

Delegated Report		Analysis sheet		Expiry Date:	01/07/2021
		N/A		Consultation Expiry Date:	05/06/2021
Officer			Application Number(s)		
Josh Lawlor			2020/5950/P		
Application Address			Drawing Numbers		
2 Hillfield Road London NW6 1QE			See decision notice		
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature		
Proposal(s)					
Erection of three storey rear extension from basement level, plus full width rear dormer, creation of terrace at 2nd floor, front loft extension with front rooflights, installation of glazed skylights to front garden and various associated alterations following demolition of existing rear gabled projections and roof, all in association with the change from two houses to flats.					
Recommendation(s):		Refuse Planning Permission			
Application Type:		Full Planning Permission			

Conditions or Reasons for Refusal:	Refer to Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:			No. of responses	3	No. of objections	3
Summary of consultation responses:	<p>Three site notices were displayed near the site from 07/05/2021 (expiring 05/06/2021), one was erected directly outside the site on Hillfield Road, one to the rear on Millfield Lane and another near no. 1 Gondar Gardens</p> <p>Objections were received from three separate addresses as follows-</p> <p>2b Hillfield Road objected on the following grounds:</p> <ul style="list-style-type: none"> • This is one of many applications following the original planning permission granted in 2007 and then revised in 2008. Over 12 years two habitable dwellings turned into large, derelict, rat infested eyesore of a building site. • The developer should be made to complete the work to the current approved plans • However, given the abject failure of the developer to actually build anything since 2007, we would object to the approval of these plans unless it is accompanied by a 12 month completion order • We have had 6 infestations of rats in the last 5 years which have cost us nearly £3000 to manage • Substantial damage to the pavement outside the house by the lorries parking there. <p>4 Hillfield Road objected on the following grounds:</p> <ul style="list-style-type: none"> • Objected to the last application by this developer to turn no. 2 Hillfield Road into 9 flats on the following grounds: (i) overdevelopment; (ii) loss of amenity; (iii) altering the appearance and character of a Victorian house. The addition of 7 extra dwellings in the cul-de-sac end of Hillfield Road will severely affect the quality of life in this quiet residential area, intolerable strain on the overstretched parking resources. • The proposal does not differ in any significant way from the previous proposal that was rejected. The subterranean extensions at front and back, and the huge and unsightly above-ground extension at the back, within the footprint of two houses and their gardens, will surely provide spaces for 9 flats and perhaps even more. • The greed and cupidity of this developer. He is engaged in developing three (perhaps four) different properties at the cul-de-sac end of Hillfield Road, and is constantly putting in planning applications with total disregard for the interests of local residents. • No 2 Hillfield Road has been under development for an incredible 12 years and there is nothing to show for it except two huge rat-infested 					

	<p>holes at the front and rear and an ugly hording around the front of the property.</p> <ul style="list-style-type: none"> • The pavement outside is cracked and broken and poses a real danger to elderly residents. It is quite extraordinary that Camden has allowed this intolerable situation to continue for 12 years. We as council tax payers surely have a right to expect something better. <p>7 Hillfield Road objected on the following grounds:</p> <ul style="list-style-type: none"> • No notices have appeared on Hillfield Road and the application affects not just the Hillfield Road neighbours. Those at the rear who will not know about the application and what is proposed. • This terrace differs from the buildings opposite and the three properties to the east because it was built around the older building and it was designed to complement the design of that existing building. • Application 2020/1671/P referred to above. It seems likely that his real intention now is to obtain planning consent for flats in incremental stages. • The rear is very similar to that the previous application. As a result, the existing small garden at the back will almost disappear. This is garden grabbing in a site with very limited green space in a built up city area. Virtually no recreational space will remain. The extension will have the effect of reducing daylight into what will already be a dark space because of the small plot. • The extension will result in loss of amenity to the residents of the cul-de-sac, those in Mill Lane at the rear and in Gondar Gardens to the west. Loss of privacy and light to the neighbouring properties, as well as overshadowing and overlooking, particularly from the balconies. The application cites the permission given for numbers 2a and 4 a which refer to a terrace and balcony respectively. These properties are completely different in design as they are in line with the other properties in Hillfield Road which are higher.
<p>Fortune Green and West Hampstead Neighbourhood Form</p>	<p>The NDF thinks that this scheme is an over-development on a building which has already had many applications to increase the building size. The applicant has implemented the approved schemes so should complete the works on site. The previously approved schemes have more articulation and less bulk. We see no reason to approve this application, so the NDF objects.</p>

Site Description

The application site is a late Victorian mid-terrace 2-storey building on the southern side of Hillfield Road. The terrace consists of 7 properties with the application building appearing to be part of a later infill. The remainder of the neighbouring terraced buildings are three storeys with converted lofts. To the south of the site are 4 storey buildings on Millfield Lane. The building is not located in a conservation area nor is it a listed.

The building was in use as 2 dwellings, but appears to have been derelict for approximately 10 years. The lawful use remains as 2 dwellings but both properties are not occupied nor registered for Council tax.

The site is within the Fortune Green and West Hampstead Neighbourhood Plan area.

Planning History:

2020/1671/P

On 23/03/2021 planning permission was **refused** for the erection of two storey roof extension with front and rear dormer windows, erection of four storey rear extensions from basement level with roof terraces to ground, 1st, 2nd, and 3rd floor, following partial demolition of existing rear elevation and rear pitched roof, excavation for enlarged double basement including creation of 2 front lightwells, and associated alterations and cycle parking in front forecourt, all in association with the conversion of 2 dwellinghouses to 9 self-contained flats (Class C3).

There were 16 reasons for refusal including on design, impact on neighbouring amenity, poor standard of accommodation, transport impacts, basement impacts.

2007/2689/P

On 10/08/2007 planning permission was **granted** for the vertical conversion of two flats to use as two dwellinghouses, including the erection of two storey infill side extension and single storey side and rear extension, together with the provision of first floor balcony above the bay window and alterations to the fenestration [including the provision of two Juliette balconies] on the rear elevation.

2007/2996/P

On 10/08/2007 planning permission was **granted** for the vertical conversion of two flats to use as two dwellinghouses, including the erection of two storey infill side extension and single storey side and rear extension.

2007/3748/P

On 23/08/2007 an application for planning permission was **withdrawn**. The application sought permission for alterations and additions to the existing 2 storey building accommodating 2 flats including the erection of second floor and mansard roof extension including a double rear and single side extension and alterations to the fenestration, to create 8 residential flats [3x 1-bedroom flats, 3x 2-bedroom flats, 2x 3-bedrooms].

2007/3472/P

On 06/09/2007 planning permission was **granted** for Change of use from two self-contained flats to one dwellinghouse, including reconfiguration of the main entrance on the front elevation.

2007/4125/P

On 26/10/2007 planning permission was **refused** for Extensions and alterations to the existing two-storey building used as 2 x flats, for a change of use to 2 x dwellinghouse, including mansard roof extension with dormers on the front elevation and balconies to the rear, and a part-one part-two storey rear extension, and fenestration alterations. The application was refused on the following ground.

Reason for refusal:

The proposed roof extension, by reason of its siting, bulk, mass and detailed design, would be detrimental character and appearance of the host building and the street scene, contrary to policies B1 (General Design Principles) and B3 (Alterations and Extensions) of the London Borough of Camden Replacement Unitary Development Plan 2006 and Camden Planning Guidance (2006).

2007/4665/P

On 30/11/2007 planning permission was **granted** for Extensions and alterations to convert existing 2-storey building used as 2 flats into 2 separate houses, including basement excavation, creation of two bay windows and lightwells to front garden, folding doors to rear, new door to rear, alterations to front boundary wall and installation of two main gates and access to refuse store.

2007/5292/P

On 07/01/2008 planning permission was **refused** for Extensions and alterations to the existing 2-storey building used as 2x flats, for a change of use to 2x dwellinghouses, including the erection of a roof extension to create a second floor, together with rear extension and alterations to the rear elevation, including a terrace at rear first floor level and two terraces on the roof.

The application was refused on the following ground:

The proposed additional floor and roof extension would, by reason of its inappropriate siting and detailed design as well as its excessive bulk, dominate the existing building and appear incongruous in the street scene, contrary to policies B1 (General Design Principles) and B3 (Alterations and Extensions) of the London Borough of Camden Replacement Unitary Development Plan 2006 and Camden Planning Guidance 2006 relating to rear extensions.

2007/5924/P

On 06/03/2008 planning permission was **refused** for Change of use of 2 existing flats into 2 dwellinghouses, including the erection of a full width gable roof extension with 2 roof lights on the front roof slope and 4 windows to the rear full width dormer, 2 single storey rear extensions and new terrace to rear elevation and Juliette balconies at first floor level.

The application was refused on the following ground:

The proposed roof extension, by reason of siting, bulk and detailed design, would be detrimental to the character and appearance of the host building, contrary to policies B1 (General Design Principles) and B3 (Alterations and Extensions) of the London Borough of Camden Replacement Unitary Development Plan 2006.

2007/5926/P

On 21/02/2008 an application for planning permission was **withdrawn**. The application sought permission for Change of use of 2 existing flats into 2 dwellinghouses, including the erection of a full width gable roof extension with 2 roof lights on the front roof slope and new 2nd floor extension with terrace to rear; 2 single storey rear extensions; and a new terrace to rear elevation and Juliette balconies at first floor level.

2007/6306/P

On 19/02/2008 planning permission was **granted** for Revision of planning permission (2007/2996/P)

dated 10/08/2007 (for the conversion of 2x flats to 2x houses with extensions) to excavate a basement level to provide a swimming pool, habitable rooms and a rear lower garden to each house.

2008/1154/P

On 28/04/2008 planning permission was **refused** for Vertical conversion of existing two flats to create two houses, erection of a roof extension with two velux roof lights to the front and a mansard style to the rear with 4 dormers, side and rear extensions, elevational alterations and terraces at first level.

The application was refused on the following ground:

The proposed roof extension would, by reason of its excessive bulk, mass and detailed design dominate the existing building, contrary to policies B1 (General Design Principles) and B3 (Alterations and Extensions) of the London Borough of Camden Replacement Unitary Development Plan 2006 and Camden Planning Guidance 2006.

2008/1156/P

On 28/04/2008 planning permission was **refused** for Vertical conversion of existing two flats to create two houses, erection of a roof extension with two velux roof lights to the front and doors and windows to the rear, a two storey extension and terraces at first and second floor level to the rear and an extension to the side.

The application was refused on the following ground:

The proposed roof extension and associated second floor level extension to create the roof terrace would, by reason of their excessive bulk, mass and detailed design dominate the existing building and appear incongruous in the street scene, contrary to policies B1 (General Design Principles) and B3 (Alterations and Extensions) of the London Borough of Camden Replacement Unitary Development Plan 2006 and Camden Planning Guidance 2006.

2008/1472/P

On 07/10/2008 planning permission was **granted** for Vertical conversion of existing 2x flats to create 2x dwelling houses, enlargement of the front roof including the insertion of two roof lights in the new roof slope and the erection of two new dormer roof extensions in the rear roof slope, side and rear extensions, elevational alterations and terraces at first level.

2A Hillfield Road

2008/2487/P

On 04/08/2008 planning permission was **granted** for the Erection of a roof extension to the existing two-storey single-family dwellinghouse (Class C3).

2011/3937/P

13/10/2011 On planning permission was **granted** for Renewal of planning permission granted on 4/8/2011 (ref. 2008/2487/P) for (Erection of a roof extension to the existing two-storey single-family dwelling house).

2B Hillfield Road

2013/0727/P

On 04/04/2013 planning permission was **granted** for the Erection of a single storey rear extension and associated landscaping in connection with dwelling house (Class C3).

Relevant policies

The National Planning Policy Framework 2021

The London Plan 2021

Camden Local Plan (July 2017)

- G1 Delivery and location of growth
- H1 Maximising housing supply
- H4 Maximising the supply of affordable housing
- H6 Housing choice and mix
- H7 Large and small homes
- H5 Protecting and improving affordable housing
- H3 Protecting existing homes
- A1 Managing the impact of development
- A5 Basements
- D1 Design
- T1 Prioritising walking, cycling and public transport
- T2 Parking and car free development
- CC5 Waste
- CC1 Climate change and mitigation
- CC2 Adapting to climate change

Fortune Green and West Hampstead Neighbourhood Plan (2015) (NP)

- Policy 1 Housing
- Policy 2 Design and Character
- Policy 7 Sustainable Transport
- Policy 8 Cycling

Supplementary Guidance - Camden Planning Guidance

- [Basements](#) - January 2021
- [Amenity](#) - January 2021
- [Design](#) - January 2021
- [Home improvements](#) - January 2021
- [Transport](#) - January 2021
- [Energy efficiency and adaptation](#) - January 2021

Department for Communities and Local Government (2015)

Technical housing standards – Nationally described space standard

Assessment

1. Proposed Development

- 1.1. Erection of three storey rear extension from basement level, full width rear dormer, terrace at 2nd floor, installation of glazed skylights to front garden and various associated alterations following demolition of existing rear gabled projections and roof.
- 1.2. Background detailed description of the proposed development

- 1.3. The property has been subject to a long and complicated planning history dating back to 2011 (see above), with multiple similar applications being both approved and refused. Of the applications registered in 2007, five were approved, three were refused and two were withdrawn, whilst of those registered in 2008, one was approved and two were refused.
- 1.4. A recent application, reference 2020/1671/P, for a double roof extension, additional basement excavation below the existing basement (double basement), four storey rear extension, various other alterations and conversion of the property into nine flats, was refused on multiple grounds.
- 1.5. The most relevant permissions of note are:
- 2007/2996/P – vertical conversion of the property from 2 flats at ground and first floor to 2 separate dwellings houses together with side and rear extensions;
 - 2007/6306/P – excavation of a basement below the entire footprint of both houses and the entire front garden, with a sunken garden at the rear; and
 - 2008/1472/P – front loft extension to both properties to provide an additional bedroom and bathroom, with front roof lights and rear dormers to each.
- 1.6. The applicant has implemented planning permission ref. 2007/6306/P and this is confirmed through discharge of condition application Ref. 2015/6120/P for *Details of the green roofs required by condition 2 of planning permission 2007/6306/P dated 19/02/2008 (for the conversion of 2x flats to 2x houses with extensions including basement)* which was granted on 11/01/2016. Works have also commenced on site, including the excavation of the entire basement level, see Figure 1 below. Therefore the applicant is allowed to complete the works associated with Ref. 2007/6306/P at any time. It is not clear if Ref. 2008/1472/P for ‘front loft extension to both properties to provide an additional bedroom and bathroom, with front roof lights and rear dormers to each’ has been implemented.



Figure 1. View of excavated basement which extends to rear boundary

- 1.7. The assessment of this application is based on the material changes compared to planning permissions ref. 2007/6306/P and 2008/1472/P. The key changes include larger rear extensions and a larger rear dormer extension than what has previously been approved. There are also minor changes to the basement rear building line. The additional massing would be located at second floor and roof level and would accommodate an additional bedroom.
- 1.8. The walk-on rooflights to the front garden were previously approved and this permission has been implemented. Similarly, the front loft extension to both properties with front rooflights has been consented although it is not clear whether it has been implemented and so is assessed afresh below.
- 1.9. The applicant has not provided a demolition plan for the rear elevation to indicate what parts of the rear would be demolished. However the 3D views shown in Figure 4 indicate that, together with the pitched roof, almost the entire rear elevation would be demolished. It appears only the ground floor bay and two storey projection (from ground) would be retained, shown in Figure 2 below. Figures 2, 3 and 4 show views of the existing rear and the models of existing and proposed rear. A comparison of these figures show the proposed increase in bulk and mass at rear and roof level.



Figure 2: Photo of rear from basement level

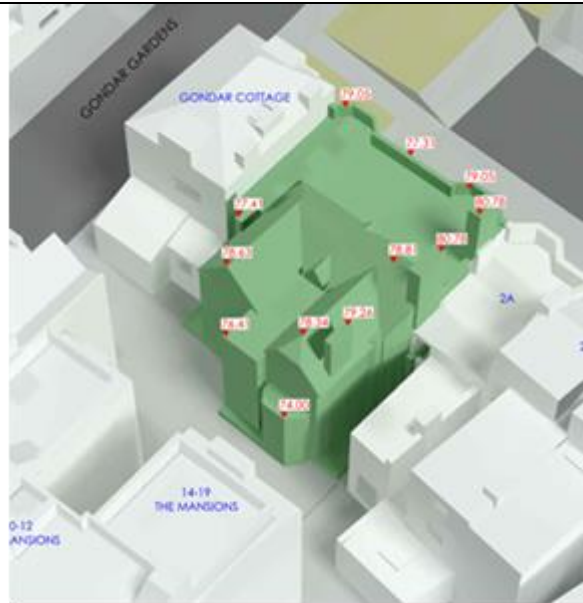


Figure 3: 3D view of existing

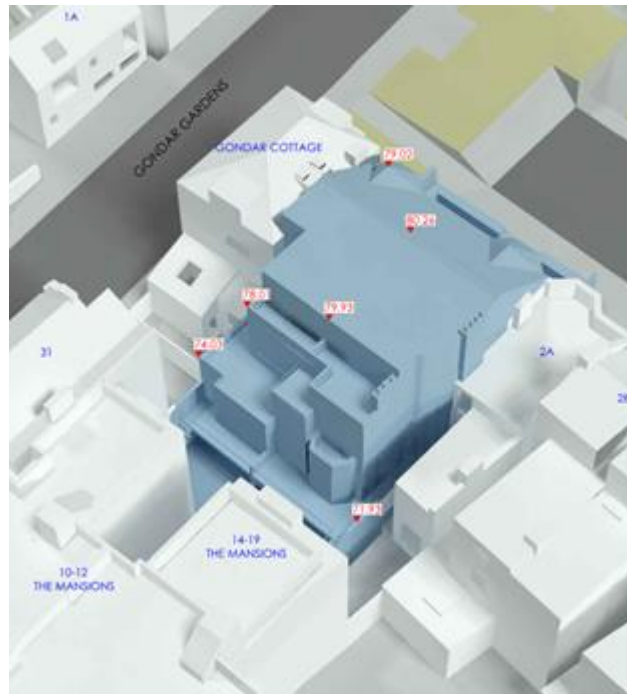


Figure 4: 3D views of and proposed rear

2. Assessment

2.1. The principal considerations material to the determination of this application are as follows:

- Design
- Impacts on residential amenities of neighbouring occupiers
- Transport (CMP and highways contribution)
- Community Infrastructure Levy (CIL)

5. Design

5.1. Front loft extension

- 5.2. Policy 2 of the Neighbourhood Plan (NP) states that development should have regard to the form, structure and heritage of its context - including the scale, mass, orientation, pattern and grain of surrounding buildings, streets and spaces. Roof extensions are likely to be unacceptable where there is likely to be an adverse effect on the appearance of the building or the surrounding street scene. The Council do not object to the principle of a roof addition- indeed a sensitively designed roof extension would continue a pattern of development which would help to re-unite this terrace. In 2008 an application has been approved for the enlargement of the front roof with rear dormer under ref. 2008/1472/P dated. 07/10/2008.
- 5.3. The front loft extension is the same as that approved in 2008 and would replicate the pitched roof form of others within the street and incorporates a projecting hipped roof over the 2 bays on the front elevation. The ridge height would match the neighbouring buildings. Figure 5 shows how this extension would not add significant bulk or unbalance the architectural composition of the building. This element of the proposal is considered acceptable.



PROPOSED FRONT ELEVATION

Figure 5: Proposed front elevation for approved scheme ref. 2008/1472/P dated 07/10/2008.

5.4. Massing of rear extensions including rear dormer

- 5.5. CPG Design (2019) states that extensions should be secondary the building being extended, in terms of location, form, scale, proportions, dimensions, and detailing. The guidance states that a single storey ground floor extension is generally preferable to those proposed at higher levels, with extensions generally being required to terminate at least a full storey below eaves. In cases where a higher extension is found to be appropriate, a smaller footprint will generally be required in order to mitigate any increase in visual mass and bulk, overshadowing and sense of enclosure that would be caused by the additional height of the extension. Extensions should be in harmony with the original form and character of the building and the historic pattern of extensions within the group of buildings.
- 5.6. The proposed rear extensions, including rear dormer, would occupy practically the full width of the site and consist of three storeys plus dormer (from basement level). This would create an unacceptable increase in bulk and mass to the host building. The existing rear bay window and two storey projection would be dwarfed by the scale of the extensions, which is exemplified by Figure 5 which shows the existing rear. It is noted that the depth of the rear elevation would not increase significantly to what has been approved.



Figure. 6 Existing rear elevation



Figure. 7 Proposed rear elevation

- 5.7. Roof alterations must be architecturally sympathetic to the age and character of the building and retain the overall integrity of the roof form. The rear dormer extension would add excessive bulk and mass to the host building. The entire existing roof form would be demolished and replaced with a full width and deep dormer. The dormer would appear dominant and contributes to the cumulative impact of the extensions. The rear roof extension, by reason of its scale, design and materials, would appear as an incongruous addition which causes harm to the appearance of the building and wider streetscene as viewed from Gondar Gardens.

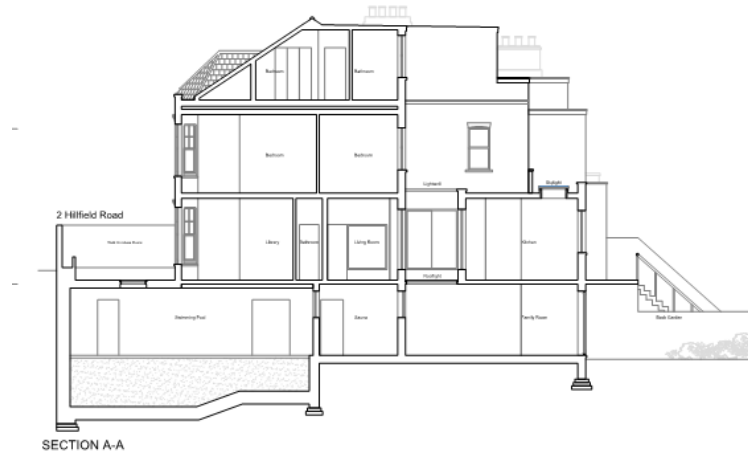


Figure 8. Proposed section AA

- 5.8. CPG Design (2019) states that extensions should respect and preserve the historic pattern and established townscape of the surrounding area. In order for a new extension to be subordinate to the original building, its height and depth should respect the existing common pattern of rear extensions at neighbouring sites. The proposed massing would seek to replicate taller buildings to the rear of the site on Mill Lane. These buildings are higher than those on Hillfield Road and it is an intrinsic feature of the local urban grain of West Hampstead that buildings on the main streets are higher than those in streets behind the main streets. The massing should relate to that on Hillfield Road rather than Mill Lane.

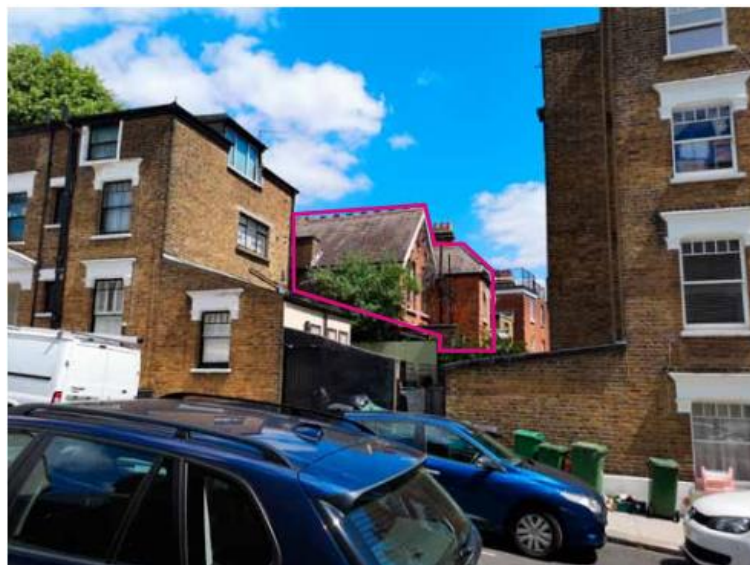


Figure 9: View of rear from Gondar Gardens

- 5.9. As shown in Figure 9, the rear would be visible from the public realm. The extensions would rise a considerable distance above the height of the existing pitch roof and the neighbouring building on Gondar Gardens. The extensions would fail to respect the established pattern and scale of rear development on this terrace. The proposed extension would not be commensurate with the existing pattern of neighbouring rear development, and the existing rhythm of extensions would be disrupted by overly bulky additions. The increase in massing is considered excessive and out of scale with the building and the established pattern of neighbouring rear development. Although the previously approved extensions are large, they

are more articulated with setbacks. The previous proposals do not feature vast expanses of blank walls to the height that is now proposed.

5.10. Detailed design of rear extensions

- 5.11. CPG Design states that development should integrate well with the existing character of a place. Policy 2 of the NP states that there is a presumption in favour of a colour palette which reflects, or is in harmony with, the materials of its context. The replication of particular exterior details is strongly recommended where such details are consistent in streets.
- 5.12. The proposed rear extensions would adversely affect the architectural integrity of the host building and harm the character and appearance of the area. The design is not in harmony with the original form and character of the architecture of this late Victorian building. The materials used are not complementary to the existing building and its character. The use of glazing is considered dominant and excessive. There are large expanses of glazing which are not in proportion to the solid walls (solid to void ratio). The expanses of glazing would appear as large voids/holes in the building. Furthermore the size of the glazing does not reduce in size going up the building (hierarchy of windows) further overwhelming the elevation.
- 5.13. The proposed rear elevation has very little relation to the original character and design of the building and would erode the character of the building and the surrounding area. The existing rear elevation is modestly scaled and, while not holding high architectural significance, is more in keeping with the established pattern of neighbouring rear development.
- 5.14. The proposal would be contrary to Local Plan policy D1 which seeks to secure high quality design in development which respects local context and character. The proposal would also be contrary to Policy 2 of the NP which requires development to positively interface with the street and streetscape in which it is located.

6. Residential Amenity

- 6.1. Policy A1 seeks to protect the quality of life of occupiers and neighbours by only granting permission for development that would not harm the amenity of residents. This includes factors such as privacy, outlook, natural light, artificial light spill, as well as impacts caused from the construction phase of development. Policy A4 seeks to ensure that residents are not adversely impacts upon by virtue of noise or vibrations.

Light and overshadowing

- 6.2. A Daylight and Sunlight Study has been submitted in support of the application which assesses the impact of the development on the light receivable by the surrounding properties. The study is based on the BRE guide 'Site layout planning for daylight and sunlight: a guide to good practice' 2011. The report concludes that the development would have a relatively low impact on the light receivable by neighbouring properties and that there is no daylight/sunlight related reason why planning permission should not be granted.
- 6.3. The Vertical Sky Component (VSC) is calculated at the centre point of each affected window on the outside face of the wall in question. BRE guidelines suggest that 27% VSC is a good level of daylight. If a window does not achieve 27% VSC as a result of the development, then it is assessed whether the reduction in value would be greater than 20% of the existing VSC – which is when the reduction in light would become noticeable to occupants.
- 6.4. BRE guidance recommends that interiors where occupants expect sunlight should receive at

least one quarter (25%) of APSH, including at least 5% in the winter months

- 6.5. The following properties would meet the target values set out in BRE Guidelines when comparing existing and proposed scenarios: Gondar House, 1a Gondar Gardens; 1 Hillfield Road; 3 Hillfield Road; 5 Hillfield Road; 14-19 The Mansions and 10-12 The Mansions, Mill Lane. For these properties, of the windows which were assessed for VSC, all would continue to meet target values set out in the BRE guidance (27% or above) or the reduction in value would be no greater than 20% of the existing VSC.
- 6.6. However, a review of the detailed daylight distribution calculations show that a number of windows serving habitable rooms of Gondar Cottage, 2a Hillfield Road, 2b Hillfield Road and 31 Mill Lane would fail recommended BRE guidance. An assessment of the existing and proposed VSC and a comparison of the consented and proposed VSC is provided below. This analysis demonstrates that the fails are marginal and therefore considered acceptable in planning terms.

Gondar Cottage

- 6.7. As compared to the consented position, in terms of daylight, four of the five windows analysed retain between 96% and 100% of their consented levels of VSC and all three rooms retain either 99% or 100% of their consented levels of daylight distribution. The one remaining window, W2 on the ground floor, retains 78% of its consented level of VSC experiencing an absolute reduction of only 1.29% VSC.
- 6.8. As compared to the pre-existing condition (i.e. existing and proposed VSC), four of the five windows analysed meet the target values for VSC and all three of the rooms analysed meet the target values for daylight distribution, albeit on the basis of assumed room layouts. The one remaining window is W2 on the ground floor which retains 53% of its existing level of VSC. This is an absolute reduction in VSC from 8.52% to 4.52%. An absolute reduction of 4% would not be noticeable given the existing low levels of VSC. As stated above this window retains 78% of its consented VSC.

2a Hillfield Road

- 6.9. As compared to the consented position, four of the eight windows analysed retain between 90% and 100% of their consented levels of VSC, a further three windows retain between 68% and 78%, with the one remaining window, which serves a bathroom and can therefore be disregarded, retaining 46% of its consented level of VSC. All of the habitable rooms retain between 83% and 100% of their consented levels of daylight distribution.
- 6.10. As compared to the pre-existing condition, four of the seven windows serving habitable rooms analysed meet the target values for VSC and all of the habitable rooms analysed meet the target values for daylight distribution.
- 6.11. The south facing windows serving habitable rooms analysed meet the APSH target values for sunlight.
- 6.12. The three windows that fail have low levels of VSC in the existing position (no greater than 4.05% VSC in absolute terms) and so any reductions in absolute VSC are exacerbated when considered as a percentage of the existing level of VSC. These windows experience absolute reductions in VSC of no greater than 1% which would be largely unnoticeable. The main window serving the kitchen retains 100% of its existing level of VSC and the room as a whole retains 91% of its existing daylight distribution. This room will therefore remain reasonably well

day-lit.

2b Hillfield Road

- 6.13. As compared to the consented position, all windows retain at least 93% of their consented levels of VSC and all rooms retain between 78% and 100% of their consented levels of daylight distribution.
- 6.14. As compared to the pre-existing condition, all eight windows analysed meet the target values for VSC and four of the five rooms analysed meet the target values for daylight distribution, albeit on the basis of assumed room layouts.
- 6.15. In terms of sunlight, all eight south facing windows analysed meet the APSH target values.
- 6.16. As all windows meet the target VSC and APSH values in the proposed position the impact on the daylight and sunlight within this property is considered acceptable.

31 Mill Lane

- 6.17. As compared to the consented position, all windows analysed retain between 90% and 99% of their consented levels of VSC and all rooms analysed retain between 90% and 100% of their consented levels of daylight distribution.
- 6.18. As compared to the pre-existing condition (i.e. existing and proposed VSC), all six windows analysed meet the target values for VSC and three of the five rooms analysed meet the target values for daylight distribution, albeit on the basis of assumed room layouts. In terms of sunlight, the windows in this property facing the site are not south facing and so do not require analysis.
- 6.19. The rooms on the rear façade of this building appear most likely to be bedrooms based on their external appearance and, if so, would be considered “less important” for the measure of daylight distribution. As such this property retains an acceptable level of daylight with the proposed development in place as it meet the VSC target.

Summary

- 6.20. The majority of windows and rooms in the surrounding properties meet the target values as set out in the BRE Guidelines for daylight and sunlight. Where transgressions of these criteria occur they are minor and isolated and are not significant when compared with the consented schemes.

Visual amenity and outlook

- 6.21. The visual amenity of occupiers is the quality of their surrounding environment which may be impacted by the quality, scale and character of the built environment. The current level of visual amenity enjoyed by the neighbouring properties of Gondar Cottage and 2a Hillfield Road are formed by the grain of development in the area. Developments should ensure that the proximity, size or cumulative effect of any structures avoids having an overbearing and/or dominating effect that is detrimental to the enjoyment of their properties by adjoining residential occupiers.
- 6.22. It should be noted that the specific views from a property are not protected as this is not a material planning consideration. Particular care should be taken if the proposed development adjoins properties with a single aspect. The extensions would rise considerable distance near to the boundary of 2A Hillfield Road, but this property would maintain an acceptable level of outlook following development. Similarly, the impact on Gondar Cottage in term of loss of

outlook and sense of enclosure is considered acceptable.

6.23. Privacy

6.24. To ensure privacy, CPG 'Amenity' suggests a minimum distance of 18m between the windows of habitable rooms in existing properties directly facing the proposed development

6.25. The proposed terrace at ground floor would not lead to harmful overlooking as it is at what was the pre-existing natural ground level and therefore is not at an elevated position which would afford views into neighbouring windows. The terrace above the rear bay flat roof at 1st floor has been consented under the 2007 and 2008 applications. This terrace is of a limited scale and would not be large enough to accommodate more than one person. This terrace is considered acceptable.

6.26. The consented schemes did not provide terrace at second floor (accessed from proposed rear dormer). This terrace is of a considerable size and would lead to direct overlooking to 2a Hillfield Road, Gondar Cottage, Flats with rear windows at Gondar Mansions and flats with rear facing windows on Mill Lane. The edge of the roof terraces would be within 6m of neighbouring windows. Users of the terraces would have direct views into neighbouring windows which is unacceptable. To overcome this overlooking it would be necessary to install 1.8m privacy screens across all the rear terraces. However this would add unwanted visual clutter and bulk to the building and cannot be supported in design terms. The proposed terrace would create opportunities for overlooking of multiple neighbouring habitable rooms at close distances which is considered unacceptable. It is noted that some acute angled views may not lead to direct overlooking of windows. It is also noted that there are existing side facing windows associated with the existing rear outrigger which would be replaced on more or less a like-for-like basis.

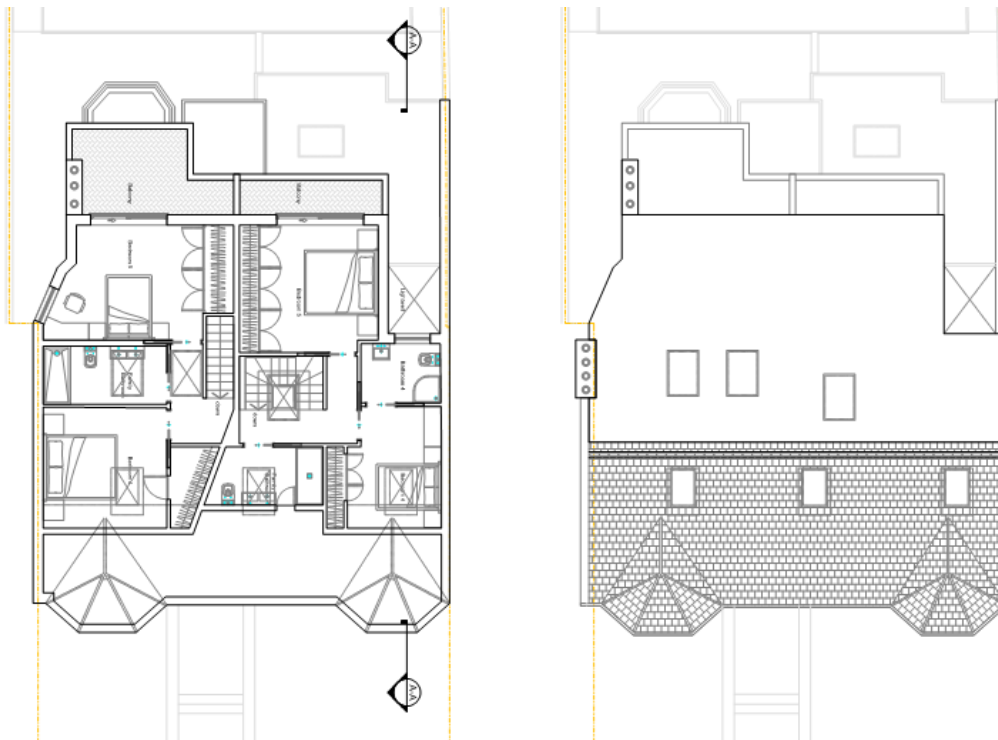


Figure 10. Proposed second floor and roof plan

Summary

6.27. The terrace at second floor level would create an unacceptable loss of privacy to surrounding properties. The proposal would therefore fail to meet the requirements of policy A1 which

requires development to not have a detrimental impact on the privacy of neighbouring occupiers.

7. Transport including highways

Construction Management Plan (CMP)

- 7.1. Policy A1 seeks to resist development that fails to adequately assess and address transport impacts affecting communities, occupiers, neighbours and the existing transport network. The Council will consider the impacts of the construction phase, including the use of CMPs. Paragraph 2.31 of CPG Transport states that: "CMPs are secured as a planning obligation through a legal agreement and the pro-forma must be agreed by the Council prior to commencement of work starting on site."
- 7.2. The proposal does not involve considerable excavation but would involve substantial demolition and construction work within a residential neighbourhood and located at the end of a no-through road. There is also a long history of damage to the public footway from previous schemes where no CMP was secured which demonstrates the importance of managing construction work from hereon in. A CMP would therefore need to be secured to minimize the impact of construction on the highway infrastructure and neighbouring community. A CMP and a CMP implementation support contribution of £3,920 and a Construction Impact Bond of £7,500 is required in order to minimise the movement of goods and minimise the impact on the local area. The CMP bond is fully refundable should not issues not arise with the CMP.
- 7.3. The support contribution is required to cover the costs of Council staff time in reviewing and approving the submitted CMP, the ongoing inspection and review of the plan during the construction works, and discussions to agree any amendments during the lifetime of the construction. This can take a large amount of time and this is a cost which should be covered by the developer who benefits from the planning permission rather than the tax payer. For applications in the area, the Council has used a consistent approach of requesting CMPs via S106. The absence of a finalised legal agreement for a CMP with associated contributions constitutes an additional reason for refusal.

Highways Contribution

- 7.4. The footway directly adjacent to the site is likely to sustain damage because of the proposed works. The Council would need to undertake remedial works to repair any damage following completion of the proposed development. A highways contribution would need to be secured as a section 106 planning obligation. This would allow the Council to repave the footway directly adjacent to the site and repair any other damage associated with the proposal to the public highway in the general vicinity of the site. The highway works would be implemented by the Council's highways contractor on completion of the development. A cost estimate for the highway works would be produced by the Council's Transport Design Team.. The absence of a finalised S106 agreement to secure a highways contribution constitutes a reason for refusal.

8. Community Infrastructure Levy (CIL)

- 8.1. The flats have not been occupied for at least six months over three years prior to the application. Therefore, the existing sqm GIA is CIL liable, in addition to any uplift. This would have been collected by the Council's CIL team should the application have been approved.

9. S106/CIL

9.1. If the proposals were supported, the following heads of terms would need to be secured by S106 Legal Agreement to make the development acceptable.

- Construction Management Plan and associated Implementation Support Contribution of £3,920
- Construction Impact Bond of £7,500
- Highways contribution (to be confirmed)

10. Recommendation

Refuse planning permission