

Delegated Refusal Report	Analysis sheet		Expiry Date (agreed with Agent):	02/12/2020
	N/A		Consultation Expiry Date:	22/11/2020
Officer		Application Number(s)		
Adam Greenhalgh		2020/4603/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 a single storey side/rear extension , linking in to existing rear outrigger and single storey rear extension				
Recommendation(s):	Refuse planning permission			
Application Type:	Householder planning permission			

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	/	No. of responses	4	No. of objections	3
Summary of consultation responses:	<p>Letter of support received from company which owns ground floor flat, 5 Hillfield Road.</p> <p>3 letters of objection received (addresses not given). Objections raised relate to:</p> <ul style="list-style-type: none"> • Overlooking • Overdevelopment/harm to visual amenity • Impact on parking • Disruption to neighbouring residents <p><i>Officer comments:</i></p> <p><i>Overlooking/harm to residential amenity - See 'Impact on amenity' below</i></p> <p><i>Overdevelopment/harm to visual amenity - See 'Design and character' below)</i></p> <p><i>Impact on parking – No increase in residential accommodation is proposed. There would be no significant increase in occupiers/levels of car use.</i></p> <p><i>Disruption to neighbouring residents – For a development of this size and siting it would not be reasonable to require a Construction Management Plan. The issues which are raised such as non-completion of the works, damage to the highway and environmental issues can also be dealt with by planning enforcement or other legislation (i.e. Highways Regulations, Environmental Health). .</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 which is occupied as a single family dwelling. It has a 2/3 storey rear outrigger and this has been extended at ground floor level with a 6m deep single storey extension beyond the original rear elevation underway. The agent has confirmed that this is the proposal under prior approval application 2015/5336/P (see Planning History below). There is also a 3m deep single storey rear/side infill extension. The agent has confirmed this is 2015/4981/P below.

The site is located on the northern side of Hillfield Road which is characterised by terraced properties with similarly 2/3 storey rear outriggers and one or two further single storey rear extensions. No. 13 appears to have a small single storey side return infill extension.

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

Relevant History

2020/4971/P – Erection of a wrap-around extension at 5 Hillfield Road and a single storey infill extension at 3 Hillfield Road all to the rear elevation for ancillary residential floorspace – not yet decided

2020/3034/P – Erection of a single storey ground floor side/rear extension – Refused 27/11/2020. 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 area contrary to Policy D1 (Design) of the Camden Local Plan 2017 and Policy 2 (Design and Character) of the Fortune Green and West Hampstead Neighbourhood Plan 2015.

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, contrary to Policy A1 of the Camden Local Plan 2017.

2020/3512/P - Erection of a 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) – Prior Approval refused 29/08/2020. Reason for refusal: 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.

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

National Planning Policy Framework (2019)

The London Plan March 2016 and Draft London Plan July 2017

Camden Local Plan 2017

Policy A1 Managing the impact of development

Policy D1 Design

Policy CC1 Climate change mitigation

Camden Planning Guidance

Design (2019)

S.2 – Design Excellence

Amenity (March 2018)

S.2 – Overlooking, privacy and outlook

S.3 – Daylight and sunlight

Altering and extending your home (March 2019)

S.3 – Extensions: rear and side

Fortune Green and West Hampstead Neighbourhood Plan 2015

Policy 2 Design & Character

Assessment

1.0 PROPOSAL

1.1 Planning permission is sought for the erection of a single storey ground floor side/rear extension. The proposal would occupy the existing side return between the original outrigger/single storey rear extension (2015/3556/P) and it would be bigger than the proposed side/rear extension refused under planning application 2019/4710/P on 06/02/2020. This was 7.6m from the rear elevation of the existing side extension (and 3m short of the single storey rear extension (2015/3556/P)). The current proposal would be 10.5m from the existing single storey side return extension and level with the rear elevation of the 2015/3556/P extension. The proposal would measure 2.4 in width. The site slopes to the south, therefore the rear garden would be cut to facilitate the proposed rear extension.

1.2 The extension would feature a flat felt roof. The height would be the same as the single storey rear extension under 2015/3556/P and it would have a parapet wall 3m in height abutting the boundary with 5 Hillfield Road. Rooflights would be installed. Two alongside the outrigger and three would be formed in the new single storey element at the rear of the house. Full height bi-folding doors would be installed across the rear elevation of the single storey rear element.

2.0 ASSESSMENT

2.1 The main considerations associated with the application are:

- Design and character
- Impact on amenity.

Design and character

2.2 Policy D1 (Design) of the Camden Local Plan states that the Council will require all developments, including alterations and extensions to existing buildings, to be of the highest standard of design and will expect developments to consider:

- character, setting, context and the form and scale of neighbouring buildings;

- the character and proportions of the existing building, where alterations and extensions are proposed;
- the prevailing pattern, density and scale of surrounding development;
- the impact on existing rhythms, symmetries and uniformities in the townscape;
- the composition of elevations;
- the suitability of the proposed design to its intended use;
- inclusive design and accessibility;
- its contribution to public realm and its impact on views and vistas; and
- the wider historic environment and buildings, spaces and features of local historic value

2.3 The above guidance is echoed within policy 2 (Design & Character) of the Fortune Green & West Hampstead Neighbourhood Plan, which states that ‘all development shall be of a high quality of design, which complements and enhances the distinct local character and identity of Fortune Green and West Hampstead.’ In particular, paragraph vii. states that extensions and infill development should be ‘in character and proportion with its context and setting, including the relationship to any adjoining properties.’

2.4 As noted when the previous application (2019/4710/P) was refused, there are side/infill at other properties on this side of Hillfield Road however they are much more modest in overall size, are subordinate to the host dwelling and are appropriate in their context. It is acknowledged that the proposal would adjoin an existing single storey rear extension which extends 6m beyond the 3 storey rear outrigger at the site (Prior approval application 2015/5336/P allowed on appeal 14/03/2016).

2.5 This development, for which planning permission was not needed, is not considered to justify the current proposal which must be considered under the aforementioned design policies. The combined scale and bulk of the permitted and proposed extension would be excessive in the context of the original dwelling and the surrounding properties. The proposed depth of the extension would be deeper than that of the existing building. Officers consider that the proposed extension would appear a bulky appendage rather than a subordinate and proportionate extension to the host building resulting in considerable harm.

2.6 Due to its excessive scale, bulk and mass, the proposed extension would not replicate the existing rhythm or composition of the rear elevation along Hillfield Road. Overall, the proposed development fails to respect the prevailing pattern and grain of development to the rear of Hillfield Road, and is therefore considered harmful to the character and appearance of the property and wider area, contrary to the above mentioned policies.

2.7 Moreover, the cumulative impact of the additional extension erodes the character of the gardens at the rear of the properties on this terrace. The extensions previously allowed at appeal along with the proposed side/rear extension would detract from the open character and garden amenity of neighbouring gardens and the wider surrounding area. The extensions would harm the openness at the rear of the terrace and harm the outlook from neighbouring properties. For this reason the current proposal cannot be supported.

2.8 Notwithstanding the size, scale and siting issues mentioned above, the materials and treatment of the extension, with brick walls and rear aluminium bi-folding windows would not be inappropriate in the context of the area. For a flat roof as proposed the Council would impose a condition requiring the provision of a green roof, in the interests of the appearance and sustainability of the development.

Impact on Amenity

2.9 Policy A1 (Managing the impact of development) of the Camden Local Plan seeks to ensure that the amenity of neighbouring properties are protected, particularly with regard to visual privacy, outlook, sunlight, daylight and overshadowing, noise and vibration levels.

2.10 The main property that is likely to be affected by the proposal is 5 Hillfield Road. As the proposal would align with the extension on the side with no. 1 it would effectively be ‘screened’ from the garden

of this property and the proposal would have no additional impact on the rooms at this site. Similarly, owing to the deep gardens along Hillfield Road, officers do not consider that the occupants to the rear of the site (South Mansions) would be impacted by the proposal.

Privacy:

2.11 There would be no windows in the proposal which would directly face the adjoining property (5 Hillfield Road) so there should be no loss of privacy at this site. The rear facing full height glazed windows/doors would not result in any undue overlooking of any neighbouring rooms or gardens.

Light:

2.12_ The proposal would result in a 13.5m deep extension beyond the adjoining elevation of 5 Hillfield Road. This would be mostly 3m in height, rising to 4m in height where there is the existing 3m deep single storey rear extension. There is a habitable room window on the ground floor of 5 Hillfield Road less than a metre from the site of the proposal. There is also a window in the side elevation of the outrigger at this property. The proposed extension would result in the loss of daylight and sunlight from the west for these rooms. The applicant has provided an anecdotal assessment of the effects on the daylight received within relevant rooms at 5 Hillfield Road. The assessment states 'No quantitative analysis has been undertaken in the preparation of this letter and so the comments are indicative only.' In the absence of a quantitative analysis of the effects on light of the proposal, the Council consider that it would be likely to result in significant loss of daylight and sunlight of habitable room(s) at 5 Hillfield Road.

Sense of enclosure and loss of outlook

2.13 The proposed extension would measure 3m in height along the side boundary and would result in a total extension of 13.5m in length beyond the rear elevation of the neighbouring property at no. 5. Owing to the height and excessive depth along the shared boundary, together with the sloping land, the extension would result in an overwhelming sense of enclosure and have a significant impact on the outlook enjoyed by the adjoining occupants residing at no. 5 Hillfield.

Noise and disturbance

2.14 Owing to the residential nature of the ground floor development, officers do not consider the proposal would result in unreasonable noise and disturbance to neighbouring properties. A development of this size should not result in undue nuisance and disturbance during construction and if there is damage to the highway or construction works at anti-social hours etc. these would ordinarily be a matter for highways or environmental health legislation.

Other

2.15 The site levels are not clearly represented on the application drawings. It has been possible to assess the proposal on the basis of the information provided but in the event that a revised application is submitted further information on the site levels and the height of the proposal in relation to the adjoining site should be provided.

3.0 RECOMMENDATION

3.1 Refuse planning permission



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.