

Delegated Report (Refusal)		Analysis sheet		Expiry Date:		11/08/2020	
		N/A		Consultation Expiry Date:		11/08/2020	
Officer				Application Number(s)			
Adam Greenhalgh				2020/2689/P			
Application Address				Drawing Numbers			
Land to rear of 12 Sarre Road London NW2 3SL				See decision notice			
PO 3/4		Area Team Signature		C&UD		Authorised Officer Signature	
Proposal(s)							
Erection of a three storey dwellinghouse with a front terrace							
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		2		No. of objections	
		No. electronic		0		2	
Summary of consultation responses:		<p>Site notice: 17/07/2020 – 10/08/2020</p> <p>Letter of objection from owner/occupier of ground floor flat, 12 Sarre Road. Objections raised on grounds of:</p> <ol style="list-style-type: none"> 1. Harm to amenity and enjoyment of garden by way of loss of light, privacy and increased noise/number of occupants. 2. Removal of TPO Ash tree and loss of amenity/wildlife 3. Inaccuracies in application documents and drawings 4. Previous unauthorised development at 12 Sarre Road <p><i>Planning Officer comments:</i></p> <ol style="list-style-type: none"> 1. See 'Amenity of neighbouring residential occupiers' below 2. See 'Trees' below 3. The site has been described inaccurately, However, photographs have been checked and an accurate assessment of the site has been possible. 4. This is a separate matter which is for separate investigation and if applicable, enforcement action 					

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CAAC/Local groups comments:

Fortune Green and West Hampstead Neighbourhood Forum:

1. Indicate that there is a policy in the Fortune Green and West Hampstead Neighbourhood Plan to preclude development on garden land but note that new houses have been granted planning permission on adjoining sites (to the benefit of the streetscene)
2. Object to height and consider proposed fenestration and terrace to be inappropriate.
3. Bin store at front has an inappropriate treatment and outward opening doors onto the pavement.
4. Future occupiers should be prevented from obtaining car parking permits
5. Harm to the amenity of occupiers of neighbouring properties (12 Sarre Road) due to loss of garden, outlook and light

Planning Officer comments:

1. See 'Principle of development' below
2. See 'Design' below
3. See 'Design' and 'Transport/highway implications' below
4. See 'Transport/highway implications' below
5. See 'Amenity of neighbouring residential occupiers' below

Gondar & Agamemnon Residents Association:

1. Object to size/height and design (recessed upper floor)
2. Harm to amenity of occupiers of 12 Sarre Road
3. Inadequate size of kitchen/living room and garden
4. Inadequate information on design and materials
5. No bicycle parking facilities shown
6. Crossover to be replaced by an on-street residents car parking bay

Planning Officer comments:

1. See 'Design' below
2. See 'Amenity of neighbouring residential occupiers' below
3. See 'Quality of Accommodation' below
4. See 'Design' below
5. See 'Transport/highway implications' below
6. See 'Transport/highway implications' below

Site Description

12 Sarre Road is a two storey semi-detached building (in use as two flats) with a 22.5m deep rear garden. This proposal relates to the rear garden and it adjoins Gondar Gardens to the rear with two off-street car parking spaces and a crossover on the highway (Gondar Gardens). The houses on the even side of Sarre Road are mostly two storeys in height, with low pitched roofs. At the southern end of the road there are two storey modern infill houses at the rear of the Sarre Road houses, on Gondar Gardens, while the houses to the north have garages at the rear of their sites, onto Gondar Gardens. The neighbouring houses at the southern end of Gondar Gardens are predominantly two storey.

There are currently no trees on the site but an Ash tree that is the subject of a Tree Preservation Order (TPO) is reported as having been removed from the site shortly before the planning application was submitted (in June 2020). There is also a small street tree immediately adjacent to the crossover on Gondar Gardens.

The site does not comprise a Listed Building and it is not in a Conservation Area.

The site, and Gondar Gardens, slopes up from south to north.

Relevant History

34139 - Continued use as 2 self-contained flats. – permitted 08/04/1982

8791038 – Remove tree at rear – agree to removal and replacement of trees 31/03/1987

9500214 – The erection of a garage to the rear garden with vehicular access onto Gondar Gardens – granted 10/02/1995

PW9802244R1 - The erection of a spiral stair access to the garden from the first floor flat, including the provision of a metal landing, together with the replacement of an existing rear first floor window by a door – granted 30/07/1998

2004/2171/T - (TPO Ref:H29) REAR GARDEN 1 x Ash - remove deadwood shape and tidy – approve works 26/05/2004

2020/2688/P - Erection of a two storey dwellinghouse – not yet decided

EN20/0632 – Removal of TPO tree – created 12/08/2020

Relevant policies

National Planning Policy Framework (2019)

The London Plan March 2016 and Draft New London Plan – Intend to Publish Version 2019

Camden Local Plan 2017

- Policy G1 Delivery and location of growth
- Policy H1 Maximising housing supply
- Policy H4 Maximising the supply of affordable housing
- Policy H6 Housing choice and mix
- Policy H7 Large and small homes
- Policy C6 Access for all
- Policy A1 Managing the impact of development
- Policy A3 Biodiversity
- Policy A4 Noise and vibration
- Policy D1 Design
- Policy CC1 Climate change mitigation
- Policy CC2 Adapting to climate change
- Policy CC3 Water and Flooding
- Policy CC4 Air quality
- Policy CC5 Waste
- Policy T1 Prioritising walking, cycling and public transport
- Policy T2 Parking and car free development
- Policy T3 Transport infrastructure
- Policy T4 Sustainable movement of goods and materials
- Policy DM1 Delivery and monitoring

Camden Planning Guidance (CPG)

CPG Access for all (2019)
CPG Amenity (2018)
CPG Biodiversity (2018)
CPG Design (2019)
CPG Developer contributions (2019)
CPG Energy efficiency (2019)
CPG Interim Housing (2019)
CPG2 Housing (2016, amended 2019)
CPG Transport (2019)
CPG Trees (2019)
CPG Water and flooding (2019)

Fortune Green and West Hampstead Neighbourhood Plan 2015

Policy 1 Housing
Policy 2 Design & Character
Policy 7 Sustainable Transport
Policy 8 Cycling
Policy 13 West Hampstead Town Centre
Policy 17 Green/Open Space
Policy 18 Trees

Assessment

1.0 PROPOSAL

1.1 Planning permission is sought for the erection of a three storey detached house. Aligning with the house at the rear of 10 Sarre Road (5 Gondar Gardens) and the garage on the other side, the house would be 8.25m in depth. With a maximum height of 8m the house would be 5.5m in width. The house would be level with the back edge of the pavement and a 3m deep rear garden would be provided. A 9m deep garden is shown as being retained for 12 Sarre Road.

1.2 The house would be of a contemporary appearance with a front gable and windows of varying sizes and proportions. The walls would be of grey charcoal brick. The second floor would be set back 1.5m from the front gable with an external amenity deck being provided behind the front gable. The rear elevation would feature sizeable windows. They would be part obscurely glazed on the first and second floors. The new house would have 2 double and 1 single bedrooms. On the ground floor it would have an open plan kitchen/living room. It would have a total area of 99 sq m.

1.3 No on-site car parking would be provided.

1.4 There is a contemporaneous planning application (2020/2688/P) for the erection of a two storey detached house at the site. It has the same site and layout but is two storeys in height with a gable at the front.

2.1 ASSESSMENT

2.1.1 The material considerations for this application are summarised as follows:

- Principle of development
- Design
- Affordable housing
- Amenity of neighbouring residential occupiers
- Quality of accommodation
- Trees
- Transport/highway issues

- Sustainability
- Flooding/Drainage
- Mayor of London's Crossrail CIL and Camden's CIL

2.2 Principle of development

2.2.1 The site lies in a built-up area residential area and there are no policies in the LB Camden Local Plan which preclude the erection of new dwellings within residential gardens. Policy 17 of the Fortune Green and West Hampstead Neighbourhood Plan seeks to protect green space but there have been several developments relatively recently within rear gardens which abut a road including Gondar Gardens from Sarre Road. However, in this case, the site has a Tree Preservation Order and although the tree has been removed (without consent) the development would occupy the site of the TPO tree and it is therefore unacceptable in principle as it involves 'the loss of a tree of significant amenity value' (Policy A3 of the Camden Local Plan). Further comments on the objection on grounds of the loss of the TPO tree are in Section 2.7 of this report.

2.3 Design

2.3.1 Local Plan Policies D1 (Design) is aimed at achieving the highest standard of design in all developments. Policy D1 requires development to be of the highest architectural and urban design quality, which improves the function, appearance and character of the area.

2.3.2 The Camden Planning Guidance (CPG) on Design calls for Design Excellence and advises how new development should consider the context of the development and its surrounding area, the design of the building itself and opportunities for improving the character and quality of the area. The eight principles of high quality design in the Design CPG are: context and character, accessibility, legibility, adaptability, liveability, sustainability, high quality public realm and safety and security.

2.3.3 At three storeys, and 8m in height, the new dwelling would be one storey higher than its counterparts on Gondar Gardens. Its apparent height would be accentuated by the level of the site, which is higher than the neighbouring two storey houses to the south. It would be higher than the prevailing streetscene when viewed from properties to the east and it would be significantly higher than the neighbouring houses when viewed from properties to the west on Sarre Road. The height differentials can be viewed on the proposed elevations 1,2,3 and 4.

2.3.4 Due to its height, and bulk, the proposal would fail to respect the more subservient nature of the 'infill' developments which have been undertaken on the neighbouring plots and which characterise the streetscene. The applicant's Design & Access Statement refers to the three storey residential building further up on the other side of Gondar Gardens but this is a 'stand-alone' building which does not sit alongside two storey houses, it is of a different era and its position and role in the streetscene cannot be taken as justifying a three storey development at the application site.

2.3.5 The proposed dwelling would also be out of context with 12 Sarre Road, the existing two storey building at the front of the site (and the attached two storey building, 10 Sarre Road). Situated at the rear of the existing site of 12 Sarre Road, 12m from its rear elevation, the proposed three storey dwelling would be over-dominant and overbearing in the built environment to the detriment of the character of the area and the visual amenity of existing occupiers.

2.3.6 In addition to the height, the design of the roof, with the 1.5m set-back from the front gable and glass balcony, would detract from the run of more traditional, gable fronted, pitched roofed two storey houses which have been built at the southern end of Gondar Gardens and which now characterise the streetscene. The letter from the Fortune Green and West Hampstead Neighbourhood Forum mentions the appearance of the fenestration but the site is not in a Conservation Area and the proposed windows would not harm the character or appearance of the townscape.

2.3.7 For the reasons given above, the height and design of the proposed dwelling would be out of

context with and harmful to the character of the built environment in the immediate vicinity and the proposal would therefore be contrary to policy D1 of the Camden Local Plan and the Camden Planning Guidance on Design.

2.4 Affordable Housing

2.4.1 Policy H4 requires a proportion of new housing provided to be affordable in accordance with a sliding scale. The threshold for the provision of affordable housing is one new dwelling with a gross internal area (GIA) of 100 sq m or more. The proposed dwelling would have a GIA of 99 sq m and it would therefore not exceed the threshold for contribution to the provision of affordable housing in the borough.

2.5 Amenity of neighbouring residential occupiers

2.5.1 Policy A1 seeks to protect the amenity of Camden's residents by ensuring the impact of development is fully considered. It seeks to ensure that development protects the quality of life of occupiers and neighbours by only granting permission for development that would not harm the amenity of neighbouring residents. This includes privacy, overlooking, outlook and implications on daylight and sunlight. CPG - Amenity provides specific guidance with regards to privacy, overlooking and outlook.

2.5.2 There are no windows to habitable rooms in the side elevations of the adjoining sites and situated to the north of the adjoining house at 5 Gondar Gardens, the new dwelling would not cause an undue loss of sunlight or daylight at this property. The new house would be a similar distance away from the Sarre Road properties as the existing houses which have been built on adjoining plots. It would be 12m from the rear elevation of 12 Sarre Road and 3m from the garden. The Daylight, Sunlight and Overshadowing Assessment which has been submitted indicates that the daylight (Vertical Sky Component), sunlight (Annual and Winter Probable Sunlight Hours) and garden conditions would meet the requirements of BRE guidelines and would therefore be acceptable. The upper floor windows in the rear elevation of the proposed house are shown as being obscurely glazed up to and above eye level and so no undue overlooking of adjoining rooms or gardens should result. The scale of development would not result in excessive activity or noise at the site or in the surrounding area.

2.5.3 However, for the reasons alluded to in 'Design' section of this report (above) the new dwelling, due to its location, height and bulk, would be an overbearing and unneighbourly development which would result in a loss of outlook for the occupiers of neighbouring properties, particularly in Sarre Road. 8m in height and 3m from the remaining garden for 12 Sarre Road the new three storey house would be overbearing and it would result in an unacceptable sense of enclosure from the garden. Additionally, 12m from the rear elevation of 12 Sarre Road it would result in significant harm to the outlook from habitable rooms within the flats at 12 Sarre Road. It would therefore result in harm to the amenity of the occupiers contrary to policy A1 of the Camden Local Plan.

2.6 Quality of accommodation:

2.6.1 The new dwelling would have a gross internal area of 99 sq m and it would therefore just meet the minimum size requirement in the nationally described space standards for a 3 bedroom 5 person house on three storeys (i.e. 99 sq m,). The bedrooms would exceed the size requirements in terms of area (i.e. 11.5 sq m for a double bedroom and 7.5 sq m for a single). However, the second floor bedroom within the pitched roof would have a maximum head height of less than 2m. And the 'effective' area of the room would be reduced even further due to the pitch of the roof which would see the room measure 1.2m in height at the sides. The room would not meet the minimum floor to ceiling height for a habitable room in the nationally described space standards (i.e. 2.3m for 75% of the room) and the proposal would therefore fail to provide a satisfactory standard of accommodation for future occupiers.

2.6.2 An adequate provision of garden space would remain for the existing property (12 Sarre Road).

2.7 Trees

2.7.1 The application includes a Tree Survey by Central London Tree Surveys which was undertaken in August 2020. The Tree Survey states that 'The survey site comprises the rear garden/parking area of the house which contains no trees. Trees within this report are located within adjacent properties and on the street' (para 2.2).

2.7.2 An Ash Tree which is subject to a Tree Preservation Order (ref: H29) is reported as having been removed from the site in June 2020. There is an ongoing enforcement case (EN20/0632) in respect of the unauthorised removal of this TPO tree which was allegedly removed in August 2020. Consent was not granted for the removal of this tree and as such, it remains a material consideration in this application. Policy A3 (Biodiversity) of the Camden Local Plan states the Council's aim to resist the loss of trees of significant amenity, historic, cultural or ecological value. Situated towards the rear of the site and clearly visible from surrounding properties and adjacent roads the Ash tree would have contributed significantly to the visual, environmental and ecological value of the townscape.

2.7.3 Notwithstanding that the TPO Ash tree has been removed (without consent), the proposed development would occupy the site of the tree and it would therefore be contrary to policy A3 of the Camden Local Plan by resulting in a loss of amenity, environmental and ecological value from the site

2.8 Transport/highways issues

2.8.1 Policy T2 of the Camden Local Plan states that the Council will limit the availability of parking and require all new developments in the borough to be car-free. The council will not issue on-street parking permits in connection with new development and use legal agreements to ensure that future occupants are aware that they are not entitled to on-street parking permits.

2.8.2 Additionally, the Gondar & Agamemnon Residents Association have suggested that the existing crossover could be replaced with an on-street car parking bay. The replacement of the redundant crossover with an on-street car parking bay would accord with LB Camden policy T3 for improving transport infrastructure. LB Camden Highways Officers have also noted that a financial contribution towards the upkeep of the highway would be necessary as a result of the works

2.8.3 In the absence of a legal agreement to prevent future occupiers from obtaining car parking permits and to secure the replacement of the existing crossover with an on-street car parking bay and undertake associated highway works the proposal is contrary to policies T1, T2 and T3 of the LB Camden Local Plan.

2.8.4 Policy T1 of the Camden Local Plan requires developments to provide cycle parking facilities in accordance with the minimum requirements of the London Plan. No cycle parking facilities are shown on the proposed drawings and it is not clear that they could be provided so the proposal is contrary to Policy T1 of the new Camden Local Plan (and policy 8 of the Fortune Green and West Hampstead Neighbourhood Plan 2015)

2.9 Sustainability

2.9.1 Policy CC1 of the Camden Local Plan requires all development to minimise the effects of climate change and to meet the highest environmental standards during construction and operation. The policy states the Council's aim for all development to promote zero carbon development and to reduce carbon dioxide emissions.

2.9.2 The application includes an Energy Statement which indicates that development would incorporate energy efficiency measures to reduce carbon emissions above the Building Regulations targets by 21.28 %. Other sustainability measures would include the recycling of waste during construction and occupation. Accordingly, the proposal would comply with the climate change aspirations of policy CC1

2.10 Flooding/Drainage

2.10.1 The site is located in the 'Low Risk' Zone on the Environment Agency Flood Risk Map and due to its size, a Flood Risk Assessment is not required. Policy CC3 of the Camden Local Plan requires development to incorporate water efficiency measures and sustainable urban drainage (SUDS). The Energy Statement confirms that water efficient fittings will be used. Sustainable urban drainage measures can be secured by planning conditions if planning permission should be granted.

2.11 Mayor of London's Crossrail CIL and Camden's CIL

2.11.1 The proposal (if acceptable) would be liable for both the Mayor of London's CIL and Camden's CIL as the development involves the creation of a new dwelling.

3.0 CONCLUSION

3.1 The proposal would occupy the site of a TPO (Ash) tree. This has been removed without consent and this is currently the subject of an enforcement case. The proposal would be contrary to policy A3 of the Local Plan which seeks to protect the amenity value of significant trees. Due to its height, bulk and siting the proposal would be an overbearing and over-dominant development on the site which would result in a significant loss of amenity for existing occupiers. The height, bulk, siting and design would also be contrary to the Council's policies and guidance for safeguarding the character and appearance of the built environment. The new dwelling would not meet the nationally described space standards for new dwellings in respect of the height of the second floor bedroom and this would lead to an unsatisfactory living environment for future occupiers. Without a legal agreement to prevent future occupiers from obtaining car parking permits, to secure highway works (including the replacement of the crossover with a car parking bay) and the provision of cycle parking facilities, the proposal is also contrary to policies T1, T2 and T3 of the LB Camden Local Plan

4.0 RECOMMENDATION - Refuse planning permission

1. The proposed development, due to its siting, would occupy the site of a protected TPO Ash tree (which has been removed without consent from the site). The proposal therefore perpetuates the loss of a significant tree of amenity value contrary to policy A3 of the Camden Local Plan and policy 18 of the Fortune Green and West Hampstead Neighbourhood Plan 2015.
2. The proposed development, due to its height, bulk and design, would be out of context with and harmful to the character of the built environment in the immediate vicinity. The proposal would therefore be contrary to policy D1 of the Camden Local Plan, the Camden Planning Guidance on Design and policy 2 of the Fortune Green and West Hampstead Neighbourhood Plan 2015.
3. The proposed development, due to its height, bulk and siting, would result in an overbearing feature for the occupiers of neighbouring dwellings that would give rise to an unacceptable sense of enclosure within adjoining gardens and habitable rooms. It is therefore contrary to policy A1 (Managing the impact of development) of the LB Camden Local Plan 2017 and Policy 2 (Design & Character) of the Fortune Green and West Hampstead Neighbourhood Plan 2015.
4. The proposed development, due to the internal height of the second floor bedroom, would be contrary to the nationally described space standards and would thus fail to provide an adequate standard of living accommodation for prospective occupiers. As such, it would be contrary to policy D1 (Design) of the LB Camden Local Plan 2017 and policy 2 (Design & Character) of the Fortune Green and West Hampstead Neighbourhood Plan 2015.
5. The proposed development, by way of its lack of accessible and convenient cycle parking facilities, would fail to promote the use of sustainable methods of transport. It is therefore contrary to policies T1, T2 and CC1 of the Camden Local Plan and policy 8 of the Fortune Green and West Hampstead Neighbourhood Plan 2015.

6. The proposed development, in the absence of a legal agreement securing car-freehousing, would be likely to contribute unacceptably to parking stress and congestion in the surrounding area and fail to encourage the use of sustainable modes of transport, contrary to policies T1 (Prioritising walking, cycling and public transport) and T2 (parking and car-free development) of the London Borough of Camden Local Plan 2017.
7. The proposed development, in the absence of a legal agreement to secure a financial contribution towards the requisite highway works, would fail to mitigate the impact of the construction works on the adjacent public highway, contrary to policies A1 (Managing the impact of development), T3 (Transport Infrastructure) and DM1 (Delivery and monitoring) of the London Borough of Camden Local Plan 2017.

