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| Delegated Report | | | Analysis sheet | | | | |  | Expiry Date: | | | **12/01/2022** | |
| N/A | | | | | | **Consultation Expiry Date:** | | | 15/01/2022 | |
| Officer | | | | | | | Application Number(s) | | | | | | |
| Jennifer Dawson | | | | | | | 2021/5626/P | | | | | | |
| Application Address | | | | | | | Drawing Numbers | | | | | | |
| Eldon House  Lyndhurst Road  London  NW3 5PZ | | | | | | | See decision | | | | | | |
| PO 3/4 | Area Team Signature | | | C&UD | | | Authorised Officer Signature | | | | | | |
|  |  | | |  | | |  | | | | | | |
| Proposal(s) | | | | | | | | | | | | | |
| Erection of single storey rear extension | | | | | | | | | | | | | |
| Recommendation(s): | | Refuse Planning Permission | | | | | | | | | | | |
| **Application Type:** | | Full Planning Application | | | | | | | | | | | |
| Conditions or Reasons for Refusal: | | Refer to Draft Decision Notice | | | | | | | | | | | |
| Informatives: | |
| Consultations | | | | | | | | | | | | | |
| Adjoining Occupiers: | | No. notified | | | **0** | No. of responses  No. electronic | | | | **4**  **3** | No. of objections | | **4** |
| Summary of consultation responses: | | A site notice was displayed between 22/12/2021 and 15/01/2022. The application was advertised in the local press on 22/12/2021.  Representations have been received from the occupants of flats 1, 2 and 3, in 21 Rosslyn Hill to the rear of the site. Objections are raised in the following grounds (officer comment is in italics):   * Loss of light to rear garden with loss in biodiversity (*see para 3.3, below*); * Overbearing physical impact/loss of outlook (*this is a reason for refusal, see para 3.2, below*); * Increased risk of flooding in basement flat (*see para 4.3 below*); * Potential harm to tree and impact of conservation area (*see section 4, below*); * Cumulative loss of open space to building work (*this is addressed in a reason for refusal and dealt with in section 2.7 and 2.8 below – whilst the recommendation reflects the cumulative impact of permitted and proposed extension on the form of the dwelling, this relates to design principles and subordinacy rather than loss of open space* per se *which is currently paved although the distribution of built and unbuilt space and impact on the character of the conservation area is part of the consideration*); and * Harm not outweighed by personal need for a gymn (*see para 2.8 below*). | | | | | | | | | | | |
| Local groups: | | The Hampstead Neighbourhood Forum and the Fitzjohns/Netherhall CAAC were consulted. No replies received. | | | | | | | | | | | |

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| Site Description |
| This site is a 2 storey house accessed from Lyndhurst Road between the rears of houses facing Rosslyn Hill and Eldon Grove. The site is within the Fitzjohn’s Netherhall Conservation Area and the Hampstead Neighbourhood Plan Area. It is also within an area with identified underground hydrological constraints and slope stability |
| Relevant History |
| 2014/1714/P - Erection of rear extension following demolition of existing conservatory and replacement front porch to house. Granted 7/5/14 |
| Relevant policies |
| National planning Policy Framework 2021  The London Plan (2021)  Camden Local Plan 2017  A1 Managing the impact of development  A3 Biodiversity  D1 Design  D2 Heritage  Camden Planning Guidance  CPG Design (January 2021)  CPG Home Improvement (January 2021)  CPG Amenity (January 2021)  CPG Biodiversity (March 2018)  **Hampstead Neighbourhood Plan 2018**  DH1: Design  DH2: Conservation areas and listed buildings  NE2: Trees  NE4: Supporting Biodiversity  Fitzjohns/Netherhall Conservation Area appraisal and management strategy |
| Assessment |
| **1.0 PROPOSAL**  1.1 The proposal is for a single storey rear extension to the rear of the existing side extension granted as reference 2014/1714/P (see history above)  **ASSESSMENT**  The material considerations for this application are summarised as follows:   * Design and Heritage * Amenity of neighbouring residential occupants * Impact on trees and biodiversity   **2.0 Design and Heritage**  2.1 Local Plan Policies D1 (Design) and D2 (Heritage) are 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; and Policy D2 states that the Council will preserve, and where appropriate, enhance Camden’s rich and diverse heritage assets and their settings, including conservation areas and listed buildings.  2.2 Camden planning guidance states that rear extensions should be subordinate to the original building and should be set back from the main building; they should respect the original style and proportions of the building; respect architectural features and the historic pattern of development. An extension should not cause loss of amenity to adjacent properties and should allow for the retention of a reasonable sized garden.  2.3 Policy DH1 in the Hampstead Neighbourhood Plan requires applications to demonstrate how they respond to character areas (this site is within Character Area 3 - 19th Century Expansion) and, *inter alia*, respond positively and sympathetically to the existing rhythm, proportion, height, scale, massing, materials and storey heights of surrounding buildings as well as protect the amenity of neighbouring properties. DH2 requires that development has regard to the relevant conservation area appraisal and management strategy.  2.5 The site is within sub area 2 in the Fitzjohns Netherhall CA. The building to which the application relates is a late 20th century addition that is not defined a making a positive contribution to the area. F/N20 states that rear extensions should be in harmony with the original form and character of the house and the historic pattern of extensions in the group of buildings. F/N23 states that extensions should be small in scale and subordinate to the original building.  2.6 Special attention has been paid to the desirability of preserving or enhancing the character or appearance of the conservation area, under **s.72** of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Enterprise and Regulatory Reform Act 2013.  2.7 The building was originally permitted in the 1980s utilising a site between the rear of properties facing Rosslyn Hill and Eldon Grove with street frontage onto Lyndhurst Road. It has a flank elevation facing the rear of properties facing Rosslyn Hill. An extension was granted in 2014 to the flank near to the same boundary. This application seeks to make this larger by extending directly to the rear. Cumulatively, the existing and proposed extension is excessive in scale and would no longer be ‘subordinate’ to the original building. It would extend along the entire boundary of the available rear garden and add unacceptable built form along the boundary.  2.8 The proposed extension would therefore cause harm to the character and appearance to the conservation. Its use as incidental space to a private dwelling provides very limited public benefit which would not outweigh this harm.  **3.0 Amenity**  3.1 Local Plan Policy A1 seeks to protect the quality of life of occupiers and neighbours by only granting planning permission to development that would not harm the amenity of residents. This includes factors such as privacy, outlook, and implications to natural light, artificial light spill, odour and fumes as well as impacts caused from the construction phase of development. Policy A4 seeks to ensure that residents are not adversely affected by virtue of noise or vibrations. Neighbourhood Plan Policy DH1 also refers to the need to protect residential amenity.  3.2 As stated above, the proposed extension is very close to the rear boundary of the properties facing Rosslyn Hill. The existing side extension permitted in 2014 (see history above) currently extends across approximately one third of the rear garden of 21 Rosslyn Hill. If this extension were permitted, it would run the entire length of the rear boundary to the garden (6.9m from the current extension rear). As the existing garden is relatively small, the additional height along the rear boundary (albeit single storey) would result in an unacceptable sense of enclosure and give rise to an overbearing physical impact that would cause loss of outlook for the occupants.  3.3 Given its single storey height it would not result in a material loss of sunlight to the garden, nor would it have windows on the boundary and cause loss of privacy.  **4.0 Trees and Biodiversity**  4.1 Policy A3 in the Local Plan seeks to protect features of nature conservation value, including gardens, resist the loss of trees and vegetation that contribute to amenity or ecology and ensure trees/vegetation to be retained are not harmed. The Neighbourhood Plan has Policy NE2 which seeks to protect trees that are important to local character and biodiversity.  4.2 The proposed extension is to be sited almost entirely within the crown spread of a significant Scots Pine tree with the footprint being very close to trunk. The tree is a mature specimen highly visible in its context in both private and public views, which makes a significant contribution to amenity and the character of the area. The applicant intends to retain the tree and has submitted an arboriculture report as well as supporting information from a structural surveyor. Whilst this is a step in the right direction, further onsite investigative work would be required to demonstrate that no harm would result as a result of building works so close to the tree. Consequently this is a basis for refusal as well although, this may be capable of resolution and subsequent conditional control should further onsite investigation demonstrate the works can be undertaken without harm to the long term health of the tree. An informative is included to assist the applicant in this regard.  4.3 Representations have also been submitted in respect of wider loss of biodiversity as well as the potential for increased flooding. Given that the proposed extension is to be site on an area of existing hard surfacing and does not involve significant excavation, this is not likely to cause harm on either ground.  **5.0 Recommendation**  Refuse planning permission on grounds that the development is harmful to the conservation area, it would cause loss of outlook to adjoining residential occupiers and the applicant has failed to demonstrate the scots pine tree can be retained with harm to its long term health |