

## Delegated Report

Case No.

13/2075

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**LOCATION:** 70A Dartmouth Road, London, NW2 4HA

**PROPOSAL:** Erection of single storey side and rear extension and basement to ground floor flat

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### RECOMMENDATION

Approval.

### EXISTING

The existing site comprises a ground floor flat within the Mapesbury Conservation Area, on Dartmouth Road. The building would have originally been one two storey semi detached single family dwellinghouse, but appears to have been converted to three flats some time ago. The property is not listed.

### PROPOSAL

Erection of single storey side and rear extension and basement to ground floor flat.

### HISTORY

**12/3226:** Erection of single storey side and rear extension and lower ground floor extension to rear of ground floor flat with associated rear terrace alterations in accordance with revised plans received 02/05/2013 - Refused, 08/05/2013.

### POLICY CONSIDERATIONS

#### ***National Planning Policy Framework (NPPF)***

#### *Paragraph 64*

Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions

#### ***Brent Core Strategy 2010***

CP17 Protecting and Enhancing the Suburban Character of Brent

#### ***Brent UDP 2004***

The statutory development plan for the area is the London Borough of Brent Unitary Development Plan (UDP), which was formally adopted on 15 January 2004.

The following are the policies within the UDP relevant to this decision:

#### *BE2 Local Context*

Relates to design within the local context and character and the need to take into account existing landforms and respect and improve existing materials and townscape.

#### *BE9 Architectural Quality*

Relates to extensions and alterations to existing buildings and requires them to embody a creative and appropriate design solution specific to the site's shape, size, location and development opportunities. They should be designed to be of a scale, massing and height appropriate to their setting and the townscape location. It also requests that development respects without necessarily replicating the positive local design characteristics and satisfactorily relate to them. The design should exhibit a consistent and well considered application, and be laid out to ensure that building and spaces are of a scale design and relationship to each other that promote the amenity of users, provide satisfactory levels of sun and day light, privacy and outlook for existing and proposed residents.

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***BE25 Development in Conservation Areas***

Seeks to ensure that the scale and form of new development is consistent with the preservation or enhancement of the Conservation Area.

***BE26 Alterations and extensions to buildings in Conservation Areas***

Alterations to buildings including window designs and shop fronts should retain the original design and materials or should where not practical be sympathetic to the original design in terms of dimensions, texture and appearance, having regard to any design guidance issued by the planning authority.

NOTE: Since 27th September 2007 a number of the adopted Brent Unitary Development Plan 2004 policies have been deleted. This is part of a national requirement (introduced in the Planning & Compulsory Purchase Act 2004). The policies that remain valid are described as 'saved' policies and will continue to be relevant until new policy in the Local Development Framework is adopted and, therefore, supersedes it. Only saved policies are considered in determining this application.

**SPG**

The Council produces a series of Supplementary Planning Guidance Notes that give additional information on a variety of issues and which are intended to be read in conjunction with the adopted UDP. These SPG were subject to widespread public consultations as part of the UDP process before being adopted by the Council and given this widespread public consultation the Planning Authority would suggest that considerable weight be attached to them.

***SPG 5 Altering and extending your home***

Adopted September 2002.

**CONSULTATION**

Seven neighbours and the Mapesbury Residents' Association were consulted on 23/07/2013, a Press Notice was placed in the local paper on 29/08/2013 and a Site Notice was placed outside the property on 30/08/2013.

Three neighbours have objected to the proposal on the following grounds:

- The proposed lower ground floor level extends beyond the footprint of the proposed extensions, contrary to the council's advice
- The proposed drawings are not to scale and no floor area measurements are provided
- The size of the proposed extension/basement would be out of character with the other buildings in the Mapesbury Conservation Area;
- The proposed windows on both levels, together with the juliet balcony, would look more in place on a modern block of flats, rather than a traditional Edwardian house
- A structural engineering report and geological/ hydrological report should be provided for the lower ground floor extension as well as those validation requirements for basements, to be agreed at 18th September Committee
- The extension would result in overlooking to the properties opposite
- The addition of deeper lower ground floor staircase would fail to respect the existing garden's character
- The reduction in the size of the garden is not in keeping with the character of the Conservation Area
- The basement may have an impact on the adjoining properties and their foundations alongside the fences to the neighbouring properties
- A change in the level of the garden, making it lower than the surrounding gardens, may impact on the foundations of the surrounding fencing. If this were to be allowed, and more people were to do the same, what would be the impact on surface water run-off on surrounding properties
- The proposal would set a precedent for unattractive extensions within the Conservation Area
- The applicant has failed to gain permission from the Management Company of the property for the extension, which is part of the requirement of the leasehold
- The extension will result in the removal of load bearing walls and may result in structural damage to the upper floors of the property
- The depth of the extension to the outrigger will result in loss of amenity viewed from the upper flats

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- No detail has been given with regard to a plan for building works, which could cause disruption to adjoining neighbours

No notice has been served under the Party Wall Act

## **REMARKS**

### ***Key considerations***

The main planning issues are considered to be:

- (a) whether the proposed alterations and extensions would have an unacceptable impact on the amenities of neighbouring occupants;
- (b) whether the proposed alterations and extensions would preserve or enhance the character of the property and the wider Mapesbury Conservation Area.

### ***Site and surroundings***

This application relates to a ground floor flat within a period property that would have originally been one semi detached dwellinghouse.

The ground floor flat, the subject of this application, has an existing single storey side/ rear infill extension 4.3m in depth to the east of its two storey outrigger, approximately 1.2m short of the full depth of the existing outrigger.

The infill extension has a mono-pitched roof which is approximately 2.85m in height at its eaves, measured from terrace level. There is an existing wall on the eastern side of the extension which is flush with the terrace, and is also approximately 3m in height. Beyond this there is a boundary fence which has a height of approximately 1.6m.

There is an existing terrace to the rear of the property which extends to a depth of 6.2m beyond the rear door of the existing outrigger. It is 500mm below the property's Finished Floor Level, for which there is access via rear/ flank steps. Beyond the terrace lies the rear garden which was measured to be 800mm below terrace level, accessed via some centrally located rear steps to the garden. Beyond the rear of the terrace, the garden continues to fall to its rear.

### ***Previous planning application***

A previous application was submitted to the council and subsequently refused.

The proposed application was for a 3m deep, 3m high extension beyond the outrigger, wrapping around the property to east adjoining the boundary of No. 68 covering a total width of 6.9m and thus projecting beyond the shallower rear wall of 8.5m.

The application also proposed an increase in height to the existing terrace, by 400mm.

A lower ground floor extension was also proposed covering the footprint of the proposed single storey rear extension.

The council generally allows 3m deep infill extensions to outriggers although where it can be demonstrated that there would be no impact on amenity/ adverse visual impact, either through design solutions or through the property's individual siting, a full extension covering the total depth of the outrigger may be acceptable. In consideration that the extension would have projected 3m beyond the outrigger on the eastern elevation and would have wrapped around the outrigger at this depth, it was considered to be out of proportion with the property and would fail to preserve the Mapesbury Conservation Area.

The council allows lower ground floor/ basement extensions where they cover the original footprint of the property and any extensions if acceptable. In consideration that the lower ground floor would have projected a further 3m in depth beyond the existing property and would have a total footprint of 45sqm, it was not considered to be proportionate to the 130sqm flat and would project beyond both the existing property and the extension.

The raised terrace was also considered to have an unacceptable impact on amenity by way of overlooking.

The Case Officer thus requested the following amendments to the proposed extension to ensure that the proposals would comply with Supplementary Planning Guidance 5 and Brent's Unitary Development Plan policies:

- Amendments to the plans to ensure they accurately showed the existing level changes and terrace depth
- Removal of the wrap around extension to the east adjoining No. 68 Dartmouth Road
- The retention of a 3m deep extension to the rear of the existing outrigger, with the height and depth of the terrace retained as existing
- The lower ground floor extension to cover only the existing dwelling and single storey rear extension footprint, with the existing terrace height and depth retained

These details were not received and as such the application was refused for the following reasons:

1. *The proposed ground floor side and rear extension and terrace, by virtue of its excessive depth, height and proximity to the site boundary of the extension and relationship of the extended terrace to the shared boundary, would have an unacceptable impact on outlook and privacy from the rear habitable room and patio of No. 68 Dartmouth Road, and would fail to preserve or enhance the character of the Mapesbury Conservation Area. As such, the proposal is contrary to policies BE2, BE9, BE25 and BE26 of the adopted Brent Unitary Development Plan 2004, policy CP17 of Brent's Core Strategy and paragraph 64 of the National Planning Policy Framework.*
2. *The proposed lower ground floor extension, in conjunction with the single storey side and rear extension, would fail to reflect the footprint of the main dwelling and result in an out of scale addition to the property which would fail to respect the character of the existing property and wider Conservation Area, contrary to Unitary Development Plan policies BE2, BE9, BE25 and BE26 of the adopted Brent Unitary Development Plan 2004, policy CP17 of Brent's Core Strategy and paragraph 64 of the National Planning Policy Framework.*

This application is a re-submission of refused application reference 12/3226.

The revised proposals are considered in further detail below.

### **Assessment of proposals**

#### **Ground floor infill. rear extension**

The proposed infill extension adjoining the flank wall of the outrigger would be extended by 1.2m so that it is flush with the existing outrigger. It would have the same height as the boundary wall, i.e. 3m, and as such would not have any additional impact on the adjoining property to the east, No. 68.

A 3m deep, 3m high rear extension covering the width of the outrigger is also proposed. It would be set off the joint boundary with No.68/ No. 70 by 2.8m. There is a habitable room within the shallower rear wall of the adjoining property, No. 68; however in consideration of the extension's distance from the joint boundary, and in consideration that there are no level profound level changes between Nos. 68 and 70 Dartmouth Road, it is considered to have an acceptable impact on amenity on No. 68.

Turning to the impact on No. 72, the extension would be set off the joint boundary by 1.7m and it is further noted there is a side access 1m in width which forms part of a separate side access for the residents of No. 72. There are no level changes across either property and it is noted that the rear property lines are the same. As such, in consideration of this set in, the extension is considered to have an acceptable impact on the amenities of No.72.

#### **Lower ground floor extension**

A lower ground floor extension is proposed which would cover the footprint of the proposed single storey side and rear extension.

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As previously noted, the council allows lower ground floor/ basement extensions where they cover the original footprint of the property and any extensions; this is to ensure that basements are proportionate with the size of the original property and do not result in any unacceptable impact to gardens.

In this case, the proposed lower ground floor extension covers the proposed extensions and outrigger, and would also cover an additional 8sqm to the north east of the site adjoining the boundary with No. 68, flush with the depth of the proposed extension (i.e. 2.7m wide and 3m deep). Given that the extension would be underneath the existing terrace and would not erode garden space, nor cause additional visual impact to the adjoining properties/ flats to the upper floors, it is considered acceptable.

It is noted within the plans that the lower ground floor would require the rear garden to be partly excavated to allow for additional ceiling height to be created, thus resulting in the potential loss or damage to a semi mature tree to the rear garden. The Case Officer has consulted the Tree Officer on the proposal and it is noted that the tree is a Rowan (Mountain Ash) which is not considered to be of high value, and therefore its loss would be acceptable if a replacement tree was provided. This could be attached as a condition.

### **Alterations to rear terrace**

The amended plans show the terrace to be maintained at its existing depth, height and width to the north east void space between the lower ground floor level and the side of the outrigger, and as such is acceptable. A It is noted that the flank steps and terrace level adjoining No. 72 would also be maintained as existing. The rest of the terrace would be excavated to allow for the provision of the lower ground floor and steps up to the garden and as such will not have any impact on amenity.

A juliet balcony will be provided to the single storey rear extension and a barrier provided to the rear of the single storey infill extension. Materials shall be required to be submitted to the council prior to commencement of works.

### **Response to objections**

The case officer has responded to each of the objections as follows:

Objection	Officer response
<ul style="list-style-type: none"> <li>The proposed lower ground floor level extends beyond the footprint of the proposed extensions, contrary to the council's advice</li> </ul>	<p>It is noted the lower ground floor extension extends beyond the footprint of the existing building / extensions and would normally be permitted. However, in consideration that this additional 8sqm of lower ground floor level would be under the existing terrace and would not result in any additional visual impact/ erosion of garden space.</p>
<ul style="list-style-type: none"> <li>The proposed drawings are not to scale and no floor area measurements are provided</li> </ul>	<p>The plans are to scale. Annotated floor measurements to the plans are not a validation requirement.</p>
<ul style="list-style-type: none"> <li>A structural engineering report and geological/ hydrological report should be provided for the lower ground floor extension as well as those validation requirements for basements, to be agreed at 18th September Committee</li> <li>The extension will result</li> </ul>	<p>The council's validation requirements for basement extensions are not yet agreed by the members.</p> <p>Building Control approval will be required which will take into consideration the impact on load bearing walls.</p>

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<p>in the removal of load bearing walls and may result in structural damage to the upper floors of the property</p>	
<ul style="list-style-type: none"> <li>The extension would result in overlooking to the properties opposite</li> </ul>	<p>The extension/ terrace would not give rise to any additional raised floor levels</p>
<ul style="list-style-type: none"> <li>The addition of deeper lower ground floor staircase would fail to respect the existing garden's character</li> </ul>	<p>The proposed lower ground floor level would not adversely erode any of the existing garden and would be maintained within the depth of the existing patio.</p>
<ul style="list-style-type: none"> <li>The reduction in the size of the garden is not in keeping with the character of the Conservation Area</li> <li>The size of the proposed extension/basement would be out of character with the other buildings in the Mapesbury Conservation Area</li> <li>The depth of the extension to the outrigger will result in loss of amenity viewed from the upper flats</li> <li>The proposed windows on both levels, together with the juliet balcony, would look more in place on a modern block of flats, rather than a traditional Edwardian house</li> </ul>	<p>There will be no reduction in garden space although part of the terrace will be built on (total of just under 16sqm). The total rear garden/ patio area to be built on is approximately 6% and is considered acceptable.</p> <p>The 3m deep extension to the outrigger and the infill extension to the outrigger are considered acceptable and do not result in any adverse impact on amenity to warrant refusal.</p>
<ul style="list-style-type: none"> <li>The basement may have an impact on the adjoining properties and their foundations alongside the fences to the neighbouring properties</li> </ul>	<p>A condition will be included to ensure that rear soft landscaping details, including boundary treatments, are provided prior to the commencement of works</p>
<ul style="list-style-type: none"> <li>A change in the level of the garden, making it lower than the surrounding gardens, may impact on the foundations of the surrounding fencing. If this were to be allowed, and more people were to do the same, what would be the impact on surface water run-off on</li> </ul>	<p>The principle of a basement extension is not unacceptable. It is noted that there are already level changes to the property between the terrace and rear garden level and it is not considered that these are profound enough to change the garden to the extent that refusal is warranted.</p>

<ul style="list-style-type: none"> <li>surrounding properties.</li> <li>The proposal would set a precedent for unattractive extensions within the Conservation Area</li> </ul>	
<ul style="list-style-type: none"> <li>No notice has been served under the Party Wall Act</li> <li>The applicant has failed to gain permission from the Management Company of the property for the extension, which is part of the requirement of the leasehold</li> </ul>	<p>It is noted that the relevant Certificates have been served as stated within the application form to flats B and C within the property.</p> <p>The applicant will be reminded of their duties under the Party Wall Act.</p>
<ul style="list-style-type: none"> <li>No detail has been given with regard to a plan for building works, which could cause disruption to adjoining neighbours</li> </ul>	<p>This is not a requirement and falls outside of the remit of the planning system, however the applicant will be reminded of the relevant British Standard Code of practice for demolition and Construction.</p>

### **Conclusion**

The lower ground floor and single storey side and rear extensions preserve the character of the Mapesbury Conservation Area. Approval is recommended.

**RECOMMENDATION:** Grant Consent