

Delegated Report		Analysis sheet	Expiry Date:	20/09/2024
		N/A	Consultation Expiry Date:	01/09/2024
Officer			Application Number(s)	
Matthew Kitchener			2024/3145/P	
Application Address			Drawing Numbers	
6 Perrin's Lane London NW3 1QU			See draft decision notice	
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature	
Proposal(s)				
Installation of new safety balustrading to the front and rear of the existing roof to create a roof terrace.				
Recommendation(s):		Refuse planning permission		
Application Type:		Full Planning Application		

Informatives:				
Consultations				
Adjoining Occupiers:	No. of responses	01	No. of objections	01
Summary of consultation responses: <i>Officer's response in italics</i>	<p>A site notice was displayed 07/08/2024 which expired 31/08/2024. A press notice was published 08/08/2024 which expired 01/09/2024.</p> <p>One letter received from a neighbour objecting due to concerns over loss of privacy due to overlooking and noise and disturbance caused by the use as a roof terrace.</p> <p><i>This is addressed in Section 3 of the report below.</i></p>			
Hampstead Neighbourhood Forum	<p>Hampstead Neighbourhood Forum objected to the proposal: "The Forum is concerned that the proposal for creating a roof-top terrace presents overlooking issues for the neighbours, contrary to DH1 of the Hampstead Neighbourhood Plan, protecting the amenity and privacy of neighbour, and Policy A1 of the Camden Local Plan. We would recommend refusal unless mitigation measures can be taken to prevent such overlooking".</p> <p><i>This is addressed in Section 3 of the report below.</i></p>			

Site Description

The application site is a mid-terrace three storey townhouse style property with a mansard roof. The building is not listed but is located within the Hampstead Conservation Area. It is also located within the Hampstead Neighbourhood Area.

Relevant History

Application Site:

9100405 - The erection of a roof extension at third floor level to form a conservatory, roof terrace and tank/ shower room - **Refused** 23/07/1991

9200151 - The erection of a rear 3rd floor extension for use as a tank, plant and store room; the erection of a stair case to give access to the roof terrace and the erection of raised parapets and railings to enclose the roof terrace – **Approved** 22/07/1992

PWX0002095 - Erection of roof extension for tank room and staircase enclosure and raising of chimney stacks and party walls, - **Refused** 03/10/2000

2007/0270/P - Erection of copper clad staircase enclosure and storage room at roof level and installation of glass balustrading and decking in connection with roof as a terrace. – **Refused and Appeal Dismissed** 31/10/2008. The appeal was dismissed on amenity grounds due to overlooking and the disturbance from noise associated with the use of the roof terrace

12 Perrin's Lane

9400218 - Erection of front and rear railings and installation of a roof light to enable the use of the roof as a terrace – **Approved** 23/06/1994

9470042 - Installation of a spiral staircase roof light and erection of railings at front and rear to enable use of the roof as a terrace – Listed Building Consent **Approved** 23/06/1994

3 Perrin's Court

2007/1276/P - Erection of a roof access enclosure and glazed screens at roof level to facilitate the use of the flat roof of the existing dwellinghouse as a roof terrace. **Approved** 08/05/2007

Relevant policies

National Planning Policy Framework 2021

The London Plan 2021

Camden Local Plan 2017

D1 - Design

A1 – Managing the Impact of Development

Hampstead Neighbourhood Plan 2018

DH 1 - Design

Camden Planning Guidance

Hampstead Conservation Area Statement 2001 H34 – Roof Terraces/Gardens

Assessment

1.0. Proposal

- 1.1 Planning permission is sought for the installation of a metal balustrade to the front and rear of the mansard roof to create a roof terrace. The balustrade would be 1.1m high, and set back from the front of the mansard roof by 2.0m and level with the rear of the roof. The resultant enclosed roof terrace would measure approximately 39 square metres
- 1.2 Amendments: During the determination process the material of the balustrade was amended from glass to metal railings.
- 1.3 The main planning considerations for the proposal are:
 - Design and Heritage
 - Amenity

2.0 Design and Heritage

- 2.1 Local Plan Policy D1 requires development to be of the highest architectural and urban design quality which improves the function, appearance, and character of the area. Local Plan Policy D2 states that the Council will preserve and, where appropriate, enhance Camden's rich and diverse heritage assets and their settings, including conservation areas. To comply with Policy D2, extensions and alterations to historic properties should integrate with and enhance the host building and not be dominant or obtrusive. Hampstead Neighbourhood Plan Policy DH1 requires that proposals should demonstrate how they respect and enhance the character and local context of the relevant character area by responding positively and sympathetically to the existing rhythm, proportion, height, scale, massing, materials and storey heights of surrounding buildings. Policy H34 of the Hampstead Conservation Area Statement 2001 states that roof terraces should not be sited on mansard roofs.
- 2.2 The application proposal is for the 'Installation of new safety balustrading to the front and rear of the existing roof'. It is not clear from the planning history of the property if the roof currently benefits from permission for use as a roof terrace. To avoid complication this proposal is being considered as an application to create a roof terrace by installing balustrading to the front and rear of the existing mansard roof.
- 2.3 The planning history of the property, as outlined above shows that planning permission including a roof terrace was granted initially in 1992, however it is not clear that this work, including an extension, was ever implemented. The most relevant recent application for a roof terrace was in 2007 when an application for the 'erection of copper clad staircase enclosure and storage room at roof level and installation of glass balustrading and decking in connection with roof as a terrace' was refused and the appeal subsequently dismissed. The Inspector's report concluded that the roof terrace would cause amenity concerns in terms of noise (see paragraph 3.3 below

for further details). The refused scheme included a balustrade in the same position as the current proposal but constructed from obscure glazing rather than metal railings. It therefore would appear to indicate that the mansard roof does not currently have an authorised use as a roof terrace. The Design and Access Statement submitted with this current application says that the proposed balustrading will be fixed to existing metal balustrading fixings that are present on the roof. No evidence has been provided as to when these fixings were put in place, and it is not considered that their presence means that the mansard roof has permission to be used as a roof terrace. Certainly, the appeal decision from 2007 indicates that the roof terrace element did not receive planning permission at that time. For these reasons this application is being assessed as the creation of a roof terrace through the sighting of metal railings to the front, rear and sides of the mansard roof.

- 2.4 The application property is a three-storey townhouse, with the top storey being within a mansard roof. The building is not listed but is within the Hampstead Conservation Area and is not identified as making a positive contribution to the character and appearance of the conservation area. Its contribution is therefore considered to be neutral. It is proposed to install metal railings to the front and rear of the roof to enable its use as a roof terrace. Perrin's Lane is a narrow residential street which helps conceal the front railings from views from the immediate lane, although it would be possible to see the railings from Prince Arthur Court and Prince Arthur Mews opposite and other higher buildings in the area. This point was raised by the Planning Inspector in the previous appeal decision in 2007. There are examples of other roof terraces within the immediate area at 12 Perrins Lane and 3 Perrin's Court however these terraces are located within the roof form, behind a gable in the case of 3 Perrin's Court and a storey lower than adjoining neighbour's roofs in the case of 12 Perrin's Lane. As the railings would be fixed to the top of the mansard roof, the resultant roof terrace would be at a higher level than the immediately surrounding properties. This would lead to the roof terrace being a noticeable presence with the neighbourhood and street scene when viewed from Prince Arthur Mews which is opposite the front of the property. Due to the design of the existing mansard roof it would not be possible to partially conceal the roof terrace from views behind a parapet or other roof feature in order to lessen its impact. Policy DH1 of the Hampstead Neighbourhood Plan requires development to respond positively to the storey heights of surrounding buildings. It is considered that the introduction of a roof terrace above the height of the surrounding properties would not respect the height of the surrounding buildings. Policy H34 of the Hampstead Conservation Area Statement 2001 states that roof terraces should not be sited on mansard roofs.
- 2.5 The proposals therefore would fail to preserve the character and appearance of the property within Perrin's Lane or the wider conservation area, contrary to policies D1 and D2 of the Camden Local Plan 2017 and DH1 of the Hampstead Neighbourhood Plan.
- 2.6 Considerable importance and weight have been attached to the harm and special attention has been paid to the desirability of preserving or enhancing the character or appearance conservation area, under s. 72 of the Listed Buildings and Conservation Areas Act 1990 as amended by the Enterprise and Regulatory Reform Act 2013.

3. Amenity

- 3.1 Policy A1 of the Camden Local Plan seeks to ensure that the amenity of neighbouring properties is protected. It states that planning permission will not be granted for development that causes harm to the amenity of occupiers and neighbours in terms of loss of daylight, sunlight, outlook and privacy. Policy DH1 of the Hampstead Neighbourhood Plan states that

proposals should demonstrate how they respect and enhance the character and local context of the relevant character area by protecting the amenity and privacy of neighbouring properties.

- 3.2 The creation of a roof terrace on the flat mansard roof would result in the terrace being sited on the highest point of the property. Due to the location of the railings on the roof and the subsequent size of the roof terrace this could introduce the potential for both overlooking and noise pollution particularly in the evenings to a range of properties within this tight knit area, both in Perrin's Lane and Perrin's Court to the rear. It is noted that the potential for overlooking into 3 Perrins Court at the rear could occur as well as indirect views into neighbouring gardens. A 1.18m high timber trellis is proposed onto the boundary between the application property and 4 Perrin's Lane to reduce overlooking in that direction. Other properties within the local area benefit from relatively small roof terraces most of which are either at a lower level than the ridge of the roof of the property or are concealed within roof features such as at 3 Perrin's Court. The proposed roof terrace would measure approximately 39m² and therefore result in a relatively large space which could accommodate a large group of people.
- 3.3 When assessing the potential for impacting the amenity of surrounding neighbours it is noted that this was looked at in detail in the 2007 Appeal dismissal (2007/0270/P). The material considerations between that application, in terms of the location and design of the roof terrace and its potential impact on the neighbouring properties are not considered to have changed since then. In para 1.5 of the appeal decision the Planning Inspector said that they "*consider that direct overlooking would not be significant, but the noise generated by the use of the exposed roof area for domestic activities at this high level, at unrestricted hours, would be likely to disturb the occupants*" of surrounding properties. The Inspector recommended that the 2007 appeal be dismissed as the roof terrace was found to be contrary to "*Policy SD 6 a) and d) of the Local Plan, which broadly requires that development should not harm the amenity of neighbours in terms of overlooking or disturbance from noise*". The Camden Replacement Unitary Development Plan (2006) has been superseded by the current 2017 Camden Local Plan. However the current Local Plan also supports the protection of the amenity of occupiers from overlooking and noise by virtue of Policy A1. This policy states that "*we will seek to ensure that the amenity of communities, occupiers and neighbours is protected*" from "*overlooking and noise*".
- 3.4 Policy DH1 of the Hampstead Neighbourhood Plan protects the amenity and privacy of neighbouring properties. Whilst it is noted above that the Planning Inspector did not consider the likelihood of direct overlooking significant, they did consider that the impact of noise on occupants would cause harm to their amenity.
- 3.5 While the proposal would not impact neighbours unduly in terms of direct overlooking, the proposal is considered to have the potential to cause detriment to the amenity of adjoining occupiers due to noise disturbance and is contrary to policy A1 of the Camden Local Plan 2017 and Policy DH1 of the Hampstead Neighbourhood Plan 2018.

5. Recommendation:

Refuse Planning Permission for the following reasons:

1. The proposed development, by virtue of the siting and height of the roof terrace would result in harm to the character and appearance of the host property, street scene and Hampstead conservation area, contrary to policies D1 (Design) and D2 (Heritage) of the Local Borough of Camden Local Plan 2017 and DH1 (Design) of the Hampstead Neighbourhood Plan 2018 and H34 (Roof Terrace/Gardens)..
2. The development, by reason of the unrestricted use, its location, size, and proximity to neighbouring properties would result in undue harm to the amenity of the adjoining occupiers due to noise disturbance, contrary to policies A1 (Managing the impact of development) of the Camden Local Plan 2017 and DH1 (Design) of the Hampstead Neighbourhood Plan 2018.

Drawing No.

Design and Access Statement, 24-008-10-100-P2, 24-008-10-200-P2, 24-008-10-300-P2, 24-008-10-301-P2