

Delegated Report		Analysis sheet		Expiry Date:		02/05/2022			
		N/A / attached		Consultation Expiry Date:		02/04/2022			
Officer				Application Number(s)					
Josh Lawlor				2021/6168/P					
Application Address				Drawing Numbers					
Rear of 38 Hillfield Road London NW6 1PZ				See draft decision notice					
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature						
Proposal(s)									
Conversion and extension of existing garage to create a two storey residential dwelling with courtyard to the rear.									
Recommendation:		Refuse planning permission							
Application Type:		Full Planning Permission							
Conditions or Reasons for Refusal:		Refer to Draft Decision Notice							
Informatives:									
Consultations									
Summary of consultation:		Site notices were displayed near to the site on the 09/03/2022 (expiry 02/04/2022)							
Adjoining Occupiers:		No. of responses		5		No. of objections		5	
Summary of consultation responses:		<p>Site notices were displayed outside on Hillfield Road and Mill Lane from 09/03/2022 (expiring 02/04/2022)</p> <p>23 Broomsleigh Street, Broomsleigh Street, 38A Hillfield Road, 57 Oakleigh Gardens, Flat C, 36 Hillfield Road objected to the design of the proposals- Design and massing, specifically front building line, height, roof form and finish treatments on elevations. The quality of the front elevation is poor.</p> <p>38A Hillfield Road, 23 Broomsleigh Street objected to the mix of car parking with residential-</p>							

	<p>Set precedent in mixing habitable space and car parking which will impact upon traffic & road safety. What will be the impact on parking if the site is sold?</p> <p>23 Broomsleigh Street, Broomsleigh Street, 38A Hillfield Road, 57 Oakleigh Gardens objected on the grounds of harm to neighbouring residential amenities-</p> <p>The scale of the building would impact on light and privacy of neighbours.</p> <p>23 Broomsleigh Street objected to-</p> <p>Potential for a fire in the garage; There is no demarcation of parking and garage access</p> <p>36A Hillfield Road and 57 Oakleigh Gardens objected to-</p> <ul style="list-style-type: none"> • Noise and disruption from construction work <p>36A Hillfield Road objected to-</p> <ul style="list-style-type: none"> • Disruption to traffic on Mill Lane from plant equipment during work. • Concern for potential impact if the extended building is then sold as a separate residence in the future. • Concerns for potential heave from closest trees (despite tree report) and structural damage to the building or disruption of utilities during building works. • The applicant is not the only owner of the land • Loss of trees • Light spillage from French doors on the ground floor <p>Flat C, 36 Hillfield Road objected on grounds that-</p> <p>Numbers 34, 40, 42 and 44 Hillfield Road were required to have sedum roofs</p> <p>57 Oakleigh Gardens objected on grounds that-</p> <p>The value of 38A Hillfield Road will need to be reassessed; 38 Hillfield Road has 2 bedrooms so, should a live-in carer be needed, then a spare room is already available.</p>
<p>Fortune Green and West Hampstead Neighbourhood Forum (FGWHNF)</p>	<p>Fortune Green and West Hampstead Neighbourhood Forum object to this application on the following grounds.</p> <ol style="list-style-type: none"> 1. This section of Mill Lane has, over the past decade or two, developed a character of its own that has largely blended into the setting. This application breaks this trend, and Policy 2, para iv, page 16, of the NDP, by having a pitched roof and not being set back as far from the road as the most recent other developments, viz. the adjacent houses 33c and 33d Mill Lane. (Which also raises the interesting issue of the correct address of this latest addition to Mill Lane.) 2. The height of the building greatly exceeds the height of all the new neighbouring buildings in contradiction to Policy 2 para vi, page 16 of the NDP.

3. As an infill development of housing the proposal does not meet para A12, page 19, of the NDP which specifically mentions rooflines, setback, and, additionally, a permeable front garden.
4. In addition, the drawing of the front facade shows a pitched roof but the Design and Access statement appears to describe a flat roof.

Officer response: Points noted; please see design assessment below

Site Description

The site is a garage to the rear of 38 Hillfield Road. It is associated with the basement flat at number 38 with access to the front on Mill Lane. It has space for a single garage parking space, with an internal lobby and office space. To the rear there are casement windows overlooking the garden at 38 Hillfield Road. There is a concrete driveway to the front.

Relevant History

2008/1845/P Change of use from a single dwellinghouse to a self-contained flat at basement level and a maisonette on the ground, first and second floor including works at basement level. **Granted 15/01/2009**

Land at rear of 34, 40, 42 & 44 Hillfield Road

2007/4040/P The erection of four two-storey houses to replace four garages on the site within the rear gardens. **Granted 24/12/2009**

Relevant policies

National Planning Policy Framework (2021)

The London Plan (2021)

Camden Local Plan 2017

- Policy D1 Design
- Policy A1 Managing the impact from development
- Policy T2 Car Free development
- Policy T1 Sustainable methods of transport
- Policy DM1 Delivery and monitoring

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

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

Camden Planning Guidance (CPG)

- Home improvements - January 2021
- Amenity – January 2021
- Transport – January 2021
- Trees – January 2021

Assessment

1. The proposal

- 1.1. The proposal is for the retention of parking within the existing garage and its enlargement by a two storey rear and first floor extension to create a new dwelling house. The extensions will provide a kitchen and living area on the first floor and a bedroom at the rear. The front of the ground floor garage and the first-floor extension would be faced with brick to provide the appearance of a new building.

2. Revisions

- 2.1. On request the applicant submitted context drawings to allow a full assessment of the proposals. This submission included exposed brick or some form of brick slip as a facing material. The applicant was given the choice to have the originally submitted (render) or updated (brick) plans assessed and determined and they chose to submit the originally submitted render drawing.

3. Assessment

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

- Principle of additional ancillary accommodation
- Design
- Residential Amenity
- Transport
- Impacts on mature trees

4. Principle of additional ancillary accommodation

- 4.1. The proposals are intended to provide additional residential accommodation for the principal dwelling at the Basement flat no. 38 Hillfield Road. This is acceptable subject to a condition to prevent use as a separate self-contained house. Any new independent unit would have to be car free and the garage be used in conjunction with the basement flat. The condition would be applied if the development were acceptable in other respects. The development would meet minimum floor space standards for a one-bedroom house and have high quality outlook and access to light. The uplift is also below 100sqm and therefore there is no requirement for an affordable housing payment. However, the car-free agreement would relate to the existing main residence (Basement flat no. 38) being car-capped and the applicant has submitted the application on the basis that the house would be used for ancillary purposes by family members.

5. Design

- 5.1. Paragraph 134 of the new NPPF states that:

Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes.

Conversely, significant weight should be given to:

- a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or
- b) outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.

- 5.2. The National Model Design Code is a guide to help produce local design codes. This document sets out design parameters to help local authorities assess high quality contextual design.

5.3. Camden Local Plan Policy D1 seeks to secure high quality design in development which respects local context and character. Policy D2 states that the Council will preserve and enhance Camden's heritage assets and their settings, including conservation areas. CPG Design paragraph 2.11 sets out how good design should respond appropriately to the existing context:

Ensuring the scale of the proposal overall integrates well with the surrounding area Positively integrating with and enhancing the character, history, archaeology and nature of existing buildings on the site and other buildings immediately adjacent and in the surrounding area. Respecting and sensitively responding to the natural and physical features, both on and off the site.

5.4. Policy 2 (Design and Character) of the NDP states that the design of development must be appropriately integrated in terms of scale, height and mass. Criterion vii states that infill development should be in character and proportion with its context and setting, including the relationship to any adjoining properties. Criterion vi states that new buildings must respect and be sensitive to the height of existing buildings in their vicinity and setting.

5.5. As the Fortune Green and West Hampstead Neighbourhood Forum (FGWHNF) point out, this section of Mill Lane has, over the past decade or two, developed a character of its own that has largely blended into the setting. The principle of creating residential development or ancillary residential accommodation has therefore been established, including at neighbouring nos. 33c and 33d Mill Lane.

5.6. However, the current proposal is of poor quality design and shows little or no response to context. The proposals would not comply with NDP policy 2 as it is not appropriately integrated in terms of scale, mass and detailed design. Its pitched roof appears incongruous to its setting. It is aligned with the adjoining single storey garage at the rear of no.36 Hillfield Rd rather than other 2 storey houses at the rear of nos 34 and 40 which are further setback. As it is not set back as far from the road as the most recent other developments, it does not have a positive relationship with its neighbours 33c and 33d Mill Lane (ie. rear of nos 34 and 40 Hillfield Rd). The detailed design is poor and at odds with the high quality contemporary design idiom of nearby new dwellings. Thus the rhythm, symmetry and uniformity of the frontage of buildings would be harmed.

5.7. The height of the building exceeds the height of all the new neighbouring buildings and is therefore not sensitive to the height of existing buildings in the vicinity. As an infill development, the proposal does not meet para A12, page 19, of the NDP which specifically mentions rooflines, setbacks and permeable front gardens.



Figure 1 Proposed front elevation

5.8. This part of Mill Lane is characterised by modern rear garden development and therefore some variation in the design approach is considered acceptable. Therefore, the Council is open to a

high quality modern design. However the proposal has a lack of design quality and finesse to the front façade; the door and window proportions and use of materials are low quality; there is no hierarchy or design rationale behind the elevation.

5.9. The use of render is particularly low quality and provides a nondescript appearance. Render fails to provide the character that a high-quality exposed brick would and fails to respond the character of the area. The metal roller shutter on the ground floor provides a dead frontage at the ground floor which is not supported for this development which is fundamentally for a new build house in a location characterised by historic architecture. The Juliet balconies and French doors are overscaled and the window proportions are incongruous.

5.10. Policy D1 and D2 of the NDP require high-quality development which respects local context and character. The proposal fails to meet the requirements of these policies and any public benefit created from additional ancillary accommodation would not override the harm identified above.

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, implications to 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 impacted upon by noise or vibrations.

6.2. The extensions would not obstruct light or outlook into neighbouring windows. To the rear, the proposed extension is set back behind the rear building line of the neighbouring dwelling at no.33d and therefore would not obstruct light into neighbouring windows. The front building line projects 2m ahead of 33d Mill Lane and the height and depth of the extension could block light and outlook into this property's front first-floor window. However, although the projection appears to obstruct a notional 45 degree angle taken from the adjoining window (the recommended BRE test to protect daylight), it is considered that any loss of daylight would not be significant enough to cause a serious loss of light or to warrant a refusal on this basis. The neighbouring south-facing windows would continue to receive adequate levels of daylight and sunlight and enjoy a good quality outlook.

7. Trees

7.1. Policy A3 states that the Council will resist the loss of trees and vegetation of significant amenity, historic or ecological value including proposals which may threaten the continued wellbeing of such trees and vegetation. The Council will also require trees and vegetation which are to be retained to be satisfactorily protected during the demolition and construction phase of development in line with BS5837:2012 'Trees in relation to Design, Demolition and Construction' and positively integrated as part of the site layout.

7.2. The applicant has submitted an arboricultural report dated February 2022. There are Prunus & Ash trees that could be impacted by the proposals. These are category C trees of low ecological value but form a constraint as they are located on neighbouring land. These trees will be removed due to excavation for the rear extension. This is based on the agreement with neighbouring occupiers. The Acer tree to the front of the neighbouring property will be retained for the duration of the works. The Council's Tree and Landscaping Officer has reviewed this report and raises no objection to the scheme based on this report. The Officer recommended the following compliance condition to any approval:

Prior to the commencement of construction/demolition works on site, tree protection measures shall be installed in accordance with approved Tree Protection Plan. The protection shall then

remain in place for the duration of works on site and works should be undertaken in line with the approved arboricultural method statement, unless otherwise agreed in writing by the local authority.

7.3. As such the development is acceptable in regard to policy A3.

8. Transport

Car Parking

8.1. Policy T2 states that the Council will limit the availability of parking and require all new developments in the borough to be car-free.

8.2. Planning permission ref. 2008/1845/P has a S106 agreement for the basement flat at no.38 to be car-capped with the retention of the existing garage car space. Therefore, the proposal to retain the garage space is acceptable as it is restricted for the residents of the basement flat to use. If considered acceptable in all other respects, the proposed development would be required to be restricted to be used as ancillary accommodation to the main residence (basement flat no. 38). The Council cannot restrict who can park in the space, i.e. the owner of the basement flat or friends/relatives/carers. The applicant has provided landscape features in the forecourt to prevent additional vehicle parking which would be secured by condition if planning permission was granted.

8.3. The new accommodation would need to be car-capped in accordance with Policy T2, which includes limiting the availability of both off-street and on-street parking. This would need to be secured by S106 legal agreement and would prevent future occupiers from obtaining on-street parking permits. In the absence of a legal agreement to secure the development as car-capped the proposal would lead to unacceptable transport impacts in terms of air pollution, congestion, and parking stress contrary to policy T2.

Cycle parking

8.4. Secure, accessible, and covered cycle parking would need to be provided in accordance with Policy T1, cycle facilities section of CPG Transport, and the London Plan. A revised drawing shows that the development provides the required 1 long-stay cycle parking space in the garage. This would be secured by condition if planning permission was granted.

9. Recommendation

9.1. Refuse Planning Permission for the following two reasons:

- 1. The proposed development, in the absence of a legal agreement securing car-capped housing, would be likely to contribute unacceptably to parking stress and congestion in the surrounding area and fail to promote more sustainable and efficient forms of transport and active lifestyles, contrary to policies T2 (Parking and car-free development) and DM1 (Delivery and monitoring) of the London Borough of Camden Local Plan 2017.*
- 2. The proposed development, by virtue of its height, bulk, location and design, would result in an over-dominant and incongruous form of development causing harm to the character and appearance of the streetscene and adjoining buildings, contrary to policy D1 (Design) of the Camden Local Plan 2017 and Policy 2 (Design and Character) of the Fortune Green and West Hampstead Neighbourhood Plan 2015.*

