

Delegated Report		Analysis sheet		Expiry Date: 09/01/2024	
		N/A		Consultation Expiry Date: 10/03/2024	
Officer			Application Number(s)		
Brendan Versluys			2023/4849/P		
Application Address			Drawing Numbers		
Flat 1st And 2nd Floor 87 Constantine Road London NW3 2LP			See decision notice		
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature		
Proposal(s)					
Alterations to rear roofslope to remove existing 2 x rooflights and insert an inset terrace with railing.					
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	1	No. of objections	0
Summary of consultation responses:		<p>Site notice displayed 26/01/2024 to 31/01/2024</p> <p>Press advertisement published 15/02/2024 to 10/03/2024</p> <p>One comment of support was received, and is outlined as follows:</p> <p><i>The owner of this property has liaised with South End close residents to determine access conditions for the proposed change. He has confirmed no access of any kind, or parking, will be required by the builders to achieve this change to the property.</i></p> <p><i>Under these conditions, and with the guarantees there is no access required through the private roads of South End close, no objection is made to this proposal. Many thanks to the owner of number 87 for reaching out to Residents Association and the liaison to ensure the scenario was correct.</i></p>			

Site Description

The application site is located on the north side of Constantine Road.

The property is a three-storey terraced Victorian property that has been divided into two residential units, this application relates to the top floor maisonette set over the first and second floor. The building was constructed in red brick with a slate roof and has a two storey rear addition.

The site lies within the Mansfield Conservation Area. The building is not listed.

Relevant History

Site History:

87 Constantine Road:

2022/0320/P - Removal of timber stairs/first floor balcony on rear wing and erection of single storey side/rear extension with spiral staircase/first floor balcony (on rear wing). **Granted 14/07/2022**

2022/0330/P - Erection of second floor rear extension with roof terrace, installation of doors at rear first floor and doors and juliet balcony at second floor level, erection of dormer to rear roofslope with photovoltaic cell panels above and installation of photovoltaic cell panels to front roofslope. **Refused 24/03/2022. Appeal ref. APP/X5210/W/22/3313883 dismissed 10/07/2023**

Reasons for refusal:

The proposed rear dormer, roof terrace and fenestration changes as well as the photovoltaic cells on the front roofslope, by reason of their location, size, design and materials would result in unsympathetic and bulky additions creating visual clutter that would be detrimental to the character and appearance of the host building, the streetscene and the Mansfield Conservation Area, contrary to policies D1 (Design) and D2 (Heritage) of the London Borough of Camden Local Plan 2017 and policies DH1 and DH2 of the Hampstead Neighbourhood Plan 2018.

The proposed roof terrace at second floor level, by virtue of its location, layout and relationship to neighbouring properties, would allow for direct overlooking into windows of 85 Constantine Road to the detriment of the amenity of its occupiers, contrary to policy A1 (Managing the impact of development) of the London Borough of Camden Local Plan 2017 and policy DH1 (design) of the Hampstead Neighbourhood Plan 2018.

2023/0453/P - Erection of second floor rear extension, installation of new windows on side elevation and new doors and Juliet balcony to rear elevation, and installation of PV cells to rear roofslope. **Granted 17/05/2023**

Relevant Policies

National Planning Policy Framework 2023

The London Plan 2021

Camden Local Plan 2017

Policy A1 Managing the impact of development

Policy D1 Design

Policy D2 Heritage

Camden Planning Guidance (CPG)

CPG Design (January 2021)

CPG Amenity (January 2021)

CPG Home Improvements (January 2021)

Mansfield Conservation Area Appraisal and Management Strategy

Draft Camden Local Plan

The council has published a new [Draft Camden Local Plan](#) (incorporating Site Allocations) for consultation (DCLP). The DCLP is a material consideration and can be taken into account in the determination of planning applications, but has limited weight at this stage. The weight that can be given to it will increase as it progresses towards adoption (anticipated 2026).

Assessment

1. Proposal

- 1.1. The proposal is to create an opening on the rear roof slope and create a new inset roof terrace.
- 1.2. The roof terrace would be accessed from the fourth floor (attic level) study/bedroom and be 4.8m² and be set near to the corner of the roof adjoining 85 Constantine Road. 1.1m high railings (finished in an anthracite colour) would enclose the terrace.
- 1.3. Two existing rooflights on the rear roof slope would be removed to accommodate the terrace.



Figure 1: Precedent image of a proposed 'Velux' roof terrace, with a smaller depth than the terrace proposed at the application site (source: Roofingsuperstore.co.uk)

2. Planning Considerations

- 2.1. The material considerations in the determination of this application are as follows:
 - Design and Heritage
 - Amenity

3. Design and Heritage

- 3.1. The Council's Design Policy D1 of the Local Plan seeks to secure high quality design in development. Development should respect the local area in context and character; preserve or enhance the historic environment and heritage assets; comprise details and materials that are of high quality and complement the local character; integrate well with the surrounding streets and open spaces; preserve strategic and local views. Policy D2 seeks to preserve and enhance heritage assets and their settings, including conservation areas.
- 3.2. Guidance contained within CPG 'Design' states that design should respond positively to context and character and integrate well with the existing character of a place, building and its surroundings. In addition, development in conservation areas should only be permitted if it preserves or enhances the character and appearance of the conservation area.
- 3.3. The CPG Home Improvements states there are certain considerations that should be taken into account when designing a balcony, to ensure it is sensitively and appropriately designed for its context. The CPG goes on to make the following recommendations in regard to new balconies, which are applicable to the proposal and site context:
- *Be subordinate to the roof slope being altered, and roof form overall;*
 - *Preserve the roof form and complement the elevation upon which they are to be located;*
 - *In case of pitched roofs, be set in within the roof slope, when possible;*
 - *Carefully consider materials for enclosure*
 - *For traditional buildings, metal railings are preferred as they integrate well with the building's character, are more resilient, require low maintenance, support plant growth;*
- 3.4. The CPG Design states that a roof alteration or is likely to be acceptable where:
- *'Good quality materials and details are used and the visual prominence, scale and bulk would be appropriate having regard to the local context;*
 - *There is an established form of roof addition or alteration to a group of similar buildings and where continuing the pattern of development would be a positive design solution, e.g. helping to reunite a group of buildings or townscape;*
 - *Alterations are architecturally sympathetic to the age and character of the building and retain the overall integrity of the roof form.*
- 3.5. The Conservation Area Statement states *'The conservation area retains its clearly visible historic rooflines, which it is important to preserve. Fundamental changes to the roofline, insensitive alterations, poor materials, intrusive dormers or inappropriate windows can harm the historic character of the roofscape and will be resisted.'*
- 3.6. It is acknowledged in this case that the roofline of the rear roof slopes of the terrace on the northern side of Constantine Road, has been altered over time, with many properties featuring rooflights or a dormer on their rear roof slope. However, no properties include insertions into the roof slope with inset terraces. The proposed alteration of the roof slope, with vertical rooflights and a terrace cut into the pitched roof slope would appear as incongruous features within the roof profile; the roofscape being characterised only by alterations in the form of rooflights and dormers. The proposal would proliferate the range of roof alterations and clutter present in the roofscape and undermine the roofscape which is unimpaired by this particular type of alteration.
- 3.7. The proposed inset terrace would be visible from the railway line to the north as well as other publicly accessible spaces including the basketball court to the north-west of the application site.
- 3.8. In relation to the appeal decision (Appeal ref. APP/X5210/W/22/3313883 dismissed 10/07/2023) regarding the refused 2022/0330/P application which included a larger dormer to the rear roof slope, one of the main areas on which the Inspector focused was the effect of the proposed rear

dormer on the conservation area and character of the immediate neighbours.

3.9. The Inspector's appeal decision is relevant to the current application because although the current proposal is of a different scale and form to the appeal proposal it nonetheless raises similar grounds of objection as cited in the previous appeal decision.

3.10. In particular the Inspector found that the dormer's presence '*would nevertheless draw attention to the upper level built form, creating visual clutter*' and noted that '*Reference has been made to the varied rear elevations in the area... while this is noted, many of these dormers do not extend both a significant width across the roof and to the eaves in the same manner as the proposal*'. In addition, the Inspector noted '*A cluster of properties in Constantine Road do feature sizeable dormers with access to terraces. However, these are some distance from the site and do not form part of its immediate setting, which features more subservient additions at roof levels and a visible historic roofline. As such, these other properties do little to justify the design of the proposal, which does not respond to the form and qualities of immediately surrounding buildings.*' The Inspector concluded '*the proposal would cause visual harm to the site and the contribution it makes to the surrounding character and appearance*'.

3.11. The proposed inset roof terrace is similarly visible from the same locations as the dormer proposed as part of the appeal scheme. The terrace occupied less of the width of the roof slope than the appeal scheme, but it erodes a considerable part of the roof to achieve the terrace. It presents a form of development which is uncharacteristic of the rear roof slopes in the immediate vicinity, arguably more so than the appeal scheme. The current proposal ultimately fails to meet the vast majority of the Inspector's reasons for dismissal of 2022/0330/P. On this basis and noting nothing in the relevant heritage policies has changed since the dismissal of the appeal scheme, the proposed roof terrace cannot be supported.

3.12. Special attention has been paid to the desirability of preserving or enhancing the character or appearance of the conservation area, under s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Enterprise and Regulatory Reform Act 2013.

4. Residential Amenity

4.1. Policy A1 of the Local Plan seeks to protect the quality of life of occupiers and neighbours. The policy notes that the factors to be considered include: visual privacy and outlook; sunlight, daylight and overshadowing; artificial lighting levels; impacts of the construction phase; and noise and vibration.

4.2. Given the roof terrace is located at roof level and that views to neighbouring gardens would be blocked to a large extent by existing three storey rear wings, the roof terrace would not give rise to unacceptable overlooking.

4.3. The new roof-top terrace would be accessed from a bedroom/study and would be unlikely to result in a level or scale of use which would give rise to undue noise or disturbance for surrounding occupiers. The issue of noise during construction is not a matter which can constitute a reason for refusal of planning permission and for a development of this size, it would be a matter for environmental health legislation if there was significant nuisance.

4.4. In summary, the proposed development would not result in any undue loss of amenity for any surrounding occupiers.

5. Recommendation

5.1. Refuse planning permission for the following reason :-

- The proposed inset roof terrace, by virtue of its size, location and design, would appear as a

prominent and incongruous alteration that would detract from the character and appearance of the host building, the terrace of which it forms part, and the wider Conservation Area, contrary to policies D1 (Design) and D2 (Heritage) of the Camden Local Plan 2017, the London Plan 2021 and the NPPF 2023.