for determining the application until 25/09/2020.

3. Compliance with the limitations and conditions set out in the GPDO

Class A The enlargement, improvement or other alteration of a dwellinghouse		
If yes to any of the questions below, the proposal is not permitted development		Yes/No
A.1 (a)	Permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P, PA or Q of Part 3 of this Schedule (changes of use)	No
A.1 (b)	As a result of the works, will the total area of ground covered by buildings within the curtilage of the dwellinghouse (other than the original dwellinghouse) exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse)?	No
A.1 (c)	Will the height of the part of the dwellinghouse enlarged, improved or altered exceed the height of the highest part of the roof of the existing dwellinghouse?	No
A.1 (d)	Will the height of the eaves of the part of the dwellinghouse enlarged, improved or altered exceed the height of the eaves of the existing dwellinghouse?	No
A.1 (e)	Will the enlarged part of the dwellinghouse extend beyond a wall which: (i) forms the principal elevation of the original dwellinghouse; or (ii) fronts a highway and forms a side elevation of the original dwellinghouse?	No No
A.1 (f)	Not applicable as the property is <u>not</u> located in a conservation area (see A.1 (g) below)	n/a

A.1 (g)	For a dwellinghouse not on article 2(3) land* nor on a site of special scientific interest, will the enlarged part of the dwellinghouse have a single storey and— (i) extend beyond the rear wall of the original dwellinghouse by more than 8 metres in the case of a detached dwellinghouse, or 6 metres in the case of any other dwellinghouse; or (ii) exceed 4 metres in height?	No (6m in depth) No (4m at highest point)
A.1 (h)	Will the enlarged part of the dwellinghouse have more than a single storey and (i) extend beyond the rear wall of the original dwellinghouse by more than 3 metres, or (ii) be within 7 metres of any boundary of the curtilage of the dwellinghouse opposite the rear wall the dwellinghouse?	n/a
A.1 (i)	Will the enlarged part of the dwellinghouse be within 2 metres of the boundary of the curtilage of the dwellinghouse, and the height of the eaves of the enlarged part exceed 3 metres?	No (height of eaves 3m)
A.1 (j)	Will the enlarged part of the dwellinghouse extend beyond a wall forming a side elevation of the original dwellinghouse, and either (i) exceed 4 metres in height, (ii) have more than one storey, or (iii) have a width greater than half the width of the original dwellinghouse?	No No No
A.1(ja)	Will any total enlargement (being the enlarged part together with any existing enlargement of the original dwellinghouse to which it will be joined) exceed the limits set out in A.1(e) to A.1(j)?	No
A.1(k)	Would it consist of or include either: (i) the construction or provision of a veranda, balcony or raised platform, (ii) the installation, alteration or replacement of a microwave antenna, (iii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or (iv) an alteration to any part of the roof of the dwellinghouse?	No No No No
A.2(a-d)	Not applicable as the property is <u>not</u> located in a conservation area	n/a
Conditions. If no to any of the below then the proposal is not permitted development		
A.3(a)	Would the materials used in any exterior work (other than materials used in the construction of a conservatory) be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse?	Yes
A.3(b)	Would any upper-floor window located in a wall or roof slope forming a side elevation of the dwellinghouse be— (i) obscure-glazed, and (ii) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed?	n/a n/a
A.3(c)	Where the enlarged part of the dwellinghouse has more than a single storey, or forms an upper storey on an existing enlargement of the original dwellinghouse, would the roof pitch of the enlarged part, so far as practicable, be the same as the roof pitch of the original dwellinghouse?	n/a

* The land referred to as article 2(3) land is the land described in Part 1 of Schedule 1 to Town and Country Planning (General Permitted Development) (England) Order 2015/596 (National Parks, areas of outstanding natural beauty and conservation areas etc).

3.1 This concludes that the proposed extension complies with the limitations and conditions within the

GPDO for larger home extensions, which were made permanent by the Government in May 2019, subject to any neighbour responses received.

4. Assessment

4.1 Following statutory consultation, a number of representations have been received from an adjoining occupier and a neighbouring property objecting to the proposals. As such, under the provisions of paragraphs A.4 (7) and (9) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO), the prior approval of the Council is required based solely on an assessment of the impact of the proposed development on the amenity of all adjoining premises, taking into account any representations received.

5. Impact on amenity

5.1 Policy A1 (Managing the impact of development) of the Camden Local Plan 2017 and Camden Planning Guidance (Amenity) 2018 seek to ensure that the existing residential amenities of neighbouring properties are protected, particularly with regard to visual privacy, outlook, sense of enclosure, daylight and sunlight, overshadowing, noise and vibration levels.

Visual amenity

5.2 The visual privacy and outlook of occupiers is determined by the quality of the surrounding environment which is impacted by the quality, scale and character of the built environment. The current level of visual amenity enjoyed by adjoining and neighbouring properties is formed by the grain of development in the area.

5.3 The character at the rear of the host property and neighbouring properties is one of large gardens with extensive vegetation. This provides an attractive outlook for residents. Following the construction of the proposed side extension, an extensive area of garden would remain beyond the rear wall. Therefore, in comparison with the size of the garden as a whole, the scale of the development would be small. Consequently, it is not considered that the proposal would result in any additional harmful impact on the visual amenity of neighbouring occupiers in general who would continue to experience the greenery of their rear gardens.

5.4 Furthermore, whilst the proposed development would alter the form of the host property at the rear, it is noted that the construction of a 3m deep extension in accordance with a Certificate of Lawfulness (Proposed) has been granted (2015/4981/P dated 26/10/2015) which would also alter the appearance in much the same way. Taking this into account, the proposed development would not be markedly different to that permitted in visual amenity terms to neighbours in the context of the wider area.

5.5 More specifically, owing to the existing rear development and proposed siting of the extension on the north-east side of the host property, it is not considered that the adjoining occupants at no. 1 Hillfield Road would be impacted by the proposal. Similarly, owing to the sloping land and deep gardens along Hillfield Road, it is not considered that the occupants to the rear (north of the site) in South Mansions, Gondar Gardens would be impacted by the proposal.

5.6 The main property that is likely to be most affected by the proposal are the occupants at no. 5 Hillfield, Road which comprises 3 self-contained flats, given that the proposed extension would be located on the side boundary with no. 5 Hillfield Road. On this boundary between the properties is a close boarded fence approximately 2m high which steps up away from the property reflecting the slope of the garden which rises from the rear of the dwellinghouse. The building and ground levels are also noted to be different between properties and step down gradually towards the east along the terrace.

5.7 Other amenity matters are therefore considered below in this context:

Daylight and sunlight

- 5.8** The applicant has not provided a daylight/sunlight assessment in support of the proposals to demonstrate that the proposal would not result in a loss of daylight/sunlight afforded to the adjoining occupants. Neither have full contextual elevations or floor plans been included in the submission showing the adjoining property at no. 5. Furthermore, where reference to garden levels are shown on elevation drawings for both adjoining properties (nos. 1 and 5), these do not appear to accord with the true relative ground floor levels at the properties. This was evident from a recent site visit by a Council officer where the ground level at no. 3 appeared to be higher than at no. 5.
- 5.9** Without scaled plans of the adjoining property showing any window openings and their respective positions in relation to the proposal, a true assessment of the impact of the proposed extension on the levels of light received by the neighbours at the adjoining property at no. 5 cannot be undertaken and fully assessed.
- 5.10** Notwithstanding this, based on the information available to the Council, it would appear that the proposal fails to provide the necessary conditions to allow for sufficient levels of daylight and sunlight entering the adjoining property at no. 5 as recommended by Building Research Establishment (BRE) guidance.
- 5.11** The BRE guidelines for assessing the daylight and sunlight impact of extensions adopt a “45° approach” and advise a line be drawn in elevation diagonally down at an angle of 45° away from the top of the development and in plan diagonally back at an angle of 45° towards affected windows and doors. If the centre of a window (or a point 1.6m above floor level for patio doors) lies on the development side of both the 45° lines, then the development is likely to cause a significant reduction in daylight and sunlight entering the neighbouring property.
- 5.12** Based on the information available to the Council, it would appear that the approximate centre of the side facing ground floor window on the rear outrigger of no. 5 and estimated point on the patio doors located on the rear elevation, both lie within the 45° lines referred to in the above BRE guidance. As such, the proposal is likely to result in an unacceptable reduction in the levels of daylight and sunlight entering the adjoining ground floor flat at no. 5, and would have an unreasonable impact on the amenity afforded to the occupants in this regard.

Sense of enclosure and loss of outlook

- 5.13** The proposed extension would extend 6m in length beyond the rear elevation of the neighbouring property at no. 5 and would measure 3m in height along part of the side boundary, approximately 1m above the top of the existing boundary fence, and higher nearer to the rear wall of the neighbouring dwellinghouse where part of the proposed sloping roof rises to 4m in height.
- 5.14** Council officers are aware that the application site has been granted a side extension to a depth of 3m under permitted development (2015/4981/P dated 26/10/2015) following a Certificate of Lawfulness (Proposed) application. Officers are also aware that an assessment of the amenity of neighbouring properties could not be taken into account under that type of application.
- 5.15** However, owing to the height and excessive depth along the shared boundary of the current proposal, together with the sloping land, reduction of the narrow gap that exists between the two properties at the rear and existing building depth of the rear outrigger at no. 5 which extends to 6m, it is considered that the proposed extension would result in an overwhelming sense of enclosure and have a significantly adverse impact on the outlook experienced by the occupants at no. 5, especially at ground floor level.

Overlooking / Loss of privacy

- 5.16** There are no windows proposed within the side elevation of the single storey extension, and therefore, the proposal would not result in any direct overlooking or loss of privacy to no. 5, or indeed, to any neighbouring properties.

Noise and disturbance

5.17 Owing to the residential nature of the proposed ground floor development, officers do not consider the proposal would result in unreasonable levels of noise and disturbance to neighbouring properties.

Conclusion

5.18 Overall therefore, the proposed development would be dominant and overbearing to the extent that it would detract from the amenity and living conditions of occupants of the adjoining residential property at no. 5 Hillfield Road. As such, it would not be in accordance with Policy A1 of the Camden Local Plan or Camden Planning Guidance (Amenity) which aim to protect the amenity of residents by seeking to ensure that the impact of development on neighbours is fully considered and managed accordingly.

6. Other matters

6.1 Neighbours have also raised a number of other matters of concern about the proposed development, such as, the over-development of property, the piecemeal nature and lack of completion of works over many years, and the impact of proposal on the original design of the property. However, as stated previously, the GPDO requires an assessment of the proposed development to be made solely on the basis of its impact on the amenity of any adjoining premises, and therefore any other matters cannot be taken into account as part of the assessment of the proposal.

7. Recommendation: Prior approval required - refuse

Reasons for refusal:

7.1 The proposed single storey extension, by reason of its siting, depth, height and bulk, would result in a dominant addition which would cause unacceptable harm to the residential amenity of the adjoining ground floor flat at No. 5 Hillfield Road by way of an increased sense of enclosure, loss of outlook, and loss of daylight/sunlight. The proposal therefore fails to comply with Class A of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2015.