

Delegated Report		Analysis sheet		Expiry Date:		16/12/2024		
		N/A		Consultation Expiry Date:		23/11/2024		
Officer				Application Number(s)				
Matthew Kitchener				2024/4550/P				
Application Address				Drawing Numbers				
Flat 3, 170 Maygrove Road London NW6 2EP				See draft decision notice				
PO 3/4		Area Team Signature		C&UD		Authorised Officer Signature		
Proposal(s)								
Creation of a roof terrace								
Recommendation(s):		Refuse planning permission						
Application Type:		Full Planning Application						
Informatives:		See decision notice						
Consultations								
Adjoining Occupiers:		No. of responses		05		No. of objections		05
Summary of consultation responses: <i>Officer's response in italics</i>		<p>A site notice was displayed 30/10/2024 which expired 23/11/2024.</p> <p>Five letters were received from neighbours objecting to the proposal due to concerns over loss of privacy due to overlooking, and noise and disturbance caused by the use of the flat roof as a roof terrace.</p> <p><i>This is addressed in Section 3 of the report below.</i></p>						

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

2024/3329/P - Installation of new safety balustrading to the front and rear of the existing roof.
Refused on 30/09/2024 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.*

Relevant policies

National Planning Policy Framework 2023

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 a glass balustrade 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 with 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 as a roof terrace with a 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 a 1.8m high obscure glazed balustrade which would enable the use of the flat roof as a formal roof terrace. The formal roof terrace would be created by enclosing the flat roof of an existing two storey extension at the rear of the property, approximately 5 metres high. The previously refused planning application would have covered the whole roof, and the area of terrace would have measured 3.8m by 4.3m deep. This current proposal would result in a roof terrace measuring approximately 2.8m wide by 3.0m deep and would result in the majority 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 currently 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 3 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 12 metres. It is considered that the height of the roof terrace combined with its proximity to the immediately surrounding residential properties would fail to respect the character and appearance of the surrounding area. Although the proposed roof terrace is smaller than that previously refused, it is considered that its siting and size does not address the previous reasons for refusal. The proposal would therefore not be in accordance with its context or immediate 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 immediate 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, noise 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 accessed 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 12 metres. This would introduce the potential for noise pollution to properties within the immediate tight knit area as well as loss of outlook to occupiers of the host property and the close knit neighbouring properties due to the size and height of the obscure glazed balustrade. The proposed roof terrace would measure approximately 8m² and therefore result in a reasonably sized 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 area of the proposed terrace on the flat roof. This tightknit rear garden location close to other properties would 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 3 metres from the nearest window to the adjoining property 172 Maygrove Road and 4 metres from 168 Maygrove Road and approximately 12 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”. Five neighbours have written in objecting to the proposal due to concerns regarding overlooking and noise nuisance. The property appears to be currently used for short term lets and this use has been referred to enforcement to investigate. The applicant has said that they would limit use of the terrace and be happy for the use of the terrace to be restricted by condition however it is not considered that this would be effective in reducing the negative effect of the terrace on the neighbouring occupier’s amenity as this use would be hard to enforce. It is considered that the use as a terrace when combined with its height and its close proximity to adjoining neighbours would result in a detrimental impact on the neighbouring properties amenity due to noise and loss of outlook caused by the presence of the 1.8m high obscured glass balustrade at the rear of the property. This is especially the case in close proximity to neighbouring bedrooms, which are particularly sensitive to noise, especially at night. It is considered that due to the height of the obscure glazing, overlooking would not occur.
- 3.4 The proposal is considered to have the potential to cause detriment to the amenity of adjoining occupiers due to indirect 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 the immediate 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 its use, location, size, overall height, and proximity to neighbouring properties would result in undue harm to the amenity of the adjoining occupiers due to noise disturbance and loss of outlook, 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.