

Delegated Report		Analysis sheet		Expiry Date:		28/11/2023	
		N/A / attached		Consultation Expiry Date:		13/01/2024	
Officer				Application Number(s)			
Sarah White				2023/4172/P			
Application Address				Drawing Numbers			
Flat 3 72 Burghley Road London NW5 1UN				See decision notice			
PO 3/4		Area Team Signature		C&UD		Authorised Officer Signature	
Proposal							
Alterations to existing roof terrace to enlarge the terrace, change the access arrangement and replace the existing balustrade.							
Recommendation:		Refuse planning permission					
Application Type:		Full Planning Permission					
Conditions or Reasons for Refusal:		Refer to Draft Decision Notice					
Informatives:							
Consultations							
Adjoining occupiers and/or local residents/groups				No. of responses	01	No. of objections	01
Summary of consultation responses:		<p>One objection was received raising the following points:</p> <ul style="list-style-type: none"> The presence of the roof terrace on top of a roof extension is highly unusual and was not built for this purpose. The roof terrace did not have planning permission The neighbouring properties have roof extensions but do not have roof terraces The terrace will overlook gardens to the rear and impact on privacy <p><i>Officers response: The lawful use of the terrace was established under the previously approved certificate of lawfulness (2022/1651/P). Therefore, the suitability of the use of this space as a roof terrace does not form part of the material considerations under this application.</i></p> <p><i>The impacts of the proposed works on the privacy of neighbouring properties are addressed under the 'amenity' section of this report.</i></p>					
Site Description							
The application site is located approximately halfway along Burghley Road on the eastern side at No. 72. The site comprises a 3-storey over basement mid-terrace property which has been subdivided into flats. Flat 3 is located across the second and third floor levels and has rear roof terrace above which is accessible through an access hatch.							

The building is not listed and does not lie within a Conservation Area; however, the site is located within the Kentish Town Neighbourhood Plan Area.

Relevant History

2022/1651 – Certificate of lawfulness (existing) for use of roof terrace and railings on fourth floor. **Granted** on 15/09/2022.

Relevant Policies

The National Planning Policy Framework (NPPF) 2023

London Plan 2021

Camden Local Plan 2017

Policy D1 Design

Policy A1 Managing the impact of development

Kentish Town Neighbourhood Plan 2016

Policy D3 Design Principles

Camden Planning Guidance

CPG Amenity (2021)

CPG Design (2021)

CPG Home Improvements (2021)

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 seeks to alter the layout of the existing rear roof terrace to change the access arrangement and replace the existing balustrades.
- 1.2. The existing hatch access would be replaced with a larger roof light access with internal stairs. The terrace would be extended to the north, enlarging the area of the existing terrace, and the placement of the balustrades would be extended outwards to the edge of the terrace, further increasing the usable area of the terrace.
- 1.3. The existing tubular proprietary balustrade would be replaced with a steel tensioned wire balustrade painted black. The new balustrade would be approximately the same height as existing, however it would be extended to accommodate the increased area of the terrace.
- 1.4. The existing timber decking would be replaced with new timber decking.
- 1.5. It is noted that during the course of the application, the Applicant submitted several sets of revised drawings, however these were unable to address the Council's concerns and therefore these amendments were not accepted.

2. Assessment

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

- The impacts caused upon the residential amenities of any neighbouring occupier (Amenity)

3. Design

- 3.1. Policy D1 states that Council will seek to secure high quality design in development. The Council will require that development respects local context and character and comprises details and materials that are of high quality and complement the local character. Policy D3 of the Kentish Town Neighbourhood Plan reiterates the importance of high quality design.
- 3.2. The CPG Design outlines that roof alterations are 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; and the alterations are architecturally sympathetic to the age and character of the building and retain the overall integrity of the roof form.
- 3.3. The CPG Home Improvements provides further guidance on terraces and notes that they should be subordinate to the roofslope and should be located to the rear of properties to ensure no impact on the street scene or wider area. Balustrades should be setback behind the line of the roofslope and for traditional buildings, metal railings are preferred as they integrate well with the building's character, are more resilient, and require low maintenance.
- 3.4. The existing lawful use of the terrace was established under the previously approved certificate of lawfulness (2022/1651/P). Therefore, this assessment does not relate to the presence of the roof terrace itself but rather the proposed extension of the terrace and changes to the balustrades.
- 3.5. Notwithstanding this, by way of context, it is noted that no other dwellings within the adjoining terrace benefit from rear roof terraces, therefore the roof terrace at the host property is an anomaly in this area. Had a full planning application been submitted for a roof terrace of the same design as the existing, it would not have been approved in this location.
- 3.6. It is also noted that the existing balustrade surrounding the terrace is highly visible from the front of the property on Burghley Road.
- 3.7. The terrace is currently accessed via a fixed access ladder on the third floor and through a small access hatch, The proposed alterations to the roof terrace would see an increase in the size of the terrace to the north to accommodate the proposed skylight access which would include an internal staircase and larger openable roof light. As a result, the length of the balustrade along the ridgeline of the roof would need to be extended also to accommodate this additional area. The existing balustrade already appears out of context when viewed from the street scene, given that no other properties within the terrace have rear terraces or extensions that are visible from the front elevations. Therefore, the extension of the balustrade would further increase the visual prominence of the balustrade when viewed from Burghley Road and is not supported. In addition, the added bulk would only be added to one side of the existing balustrade and therefore would appear off-balanced when viewed from the Burghley Road and would harm the symmetry provided by the existing balustrade, being that it is located in the centre of roof and largely aligns with the placement of windows on the lower levels.
- 3.8. When viewed from the rear elevation, the extension to the area of the terrace would overhang the roof of the existing dormer, resulting in an awkward relationship between the terrace and the dormer. The existing dormer is set in an equal distance from both sides of the roof in a central position on the rear roof slope. The overhang of the terrace, coupled with the extended width of the balustrade, would imbalance the dormer, and the terrace would no longer appear subordinate to the dormer, resulting in a top heavy and incongruous

addition to the rear roof slope.

- 3.9. In summary, the additional bulk of the extended balustrade would appear more visually imposing than the existing balustrade when viewed from Burghley Road and would appear out of keeping with the wider terrace, causing harm to the character and appearance of the host property and wider terrace. Additionally, the overhang of the extended terrace would imbalance the existing dormer, resulting in a top heavy and incongruous addition to the rear roof slope causing harm to the character and appearance of the host property. This is therefore a reason for refusal.

4. Amenity

- 4.1. Policy A1 outlines that the Council will seek to protect the quality of life of occupiers and neighbours and will not support development which would cause unacceptable harm to amenity.
- 4.2. The CPG Design states that terraces should be setback where possible to minimise overlooking of neighbouring properties.
- 4.3. As noted previously, given that the use of the terrace has already been demonstrated to be lawful, this assessment does not relate to the presence of the roof terrace itself but rather the impacts of the proposed extension of the terrace and changes to the balustrades.
- 4.4. The existing terrace already affords views into adjoining gardens to the rear. The extension of the terrace and movement of the balustrades to the edge of the terrace would not provide any additional opportunities for overlooking when compared to those already available.
- 4.5. The balustrade would be the same height as the existing, although its position would be moved to the perimeter of the terrace. This would not result in any overbearing impacts or loss of light to neighbouring properties.
- 4.6. In terms of increased noise and disturbance, the use of the terrace would still be limited to use by the host property and the proposed changes would not result in an increased intensity of the use beyond normal residential use.
- 4.7. Overall, the proposed alterations to the roof terrace would not result in any unacceptable impacts on neighbouring amenity.

5. Recommendation: Refuse planning permission

5.1. Refuse planning permission for the following reasons:

1. The proposed development, by virtue of the additional bulk at roof level, would result in an overly dominant and incongruous addition to the existing roof terrace which would cause harm to the character and appearance of the host property and adjoining terrace, contrary to policy D1 (Design) of the Camden Local Plan (2017) and policy D3 (Design Principles) of the Kentish Town Neighbourhood Plan (2016).