

Delegated Report		Analysis sheet	Expiry Date:	29/04/2024
(REFUSAL)		N/A / attached	Consultation Expiry Date:	11/05/2024
Officer			Application Number(s)	
Jaspreet Chana			2024/0844/P	
Application Address			Drawing Numbers	
60 Dennington Park Road London NW6 1BD			<i>See draft decision notice</i>	
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature	
Proposal(s)				
Erection of glass balustrade on existing ground floor rear extension to create a first-floor terrace (Retrospective)				
Recommendation:	Refuse planning permission and warning of enforcement action to be taken			
Application Type:	Full Planning Permission			

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice			
Informatives:				
Consultations				
Summary of consultation:	Three site notices was displayed near to the site on the 15/07/2022 (consultation end date 01/05/2021).			
Adjoining Occupiers:	No. of responses	06	No. of objections	06
Summary of consultation responses:	<p>Six objections were received from neighbouring residents, their objections are summarised below:</p> <ul style="list-style-type: none"> • I object on the grounds that the proposed positioning of the balustrades affords anyone standing on the extension the potential of a close and direct line of sight into the garden, patio and both bedrooms at the rear of the Garden Flat at 62 Dennington Park Road. This is detrimental to the enjoyment of my property by myself and my guests. • The proposal disregards the distress caused by the potential for overlooking adjoining properties and does not protect the privacy and quality of life for current and future occupants of the garden flat at 62 Dennington Park Road. It also affects the desirability and value of the property should I wish to sell. I request that the retrospective planning permission application be rejected, and that the balustrade be positioned in compliance with the smaller area, as specified on the original planning permission application. • I strongly object to this planning application. I own a flat at 62 Dennington Park Road, this glass balustrade has created a roof terrace where none previously existed. This is causing significant overlooking into habitable rooms, impacting my privacy and overall quality of life. • The core concern is not the balustrade and materials but the size of roof terrace this created which did not exist before despite claims to the contrary in the Design and Access Statement submitted as part of this application. The roof terrace resulting from erection of the balustrade breaches previous planning permission provided by Camden Council (2011/2932/P). This application revealed concerns regarding the size of a potential roof terrace and its impact on amenities of adjoining properties. As a result, a smaller roof terrace was granted permission “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”. • Despite this planning permission no roof terrace ever previously existed at this property until works were carried out by current owners in Nov/Dec 2023. (Photographs were provided) from the rear of the property from early 2023 by Kinleigh Folkard & Hayward (KFH) https://www.kfh.co.uk/north-west-london/west-hampstead/sold-properties/2267380/. • This glass balustrade and associated roof terrace have been built to the full width and depth of the existing lower ground floor extension, contrary to the approved drawings and planning permissions, breaching Conditions 3 and 4 of the 2011/2932/P consent. 			

- I believe the development also infringes policies 2.2 and 2.11 of the Amenity Camden Planning Guidance Jan 2021.
- Nothing has materially changed at the property and adjoining properties since the original permission for a smaller roof terrace was granted. I therefore ask that this permission be adhered to (2011/2932/P), and the applicants be instructed to remove the glass balustrade and reduce the size of the roof terrace accordingly.
- 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.
- Photographs were submitted to show the construction of the glass balustrade back in Nov/Dec 2023.
- 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.
- The glass balustrade is a massive invasion of privacy. It overlooks one of my rear bedrooms and it also creates an obstructive view. It's the sheer size of the roof terrace which is the major issue here and we believe they have breached any plans which were approved by the council.

Officers' response:

Please see sections 3 (design) and 4 (amenity) below.

Site Description

The application property is a three-storey terrace property located on the west side of Dennington Park Road. The surrounding area is predominantly residential with similar houses of various size and design. The building is not listed and is not within a Conservation Area. It is located within the Fortune Green and West Hampstead Neighbourhood Plan area. This application relates to the lower ground and ground floor maisonette flat.

Relevant History

The planning history for the application site can be summarised as follows:

2012/3546/P - Non-material amendment to planning permission granted in 18/08/2011 (Ref: 2011/2932/P) for the erection of single-storey rear lower ground floor level extension with roof terrace over and change of use from maisonette at lower-ground/ground floor level to two self-contained residential flats (Class C3), namely alterations to the design of the rear doors at lower ground floor level and installation of 2 x rooflights to ground floor level flat roof – **Granted on 02/08/2012.**

2012/2255/P - Amendments to planning permission granted 18/08/11 (2011/2932/P) for erection of single-storey rear lower ground floor level extension with roof terrace over and change of use from maisonette at lower-ground/ground floor level to two self-contained residential flats (Class C3), namely the design of the rear doors at lower ground floor level and installation of 2 x rooflights to ground floor level flat roof – **Granted on 30/05/2012.**

2012/3546/P - Non-material amendment to planning permission granted in 18/08/2011 (Ref: 2011/2932/P) for the erection of single-storey rear lower ground floor level extension with roof terrace over and change of use from maisonette at lower-ground/ground floor level to two self-contained residential flats (Class C3), namely alterations to the design of the rear doors at lower ground floor level and installation of 2 x rooflights to ground floor level flat roof – **Granted on 02/08/2012.**

2011/2932/P - Erection of single-storey rear lower ground floor level extension with roof terrace over and change of use from maisonette at lower-ground/ground floor level to two self-contained residential flats (Class C3) – **Granted subject to s106 on 18/08/2011.**

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 and Character

Camden Planning Guidance:

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

Assessment

1. Proposal

1.1. Retrospective permission is sought for:

- Erection of glass balustrade around existing ground floor rear extension (6.8m wide, 3m deep and 1m in height)

2. Assessment

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

- Design
- Neighbour Amenity

3. Design

3.1. Camden Local Plan Policy D1 seeks to secure high quality design in development which respects local context and character. This is supported by policy 2 of the Fortune Green and West Hampstead Neighbourhood Plan, with a presumption in favour of a colour palette which reflects, or is in harmony with, the materials of its context.

3.2. CPG Home Improvements also provides guidance for balconies and terraces, stating on page 55 that terraces should be 'subordinate to the roof being altered, and the roof form overall. The guidance states that terraces should 'preserve the roof form and complement the elevation upon which they are to be located.' The guidance states that the materials for enclosure should be carefully considered:

"For traditional buildings, metal railings are preferred as they integrate well with the building's character, are more resilient, require low maintenance, support plants growth; Glass balustrades could be appropriate for modern buildings with thin frames, or frameless; note they can generate sun reflection, are difficult to maintain clean, and do not support plants growth."

3.3. Within the previous application which approved a terrace with a glass balustrade had permission for a smaller scaled roof terrace and balustrade. Please see below:

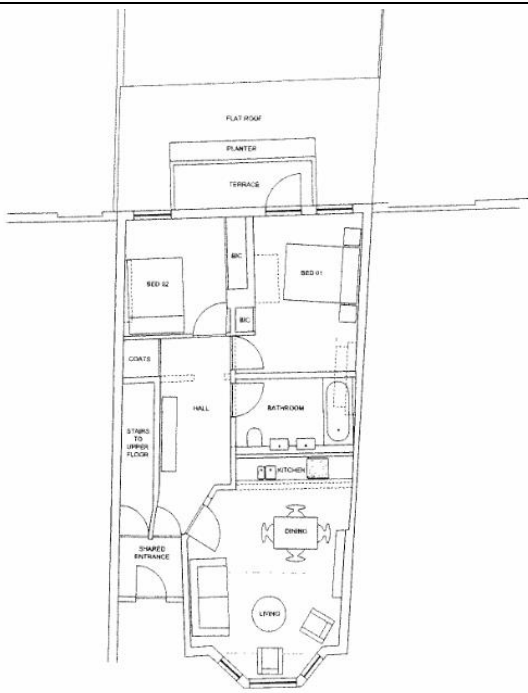


Fig.1. Previous approved floor plan

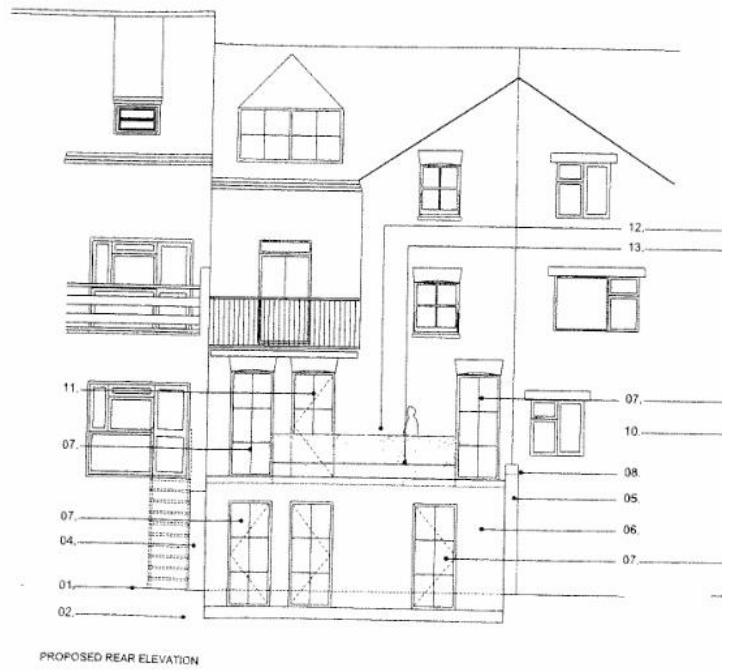


Fig.2. Previous approved rear elevation

3.4. The proposed balustrading is not set in from the sides and stretches out to the same width depth as the existing lower ground floor extension. Please see below:

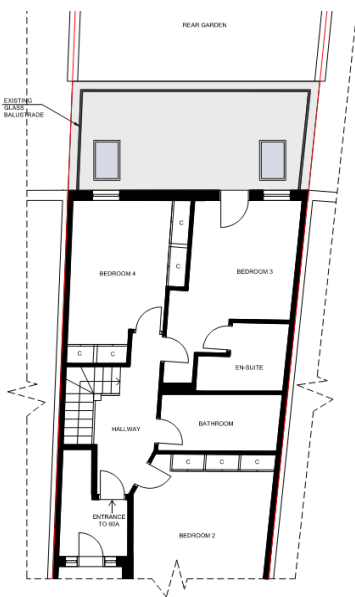


Fig.3. Proposed floor plan



Fig.4. Proposed rear elevation

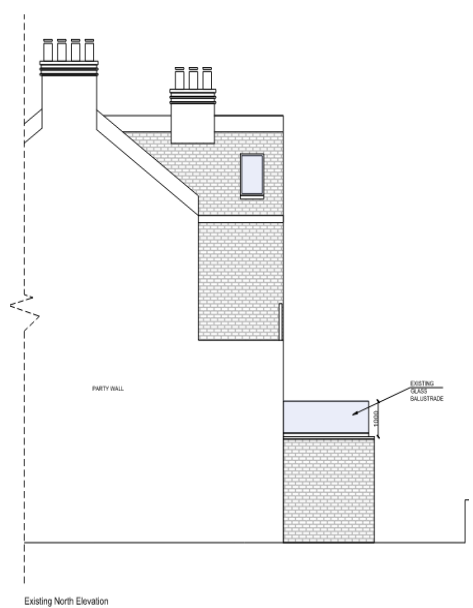


Fig.5. Side elevation

3.5. The terrace was added to the previous application as a modest feature which was reduced in size to be set in from all boundaries and only project outside of the roof door. The retrospective balustrade appears incongruous, large and dominant; it is unacceptable because of its location, size and material. The balustrade is highly visible from the rear properties and no other examples of glass balustrades erected to this extent have been approved on this road. It appears dominant on the rear elevation and the glazing appears at odds with the traditional materials of the building. Therefore, the erected glass balustrade is detrimental to the character and appearance of the subject building and the surrounding area.

4. Neighbour Amenity

- 4.1. Policy A1 seeks to protect the quality of life of occupiers and neighbours by only granting permission for development that does not cause harm to amenity.
- 4.2. As shown in the below photos users of the terrace are able to look back into the neighbouring windows at first floor either side of the host property. This results in the loss of privacy as the perception of being overlooked has increased whereas the approved terrace would have maintained the neighbour's privacy with significantly reduced overlooking impacts.
- 4.3. Furthermore, below recent photos were taken on a site visit from a neighbouring property (No.62 upper ground floor flat) to see the terrace from there rear rooms. As can be seen from the photos, the terrace is in close proximity to the rear windows and anyone standing at the side of the terrace would be able to look directly inside the neighbour's window and this is a severe loss of privacy and overlooking and is detrimental to the neighbour's amenities.
- 4.4. Therefore, the overall effect of the erected terrace has resulted in unacceptable levels of overlooking, contrary to Policy A1, and this forms a reason for refusal.

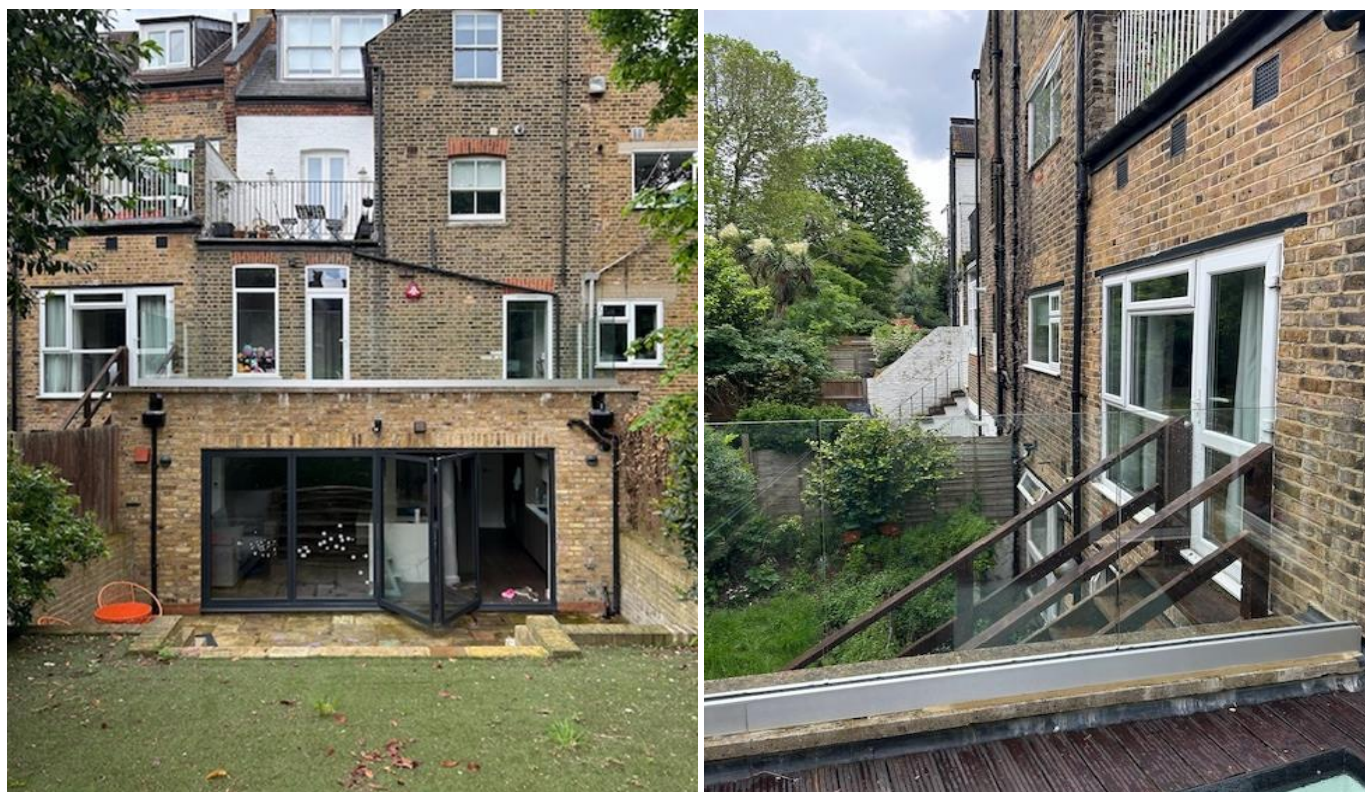




Fig.6. Photographs of the rear erected terrace and glass balustrade



Fig.7 Photos from No.62 Denning Park Roads upper flat window and bedroom window views.

4.5. The proposal is therefore contrary to policy A1 of Camden's Local Plan.

5. **Conclusion**

5.1. In conclusion, the development is considered unacceptable due to the harm caused to the appearance of the host building and to the amenity of neighbouring residents by way of a loss of privacy.

6. **Recommendation**

a) Refuse Planning Permission and warning of enforcement action to be taken for the following reasons:

1. The glass balustrades, by reason of their location, size, materials and design, cause harm the character and appearance of the host building, streetscene, contrary to policy D1 (Design) of the Camden Local Plan 2017 and policy 2 (Design and Character) of the Fortune Green and West Hampstead Neighbourhood Plan 2015.
2. The glass balustrade enabling the entire roof of the ground floor extension to be used as a roof terrace, by virtue of the proximity to neighbouring habitable windows, creates unacceptable opportunities for overlooking and thereby harms the privacy of neighbours, contrary to policy A1 (Managing the impact of development) of the Camden Local Plan 2017.

b) **Issue an Enforcement Notice-**

6.1. That the Borough Solicitor be instructed to issue an Enforcement Notice under Section 172 of the Town and Country Planning Act 1990 as amended regarding the front gate with brick wall and awning to side of property and that officers be authorised, in the event of non-compliance, to commence legal proceedings under Section 179 or other appropriate power and/or take direct action under Section 178 in order to secure the cessation of the breach of planning control.

6.2. The notice shall allege the following breaches of planning control:

Erection of glass balustrade around existing ground floor rear extension enabling the use of the entire flat roof of the ground floor extension as a terrace.

6.3. What are you required to do: Either 1;

1. Completely remove the glass balustrade
2. Make the balustrade comply with plan A100 rev A of approved consent 2011/2932/P.
3. Remove from the site all constituent materials resulting from the above works.
4. Make good any resulting damage.

6.4. Period of Compliance:

3 Months

6.5. Reasons why the Council consider it expedient to issue the notice:

1. The glass balustrades, by reason of their location, size, materials and design, cause harm the character and appearance of the host building, streetscene, contrary to policy D1 (Design) of the Camden Local Plan 2017 and policy 2 (Design and Character) of the Fortune Green and West Hampstead Neighbourhood Plan 2015.
2. The glass balustrade enabling the entire roof of the ground floor extension to be used as a roof terrace, by virtue of the proximity to neighbouring habitable windows, creates unacceptable opportunities for overlooking and thereby harms the privacy of neighbours, contrary to policy A1 (Managing the impact of development) of the Camden Local Plan 2017.