

Delegated Report		Analysis sheet		Expiry Date:		18/04/2022			
		N/A		Consultation Expiry Date:		11/07/2022			
Officer				Application Number(s)					
Patrick Marfleet				2022/0694/P					
Application Address				Drawing Numbers					
67 Store And Premises Ground Floor Rear Mill Lane London NW6 1NB				Please refer to decision notice					
PO 3/4		Area Team Signature		C&UD		Authorised Officer Signature			
Proposal(s)									
Erection of part single storey, part two storey rear extension and conversion of ground floor retail storeroom (Class E) to provide a 2 bedroom 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. of responses		06		No. of objections		06	
Summary of consultation responses:		<p>Site notice: displayed from 17/06/2022 to 11/07/2022</p> <p>Six objections were received from neighbouring residents on Orestes Mews and Aldred Road and the following concerns raised.</p> <ol style="list-style-type: none"> 1. Putting a gate in rear fence to allow access to the private road that is Orestes Mews NW6 1AP is unlawful and would amount to a trespass. In the event of an approval the 6 householders of Orestes Mews who are all extremely concerned about this would take immediate legal action against the local authority and the owner of the building. 2. The proposed works would result in a loss of privacy due to the proximity of the proposed works to the existing properties on Orestes Mews. 3. The proposed two storey extension is designed to extend all the way to the boundary wall with Orestes Mews. Having such a tall extension going to the boundary wall will be detrimental to the entry into the mews as it will create an overbearing tall and narrow entryway. <p><i>Officer comment</i></p>							

1. *Matters relating land ownership and trespass are a civil matter between owners/residents and do not form a material planning considered in the assessment of the current application.*
2. *The amenity impacts of the proposals are discussed in section 2.4 below.*
3. *The design and appearance of the proposed extension is discussed in paragraph 2.3 below.*

Local Groups

No comments received from local groups.

Site Description

The application site is located on the northern side of Mill Lane and relates to a three storey mid-terrace property. The property has an existing commercial unit (Class E) at ground floor level with residential accommodation (Class C3) provided on the floors above. The site is not located in a conservation area but is located within the Fortune Green and West Hampstead Neighbourhood Area.

Relevant History

None relevant to the current application.

Relevant policies

National Planning Policy Framework 2021

The London Plan 2021

Camden Local Plan 2017

A1 Managing the impact of development

D1 Design

D2 Heritage

Camden Planning Guidance 2018/2019

CPG Design

CPG Amenity

Fortune Green and West Hampstead Neighbourhood Plan 2015

Assessment

1 PROPOSAL

1.1 Planning permission is sought for the erection of a part single storey, part two storey rear extension at the site, including conversion of an ancillary commercial store room at ground floor level (Class E), to provide a two bed flat (Class C3). The proposed flat would be split over two levels, with a 2nd bedroom above the ground floor bathroom and overhanging the adjoining rear yard, and would have a GIA of approximately 62sqm.

2 ASSESSMENT

2.1 The material considerations for this application are as follows:

- Land use
- Design
- Amenity of neighbouring residential occupants
- Transport

2.2 Land Use

2.2.1 Policy H1 of the Local Plan identifies self-contained housing as the priority land use in the borough. The current proposals would provide an additional residential unit at the site which is welcomed and in accordance with Policy H1. Furthermore, the existing vacant storage area to the rear of the property is not used for retail purposes and is completely separate from the main retail unit fronting Mill Lane which would remain unaltered by the proposals. Therefore, the conversion of the store room, which has a GIA of approximately 22sqm, is considered acceptable and would not harm the commercial viability of the existing retail unit.

2.3 Design

2.3.1 Local Plan Policy D1 requires development to be of the highest architectural and urban design quality, which improves the function, appearance and character of the area. Furthermore, Policy 2 of the Fortune Green and West Hampstead Neighbourhood Plan states that all development shall be of a high quality of design, which complements and enhances the distinct local character and identity of Fortune Green and West Hampstead.

2.3.2 The properties in the existing terrace are considered to be attractive three storey buildings which are characterised by traditional valley roofs and have two storey closet wings to the rear. Whilst it is noted that there are a number of existing flat roofed extensions attached to these, particularly to the east of the terrace, the rear of the properties are generally considered to have a consistent arrangement of two storey closet wings adjoining the main rear elevation of the host buildings. The application site is denoted by a red dot in the aerial photo below.



2.3.3 The current proposals seek to erect a part single storey side infill and a two storey rear extension beyond the existing rear wing, which would essentially read as a continuation of the existing

two storey rear closet wing, and would be built right up to the rear boundary of the site. It is considered that the overall size, scale, bulk and height of the extension represents an unacceptable form of overdevelopment and excessive infilling of the site which would fail to appear as a subordinate addition and would cause demonstrable harm to the original character and appearance and legibility of the host property and wider terrace.

2.3.4 Furthermore, whilst it is noted that the proposed extension would be located to the rear of the site, it would still have clear visibility in long views from Aldred Road as well as shorter views from Orestes Mews. Therefore, the size and height of the proposed two storey extension would be visible from the public realm and is considered to cause harm to the character and appearance of the surrounding area.

2.3.5 In support of the proposals, the applicant has submitted several photographs of the existing rear extensions to the properties to the eastern end of the terrace at the junction with Aldred Road (namely Nos. 83 – 75 Mill Lane), which have flat roofs and extend to the rear boundaries of their respective sites. However, these unsightly extensions are considered to demonstrate the harm that unsympathetic additions like this cause to the original character and appearance of the host properties and they are not considered sufficient justification for further development of this nature. Moreover, from looking at the planning application history for these neighbouring sites, it appears that a large number of the existing extensions either do not benefit from planning permission or were granted 20 to 30 years ago, which significantly precede the adoption of Camden’s current design policies and guidance, which the current application is considered contrary to.

2.3.6 Given the above, the size, scale and location of the proposed two storey rear extension is considered to cause unacceptable harm to the character and appearance of the host property, adjoining terrace and wider area.

Standard of accommodation

2.3.7 Policy H6 of the Camden Local Plan states that the Council will expect all self-contained homes to meet the nationally described space standard. The table included below shows the minimum floorspace standards that are required for 2 bed dwellings.

Table 3.3 Minimum space standards for new dwellings^[1]

Number of bedrooms	Number of bed spaces	Minimum GIA (m ²)			Built-in storage (m ²)
		1 storey dwellings	2 storey dwellings	3 storey dwellings	
1b	1p	39 (37)*			1.0
	2p	50	58		1.5
2b	3p	61	70		2.0
	4p	70	79		

2.3.6 The proposed development would create a 4 person two bedroom two storey residential unit which would have a floor area of approximately 62sqm, which falls well below the 70sqm minimum required for a dwelling of this size. Therefore, the proposed flat is considered to provide insufficient space for the future occupants of the site and would create sub-standard accommodation as a result.

2.3.7 It is also noted that the main living space would be located in the sunken rear garden at ground floor level and its main window would look directly on to the existing high rear boundary wall at the site as well as being overshadowed by the overhang of the proposed bedroom at first floor level. Therefore, in the absence of any information to prove otherwise, the proposed residential unit is considered to have a very poor level of light and outlook for future occupants of the dwelling and would create sub-standard accommodation as a result.

2.4 Amenity of neighbouring residential occupants

2.4.1 Policy A1 of the Local Plan 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.

2.4.2 The concerns from neighbouring residents on Orestes Mews are noted with regard to the impact the proposed first floor rear windows of the extension will have on their amenity in terms of increased overlooking. However, given the location of the proposed extension in relation to the existing properties on the mews, any views into neighbouring properties would be at oblique angles and would not exacerbate current levels of mutual overlooking between properties as result.

2.4.3 As such, the proposed extension is not considered to cause harm to neighbouring amenity in terms of loss of light, outlook or privacy.

2.5 Transport

2.5.1 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.

2.5.2 No on-site parking is proposed as part of the current proposal and the proposed unit would not be eligible for on street permits. The car-free requirements would be secured by a legal agreement if the scheme was considered acceptable. In the absence of an acceptable scheme (and hence no section 106 agreement) this becomes a reason for refusal.

3 Recommendation

3.1 Refuse planning permission