

Delegated Report (Members Briefing)	Analysis sheet		Expiry Date:	
	N/A / attached		17/10/2023	
			Consultation Expiry Date:	
			24/09/2023	
Officer			Application Number(s)	
Josh Lawlor			2023/3277/P	
Application Address			Drawing Numbers	
131 King Henry's Road London NW3 3RB			See the draft decision notice	
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature	
Proposal(s)				
Variation of Condition 3 (Approved Plans) of planning reference 2020/5917/P dated 20/08/21 for the erection of a double-storey side extension, single-storey rear extension with terrace above, installation of a bin store enclosure in the front garden area, namely to enlarge the roof terrace at ground floor level.				
Recommendation:	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	15	No. of objections	6
Summary of consultation responses:	<p>Site notices were displayed near the site from 25/08/2023 The application was publicised in the local press from 31/08/3023</p> <p>6 objections were received summarised below:</p> <ul style="list-style-type: none"> • Material changes in the application • Original application had the size of the terrace reduced / scope creep • No precedent • Will dominate the roof and harm the CA • Use for outdoor gatherings • Loss of privacy • Photo from the garden in the DAS not an accurate portrayal of overlooking • No precedent: the balcony at no.133 is much smaller and was only given retrospective consent 			

	<ul style="list-style-type: none"> • Owners of the garden flat at 133 are in the middle of a sale • Statement about enlarged area being used for potted plants and not for standing cannot be enforced in the future • Supports are from people who do not live on the road <p>9 x supports were received summarised below:</p> <ul style="list-style-type: none"> • The applicant is looking to raise a family, not looking to throw noisy parties on the terrace. • It allows the terrace to be more in line with the building. • There appears to be no impact on the privacy of neighbours, amenity space is particularly important for houses like this without private gardens. Noise disturbance is unlikely • Noise usually comes from ground-floor parties, and this is not equal treatment. • There is no impact on our garden flat in terms of loss of privacy • No more overlooking than is already allowed from the property • The terrace will look better from above than a roof
Elsworthy Conservation Area Advisory Committee (CAAC)	The CAAC responded with no comment

Site Description

The application site comprises a four storey detached Victorian property on the southern side of King Henry's Road. The building features a symmetrical frontage with lower ground floor level, two upper levels and loft level within a hipped roof. The site is located within the Elsworthy Conservation Area and is noted as making a positive contribution to the character of the area. The materials and architectural detailing are consistent across neighbouring properties within the building group.

The application host property has been subdivided into 5 flats. This application relates to the upper ground floor flat. The lower ground flat benefits from a generous rear garden area. Permission has been granted for a single storey rear extension with terrace above Ref. 2020/5917/P: the rear extension is currently being built.

Relevant History

2020/5917/P for erection of a double storey side extension, single storey rear extension with terrace above, installation of a bin store enclosure in the front garden area **Granted 20/08/21**

Relevant policies

The National Planning Policy Framework 2023

London Plan 2021

Camden Local Plan 2017

- A1 Managing the Impact of Development
- D1 Design
- D2 Heritage
- A3 Biodiversity

- CC1 Climate change mitigation
- CC2 Adapting to climate change
- CC3 Water and flooding

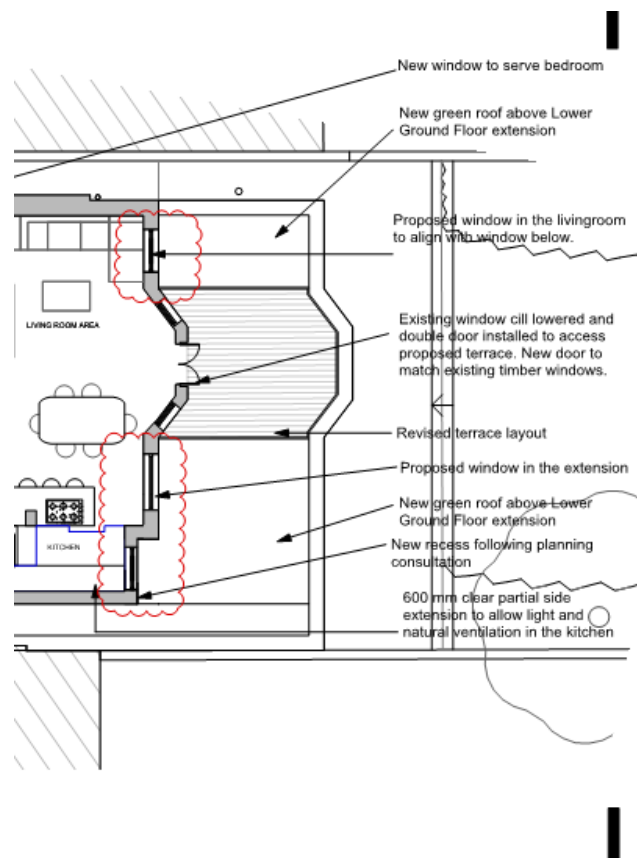
Camden Planning Guidance (CPG)

- [Home improvements](#) - January 2021
- [Amenity](#) - January 2021

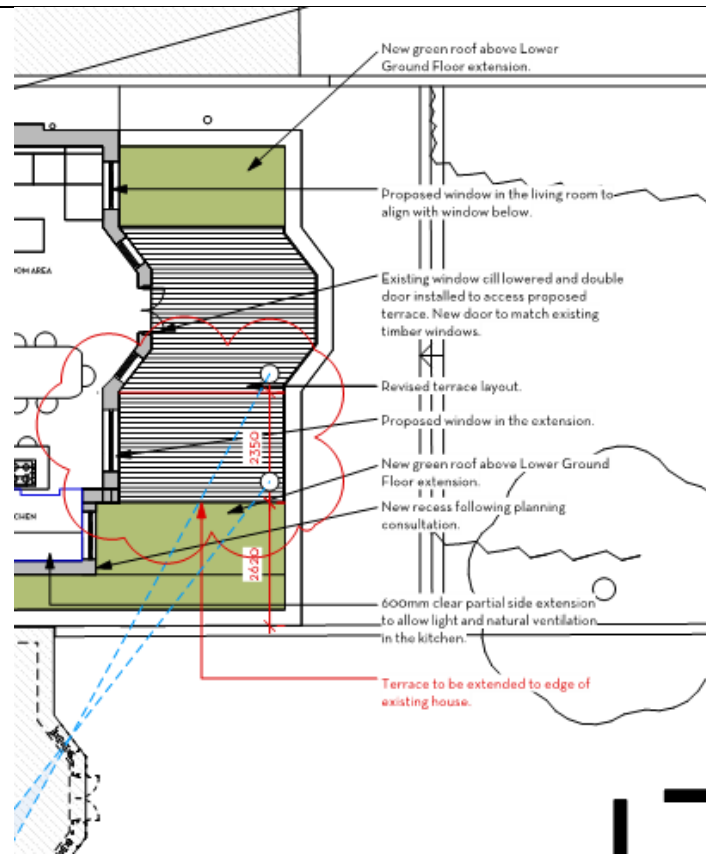
Assessment

1. The proposal

- 1.1. Permission is sought for the variation of condition 3 of application ref. 2020/5917/P to amend the approved drawings to allow a larger terrace above the rear ground floor extension.
- 1.2. Permission was granted for a terrace with a depth of 3.9m and width of 3.6m that would cover 12 sqm of the lower ground floor extension's roof. The proposed enlargement would be approximately 6.6m in width with the same depth of 3.9m which is almost the entire width of the original house.
- 1.3. It is worth noting that the original application initially proposed a terrace over the entirety of the approved extension but officers negotiated its reduction on amenity grounds, resulting in revised drawings being submitted for approval.



Extract of the approved terrace



Extract of the proposed enlarged terrace area

2. Assessment

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

- Design and heritage
- Residential Amenity

3. Design and heritage

3.1. 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 only permit development that preserves and enhances Camden's heritage assets and their settings, including conservation areas. The Council will not permit development that results in harm that is less than substantial to the heritage asset's significance unless the public benefits of the proposal significantly outweigh that harm.

3.2. The enlargement of the terrace and associated balustrade would not harm the appearance of the building or the wider Elsworth Conservation Area. The amendment is a neutral change and would not be seen from King Henry's Road and as such the proposal is acceptable in regard to policies D1 and D2. The loss of some areas of the green roof is not optimal but is not sufficiently harmful to warrant a refusal.

4. Residential Amenity

4.1. 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 by the construction phase of development.

- 4.2. CPG Amenity recommends that it is good practice to provide a minimum distance of 18m between the windows of habitable rooms in existing properties directly facing the proposed (either residential or non-residential) development.
- 4.3. The enlarged terrace would allow for closer overlooking into a habitable window of number 133 King Henry's Road. The window in question is a bay window that is angled towards the terrace at a distance of only 5m. The window is on the same level as the terrace. These factors result in views that would be both close and direct. It is considered that the permitted terrace provides a reasonable and sufficient sized amenity area and that the increase in the size of the terrace would not enhance the standard of accommodation to a degree that would outweigh the loss of privacy. Partly in reflection of the relationship between properties across the building group, the majority of which comprise the rear bay window arrangement, there are very few properties on King Henry's Road with a terrace of this size. Those that do exist belong to properties of a different architectural design that do not include the bay window feature. The only comparable one is at number 137, but this is half-width and a similar size to what has already been consented.
- 4.4. In summary, the enlarged terrace would provide closer and more direct overlooking of a habitable room, and this is considered harmful to the privacy of neighbouring occupiers which is contrary to Camden Local Plan Policy A1.

5. Recommendation

5.1 Refuse variation of condition application for the following reason:

1. The enlarged roof terrace, due to its distance from the rear ground floor bay window of no.133 would result in the loss of privacy of the neighbouring occupiers contrary to Camden Local Plan Policy A1.