

Delegated Report		Analysis sheet		Expiry Date:		25/05/2023	
		N/A / attached		Consultation Expiry Date:		24/02/2023	
Officer				Application Number(s)			
Sam FitzPatrick				2022/5278/P			
Application Address				Drawing Numbers			
23 Alvanley Gardens London NW6 1JD				Please refer to decision notice			
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature				
Proposal(s)							
Installation of balcony with french doors to rear elevation at first floor level and two roof terraces on main flat roof with associated access skylights and balustrades;							
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	01	No. of objections	01		
Summary of consultation responses:		<p>Site notices were displayed from 31/01/2023 to 24/02/2023</p> <p>One objection was received from a local resident, whose concerns can be summarised as follows:</p> <ul style="list-style-type: none"> Proposed balcony and terraces would result in overlooking of neighbours; Proposed balcony would not match appearance of existing development in area. <p><u>Officer Response:</u></p> <ul style="list-style-type: none"> Please refer to section 5 of the report for concerns relating to amenity. Please refer to section 4 of the report for concerns relating to design and conservation. 					

Site Description

The application site is a detached three-storey residential property that has been subdivided into five flats. It is located on the west side of Albanley Gardens, near the intersection of this street with Finchley Road. Although it is near to commercial areas on Finchley Road and West End Lane, it is part of a primarily residential area. It is not located within a conservation area, though it is in very close proximity to and visible from the West End Green conservation area. It is situated within the Fortune Green and West Hampstead Neighbourhood Area and is not listed.

Relevant History

2022/2888/P – Use of the building as five self-contained flats (Class C3). **Certificate of Lawfulness Granted 13/09/2022.**

2012/4063/P - Erection of balustrade to form a terrace over existing flat roof of residential flat (Class C3). **Refused 15/10/2012.**

2011/6068/P - Erection of balustrade, decking and screening in connection with the use of existing rear flat roof as terrace, and installation of rooflight to flat (Class C3). **Refused 28/02/2012.**

8401652 – Alterations to existing dormer and erection of new dormer. **Granted 19/12/1984.**

Relevant policies

National Planning Policy Framework (2021)

The London Plan (2021)

Camden Local Plan (2017)

- **A1** Managing the impact of development
- **D1** Design

Fortune Green and West Hampstead Neighbourhood Plan (2015)

- **Policy 2** Design & Character

Camden Planning Guidance

- CPG Amenity (Jan 2021)
- CPG Design (Jan 2021)
- CPG Home Improvements (Jan 2021)

Assessment

1. The Proposal

- 1.1. Planning permission is sought for the erection of a balcony to the rear elevation at first floor level and two roof terraces to the flat roof of the building, all with associated access and balustrades.

2. Revisions

- 2.1. The proposal was amended following officer comments to remove a proposed balcony that would have been situated at the rear elevation to the second floor. Additionally, the amended proposal has reduced the size of the rear roof terrace from approximately 14.1sqm to approximately 10.9sqm and the front roof terrace from approximately 22.7sqm to 11.5sqm. These changes have been accepted as amendments to the scheme.

3. Assessment

- 3.1. The principal considerations in the determination of this application are:

- Design;
- Amenity.

4. Design

- 4.1. Local Plan Policy D1 (Design) is aimed at achieving the highest standard of design in all developments and requires development to be of the highest architectural and urban design quality, which improves the function, appearance, and character of the area.
- 4.2. The Fortune Green and West Hampstead Neighbourhood Plan Policy 2 (Design & Character) aims to secure development that is of a high quality of design and complements the local character and identity of the area. Specifically, Policy 2 states that development should maintain the positive contributions of existing buildings and have regard to the form, function, and structure of the context (including scale and the pattern of surrounding buildings and streets).
- 4.3. In support of this, the Council's 'CPG Design' states that care should be taken to ensure development is "*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*", and notes that this is not limited to sites within conservation areas. Additionally, the Council's 'CPG Home Improvements' also states that balconies and roof terraces should be subordinate to the roof form and have limited impact on the streetscene and wider area.
- 4.4. The site occupies a prominent location at the north end of Albanley Gardens, and due to the topography of the area, is at a higher elevation than other buildings along Albanley Gardens that are further down the slope of the hill. As such, the building is clearly visible from the public realm from both Albanley Gardens and Finchley Road and the large roof extension and dormers serve to increase the prominence and visibility of the building, as shown in the photos at the end of this report.
- 4.5. The existing roof extension already differs from the more traditional pitched roofslopes of the immediately neighbouring property (no.24), and the addition of roof terraces to the flat roof would only add to this disruption and make the roof of the application site more incongruous. The addition of roof terraces with railings would create visual clutter that would be visible from the public realm and would detract from the character of the building and surrounding area, failing to positively integrate with it. The proposed railings for the terraces are considered to be

inappropriate features that add prominent and incongruous visual clutter at a high level in this location. These additions would harm the appearance of the host building, as well as being more obviously visible due to the topography of the area causing no.23 to be higher than the neighbouring property. There is also a concern that these roof terraces could in future contain paraphernalia generally associated with amenity terraces, such as windbreaks, privacy screens, parasols and furniture, which would be very visible and incongruous at such a prominent roof level. Although the balcony to the rear would not be as clearly visible from the public realm, it would also be an inappropriate addition that would detract from the character and appearance of the building.

4.6. The roof terraces and balcony, along with the associated railings, would be unwelcome additions that would detract from the established character and architectural appearance of the surrounding area. Whilst officers appreciate the importance of outdoor amenity space, this needs to be balanced against the need to ensure high quality development respects local context and character and integrates with the surrounding area. In this instance, there are no public benefits that would outweigh the impact the proposals would have on the character and appearance of the building and surrounding area.

4.7. It should also be noted that there are no other similar permitted roof terraces or balconies at neighbouring properties which define the character or appearance of the area. Where there are permitted roof terraces, they are modestly sized and inset within ridges of rooflines or below the tallest point of the roofscape. Additionally, the nearby balconies are predominately Juliet balconies, while the proposed balcony would extend out from the rear elevation, meaning it is far more prominent and visually obtrusive. Due to the nature of the flat roof, the roof terraces would be inconsistent with the pattern of development nearby and would negatively impact the character and appearance of the surrounding area.

4.8. Given the above, it is considered that the proposal would have a harmful impact on the appearance and character of the building and the wider area, contrary to policy 2 of the Fortune Green and West Hampstead Neighbourhood Plan and policy D1 of the London Borough of Camden Local Plan.

5. Amenity

5.1. Policy A1 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. This includes privacy, outlook, daylight and sunlight. The Council's guidance contained within 'CPG Amenity' provides specific guidance with regards to these aspects.

5.2. The proposed roof terraces and balcony would be likely to create opportunities for overlooking, especially with regards to the immediately adjacent properties at no.24 Alvanley Gardens and nos.455-457 Finchley Road. Due to the topography of the area, the flat roof of the application site is slightly higher than the roof ridge of the neighbouring property at no.24. As a result of this, the proposed roof terrace would allow for views into the dormer of no.24, providing a direct line of sight into the property. Additionally, the proposed roof terraces would be at a similar level with many windows to the rear elevations of the aforementioned properties on Finchley Road, allowing for direct lines of sight into these. Due to the close proximity to both no.24 Alvanley Gardens and nos.455-457 Finchley Road, the proposed roof terrace would create harmful impacts on the privacy of occupiers at these properties. There would also be direct views into no.74 Crediton Hill, the property to the west, at the rear of the application site. As a result of the elevation difference and the flat roof, the roof terrace and the balcony would both provide direct views into this property and the private amenity spaces of no.74 Crediton Hill and no.24 Alvanley Gardens.

5.3. No mitigation measures to alleviate the impacts on privacy have been proposed. However privacy screens or planters would entail adding significantly more visual clutter and

bulk at high level to the proposed roof terraces, thus creating unwelcome inappropriate additions. Irrespective of the harmful design impacts detailed in the previous section, the nature and siting of the building combined with the existing roof extension would mean that the proposed roof terraces and balcony would result in serious overlooking and harm to neighbouring amenity.

5.4. The proposal would not result in any harmful overshadowing or loss of outlook from any neighbouring rooms or gardens, and there would be no loss of security for any neighbouring occupiers. Although the balcony is modest in size and not likely to create any noise impacts, the two roof terraces are larger and significant enough in size and in close proximity to other residences such that they would be considered likely to generate harmful noise disturbance, especially due to the siting of the terraces in an unshielded position at a high elevation where sounds would carry from large gatherings of people. It is likely that neighbouring properties, as well as the occupiers of the other flats within the building, would therefore experience noise nuisance to the detriment of their amenity. No reference to noise impacts was made as part of the application.

5.5. It is considered that the proposal would result in the loss of amenity for occupiers due to the impact on overlooking and noise disturbance, which is contrary to policy A1 of the London Borough of Camden Local Plan.

6. Conclusion

6.1. The proposed balcony and roof terraces with associated additions, by way of their design and siting would represent inappropriate additions that would detract from the character and appearance of the building, as well as the surrounding area. Additionally, the balcony and roof terraces would create potential for overlooking and the roof terraces have the potential to generate harmful noise impacts, so the proposal is therefore considered to harm the amenity of neighbouring properties. The proposal is therefore contrary to policy D1 (Design) and A1 (Managing the impact of development) of the London Borough of Camden Local Plan 2017, as well as policy 2 of the Fortune Green and West Hampstead Neighbourhood Plan 2015.

7. Recommendation

7.1. It is recommended that planning permission is refused for the following reasons –

7.2. The proposed balcony and roof terraces with associated railings, by reason of their location and design, would represent inappropriate and prominent additions and visual clutter at high level that would harm the character and appearance of the host building and wider area. The proposal is therefore contrary to policy D1 (Design) of the London Borough of Camden Local Plan 2017 and policy 2 of the Fortune Green and West Hampstead Neighbourhood Plan 2015.

7.3. The proposed balcony and roof terraces, by reason of their location, would result in overlooking to adjoining windows and gardens and also create a potential for noise nuisance, all to the detriment of the residential amenities of neighbouring properties. The proposal is therefore contrary to policy A1 (Managing the impact of development) of the London Borough of Camden Local Plan 2017.

Photos



Photo 1: Front elevation of 23 Alvanley Gardens at junction of Alvanley Gardens and Finchley Road.



Photo 2: Side elevation of 23 Alvanley Gardens seen behind 24 Alvanley Gardens (in foreground).