

Application ref: 2020/3512/P

3 Hillfield Road, London NW6 1QD

Appeal support letter

We are submitting our appeal as we believe our planning application was refused unjustly.

Firstly, this application should have not been assessed from the onset and should have been approved as no real objections has been received from the adjoining owners. 1 Hillfield Road has 3 rented flats. A tenant of one of the flats in 1 Hillfield Road only made a comment not an objection. I am also not clear if this tenant has been verified as a tenant of No. 1 Hillfield Road. The comment was about concerns of noise while construction of the extension takes place which does not fall under material substance under planning for a valid objection. The case officer in his report stated the following "it is not considered that the adjoining occupants at no. 1 Hillfield Road would be impacted by the proposal". However as the rules of PD states any adjoining neighbours that makes an objection allows the case officer to asses every aspect and the case officer did exactly that, but no objections was made from the adjoining owners. Only objection from the adjoining owners can result in assessing other matters. The only objection received is from No. 7 Hillfield Road who is not an adjoining owner.

The Decision Notice letter gives the following reason below.

"Reason for refusal: 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."

The case officer did not visit the site, the case officer stated that the building is 2 story high in his report where it is actually 3 story high with an additional loft extension on top. Had the case officer visited the site he would see that the width of the side passage is wider than most side passages in the area. The case officer also stated that the wall would be about 1m higher then the current fence so over all the difference is minor, very minor as the first 3m of the extension is already built and the current extension is higher so the outlook will be virtually the same once you look out from the window and the main outlook is the garden. For these reasons the space will not feel enclosed.

Camden Planning Guide, Amenity March 2018, clause 2.13 states the following “2.13 Outlook is the visual amenity enjoyed by occupants when looking out of their windows or from their garden.” So the outlook from the window will virtually be the same as explained above. The outlook from the garden will be very small difference as the this is a small extension of about 6sqm where the host building is 3/4 story high and the garden is also raised making this extension unnoticeable in the context of the building.

Camden Planning Guide, Amenity March 2018 and Camden Local Plan both do not mention Enclosure as part of amenity. Enclosure is not mentioned once. The relevant criteria for this extension from the CPG and LP is outlook, sunlight and daylight. The application can be refused on amenity and enclosure does not fall into the category of amenity as not mentioned once. Nonetheless I do not believe the extension will make a big difference as the side passage is relatively wider than other houses in the area and the additional build area is minor.

We have enclosed a letter from Waldrams which are a daylight specialist company and they state that in there opinion that this extension would make no difference to sunlight as sunlight assessment is not required as the houses are facing north as per the BRE guidelines. The Waldrams letter states that the reduction in the daylight will be minimal. In my opinion the letter is not required as a site visit would make it plainly obvious the difference would be minimal if at all. Please see letter attached.

The adjoining ground floor flat owner at No. 5 did not object as No. 5 is planning to do an extension themselves. We offered a letter to the case officer from No. 5 that they support the application as the adjoining flat will benefit from the extension having the wall built and will speed up the works. The case officer was not interested. No objection was received from No. 5 Hillfield Road. In fact No. 5 ground floor flat wrote to the case officer stating they are supportive of the application.

The main issue it seems that I have exercised my rights under the GDPO for a 6m rear extension and the council refused on amenity however I have appealed it as it had no amenity issues at all on my neighbours. I won the appeal. It seems the council has taken a personal issue with this and every application I am trying to put forward to the council, the council states the site has been over developed and I get a refusal. I have done many side extensions in West Hampstead and the council will not allow me to build any side extension and penalising me for exercising my rights under the GDPO. Surely this was not the intention of the government and had I known this I would have naturally would have gone with a smaller rear extension from the onset so I can get a side extension. Camden should make the rules clear that owners should understand the consequences of 6m extensions or simply put an article 4.

Thank you for your time looking into our objection.