

Planning application 2020/4570

Planning history

Through a series of planning applications spanning 2005-2008 (some of which were refused), the planning authority approved the transformation of the building from this period house with front garden, period features and a pleasing rear façade to

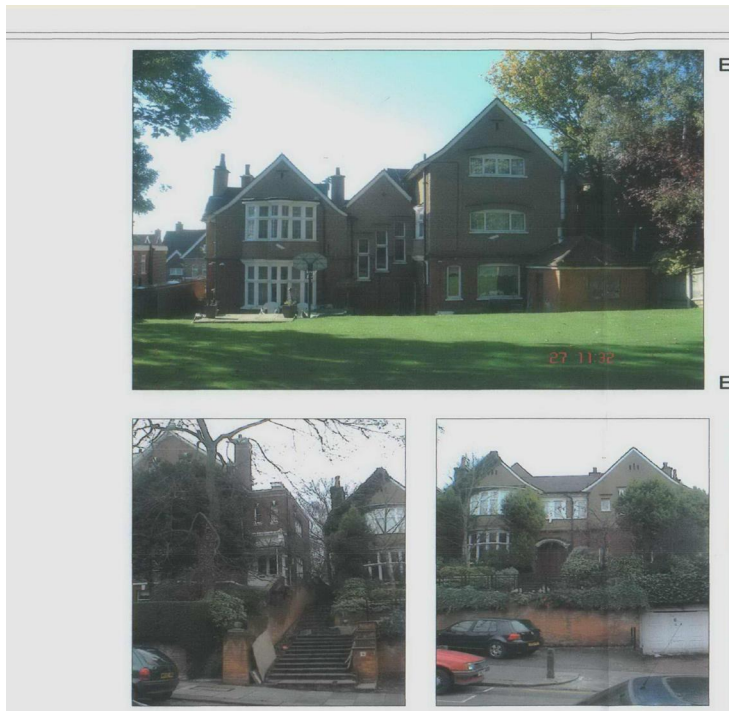


Fig 1

this incongruous street scene with concrete/ brick terracing and almost total loss of front garden and vegetation.



Fig 2

The damage to the conservation area is arguably worse to the rear which presented a more appealing façade than the street elevation with pleasing proportioned, gabled design and original period bay windows at ground and first floor level. Much of these details are lost at ground level to allow for extension and for no apparent reason at first floor level where they have been replaced by structures of very little merit.



Fig 3

Planning officers should note that there are a number of actual and potential breaches of planning regulations and conservation area issues at the property:

1. Condition 3 of consent 2008/1373 - front landscaping has not been carried out
2. Consent 2005/5019 for single storey rear extension. Consented application is for frosted glass in the flank wall whereas clear glass has been used
3. The same extension is 8 courses of bricks higher than the approved drawings.
4. During construction on site during 2008-10 the owners replaced the period bay window at first floor level on a basis which is not like for like with respect to appearance. It is not clear what materials were used.
5. During the same period the winter garden permitted development 2006/0549 was carried out. In addition, the middle wing of the rear building was demolished removing the rear wall and its 3 period windows. No consent was sought.
6. A new triangle window was inserted at roof level on the south east wing at high level and it is unclear whether consent was required; none was sought.
7. Two retaining walls were built c2010 without planning consent and they impinge on the root protection zone of tree T1.

Current planning application 2020 4570

This response is divided into a number of sections

- 1 Executive summary
- 2 Comments on proposals relative to planning policy
- 3 Correction of a number of factual points within Savills' report

1.0 Executive Summary

Although many fine features of this house have been lost, (front garden, original windows, rear outline at ground floor level), it is important that the remaining period outline is retained, particularly at roof level.

The roofline remains a strong contributor to the conservation area from street view and also in rear view to adjacent buildings and in long view to the roads adjacent and higher up towards Hampstead town. These proposals seek to replace the rear roofline with a white rendered, flat roofed monolith over 2/3rd of the building.

Alterations to the roof line are ugly and destroy the best remaining feature of the house.

Materials are not comprehensively specified and the choice of white render and grey aluminium French windows is not appropriate.

New roof terraces, high rear terraces, dormer windows, 5 further roof windows and 3 flank windows create overlooking into private spaces, rooms and gardens which conflict with Camden planning policies.

New roof terrace, rear terraces, flank windows and flank roof windows create **overlooking into rooms, private outdoor space and garden space of 4a, 4 and beyond.**

The intention to create homes for 27 people in this building (an **incremental gain of 8 units, 21 people**) **may be over-ambitious and at the expense of quality accommodation**, adequate access for household removals, traffic along the side ingress route, fire escape, discreet refuse storage , noise, overlooking, outlook, sunlight and adequate drains capacity.

Dimensions and sight lines remain to be specified fully on drawings to enable a proper appreciation of the proposal. If the planning department sees benefit in a site inspection to clarify any issues we would be pleased to accommodate a visit.

The rear extensions present objections of excessive bulk and shape with 3 story, flat roofed extensions on the south eastern end contrary to LPA policy which is to resist extensions greater than one storey. The topography amplifies the impact of these proposals on those neighbours lower down the hill.

In light of previous patchy compliance with planning requirements and scant concern for conservation area principles, any consent should contain specific and detailed conditions.

Our overall conclusion is that the benefit of increased housing is outweighed by:

- damage to the conservation area,
- loss of amenity to neighbours,
- the poor quality product,
- noise and nuisance due to new terraces
- siting of refuse
- damage to trees by building over root protection zone.

Numerous features contradict planning authority policy. The application should be refused.

2.0 Comments on the proposals

2.1 Housing supply

The contribution towards increasing the housing supply is noted, however the same contribution could be achieved by a more equal division of space within the existing building envelope. The ambition of housing 27 people in the building could be at the expense of a plan for a smaller number within the existing building with a better quality environment for those residents. Ceiling heights have not been provided to demonstrate homes meet minimum standards. Fenestration proposed to come up to minimum standards is not acceptable in its impact on neighbours' amenity.

2.2 Conservation area

The conservation area audit of 2003 contains some negative comments about the eastern side of Lindfield Gardens. Ugly forecourt parking is mentioned specifically and could be directed to number 6 however the remaining comments refer to new developments and derelict properties found at the other end of the road at that time. The audit is therefore consistent when it notes on page 26 that numbers 6-10 are making a positive contribution to the conservation area.

The pebbledash render which Savills refer to in the Heritage and Planning report at para 6:30 as drab, appears to be original. In previous renovations, areas of render which fell off revealed rough brickwork not of a standard intended as a final outer finish.

The colour of the existing render is demure and tones with the brick and mortar of number 6 and its neighbours immediately adjacent and throughout the remainder of the street. The proposed off white render finish is not seen in scale elsewhere in the surrounding conservation area properties other than number 12 Lindfield Gardens where it detracts from a Dutch gabled house which would otherwise make a positive contribution to the conservation area. Light coloured render causes buildings to stand out in their surroundings and it does not age gracefully. We respectfully suggest the planning authority requires

render to match the original colour or a matching brickwork finish as a condition of any consent.

The rear elevations propose grey aluminium French windows which are inappropriate and alien to the heritage of this property.

Drawings depict new flank windows as Victorian sash style annotated "to match existing". This is not sufficiently specific as the current windows are a mixture of styles, shapes and materials.

The roof surface materials for terraces and the roof terrace are not specified and no details are provided for the opening to the proposed roof terrace.

Private views within the conservation area are material and Savills are mistaken at paragraph 6:35 of their report when they say that the rear of the property can only be seen from 4a and Number 8 Lindfield Gardens. The upper floors and roofs of the house can be seen from houses in Frognal, Frognal Close, Ellerdale Road and Arkwright Road. These are the best features which remain of the house and should be retained. The current proposal would involve eliminating the roof line over the southern 2/3 of the property and replacing it with a plain flat roofed, white rendered, undifferentiated structure. This would detract from the conservation area as a whole.

Number 6 remains an Edwardian house which contributes to the conservation area and with sympathetic alterations and landscaping could increase its contribution to the conservation area.

Mass. The size of the extensions is material and seeks to legitimise the existing height which is greater than shown on drawings for consent 2005/5019.

Fig 4

The proposed 4m extension to the southern wing would be in addition to the existing 4 metre extension approved in 2005 giving an overall increase in the footprint of the ground floor of 8m from its original design. The mass is exaggerated by the height of the land of number 6 compared to number 4a and the photograph above demonstrates how even the existing single storey extension is prominent visually to the adjoining property.

A 3 storey building to replace the existing single storey extension will be very dominant. The new flat featureless roof will result in a higher building increasing mass further. Please can a drawing be provided to show the height of the rear roof line and any increase in height beyond the current roof line. The infill between the gables described at paragraph 6:49 will add to bulk and eliminate the attractive existing roof lines.

This destruction of the remaining positive feature of the rear roofscape will be a very sad loss to the conservation area for all those living within its views.

Balconies are not typical of the conservation area and the proposed designs are inappropriate and would detract from private views within the conservation area. Their precise form and materials are not clear at present.

Savills note at paragraph 6:52 that the rear extensions are reduced from those proposed at pre application advice. However, the test is not by reference to previous drawings but whether the plans are acceptable in absolute terms within the conservation area and LPA policies as a whole. The current proposals are too large, of unsympathetic style and poorly designed relative to neighbours' amenity, exacerbated by their height.

2.3 Design

The height of the southern wing rear extension is 3 storeys and contrary to the authority's planning policy which states that extensions over one storey will be resisted. Mass is excessive.

Proposals to landscape the front terrace mentioned at paragraph 6:39 are a copy of the plans to discharge condition 3 of the 2008 consent and a cynic might question why this proposal will be more successful than the last. The breach of this condition of planning consent should be rectified or enforced.

The proposed roof terrace is said to be invisible from street level although no drawing is provided to support this. It certainly will be visible in private views from houses opposite, adjacent and in neighbouring streets.

The examples of dormer windows elsewhere in the street are front facing and do not create problems of over-looking detailed below.

I cannot agree that the proposals will enhance the host building at all and will add to its bulk, visibility by virtue of the light render and detract from the conservation area as a whole. In particular, the attractive roof line which is highly visible in near and distant views will be compromised.

The planning authority have identified a number of fundamental poor design features resulting in overlooking and loss of privacy in the scheme which is indicative of the low quality approach taken to the design.

Sufficient external amenity space can be provided in the large communal garden without necessity of roof terraces and rear facing terraces. Both these elements give rise to over-looking.

Neighbouring residential amenity (local plan policies A1 and A4)

There are a number of aspects to this scheme which cause overlooking, loss of privacy, outlook and daylight of number 4a:

1. **The south wing dormer** will facilitate overlooking and loss of privacy by allowing occupiers of that bedroom to look directly at the roof terrace and through the windows of 4a. The proposed new dormer will be at a distance of c3.5 metres from the terrace. The current roof lights are high up within the roof space above eyeline, in a bathroom. In contrast, the dormer will be intrusive visually by virtue of its size, projection and proximity even if the glazing is frosted. The new dormer will serve a bedroom and be sited at normal head height so even if the glazing is frosted, overlooking and loss of privacy will occur if the window is opened.

Image taken from roof terrace of 4a looking at south wing roof line of number 6 where it is proposed two roof lights will be replaced by a dormer window.

Fig 5

Image taken from sofa in the street facing room on the top floor of number 4a.

Fig 6

The south wing dormer window would also cause over-looking into the ground floor rooms of 4a through roof windows in the ground floor side extension. The three roof windows are shown below and serve the study (front facing) the utility room (middle) and the kitchen (rear)

Image taken from 4a front roof terrace looking down over 4a side extension and ground floor side windows of number 6. It is plain to see people moving around in the study from this vantage point and a similar view could be afforded to residents of number 6 looking from the dormer window.

Fig 7



By way of further explanation and to illustrate the topography, this is a view of the side extension of 4a from the rear. Note the lower land level with the roof of the extension discretely positioned level with the garden fence of number 6

The hedge screens the windows in the ground floor extension of number 6.

Fig 8

Please note that the drawings submitted indicate frosted glazing to the dormer window but Savills report refers to half frosting. The bedroom has light, outlook and ventilation afforded by another window facing west towards the street. The dormer should be resisted and replaced by frosted, non opening rooflights of similar appearance to the existing arrangement.

The same concerns of overlooking relate to the proposed 5 new roof windows in the south eastern flank. We have adopted frosted glazing in our flank windows with small top hung openings for ventilation. We think this is the correct and only approach to retain privacy.

2. **The communal roof terrace** will cause overlooking through the clerestory window into the principle bedroom of number 4a. The chimney pots are visible when lying in bed as shown below. (to aid understanding of this photograph, please note the bedroom has an open-plan shower room)

Fig 9

The proposed roof terrace for number 6 would overlook number 4a roof terrace causing loss of privacy. The applicants have not produced a drawing indicating sightlines from the roof terrace.

However, the proposed communal roof terrace would be sited one storey higher than the highest roof of 4a (see fig 2) and the eye level of residents will be higher. There will be sightlines into the rear gardens of number 4, 4a, 6 and 2 Lindfield Gardens at least. Number 4 is a single family dwelling with a sole use garden currently enjoying excellent privacy on all sides.

Fig 10

Let the residents of number 6 enjoy outside amenity in the rear garden and the front terraces where they will not overlook neighbours and sound will travel less.

3 The **proposed flank wall windows in the rear extensions** will cause overlooking and loss of privacy. These windows are proposed to be directly above and able to look into the kitchen and utility rooms of 4a below. See also fig 7 above.

Fig 11

The same issues apply to the proposed 5 new roof windows along this southern flank.

This image is an internal view of the kitchen/family room of number 4a. New windows on the flank wall will have direct views into the kitchen through the roof light which is the main source of light into this otherwise very dark room.

There are proposed 5 new flank windows and roof windows will have a similar impact on the kitchen, the utility room and the study of 4a.

Fig 12

Flank wall windows at first and second floor level will also directly overlook the garden of 4a and 4.

Fig 13 below is a photograph taken from the garden seating area of 4a. A building of 3 stories height in this position will dominate the adjoining garden and the windows on the side flank will directly overlook the rear garden causing loss of privacy to number 4a and 4. Please note the effect of the topography is that the ground floor extension of number 6 is equivalent to the 1 ½ or 2nd storey of number 4a. There are no drawings to illustrate sightlines from the new flank windows across the private gardens of 4a and 4.

Fig 13

View from rear garden of 4a towards number 6, note height of ground floor of number 6 relative to number 4a. It is proposed this extension will extend a further 4m rearwards and be increased in height by 2 stories.

The difference in overall height of the existing buildings is shown in fig 2.

Fig 14

View from family room of 4a towards the garden.

Fig 15

Any windows in flank walls should be obscured glass with small opening for ventilation.

4 The proposed rear terraces will cause overlooking. They will project 3metres beyond the building line of number 4a (existing set back plus the depth of the terraces themselves). Fig 16 below illustrates the existing set back of about 1metre.

Fig 16

Drawings submitted indicate frosted glass balustrades but these are only half height so residents will be able to look back at the first floor bedrooms of number 4a and over the garden of 4a and 4.

The submitted drawings do not specify dimensions and may not all be to the same scale. These issues must be clarified so that conclusions can be drawn on relationships of the proposals to existing buildings.

Consent given pursuant to application 2005/5019 contained a condition “flat roof of the single storey rear extension shall not at any time be used as a roof terrace or sitting out area.” The reason for imposing this condition was to protect amenity of neighbours and this principle should be retained.

Daylight and sunlight

As far as daylight and sunlight are concerned, it should be noted that the kitchen of 4a is heavily reliant on sunlight from the existing roof light. Please see fig 12 above. The rear facing kitchen window (fig 8) has been enclosed by subsequent rear extensions of number 6 and if these are to be extended further and higher to 3 stories, the kitchen and family room (already the darkest in the house) may require artificial light during daytime.

At 6:85 Savills incorrectly say the proposals do not subtend an angle of 25% from habitable windows. The kitchen, utility room and dressing room are affected. Please can the applicants provide calculations to show the impact on daylight of development on these rooms.

Outlook

The proposed southern extensions will extend beyond the existing building line of 4a by about 5 metres (existing 1m set back plus proposed 4m extension) and be at considerable height so outlook from all rear facing rooms of 4a will be affected.

Noise

The proposals facilitate an increase in habitation from the current couple to a population of 27 so some increase in noise is inevitable. Noise from roof and rear terraces could travel some distance.

Working from home is becoming the norm for many including both my husband and I. A construction management plan should take this into account.

Car parking

We presume the council has a suitable mechanism to ensure the scheme remains car free as proposed. Policy T2.

Refuse and recycling

Refuse storage for 27 people adjacent to the street is not acceptable visually or in terms of odour/ pests etc. Residents of the remainder of the houses in the street and certainly numbers 4 and 4a are able to overcome the same topographical challenges and store their bins out of sight and away from the pavement. This aspect of the proposal needs to be reworked.

Trees

The proposals conflict with the arbocultural report because the ground floor extension extends into the no dig zone recommended by the tree expert. The diameter of the trunk of T1 is 41cm at a height of 1.5m giving an estimated root protection zone of 4.92 meters using the BS5837 calculation. The rear extension should be scaled back accordingly.

As noted above the applicants have built two retaining walls already within this protection zone.

There are no details of proposed rear landscaping and the applicant could take this opportunity to add trees or a hedge to the street level forecourt. The landscaping proposed is no more than a promise to make good an existing planning breach.

Drainage

Please note that the subject property does not have direct access to the main drain. There is a single connection for houses 4, 4a and 6 which sits within the curtilage of number 4a. The applicants have not demonstrated that the increase in population and hard surfaces proposed will be within the capacity of the shared drainage system and not cause flooding to adjacent properties.

3.0 Corrections to Savills report

- The remarks about the conservation area audit made by Savills at paragraphs 6.23-6.29 of their report are unfortunately misconstrued. As noted above the negative remarks in the audit refer to the condition of buildings in 2003 at the other end of the street.
- At 6.83 we disagree that the new south eastern flank dormer will “be half glazed so as to avoid overlooking the front facing terrace of 4a.” These upper rooms have significant solar gain necessitating ventilation for cooling and will likely be open and overlooking for significant periods.
- At 6.83 Savills say “there are no windows within the main blank side facing elevation of No4a that could be overlooked by the proposed development.” This is disingenuous as there are 3 windows on that flank wall but the real overlooking issues related to the lower roof windows, the roof terrace and the rear garden.
- The report goes on at 6:83 to say “New dormer south east roof pitch facing 4ahalf glazed ...avoid overlooking the front facing roof terrace of 4a. As noted above this is factually incorrect as the window is not fully glazed and when open will overlook the terrace and into the rooms of 4a (fig 5 and Fig 6).
- It is not correct to say at 6:83 that “no overlooking will occur from the proposed rear extensions at first floor level and the marginal extension to the rear gable at 2nd floor in any event these extensions do not project beyond the rear building line of 4a.” Please can the proposal include measured dimensions. Even without these the drawings indicate set back beyond the building line of 4a.
- It is not correct to say at 6.83 that “the step out terrace would not overlook any window within 4a...a frosted glass screen would ..prevent marginal views of the rear garden of 4a. Please provide a measured drawing to illustrate set back. The glass screen is only half height and will not prevent looking back into bedrooms of 4a or its private garden.
- Further at 6:83 it is noted “in any event, the roof terrace sits above the height of the front roof terrace of 4a. This relationship as well as the dormer window and chimney arrangements would not permit overlooking from the roof terrace” This appears to be factually inaccurate in the light of figs 5,6,7 &10 above.
- Paragraph 6.89 is incorrect. The proposed southern extensions will extend beyond the existing building line of 4a by about 5 metres (existing 1m set back plus proposed 4m extension) and be at considerable height so outlook from all rear facing rooms of 4a will be affected.
- It is incorrect to say “no new windows proposed within the side facing elevation of number 6 at ground floor level. Existing window are used.” The drawings indicate that the current slit windows are to be replaced by plain glazed, larger windows. There is no explanation or drawing to show that existing ground floor windows are

at low level and screened by the existing fence and hedge so no overlooking should occur.

- It is not true to say that “there are no windows ...of No 4a that could be over looked by the proposed development”. The 3 new windows proposed at first floor level in the south eastern flank will have views into the kitchen and utility room of 4a through the roof lights. At least two of these new windows will directly overlook the dining area of 4a private garden.