

Appeal reasoning

Appeal of six-meter infill extension

The application was refused on the grounds of three policies, I would refer to them as the main three points of refusal.

1. Policy D1 (Design) of the Camden Local Plan 2017 and
2. Policy 2 (Design and Character) of the Fortune Green and West Hampstead Neighbourhood Plan 2015
3. Policy A1 of the Camden Local Plan 2017

For ease I have quoted the 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 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 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, contrary to Policy A1 of the Camden Local Plan 2017.

Point 1

Policy D1 the case officer stated the following

"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" We disagree that the side extension will be detrimental to the character and appearance of the host property and surrounding area. The original building is 3 floor high to the rear and the extension is only on the ground floor and will be only to the side of the existing extension. The gardens on Hillfield Road are 100ft long so having the side extension will be subordinate to the host building and to the surrounding area. Furthermore, the gardens slopes upwards, away from the house making the extension almost blend into the landscape. At the rear of the garden a large mansion block on 4 floors but as the garden slopes upwards towards the mansion block resulting that the mansion block feel much bigger. The side extension with the surrounding area will be minimal and will barely make any visible difference.

If one goes into the officer report paragraphs 2.1, 2.2, 2.3 are an introduction to the relevant policies. Then 2.4 states that the case officer will look at the cumulative impact of the development. This seems to be the main issue. We have exercised our rights under the GDPO for a 6m rear extension and the council refused on amenity however after we have appealed the decision as it had no amenity issues at all on the neighbours the appeal was successful. It seems the council has taken a personal issue with this and every application we are trying to put forward to the council, the council states the site has been over developed and we get a refusal. The case officer report, paragraph 2.4 acknowledges that applications for infill extensions have been granted on Hillfield Road. Camden have approved many wrap around extensions of 3m from the outer rigger of Victorian houses in West Hampstead

and the council will not allow us to build any side extension and penalising us for exercising our rights under the GDPO. Surely this was not the intention of the government and had we known this we would have naturally would have gone with a smaller rear extension from the onset so we can achieve a side extension. Camden should make the rules clear that owners should understand the consequences of 6m extensions or simply put an article 4.

If one looks at paragraph 2.5 of the report it clearly says “The combined scale and bulk of development would be excessive in the context of the 2 storey terrace dwelling and the surrounding properties” This is simply wrong as the building is 3 story original with the additional L shape loft would make it 4 story to the rear outer rigger.

This is the main issue as the case officer has not visited site and would have noticed the building is not 2 story high at the rear. The case officer is aware of the L shape loft conversion and states in the report in description section the building is 2/3 story rear outriggers but in fact it is 3/4 story high. Had he visited site he would notice the topography. He would not have stated point 2.6 that this extension would be breaking the rhythm along Hillfield Road as it would not have been noticed especially due to the topography. As one goes to the garden they do not notice number 15 is a new building with 10 flats and number 19 has two story rear extension.

Paragraph 2.7 goes further on the same assumptions ignoring the topography of the garden as if the gardens are level with the houses which are not correct. As the extension is simply subordinate as it is lower overall then the garden fences in the surrounding houses. I do not wish to repeat but incase I have not explained it well the actual extension will be lower than the garden boundary fences. Furthermore, this completely contradicts the current application on the adjoining garden of 1 Hillfield Road to build a new complex of six flats which occupies most of the garden. The new complex went through pre planning and was approved in principle in preplanning to erect a new building. A site visit will make it obvious that paragraph 2.7 is wrong due to a lack of a site visit.

Point 2

Policy 2 – The most relevant heading seems to be “vii. Extensions - and infill development - being in character and proportion with its context and setting, including the relationship to any adjoining properties.”. The policy 2 itself after the introduction goes into details predominantly on new developments, basements and roof extensions but no mention of garden extensions at all. I believe this policy was quoted out of context and probably got infill development mixed with infill extensions. Nevertheless, the extension works well in the context of the current building and surrounding area, especially the slope of the garden. The house is not in a conservation area.

Point 3

“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”

The adjoining neighbour has no side windows with habitable rooms (only a bathroom). The passage is wider than most building in the area and the 100ft garden makes the long view pleasant. The rear outer rigger of the host building in itself is not large so overall the views from the window are more than adequate. Currently the 45 degree angle view is blocked due to the current 3m extension and further along a fence is in place with the fence going up along the topography of the land. Had the extension not been in place the 45 degree would have been still blocked due to the garden fence. The

difference that the side extension will make will be minimal and sun day light loss is even allowable under a day light report (20% loss) but the overall reduction will not be noticeable at all. A site visit will make it very clear that the issue of amenity will be minimum if at all and will not present an issue to the adjoining property.

The BRE guidelines only require that windows that face within 90 degrees of due south are considered for sunlight. There are no south facing windows that could be affected by the proposal. The proposal is facing North.

We have enclosed a letter from Waldrams which are a daylight specialist company and they state that in their 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.

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 up area is minor in relation to the current fence and the existing wall. The case officer mentioned the overall width of the passage to be 2.4m in his report.

Additionally, the case officer decided to ignore the letter of support of the planning application as he states the letter of support is from a person known to the applicant. This is completely irrelevant as the letter of support came from the owner of the ground floor flat of 5 Hillfield Road. Furthermore, the ground floor flat will seek to extend the flat to the side as the case officer noted in his report that the applications for the extension of the flat have been received. The case officer should have not ignored the letter of support and his reasoning are invalid.

The case officer decided that the letter of Waldram is irrelevant and did not upload the report nor did he acknowledge the additional photos of the current site of the area dug out and uploaded these photos to support the application.

Summary

The council did not wish to approve the allowable GDPO of 6m extension that was built, and this was overturned on appeal. As such the council has taken a stance, they will not approve any further extension as the site has been overextended against the council policy and the council will not consider the site topography or the merits of this application.

Thank you for your time looking into our objection.