

Delegated Report		Analysis sheet	Expiry Date:	04/07/2022
		N/A / attached	Consultation Expiry Date:	12/06/2022
Officer			Application Number(s)	
Elaine Quigley			2022/1899/P	
Application Address			Drawing Numbers	
Flat 3 37 Platt's Lane London NW3 7NN			See draft decision notice	
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature	
Proposal(s)				
Enlargement of a first floor rear conservatory to residential flat (Class C3)				
Recommendation(s):		Refuse planning permission		
Application Type:		Full Planning Permission		

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	00	No. of responses	15	No. of objections	12
Summary of consultation responses:	<p data-bbox="424 427 1509 499">A site note was displayed from 18/05/2022 to 11/06/2022 and a press notice was advertised in the local press from 19/05/2022 to 12/06/2022.</p> <p data-bbox="424 539 635 568">OBJECTIONS</p> <p data-bbox="424 575 1501 752">12 letters of objection were received from the following local residents: 33 Platt's Lane; Flat 1, 37 Platt's Lane; Flat 2, 37 Platt's Lane; Flat 4, 37 Platt's Lane; 39 Platt's Lane; 1 Briardale Gardens; 41 Platt's Lane; 2b Briardale Gardens; 2c Briardale Gardens; Flat 3, Kidderpore Gardens; Symonds, Dunsford, Exeter.</p> <p data-bbox="424 792 1469 864">A letter of objection has also been received from David Cooper & Co who represents the freeholder of 37 Platt's Lane.</p> <p data-bbox="424 904 975 934">The objections are summarised below:</p> <p data-bbox="424 974 794 1003">Number of applications:</p> <ul data-bbox="472 1014 1497 1122" style="list-style-type: none"> • Serial applications for a project which remains inappropriate and has been rejected numerous times <i>Officer response: See para 3.24 below</i> <p data-bbox="424 1162 544 1191">Design:</p> <ul data-bbox="472 1202 1513 1843" style="list-style-type: none"> • Unattractive design • Out of keeping design and out of character with the conservation area • Prominent and intrusive extension of an existing prominent and intrusive extension • Mass of extension would be increased very substantially • Conflict with planning guidelines on the impact on the streetscene and development density • Should not be compared to no. 31 Platt's Lane which is entirely different and is hidden from the street • Size will be larger than other extensions in the area • Extension would change the character of the building and the adjoining buildings • Extension would be dramatically noticeable from back gardens of nearby residents • Use of timber and glass at first floor level is not in keeping with the traditional material in the conservation area <i>Officer response: See para 3.2 to 3.13 below</i> <p data-bbox="424 1883 563 1912">Amenity:</p> <ul data-bbox="472 1924 1118 2069" style="list-style-type: none"> • Loss of light • Loss of privacy and increased overlooking • Loss of view into the rear garden • Cause light pollution <i>Officer response: See para 3.14 to 3.23 below</i> 					

Sustainability:

- Extensive use of glass would result in significant heat loss from the conservatory

Officer response: See para 3.25 below

Bat habitat:

- Documented evidence of significant bat population in the area whose habitat would be severely compromised due to large expanse of glass and light pollution

Officer response: See para 3.23 below

COMMENTS

3 comments have been received from the following residents: 32 Heathdrive; 35 Platt's Lane; Bellspool Garden House, Dawyck;

Lack of information:

- No photos have been submitted. Privacy is paramount to this extension and light pollution may be doubled. Further information is necessary.

Officer response: There are photos of the existing extension in the design and access statement. There is sufficient information submitted to allow officers to determine the application.

Privacy:

- Concerned about side windows and if they are openable they would affect privacy of neighbouring terrace
- Local residents concerned about light pollution so hope the Council will consider the application with due care and attention

Officer response: See para 3.14 to 3.23 below

Design

- Possible damage to the fine old building

Officer response: See para 3.2 to 3.13 below

REDINGTON FROGNAL NEIGHBOURHOOD FORUM

Redington Frogнал Neighbourhood Forum have confirmed they do not wish to comment on the application.

REDINGTON FROGNAL ASSOCIATION

The Redington Frogнал Association **object** to the proposal on the following grounds:

Extensions at first floor level are particularly problematic with considerable repercussions for the amenity of neighbours above and below and neighbours adjoining the proposed extension on either side (numbers 35 and 39). In particular, the proposed further extension would cause overlooking and loss of privacy, as well as loss of daylight to a habitable rooms at Flat 1.

In this case, the extension would additionally be visible from Briardale Gardens, causing harm to the streetscape. It would not provide a public benefit nor preserve or enhance the character or appearance of the Conservation Area (see appeal decision APP/X5210/W/20/3249286, dated 16.11.2020). The harm caused by unsympathetic additions is noted in both the 2003 Conservation Area Statement and Guidelines and by the appeal decision, which notes contributing factors to the harm as,

“including the scale, siting and detailed design of extensions”
and are
“prominent and intrusive”.

Redinton Frogнал Association also has concerns about the impact of the lighting on the rear garden tree corridor, where bats commute and forage (see Neighbourhood Plan Evidence Base). This is contrary to Neighbourhood Plan policy BGI 3 ii).

In summary, the proposal would conflict with Local Plan policies A1, D1 and D2 and Redington Frogнал Neighbourhood Plan policy BGI 3 ii).

**Redington Frogнал
Neighbourhood
Forum and
Redington Frogнал
Association**

Site Description

The site is located on the western side of Platt's Lane which is a curved residential street to the east of Finchley Road. The building is a Quennell designed semi-detached property and comprises lower ground, upper ground, first floor and roof levels. The property has been divided into 4 self-contained flats and this application refers to the flat at first floor level only.

The building is part of a set of 6 semi-detached properties including nos. 29-39 (odds) Platt's Lane. The adjoining properties at nos. 29, 31 and 39 have original three storey rear extensions. No. 33 has a lower ground floor conservatory extension with roof terrace above and no. 35 had a lower ground floor rear extension with a roof terrace above. No. 31 has an upper ground floor rear extension.

Although the property is not listed, the building is identified in the Conservation Area Statement (CAS) as making a positive contribution to the character and appearance of the Redington / Frognal Conservation Area in which it is located. It is noted for its group value with nos. 3-37 (odd). The site is located within the Redington Frognal Neighbourhood Area.

Relevant History

Application site

2020

Planning permission was **refused** (ref 2019/5927/P) on 27/02/2020 for erection of a brick-built first floor rear extension following demolition of the existing first floor conservatory to residential unit (C3 use). There was one reason for refusal relating to the bulk, prominence and materiality of the extension and its harmful impact to the character and appearance of the building and the conservation area. The decision was appealed (ref APP/X5210/W/20/3249286) and was **dismissed** on 27/02/2020. The Inspector found that the brick built extension would be bulky and prominent making it an incongruous addition to the conservation area.

2019

Planning permission was **granted** on 02/09/2019 (ref 2019/1110/P) for enlargement of first floor conservatory to residential unit (Class C3).

2011

Planning permission was **refused** on 30/03/2011 for erection of glass balustrading in connection with creation of rear first floor roof terrace to existing flat (Class C3). It was refused due to its height, bulk design and prominent location on the building and was considered harmful to the character and appearance of the host building and the conservation area. The applicant appealed the decision and the Planning Inspector dismissed the appeal on the incongruent design and prominence of the balustrade and its impact on the character and appearance of the building and the conservation area.

2009

Planning permission was **granted** on 27/10/2009 (ref 2009/2681/P) for erection of a conservatory extension at rear upper ground floor level to the existing flat.

Planning permission was **refused** on 10/03/2009 (ref 2008/1275/P) for erection of a conservatory extension at rear first floor level, and installation of a balustrade to allow use as a roof terrace. There was one reason for refusal relating to loss of privacy to neighbouring occupiers due to roof terrace allowing direct views into the habitable rooms of neighbouring properties without adequate screening.

The design, scale and siting of the extension was not a reason for refusal of this application.

Other neighbouring sites

31 Platt's Lane

Planning permission was **granted** on 19/09/2000 (ref PWX0002567) for the erection of a single storey

extension at the rear to accommodate an additional room for the existing single dwellinghouse

35 Platt's Lane

Planning permission was **granted** on 24/06/2008 (ref 2008/1893/P) for erection of extension at rear lower ground and upper ground floor level with roof terraces at upper ground and first floor level; excavation of front garden to enlarge lower ground floor; erection of dormer window on rear roof slope; and replacement of windows and doors on the rear elevation all in connection with existing single-family dwellinghouse (Class C3).

39 Platt's Lane

There is no planning history associated with the extensions to no. 39 Platt's Lane. These appear to be historic and certainly were constructed prior to current local and national planning policies.

Relevant policies

National Planning Policy Framework (2021)

London Plan (2021)

Camden Local Plan (2017)

G1 (Delivery and location of growth)

A1 (Managing the impact of development)

D1 (Design)

D2 (Heritage)

Redington Froggnal Neighbourhood Plan (2021)

SD1 Refurbishment of existing building stock

SD2 Redington Froggnal Conservation Area

SD4 Redington Froggnal character

SD5 Dwellings: Extensions and garden development

BGI 2 Gardens and ecology

BGI 3 Lighting

Camden Planning Guidance

Amenity (2021)

Design (2021)

Home improvements (2021)

Transport (2021)

Redington / Froggnal Conservation Area Statement (CAS) (2003)

Assessment

1.0 BACKGROUND

1.1 Planning permission was **granted** on 02/09/2019 (ref 2019/1110/P) for enlargement of first floor conservatory to residential unit (Class C3). The upper ground floor conservatory extension that was approved measured 3.75m (width) by 3m (length) by 2.45m in height to the eaves and 3m in height to the ridge. The conservatory included a timber frame with glazed sliding doors on the rear façade, obscure glazed full height windows on the side elevations and a glazed roof. It provided additional floorspace for the existing upper ground floor flat.

1.2 Planning permission was **refused** (ref 2019/5927/P) on 27/02/2020 for erection of a brick-built first floor rear extension following demolition of the existing first floor conservatory to residential unit (C3 use). The extension was similar in terms of its dimensions to the approved conservatory at 3.75m (width) by 3m (length) by 2.45m in height to the eaves and 3m in height to the ridge however it would have been constructed from brick and glass rather than a timber frame and glass. There was one reason for refusal relating to the bulk, prominence and materiality of the extension and its harmful impact to the character and appearance of the building and the conservation area. The decision was appealed (ref APP/X5210/W/20/3249286). The Inspector found that the brick built extension would be bulky and prominent making it an incongruous addition to the conservation area and the appeal was **dismissed** on 27/02/2020.

2.0 PROPOSAL

2.1 Planning permission is sought for the enlargement of the first floor rear conservatory (description used by the applicant in relation to the location of the extension). The extension would be similar in its design and form to the existing conservatory however its length would be increased by 1.8m beyond the rear elevation of the existing conservatory and its width would range from 4.1m to 4.7m resulting in an extension that measures 3.9m (length) by 4.1m to 4.7m (width) by 2.1m to the eaves and 3m to the ridge.

3.0 ASSESSMENT

3.1 The main issues associated with the proposal include the following:

- Design
- Impact on the conservation area
- Amenity
- Other issues

Design

3.2 No. 37 is an Arts and Crafts style semi-detached house designed by the architect Charles Quennell, as were many other buildings throughout the conservation Area. It is three storey's in height when viewed from the street and, due to the sloping nature of the site, is four storey's in height when viewed from the garden. The building is identified in the conservation area statement as making a positive contribution to the character and appearance of the conservation area for its group value (nos. 3- 37 (odds) Platt's Lane). The upper ground floor rear conservatory with obscure glazed side elevations is sited on a deeper and wider flat-roofed lower ground floor rear extension. Whilst the conservatory is not particularly characteristic of the conservation area, due to its hipped roof form, and its limited depth and width it is not considered to have an adverse impact on the character and appearance of the building. Much of the neighbouring buildings can also still be appreciated. This view was shared by the Planning Inspector in his decision in 2020 (appeal ref APP/X5210/W/20/3249286). It is also considered that the glazed materials of the existing conservatory appear somewhat alien and jarring in relation to the predominant pattern of solid masonry and domestic scale window openings which characterises the rear of the terrace as viewed from the surrounding conservation area.

3.3 The approved scheme in 2019 increased the length of the conservatory by 0.9m from 2.1m to 3.0m. Due to the modest increase in its length and the fact that all the other dimensions of the conservatory, including its width and height, and its location and overall appearance would remain the same, the enlargement of the light-weight conservatory was considered acceptable. The table below

illustrates the differences in the dimensions of the existing, approved and proposed conservatory.

	Length (m)	Width (m)	Height (m)
Existing conservatory	2.1	4.2	2.1m (eaves) 3m (ridge)
Approved conservatory (2019)	3.0m	4.2m	2.1m (eaves) 3m (ridge)
Proposed conservatory (2022)	3.9m	4.2m to 4.7m	2.1m (eaves) 3m (ridge)

Table 1 (above):Dimensions of existing conservatory, approved conservatory and proposed conservatory

3.4 The Council's design policies are aimed at achieving the highest standard of design in all developments. Policy D1 states that the Council will require all developments to be of the highest standard of design and to respect the character, form and scale of neighbouring buildings, and the character and proportions of the existing building. Policy D2 states that within conservation areas, the Council will only grant permission for development that 'preserves or, where possible, enhances' its established character and appearance. Policies SD4 and SD5 of the Redington Frogal Neighbourhood Plan (NP) reinforces the local plan policies on design stating that development should complement the character of the original building and context and also the distinctive character of the Redington Frogal area.

3.5 CPG (Design) guidance recommends alterations take into account the character and design of the property and surroundings, that windows, doors and materials should complement the existing buildings, and that extensions should be subordinate to the main building in terms of scale and situation.

3.6 The property is located within the Redington / Frogal Conservation Area (CA); wherein the Council has a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of that area, in accordance with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Enterprise and Regulatory Reform Act 2013. As such, there is a statutory presumption in favour of the preservation of the character and appearance of Conservation Areas, and a proposal which would cause harm should only be permitted where there are strong countervailing planning considerations which are sufficiently powerful to outweigh the presumption.

3.7 The Redington / Frogal CAS notes that nos. 29-39 (odds) have somewhat lost their group value due to unsympathetic alterations however 3-37 (odds) are still considered to make a positive contribution to the conservation area; which includes this site.

3.8 The proposal includes the demolition of the existing conservatory and the construction of a conservatory that would be similar in design however the footprint of the extension would be enlarged by extending its length and width. The increase in footprint would result in an extension that would be of even greater volume than the existing conservatory. Although these changes may appear modest the increased volume would increase the bulk of the extension which would be overly dominant at first floor level and would be harmful to the character and appearance of the building. The extent of footprint that was approved in 2019 was the most that was felt could be assimilated without making something already harmful have a noticeably greater impact, and the Inspector's findings on an extension of the same footprint as the Council had previously approved serves to reinforce the inappropriateness of allowing anything further. As such, the proposal would be considered contrary to Policy D1 of the Camden Local Plan, SD5 of the Redington Frogal NP and guidance detailed in the Design CPG.

3.9 The proposed plans include doors opening out onto the smaller flat roof area of the lower ground

floor extension. They would not appear to be able to be fully openable without projecting over the flat roof. The roof area would need to be enclosed by 1.1m high railings to comply with building regulations. Railing details have not been included in the proposed plans. If the proposal was acceptable in all other respects a condition would be attached to secure the submission of details of any new railings.

Impact on the conservation area

3.10 This part of the Redington and Froggnal Conservation Area is largely characterised by late nineteenth century and Edwardian mainly residential suburban development, in a range of architectural styles, set in verdant surroundings with properties having long rear gardens.

3.11 The site is located to the west of Hampstead Town Centre in an area with streets sloping downhill to the west. Due to the sloping nature of the land the rear of the site is visible between a gap in the buildings where no. 39 Platt's Lane ends and 2b Briardale Gardens begins. The existing conservatory is visible through the gap between the buildings. It is partially screened in the summer by trees within the rear gardens of neighbouring properties and a street tree on Briardale Gardens but is significantly more visible in the winter.

3.12 It is considered that any extension to the "as approved" conservatory would increase its bulk and prominence which would neither preserve or enhance the character or appearance of the conservation area. Due to the sloping nature of the site any increase in the footprint of the extension is exacerbated by the slope of the land away from the building at the rear, which would increase its prominence. This is a point that has been specifically referenced in the Inspector's appeal decision in paragraphs 7 and 8. A copy of the Inspector's decision has been attached in appendix 1 to this report. It is appreciated that the appeal decision relates to the brick extension however the issues relating to the location of the conservatory at first floor level and scale, bulk and siting are issues that have been highlighted and are considered relevant to this proposal. The applicant's design and access statement states that the proposed extension would be an "*enhancement to the building and character of the conservation area*" due to the overall context of the enclosed space between 29-39 Platt's Lane "*which are dominated by significant solid additions to the host buildings*". The unsympathetic additions to buildings throughout this part of the conservation area was acknowledged by the Planning Inspector in his decision however he did highlight that "*there are various other contributing factors including the scale, siting and detailed design of extensions*" that need to be taken into consideration. As already stated above, the proposed increase in the footprint of the extension beyond the dimensions of the existing conservatory would be highly visible and thus appear bulky and overly dominant and would have a noticeably greater impact on the character of the terrace as a whole and from views from the street along Briardale Gardens. The proposal would therefore fail to preserve the character or appearance of the conservation area contrary to policy D2 of the Camden Local Plan and SD5 of the Redington Froggnal NP and would be considered unacceptable.

3.13 The applicant has referred to and submitted the Council's initial pre-application view in 2018 that a conservatory of similar dimensions and design as to what is being proposed as part of this application was acceptable. This view was expressed prior to the 2019 application that an extension may be able to come out further. However the Council's final position was that an additional setback of over 1m was required to make the proposal acceptable and that was what was subsequently granted permission in 2019.

Amenity

3.14 Policy A1 seeks to protect the amenity of Camden's residents by ensuring the impact of development is fully considered. Policy A1 seeks to ensure that development protects the quality of life of occupiers and neighbours by stating that the Council will only grant permission for development that would not harm the amenity of neighbouring residents. This includes privacy, outlook, noise and impact on daylight and sunlight.

3.15 Policy SD4 (iii) of the Redington Froggnal Neighbourhood Plan (NP) reinforces the local plan policies on amenity stating that development should cause no significant detriment through loss of light or increased shading to neighbouring properties and gardens.

3.16 The flats within the existing building and the properties at nos. 39 to the northeast and no. 35 to the southwest adjoin the site would be most affected by the proposal.

3.17 In terms of the impact to the flats within the existing building (no. 37) the proposed extension would remain below the second floor window in the rear elevation of the building. Although the length of the extension would be increased by 1.8m its height together with its roof form would remain the same as the existing conservatory. Consequently, the proposal would not have an adverse impact on the daylight and sunlight or outlook from this flat at second floor level nor would result in loss of privacy.

3.18 The extension would measure 3.9m in length. It would be set back from the rear elevation of the ground floor extension below by 0.8m. Daylight and sunlight is already restricted to the windows in the rear elevation of the ground floor flat at no. 37 that are set back behind the existing ground floor rear extension. Due to the position of the extension, it would not result in any further loss of daylight or sunlight to the windows on the ground floor of no. 37. The ground floor flat has a small garden area at the rear that is enclosed from the remainder of the shared garden by a render brick wall. The garden of this flat and the communal garden area are currently overlooked by the windows of neighbouring properties in nos. 39, the roof terrace at no. 35 as well as first floor windows in the side elevation of properties fronting onto Briardale Gardens. It is possible to gain views into the rear garden of the lower ground floor flat from the existing conservatory as there are currently double doors that open out onto the existing flat roof area. The proposed extension would increase the potential to look over into the garden below however given the fact that the flat roof area is currently accessible through a double door opening this situation would not be made any worse by the proposal.

3.19 The proposal would not have an adverse impact on the amenity of the flats within the existing building (no. 37) in terms of daylight, sunlight or outlook. There are views from the upper floors of no. 37 of the rear garden of the ground floor flat and the communal garden areas. The proposed extension would not harmfully alter the ability to gain views into the rear garden or neighbouring gardens and would be considered acceptable in terms of outlook.

3.20 The proposed extension would be set away from the boundary with the neighbouring property at no. 39 by between 4.8m and 5.4m. There are windows at second floor level in the side elevation of the three storey extension that currently look out over the existing conservatory. The windows in the side elevation of the extension could be obscure glazed and this would restrict any views into the windows of the neighbouring properties at no. 39. If the proposal was considered acceptable in all other respects a condition would be attached to ensure that any obscure glazing is integrated into the new window openings in the side elevation. The height of the extension would remain the same as the existing. Due to the location of the windows in the rear elevation of no. 39 the proposed extension would not result in further loss of daylight or sunlight to these windows. The outlook from the windows in the rear elevation of no. 39 are already restricted by the existing ground floor extension at no. 37. It is considered that the proposed extension would not have an adverse impact in terms of loss of sunlight, daylight or outlook to the rooms that these windows serve above that of the existing conservatory.

3.21 Due to the stepped nature of the properties, the existing conservatory already projects forward of the rear elevation of no. 35. This property is a single family dwelling and the first floor window in the rear elevation closest to the first floor conservatory appears to serve a dressing room. The daylight into the windows in the rear elevation of no. 35 closest to the application property are already compromised by the stepped position of the application building. The proposal would not be considered to have any further harmful adverse impact on the windows in the rear elevation of no. 35 in terms of daylight, sunlight or outlook. Views into the first floor roof terrace of no. 35 from the extension could be screened by the obscure glazing that could be installed in the windows in the side elevation. If the proposal was considered acceptable in all other respects a condition would be attached to ensure that any obscure glazing is integrated into the new window openings. Overall, the relationship with this property would be considered acceptable subject to the attachment of this

condition.

3.22 The proposed extension would be increase the habitable accommodation within an existing flat. This would not be considered to result in an increase in noise and disturbance to neighbouring occupiers as the use of the flat is not being intensified. Consequently the proposal would be considered acceptable in terms of potential noise.

Light pollution

3.23 BGI 3(ii) of the Redington Froggnal NP states that development should avoid large expanses of glazing at the rear of properties, such as conservatories at first floor level sited in rear garden tree corridors. The proposed conservatory would include glazing along its entire rear elevation which is similar to the existing conservatory. A number of local residents and the Redington Froggnal Association have raised concerns about additional light pollution as a result of the proposal and its harmful impact on the amenity of neighbouring occupiers and on bats that commute through the rear garden tree corridor. It is considered that the proposed conservatory would not increase the level of light pollution over and above the light pollution that may currently be experienced from the windows of the existing conservatory in the evening.

OTHER ISSUES

3.24 Concerns have been raised by the number of applications that have been submitted for this property to extend their conservatory. Although the applications have been submitted by the same owner, each of the proposals has been revised to try to overcome the councils concerns and therefore have been registered and determined by the local authority.

3.25 Concerns have also been raised by local residents about the potential heat loss relating to the conservatory and the impact this has on sustainability. The use of double glazing would be an adaption measure that is considered to reduce thermal heat loss. Conservatories, lobbies and sheltered courtyards can be thermal buffers. They provide a transition between the cold outside and the warmth inside a building (or similarly the reverse in warmer months).

4.0 RECOMMENDATION

4.1 Refuse planning permission

