

Delegated Report		Analysis sheet		Expiry Date:	13/10/2023
		N/A / attached		Consultation Expiry Date:	03/09/2023
Officer				Application Number(s)	
Sam FitzPatrick				2023/2348/P	
Application Address				Drawing Numbers	
10 Elsworthy Terrace London NW3 3DR				Please refer to decision notice	
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature		
Proposal(s)					
Enlargement of existing rear dormer and installation of juliet balcony.					
Recommendation(s):		Refuse planning permission			
Application Type:		Householder Application			

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice			
Informatives:				
Consultations				
Adjoining Occupiers:	No. of responses	00	No. of objections	XX
Summary of consultation responses:	Site notices were displayed from 03/08/2023 to 24/08/2023 and a press notice was published on 10/08/2023. No objections were received from local residents.			
Elsworthy Conservation Area Advisory Committee	<p>The CAAC commented but did not raise an objection to the proposal. Their comments can be summarised as follows:</p> <ul style="list-style-type: none">The rear elevation of the house has already undergone substantial alterations, some of which were enacted without planning permission (though permission was later granted). The changes have resulted in a lack of uniformity to the rear elevation;The terrace already has original small dormers, new larger dormers, and one terrace, so there is no uniformity of design. <p><u>Officer Response</u></p> <ul style="list-style-type: none"><i>The fenestration changes that have been made to the rear elevation are not considered to be strictly relevant to this application, as it relates more specifically to the roof area. The other relevant planning history is noted in the ‘Relevant history’ section below and section 1, which relates to the site background;</i><i>Please see section 3 of this report for concerns relating to design and conservation.</i>			

Site Description

The application site is a five-storey mid-terrace house (including a lower ground level and loft level). It is located on the west side of Elsworthy Terrace, a short road leading to an entrance on Primrose Hill. The site is also within the Elsworthy Conservation Area and is recognised as a positive contributor (along with all of the terrace it is part of), though is not listed.

Relevant History

Application site

2023/0149/P - Replacement of pitched roof of rear bay with flat roof to create first floor balcony with associated installation of railings and replacement of first floor rear window by access door, plus replacement of doors and windows at lower ground floor level. **Granted 02/05/2023.**

2022/4714/P - Enlargement of existing rear dormer. **Granted 05/05/2023.**

2020/0429/P - Erection of rear balcony at first floor. Rear fenestration alterations at lower ground and first floor levels. **Granted 02/07/2020.**

2011/2592/P - Installation of sliding rooflight on flat roof at third floor level, creation of enlarged window at rear lower ground and ground floor level, installation of glazed opening with Juliette balcony at rear second floor level in connection with existing flats (Class C3) (Retrospective). **Granted 17/08/2011.**

EN11/0321 – Enforcement investigation into alterations to the window fenestration on the rear of the property. The application 2011/2592/P was submitted to apply for these changes retrospectively.

Nearby sites

12 Elsworthy Terrace

PE9700191 – Roof alterations involving the enlargement of the front dormer and the replacement of the small rear dormer with a large dormer incorporating French doors, balcony and railings.

Refused 01/12/1997 and appeal dismissed 23/02/1998.

Reasons for refusal:

- 1) The proposed roof alterations would have an adverse effect on the appearance of the building and the visual amenity of the area by reason of their design, size, scale, and location. The proposed development would neither preserve nor enhance the character of the Conservation Area.

13 Elsworthy Terrace

9501553 - The erection of a roof extension including enlarged dormers and the formation of a roof terrace and a balcony and railings to the rear. **Refused 15/12/1995.**

Reasons for refusal:

- 1) The proposed roof extensions and balcony would have an adverse effect upon the character and appearance of the building and of the Conservation Area by reason of their size, location, design, and materials.
- 2) The proposed balconies at the rear are considered to be undesirable as they would be likely to result in increased overlooking, and hence loss of privacy to the adjoining premises.

14 Elsworthy Terrace

CTP/H8/18/15/28075 – Alterations to existing roof to provide new dormer window at the front and a roof terrace at the rear. **Granted 24/05/1979.**

Relevant policies

National Planning Policy Framework 2023

The London Plan 2021

Camden Local Plan 2017

- **A1** Managing the impact of development
- **D1** Design
- **D2** Heritage

Camden Planning Guidance

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

Elsworthy Conservation Area Appraisal and Management Strategy 2009

1. Proposal and background

- 1.1. Planning permission is sought for the enlargement of the existing dormer and the installation of a balcony within the rear roofslope.
- 1.2. An application for the enlargement of the existing dormer was granted at this site under 2022/4714/P on 05/05/2023. This proposal was revised to achieve acceptability, involving the reduction in size of the dormer and the omission of a Juliet balcony. The approved scheme was considered to be acceptable due to the fact that it had a neutral impact on the character and appearance of the conservation area and was therefore just within the limits of acceptability.
- 1.3. It should also be noted that there have been a number of alterations to the rear elevation of the property, including the creation of a balcony at first floor level and the replacement of a number of windows. These changes were noted by the Elsworthy CAAC in their comments on the objection, however it should be noted that the only other roof terrace or roof-level balcony in this row of houses is at no.14 and was approved in 1979 (ref. CTP/H8/18/15/28075). More recently, roof terraces and roof-level balconies were refused at no.13 in 1995 (ref. 9501553) and no.12 in 1997 (ref. PE9700191).

2. Assessment

- 2.1. The principal considerations material to the determination of this application are as follows:
 - Design and conservation
 - Amenity

3. Design and conservation

- 3.1. Local Plan Policy D1 (Design) states that the Council will aim to achieve 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. The supporting text to this policy states that development should consider the form and scale of neighbouring buildings, the character and proportions of the existing building, the scale of surrounding development, and the impact on existing rhythms, symmetries and uniformities in the townscape.
- 3.2. Local Plan Policy D2 (Heritage) states that the Council will seek to preserve and, where possible, enhance Camden's rich and diverse heritage assets and their settings, including conservation areas. The supporting text to this policy also states that the character of conservation areas derives from factors including scale and pattern of development.
- 3.3. In support of this, the Council's 'CPG Design' makes clear that the that "*the Council will only permit development within Conservation Areas that preserves and where possible enhances the character and appearance of the area*". Additionally, 'CPG Home Improvements' states that dormers should be subordinate to the roof slope that they are located within and should consider the impact on neighbouring buildings, their rooflines, and the wider streetscape.
- 3.4. The application site is located within the Elsworthy Conservation Area, wherein the Council has a statutory duty to pay special attention to the desirability of preserving or enhancing the character and appearance of that area. The property and the terrace it is part of are recognised as a positive contributor by the Elsworthy Conservation Area Appraisal and Management Strategy, and the prevailing character of this part of the area is

noted as 19th to early 20th century terraced and semi-detached housing.

- 3.5. It should be noted that the only permitted roof terrace or roof-level balcony in this row of houses was granted permission in 1979, which was twenty years prior to conservation area designation of the site, in 1999. All the other rear dormers on the rear side of the terrace broadly align in the sense that they preserve a substantial part of the lower roof slope.
- 3.6. The Elsworthy Conservation Area statement also sets out guidelines for development, including dormers and roofscape works. It states that works should “*where possible respect the traditional forms and rooflines of the Conservation Area. Future additions and development must take care not to break away or detract from the traditional alignment and elevation of the existing building typology and form*”. The statement goes on to state that “*fundamental changes to the roofline, insensitive alterations, poor materials, intrusive dormers, or inappropriate windows can harm the historic character of the roofscape and will not be acceptable*”.
- 3.7. As previously detailed, the approved scheme under 2022/4714/P was considered acceptable because it would have a neutral impact on the character and appearance of the conservation area. This scheme does not possess the same neutrality, and includes features that would result in very clear and identifiable harm, contrary to both the policies of the Local Plan and the statutory obligation for the Council to seek to preserve or enhance the character and appearance of its conservation areas.
- 3.8. The proposed enlargement of the dormer would involve increasing the height from approximately 1.7m to approximately 3m, in order to accommodate the glazed bi-fold doors onto the roof-level balcony. The creation of the balcony would involve the removal of a portion of the rear roof slope, and the result would be a substantial loss of the existing roof form. Although described in the design and access statement as a Juliet balcony, this more closely resembles an inset balcony – though the creation of any kind of balcony or roof terrace at this level would be unacceptable in principle. The Conservation Area statement specifically states that development should respect the traditional forms and rooflines of the area and resist inappropriate additions, and the creation of a balcony would insert an unacceptable and uncharacteristic addition to the roofslope, as well as entail the loss of a large part of the lower roof.
- 3.9. Although mid-terrace, the site is located in a short terrace of houses, and the rear roofslope is therefore visible both from Elsworthy Road and Primrose Hill. Even if it had been located outside of a conservation area, the proposal would be contrary to basic guidance that states dormers, balconies, and terraces should be subordinate to the roof slope being altered and roof form overall, preserving the roof form and complementing the elevation they are located within. This location within the conservation area and prominent and visible position serves to further emphasise the unacceptable nature of the proposal.
- 3.10. The existing pattern of dormer development creates an established roof pattern amongst neighbouring properties, however the proposed roof-level balcony would leave only around 0.4m from the balcony to the roof edge. This is compared to the existing distance of approximately 1.95m from the dormer to the roof edge and the approximate distance of 1.78m consented under 2022/4714/P. The previously approved application was also deemed acceptable as the additional width was not entirely out of character with the extant dormer at the neighbouring property (no.11) and the location would height and location would be broadly in line with the same property. However, this proposed enlargement of the dormer and additional roof-level balcony would substantially reduce the distance to the roof edge, reducing the size of the lower roof area. Given the increase in scale and the incorporation of the balcony, it would also appear more as a box roof extension with no sense of being ancillary to the main elevation of the house. This would fundamentally change the character of roof development along this row of houses and would therefore neither preserve nor enhance the character of the buildings or wider

conservation area.

- 3.11. The proposed materials of the dormer would include slate to match the existing roof material and timber framed bifold doors, as well as painted metal balustrading. There is no objection to the materials proposed, as these would match the character and appearance of the existing building.
- 3.12. It should also be noted that there have been a number of applications to create roof terraces and roof-level balconies close by, that have been refused for reasons relating to the harm caused to the host building and conservation area. These cases are outlined in the 'relevant history' section of this report.
- 3.13. Given the above, the principle of the roof-level balcony is in itself unacceptable and would constitute a harmful addition that fails to preserve or enhance the appearance and character of the building and wider area, contrary to Policies D1 and D2 of the London Borough of Camden Local Plan.
- 3.14. Local Plan Policy D2, consistent with the National Planning Policy Framework, seeks to preserve and enhance heritage assets, stating that the Council will not permit development that results in harm that is 'less than substantial' to the significance of a designated heritage asset unless the public benefits of the proposal convincingly outweigh that harm.
- 3.15. The proposed development would result in harm to the character and appearance of the Elsworthy Conservation Area. It is considered that there are only very limited public benefits that would not outweigh this harm. Paragraph 202 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefit of the proposal. The Council is unable to identify any significant public benefits other than a small number of construction jobs, so this would not outweigh the less than substantial harm caused. As such, the application is therefore recommended for refusal on this basis.

4. Amenity

- 4.1. Policy A1 (Managing the impact of development) 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.
- 4.2. Due to the scale and positioning of the proposed roof-level balcony, it is not considered that there would be any resulting unacceptable impact with regards to outlook or privacy. The roof terrace area that would serve as a balcony would not be large enough or be positioned in such a way so as to give additional any opportunities for overlooking or create any new views into the habitable space of any neighbouring occupiers, beyond those that already exist. Due to the nature of the development, it is not considered that there would be any unacceptable impact in terms of daylight and sunlight, light spill, or noise.
- 4.3. Given this, the proposal would be considered to be acceptable in terms of amenity impact, notwithstanding the design and conservation issues raised in the previous section of this report. Therefore, the proposal would be considered to be in accordance with Policy A1 of the London Borough of Camden Local Plan.

5. Conclusion

- 5.1. The proposed enlargement of the dormer and creation of a roof-level balcony is considered to be an incongruous and inappropriate addition that would fail to preserve or

enhance the appearance and character of the conservation area. The existing dormer already detracts from what survives of the traditional and publicly visible rear roofscape of this terrace, and it is accepted that the addition of rear dormers has to a degree removed the historic uniformity that once would have existed. The previously approved scheme under 2022/4714/P, whilst not enhancing the extant condition, was deemed to preserve the character and appearance – however, this proposal fails to preserve and indeed harms the character and appearance of the conservation area. The insubordinate scale and detailing, failure to respect the majority condition of the rear roofslope of the terrace, inclusion of the high-level balcony, and the removal of a large portion of the lower roofslope would be unacceptable alterations that would cause harm, and therefore the application should be refused.

6. Recommendation

- 6.1. Refuse planning permission.