

Application No:	Consultees Name:	Received:	Comment:	Response:
2024/0844/P	Laura Holmstock	24/04/2024 12:44:15	OBJNOT	<p>Note that all photographs plans and drawings have been removed from this submission as unable to submit these online. They have all been included in submission emailed directly to the Planning Officer responsible for the Application.</p> <p>I strongly object to this planning application. I live at and own Flat 2, (upper ground floor) 62 Dennington Park Road and the glass balustrade has created a roof terrace where none previously existed. This is causing significant overlooking into habitable rooms, impacting my privacy and the overall quality of life at my property.</p> <p>The core concern is not the balustrade and materials used but the size of roof terrace this creates which did not exist before the glass balustrade was installed in November 2023.</p> <p>I have summarised my objections in three key areas:</p> <ul style="list-style-type: none"> ¿ History of the property and previous planning permissions ¿ Amenity Guidelines ¿ Design and Access Statement in the current application. <p>History including planning history of the subject property.</p> <p>There is planning history surrounding this property and roof terrace/balcony that should be reviewed when considering the current application:</p> <ol style="list-style-type: none"> 1. Planning application (2011/2932/P) by previous owners included reference to roof terrace. <ul style="list-style-type: none"> • This application involved three major requests: <ol style="list-style-type: none"> i) "Erection of single storey rear lower ground floor extension". This was built. ii) "With roof terrace over" –planning concerns were raised over the original submission (outlined in the Delegated Report 18/08/2011) and a reduced footprint roof terrace was granted permission. This roof terrace has never been built until the current works creating a much larger terrace took place in November/December 2023. iii) "change of use from maisonette at lower-ground/ground floor level to two self-contained residential flats" This has never been actioned and the property remains a single maisonette (as evidenced in the document 60ADenningParkRoadExistingPlans V1 as submitted as part of this application - https://camdocs.camden.gov.uk/HPRMWebDrawer/Record/10428529/file/document?inline). • During the application and approval process for a 'reduced size' roof terrace. There was considerable discussion with the council keen to ensure a suitable size to protect privacy, overlook and adjoining properties. • The 'Delegated Report' under "Impact on amenities of adjoining properties" states: "The proposed roof terrace has been reduced in size during consideration of the application such that it would be set in by 2.5m from either boundary and set back from the rear building line of the extension in order to minimise the impact of overlooking to adjoining premises, which have habitable room windows at upper ground level near the boundaries.." • Condition 3 of the Decision Notice specifically stated that the works were to be in accordance with various drawings including 'Proposed GA plans' A100 A, showing the size of roof terrace permitted with a small planter in front, and 'Rear Elevation' A150 B, showing the permitted width and depth (marked as 12 & 13). These drawings can be accessed through the following links respectively: <ol style="list-style-type: none"> (1) https://camdocs.camden.gov.uk/HPRMWebDrawer/Record/3270861/file/document?inline (2) https://camdocs.camden.gov.uk/HPRMWebDrawer/Record/3270863/file/document?inline • Although given planning permission in 2011 this roof terrace was never constructed, and no such structure

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has existed at prior to the construction of the balustrade that took place from November 2023 onwards. This balustrade and resulting roof terrace both breach the previous permission that was given (2011/2932/P).

- Nothing has materially changed at the surrounding properties and therefore I ask that the original recommendation in the Delegated Report and planning permission granted be enforced with the roof terrace being set in "by 2.5 m from either boundary and set back from the rear building line of the extension to minimise the impact of overlooking....".

2. A subsequent amendment to the (2011/2932/P) planning permission was applied for and approved in 2012. This included approval for 2 x roof lights to be added to the lower ground floor extension (2012/2255/P). The plans relating to this found under non-material amendment 2012/3546/P reconfirm the reduced size of the roof terrace.

- The plan and drawing referred to (both marked 'Approved 2012/2255/P') show the roof terrace with a clear 2.5m distance from both boundaries width wise and set back from the rear building line of the main property with a galvanised planter set in front and then a clear space between the planter and the end of the extension where one of the roof lights was supposed to be positioned.

3. Photographic evidence of the roof area of the rear extension of No 60 subsequent to the planning permissions above.

- A photograph taken from 62 Dennington Park Road in June 2020 shows the roof of the rear extension and one of the roof-lights, with no balustrade or terrace present. It also highlights the proximity of the roof to the rear window of 62 Dennington Park Road.

- A satellite image, which was obtained in June 2020, shows both roof-lights and no evidence of any roof terrace.

- Another photograph taken in November 2020, from the rear of number 62 looking towards number 60 shows part of the lower ground floor extension roof, the far roof-light, with no roof terrace present.

4. The property was purchased by the current owners in March 2023.

- See RightMove for purchase history House Price History ([rightmove.co.uk](https://www.rightmove.co.uk))

- Prior to this purchase, as evidenced from the photographs referred to above, the lower ground floor extension roof had never been implemented as a roof terrace by previous occupants.

- As part of the sale a floor plan displayed by Estate Agents Kinleigh Folkard & Hayward ['KFH'] included the small roof terrace ('Balcony') which did not actually exist. The KFH plan also shows the property remains a maisonette. <https://www.kfh.co.uk/north-west-london/west-hampstead/sold-properties/2267380/>

- A photograph, from the KFH website (as part of the March 2023 sale), again shows that there was no pre-existing roof terrace on top of the flat roof rear extension. This photograph also shows the close proximity of neighbouring rear windows at the raised ground floor level, which are now overlooked by the glass balustrade and roof terrace this creates.

<https://www.kfh.co.uk/north-west-london/west-hampstead/sold-properties/2267380/>

5. The construction of the glass balustrade and resulting roof terrace which began in November 2023.

- The glass balustrade and associated roof terrace have been built to the full width and depth of the existing lower ground floor extension.

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- Contrary to the approved drawings and planning permissions, breaching Conditions 3 and 4 of the 2011/2932/P consent.
- As referenced in previous decisions and delegated reports by Camden Council it significantly impacts adjoining properties, in terms of privacy, overlooking and quality of life in habitable rooms. Breaching not only the 2011 planning permission but also Amenity Camden Planning Guidance Jan 2021.
- As soon as construction started, in November 2023, I contacted the Council to raise concerns that this was a breach of planning permission, due to the obvious and severe impact on my property and privacy.
- Two photographs were taken from my adjoining property during the construction of the glass balustrade and the resulting roof terrace Nov/Dec 2023

The first photograph shows the surface of the rear extension roof has been removed. A small part of one of the raised level white roof-lights can be seen. It appears that the level of the surface may be in the process of being raised.

The other photograph taken from inside my rear bedroom window shows workmen in the process of working on the floor of the roof terrace being created. The overlooking and severe loss of privacy resulting from the works being undertaken is clearly apparent.

Two photographs have been taken in April 2024 to show the completed works. One picture out of my closest bedroom window and the other out of the window of my other bedroom located on the far side of No. 62 adjoining No. 64. These show that the glass balustrade has created a roof terrace covering the whole of the rear extension contrary to the 2011 planning permission and the comments in the Delegated Report. They also show that the roof-lights which used to be raised above the surface are now inset as a result of which the whole area can be accessed whereas previously the roof-lights would have been a hazard.

Amenity Guidance

The glass balustrade and associated roof terrace which have been built without planning permission breach a number of clauses in the Camden Planning Guidance document 'Amenity' adopted in January 2021, including:

- "2.2 Interior and exterior spaces that are overlooked lack privacy, which can affect the quality of life of occupants. The Council therefore expect developments to be designed to protect the privacy of the occupants of both new and existing dwellings to a reasonable degree. Therefore, new buildings, extensions, roof terraces, balconies and the location of new windows should be carefully designed to avoid overlooking."
- "2.3 The places most sensitive to overlooking are typically habitable rooms and gardens at the rear of residential buildings."
 - o These are in line with the comments in the Delegated Report from (2011/2932/P), where "the impact of overlooking to adjoining premises" of the roof terrace was recognised resulting in the restricted size roof terrace that was granted permission.
 - o Please see two further photographs taken from within my adjoining property at No. 62 showing the glass balustrade and roof terrace extending over the entirety of the lower ground floor extension overlooking my habitable space causing an unacceptable invasion of my privacy.
- "2.11 Although balconies and roof terraces can provide amenity space for flats that would otherwise have little or no exterior space, they also have the potential to increase opportunities for overlooking. Balconies and roof terraces should therefore be carefully sited and designed to reduce potential overlooking of habitable rooms or gardens of neighbouring residential buildings."
 - o This glass balustrade and roof terrace have clearly resulted in significant overlooking into my property,

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precisely what the Amenity guidelines are intended to prevent.

o The roof terrace provides additional space to a maisonette that already has access to exterior space via the ground floor garden and is far from being the only exterior option for this property.

Design and Access Statement – included with the retrospective planning application.

I would like to question a number of points in the Design and Access Statement 'Retention of existing glass balustrade at: 60a, Dennington Park Rod, London, NW6 1BD' prepared by Planning by Design.

Site Location: [Page 2]

- Quote: "The site location is made of no. 2 self-contained residential flats, having been previously subject to a conversion application that sought the development of the site into two separate residential units with planning approval ref: 2011/2932/P providing consent for this"

- Concern: The property in question is still one dwelling (as evidenced in the document 60ADenningParkRoadExistingPlans V1 as submitted as part of this application - <https://camdocs.camden.gov.uk/HPRMWebDrawer/Record/10428529/file/document?inline>). Despite approval in 2011 the flat was never separated. This statement in the application is incorrect.

- Quote: "As part of this planning approval, the upper flat has benefited from a roof terrace, which was scaled down from its original design, further to the original planning assessment as the site."

- Concern: A The roof terrace is not associated with an 'upper flat' as the property remains one dwelling. No roof terrace existed before November 2023 (as see in above KFH and personal photographs). The balustrade and associated roof terrace created in November 2023, have breached the 'scaled down' design that was previously given planning permission. This has significantly impacted privacy and overlooking to adjoining properties.

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The proposed Development: [Page 3]

- Quote: "The proposed development requested via the provision of this full planning application is for the retention of a Glass Balustrade which has been erected to the rear of the property on an existing terrace area."

- Concern: This was not an existing terrace area as evidenced by the photographs at pages 3 to 5 above. The area covered by the Glass Balustrade creating a roof terraces does not have planning permission and is at a vastly increased size compared to permission granted (2011/2932/P) which restricted the roof terrace so "...that it would be set in by 2.5m from either boundary and set back from the rear building line of the extension in order to minimise the impact of overlooking to adjoining premises".

- Quote: "Views from this area replicate existing views which the flat above is able to benefit from"

- Concern: The roof terrace of the flat above which is referred to is set within the original rear elevation of the property, a consistent feature across other terraced properties in the street. These do not extend beyond the original rear building line, therefore windows at the back of the original building line would offer the best replicated views, Please see a picture taken from the KFH website which shows the terraces referred to including the closest terrace (centre of photo) which is situated at first floor level of No. 60 clearly set back within the original rear elevation of the building.

Assessment:

- Quote: "Analysis: ... the proposal will facilitate... an added safety measure to the existing roof terrace which is an already established at the propert. "

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- Concern: While permission for a reduced size roof terrace was granted in 2011 this was never erected as evidenced by the photographs referred to above. No such roof terrace had been established at the property before the balustrade and related construction took place in late 2023.

National Planning Policy Framework (NPPF): [Page 4]

- Quote: "Analysis" {towards end of the page} ... The proposal is necessary for safety provisions and to preserve this areas existing residential amenity... Should the council have any issues with proposed material or scale, Planning By Design as the acting agent are open to design discussions. ... The proposal will result in no visual intrusion to the areas existing form and will actually promote privacy for any neighbouring dwellings by mitigating against any possible overlooking of the established roof terrace.

- Concern: No roof terrace in accordance with the permission granted in 2011 has ever been constructed. In fact it would have been hazardous to do so given the lack of any perimeter fencing and the trip hazard from the two raised level roof-lights. The proposal will not promote privacy, conversely creating overlooking, loss of privacy and contrary to Camden's Amenity Guidance of January 2021 in relation to clauses 2.2, 2.3 and 2.11.

Conclusion:

- Quote: "The use of the existing terrace is historically established at the site and its use will not change as a result of the proposal."

- Concern: This is not the case. The extension has never been used as a roof terrace (see KFH photos <https://www.kfh.co.uk/north-west-london/west-hampstead/sold-properties/2267380/>). This fundamentally alters the use of the site impacting adjoining properties and neighbours. I have lived in and owned the property for over 3.5 years and the flat roof above the extension has never been used as a terrace by previous owners.

- Quote: "The primary purpose of the proposal is for facilitation of necessary safety and security measures but also maintain the residential amenity of the surrounding area by mitigating against any potential overlooking which may be caused."

- Concern: The balustrade and resulting roof terrace are clear infringements of 2.2, 2.3 and 2.11 of the Camden Planning Guidance "Amenity" document. They also contravene the planning permission granted in August 2011 (2011/2932/P) which restricted the size of roof terrace that would be permitted "being set in by 2.5 m from either boundary and set back from the rear of the building" due to otherwise resulting in overlooking and loss of privacy of any larger scheme.

Given all the above I object in the strongest possible terms to this retrospective planning application. I ask that you please take the evidence as set out above into account. I trust that this application will be rejected, the applicant will be instructed to remove the glass balustrade that has been erected without permission and advised that they must adhere to the roof terrace dimensions that were granted permission in 2011.

This application could create an extremely detrimental precedent for the area, over the guidelines in 'Amenity', the upholding of planning decisions made by Camden Council (e.g. 2011) and impact on the neighbouring properties.