

Delegated Report		Analysis sheet		Expiry Date:		04/10/2024			
		N/A		Consultation Expiry Date:		07/09/2024			
Officer				Application Number(s)					
Matthew Kitchener				2024/3329/P					
Application Address				Drawing Numbers					
Flat 2, 170 Maygrove Road London NW6 2EP				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.									
Recommendation(s):		Refuse planning permission							
Application Type:		Full Planning Application							
Informatives:									
Consultations									
Adjoining Occupiers:		No. of responses		04		No. of objections		04	
Summary of consultation responses: <i>Officer's response in italics</i>		A site notice was displayed 14/08/2024 which expired 07/09/2024. Four letters received from neighbours objecting due to concerns over loss of privacy due to overlooking and noise and disturbance caused by the use as a roof terrace. <i>This is addressed in Section 3 of the report below.</i>							

Site Description

The application site is a mid-terrace four storey townhouse style property divided into flats. The building is not listed and not within a conservation area. The building has a two-storey flat roof rear extension and it is proposed to locate the roof terrace on this. The property backs onto the gardens of other properties in Iverson Road.

Relevant History

None.

Relevant policies

National Planning Policy Framework 2021

The London Plan 2021

Camden Local Plan 2017

D1 - Design

A1 – Managing the Impact of Development

Camden Planning Guidance

CPG Design (2021)

CPG Home Improvements (2021)

Fortune Green & West Hampstead Neighbourhood Plan 2015

Policy 2 – Design and Character

Assessment

1.0. Proposal

1.1 Planning permission is sought for the installation of railings which would enable the use of the flat roof as formal roof terrace. Whilst the development description does not include the replacement of a window into a door which enables the use of the roof as a terrace and the existing plans show that there is a door, our evidence shows that this is a new door which has been installed within the last 4 years. Whilst the flat roof could be access via the previous window, the proposal is for the formal use with a door and balustrade.

1.2 The main planning considerations for the proposal are:

- Design
- Amenity

2.0 Design

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. Policy 2 of the Fortune Green and West Hampstead Neighbourhood Plan requires development be in character and proportion with its context and setting, including the relationship to any adjoining properties.

- 2.2 The application proposal is for the installation of railings which would enable the use of the flat roof as a formal roof terrace. The formal roof terrace will be created by enclosing the flat roof of an existing two storey extension at the rear of the property, approximately 5 metres high. The roof will be enclosed by obscure glazed steel framed balustrade measuring 1.8m high. The resultant works would measure approximately 3.8m wide by 4.3m deep and would result in the whole of the flat roof being able to be used as a formal terrace. Whilst there is a door enabling access at present, as outlined above this appears to be unauthorised and in any event the lack of safety measures prevents this space from formally being used as a terrace.
- 2.3 The roof terrace would be directly adjacent to the side boundary with 172 Maygrove Road and set back approximately 2 metres from the rear boundary with 127 Iverson Road. The rear of the application property is fully enclosed by other residential properties and the location, height and design of the roof terrace would appear dominant and overbearing on this two-storey, five-metre-high roof top location within this tightknit area of residential gardens. Whilst there are examples of roof terraces at this level in the wider terrace, there are none at this elevated height in the directly surrounding properties and therefore the balustrade terrace would introduce an overbearing and dominant appearance and character to the rear of the property and would not be in context with the character or appearance of the surrounding area.
- 2.4 The balustrade would be situated approximately two metres from the nearest window of the neighbouring property at 172 Maygrove Road. The distance from the rear of the roof terrace to the rear elevation of its nearest neighbour 127 Iverson Road, is approximately 11 metres. It is considered that the height of the roof terrace combined with its proximity to the surrounding residential properties would fail to respect the character and appearance of the surrounding area. The proposal would therefore not be in accordance with its context or setting and would fail to respect the neighbouring properties.
- 2.5 The proposal therefore would fail to preserve the character and appearance of the property or the wider area, contrary to policies D1 of the Camden Local Plan 2017 and Policy 2 of the Fortune Green and West Hampstead Neighbourhood Plan 2015.

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 2 of the Fortune Green and West Hampstead Neighbourhood Plan requires development be in character and proportion with its context and setting, including the relationship to any adjoining properties.
- 3.2 Whilst the flat roof could be access by the previous window, the creation of a door (albeit not included in this application and the addition of the balustrade results in a formal roof terrace. It is situated 5 metres above ground level in close proximity to neighbouring properties. The roof terrace would be situated approximately two metres from the nearest window of the neighbouring property at 172 Maygrove Road. The distance from the rear of the roof terrace to the rear elevation of its nearest neighbour 127 Iverson Road, would be approximately 11 metres. This would introduce the potential for both overlooking and noise pollution to properties within the immediate tight knit area. The proposed roof terrace would measure approximately 16m² and therefore result in a relatively large space which could accommodate many people.

- 3.3 When assessing the potential for impacting the amenity of surrounding neighbours it is noted it is proposed to install an obscure glass balustrade 1.8m high around the edge of the roof. It is considered that although this may help reduce the impact of direct overlooking it would not result in a reduction in the impression of overlooking caused by the presence of people on the roof terrace and its height and location close to other residential gardens and dwellings. This tightknit rear garden location close to other properties would also result in the users of the roof terrace having the potential to cause a noise nuisance to the occupiers of the neighbouring properties. The roof terrace would be situated approximately 2 metres from the nearest window to the adjoining property 172 Maygrove Road and 3 metres from 168 Maygrove Road and approximately 11 metres from the rear elevation of the nearest property to the rear which is 127 Iverson Road. The Camden Local Plan 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”. Four neighbours have written in objecting to the proposal due to concerns regarding overlooking and noise nuisance.
- 3.4 While the proposal would not impact neighbours unduly in terms of direct overlooking due to the presence of the obscure glass balustrade, the proposal is considered to have the potential to cause detriment to the amenity of adjoining occupiers due to indirect overlooking and noise disturbance and is contrary to policy A1 of the Camden Local Plan 2017 and Policy 2 of the Fortune Green and West Hampstead Neighbourhood Plan 2018.
- 3.5 The property will be referred to enforcement to check whether the door out onto the flat roof is currently in place as shown on the drawings and whether any subsequent action will take place.

5. Recommendation:

Refuse Planning Permission for the following reasons:

1. The proposed development, by virtue of the siting and height of the balustrade would result in harm to the character and appearance of the host property, and local area, contrary to policies D1 (Design) of the Local Borough of Camden Local Plan 2017 and Policy 2 (Design and Character) of the Fortune Green and West Hampstead Neighbourhood Plan 2015.
2. The development, creating a formal roof terrace, by reason of the unrestricted use, its location, size, overall height, and proximity to neighbouring properties would result in undue harm to the amenity of the adjoining occupiers due to overlooking and noise disturbance, contrary to policies A1 (Managing the impact of development) of the Camden Local Plan 2017 and Policy 2 (Design and Character) of the Fortune Green and West Hampstead Neighbourhood Plan 2015.