



Planning, Heritage and Design Statement

Flat 4, 40 Canfield Gardens,
Hampstead, London, NW6 3EB

May 2025

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Chapter 1

Introduction

1. Introduction

- 1.1. This statement has been prepared by WEA Planning on behalf of the property owner Ms Daisy Eyre, to support the planning application for the creation of a rear roof terrace at Flat 4, number 40 Canfield Gardens, Hampstead, London, NW6 3EB submitted under the Town and Country Planning Act 1990 (as amended).
- 1.2. This statement sets out the background to the development (including planning history), the design and justification for the proposal and its accordance with the development plan. The statement refers to the development plans which comprise:
- The London Plan 2021
 - Camden Local Plan 2017
 - South Hampstead Conservation Area Appraisal and Management Statement 2011
 - Camden Home Improvement SPG January 2021
- 1.3. The National Planning Policy Framework (NPPF) and the planning practice guidance to support the NPPF sets out the Government's policies and how they are expected to be applied.

Site Description

- 1.4. The application site is situated within the London Borough of Camden (herein referred to as LBC) at Flat 4, 40 Canfield Gardens, London, NW6 3EB.
- 1.5. The site is a 2-bedroom flat situated on the first floor at the rear of number 40 Canfield Gardens.
- 1.6. The property is a 3-storey semi-detached late Victorian property with habitable roof-space. The property is located on a corner site at the junction of Canfield Gardens and Fairhazel Gardens.
- 1.7. The street is largely residential to the west with many large semi-detached houses and mansion blocks, and commercial to the east, where the road joins the Finchley Road. It is a 5-minute walk to Finchley Road Underground Station, which is served

by the Jubilee and Metropolitan lines. There are several restaurants, cafés, and pubs in the immediate vicinity.

- 1.8. The site is located within the South Hampstead (formerly Swiss Cottage) Conservation Area. It is not a listed building. The South Hampstead Conservation Area Appraisal and Management Statement (2011) assesses the area accordingly:

“South Hampstead is a well preserved example of a leafy Victorian suburb, almost exclusively residential in nature, and largely homogenous in scale and character. The area is characterised by large, semi-detached and terraced late-Victorian properties, in red or gault (white / cream) brick, with a particularly distinctive and attractive roofscape including turrets, gables, and tall chimneys. Houses are made special by a variety of decorative treatments including terracotta panels and brickwork ornamentation, tiled and patterned footpaths, delicate ironwork, and elaborate timber doors and windows, including some original stained and leaded glass.”

- 1.9. The property is typical of the Conservation Area, showcasing many of the features mentioned above, including a turret at the corner, double storey bay windows, red brickwork, and terracotta detailing.
- 1.10. There are many balconies and roof terraces in the local area, including at Flat 5 no. 40, above the application site, which has an inset balcony at roof level.

Planning History

- 1.11. The flat has seen limited planning applications in its history, as detailed below.

1.12. **9400972**

The erection of a roof terrace and dormer window to the rear in connection with the provision of two self-contained maisonettes on the second and attic floors and the continued use of the ground and first floors as four self-contained units.

Approved, 18th November 1994.

1.13. **9400973**

The erection of a conservatory at rear first floor level as shown on drawing number 94/40C/P/FL4.

Refused, 7th October 1994.

1.14. 9400295

The erection of a conservatory at rear first floor level and extension at second floor flats into the loft including alterations to the roof at front rear and side elevations. as shown on drawing no(s) 55/015 016 01F 55/02 03 04 05.

Refused, 27th May 1994.

Similar Planning Applications

- 1.15. There are many examples of properties nearby that have planning approval for roof terraces and balconies. Some recent examples are listed below:

1.16. Flat 4 86 Greencroft Gardens London NW6 3JQ (2023/2905/P)

Creation of rear roof terrace at first floor level, and installation of external access door.

Approved, 8th November 2023.

1.17. Flat 3 101 Greencroft Gardens London NW6 3PG (2023/1701/P)

Installation of new doors and metal railings at rear first floor associated with the creation of two terraces, brick up side elevation window and new double glazed windows to front

Approved, 1st September 2023.

1.18. First Floor 101 Canfield Gardens London NW6 3DY (2023/0109/P)

Proposed raising of existing rear extension, replacement of rear window with access door, and installation of metal balustrade to form a roof terrace at first floor level.

Approved, 5th May 2023.

1.19. Flats 1 and 3 60 Canfield Gardens London NW6 3EB (2022/2342/P)

Erection of a single storey rear extension, replacement of the existing first floor window with new door and installation of metal balustrade for the use of the flat roof associated with flat 3 as a roof terrace.

Approved, 3rd March 2023.

1.20. **Flat 5, 40 Canfield Gardens, London NW6 3EB (2022/1074/P)**

Erection of railings to make use of an existing informal balcony area on the front elevation at second floor level and alterations to existing second floor front windows to make them openable doors.

Approved, 23rd November 2022.

1.21. **46 Canfield Gardens, London NW6 3EB (2021/0380/P)**

Raising of roof of single storey rear extension, replacement of rear window at first floor level with access door and installation of railing to form a roof terrace to first floor flat.

Approved, 20th August 2021.

1.22. **58 Canfield Gardens London NW6 3EB (2014/7440/P)**

The erection of a rear roof terrace with balustrade along with increase in roof height and installation of rooflight.

Approved, 11th February 2015.

The proposed design

1.23. The applicant seeks planning permission from the London Borough of Camden Council for the addition of screening and French doors to create a first-floor roof terrace at Flat 4, 40 Canfield Gardens, Hampstead NW6 3EB.

1.24. The description of the development is as follows:

Erection of a glazed balustrade and installation of French doors to facilitate the formation of a roof terrace.

1.25. The development seeks to create a roof terrace above the flat roof of the existing rear extension, with the installation of obscure glazed screening and French doors.

1.26. The purpose of the proposed development is to provide private outdoor amenity space for the occupants.

1.27. The main considerations for this proposal are the impacts on the character and appearance of the property and the surrounding Conservation Area, and the impacts in terms of neighbouring amenity.

- 1.28. The application submission addresses the relevant issues and will demonstrate the development is acceptable and makes a positive contribution in terms of character and appearance.

Chapter 2

Planning Justification

2. Planning Justification

Policy Considerations

- 2.1. The decision to grant planning permission must have regard for the policies and proposals set out in the NPPF and the development plan.

National Planning Policy Framework (NPPF)

- 2.2. In so far as the National Planning Policy Framework (NPPF) is concerned, the proposals respond to the following guidelines:

- *“Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.” (Paragraph 2)*
- Local authorities should ensure that developments *“are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities)” (Paragraph 135c)*
- Paragraph 135f seeks to ensure that developments *“create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users”.*
- Local authorities should ensure that development *“that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Conversely, significant weight should be given to:*
 - a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; (Paragraph 139)*
- *“In determining applications, local planning authorities should take account of:*
 - a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
 - b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
 - c) the desirability of new development making a positive contribution to local character and distinctiveness.” (Paragraph 210)*

- *“When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance”* (Paragraph 212).

The London Plan 2021

- 2.3. Policy D3 concerns the optimisation of sites through design. Paragraph D of policy D3 states “development proposals should:
- 11) respond to the existing character of a place by identifying the special and valued features and characteristics that are unique to the locality and respect, enhance and utilise the heritage assets and architectural features that contribute towards the local character
- 12) be of high quality, with architecture that pays attention to detail, and gives thorough consideration to the practicality of use, flexibility, safety and building lifespan through appropriate construction methods and the use of attractive, robust materials which weather and mature well”.
- 2.4. Policy D4 aims to ensure that developments deliver good design and meet the design requirements of the London Plan. Policy D6 concerns housing quality, providing standards for internal and external space, as well as qualitative design aspects such as layout, orientation, and form.

Camden Local Plan 2017

- 2.5. Policy A1 (Managing the impact of development) sets the Council’s objective to *“seek to ensure that the amenity of communities, occupiers and neighbours is protected”*. In order to assess the impact of development, the Council will take into account visual privacy, outlook, noise and vibration levels, and odour, fumes and dust.
- 2.6. Policy D1 (Design) states: *“The Council will seek to secure high quality design in development. The Council will require that development: a. respects local context*

and character; e. comprises details and materials that are of high quality and complement the local character; l. incorporates outdoor amenity space”

- 2.7. Policy D2 (Heritage) states: *“In order to maintain the character of Camden’s conservation areas, the Council will take account of conservation area statements, appraisals and management strategies when assessing applications within conservation areas. The Council will: e. require that development within conservation areas preserves or, where possible, enhances the character or appearance of the area”*

Camden Home Improvements SPD (2021)

- 2.8. Camden’s SPD on home improvements offers design guidance for alterations and extensions to dwellings.
- 2.9. Paragraph 2.2.3 (Balconies and terraces) guides that screening should be set back behind the parapet, be located to the rear and details suitable screening options.
- 2.10. Paragraph 3.1 (Windows and doors) states that new windows and doors should be sympathetic to the existing style and materials.

Camden Amenity CPG (2021)

- 2.11. Camden’s planning guidance on Amenity provides directions for protecting against negative neighbouring amenity impacts from development. The guidance covers issues of privacy, overlooking and outlook; daylight and sunlight; artificial light; construction management; noise and vibration.
- 2.12. Paragraph 2.11 emphasises the opportunity for balconies and roof terraces to create much needed amenity space for dwellings without space for gardens, providing that they are designed to reduce the impact on neighbouring amenity and protect the privacy of the balconies and roof terraces.

Assessment

Design and appearance

- 2.13. The roof terrace would be at first-floor level on top of an existing flat roof to the rear of the property. The terrace would provide a total area of 13.25sqm of private outdoor amenity space.
- 2.14. The glazed balustrade would be set back behind the parapet, with additional set back from the rear. The balustrade would be 1.1m high, and obscured, matching similar approaches within the local area. The approved terrace at Flat 3 101 Greencroft Gardens (ref: 2023/1701/P) included 1.1m high railings and was considered an appropriate treatment (fig. 1). As such, the terrace would conform to the guidance provided in the Home Improvements SPD (2021).



The 1.1m boundary treatment approved at Flat 3 101 Greencroft Gardens.

- 2.15. In total, the terrace would be set back 325mm from the sides behind the parapet and 1.65m from the rear towards Hedera House.
- 2.16. Many of the terraces in the local area are set back and do not extend the full area of the roofs. This proposal would seek to continue this approach, limiting the impact on the wider area and street scene.
- 2.17. The approved terraces and balconies in the local area incorporate some screening, either through glazing or metal railings. As such, this proposal would complement the existing treatments in the local area and not detract from the appreciation of the area.
- 2.18. The French doors would replace the existing sash window, providing access to the terrace. The new doors would be timber framed with glazing to complement the

fenestration of the host-property and surrounding area, offering a close match to the window being replaced.

- 2.19. The development would complement the design of the host-property and wider area, offering a smart contribution which does not appear overbearing or incongruous. As such, the proposal would accord with Camden Local Plan (2017) Policy D1 and the guidance outlined in Camden's Home Improvements SPD (2021).

Heritage

- 2.20. There are a wide range of balcony and terrace treatments prevalent in the South Hampstead Conservation Area.
- 2.21. The proposal is sensitively screened and set-back from the street and in keeping with similar treatments in the immediate area. The obscured glazing proposed for the screening treatment has been used across the local area, as demonstrated at no. 46 Canfield Gardens (ref: 2021/0380/P). This should be an appropriate material for the Conservation Area.
- 2.22. The replacement French doors will complement the fenestration of the host-property and match the style of the windows which would be replaced to reduce the impact on the Conservation Area and appreciation of the host-property. The doors complement existing French doors at ground and roof level of no. 40 Canfield Gardens.
- 2.23. As the site is a corner property, public views of the terrace would be available from the street. The set back of the terrace from the street and additional screening mitigates the impact on the street scene. There is adequate space for planting within the terrace which would improve views across the Conservation Area.
- 2.24. It is considered that the proposal will have a limited impact on the Conservation Area and would offer improvements through the increased planting, the proposed materials and the sensitive replacement of the window.

Neighbouring Amenity impacts

- 2.25. The proposed development offers little new opportunities for negative impacts to neighbouring amenity in comparison to the current situation.
- 2.26. The proposed roof terrace has been set back from the extent of the flat roof to protect the amenity of the property to the rear. Hedera House to the rear has an existing degree of overlooking due to the nature of infill development. The proposal seeks to mitigate any further impact to Hedera House through the set back and screening treatment for the terrace. The low level of the house to the rear and sunken courtyard, alongside the existing boundary hedge to the rear, would restrict the availability of new views from the proposed development for the occupants of Hedera House.
- 2.27. Obscured glazing would protect the amenity of the occupants and further mitigate the impact for neighbouring residents.
- 2.28. It should be noted that there is already a degree of overlooking from the existing balconies and terraces in the area (fig. 2). The proposed terrace is over 30m from existing balconies facing the site and is not considered to negatively impact amenity for these. There should be limited new opportunities to impact neighbouring amenity from the proposed development.

Figure 2 –



Image of properties to the rear (nos. 25-27 Compayne Gardens), showcasing existing overlooking and balconies (Image: R Core Architects).

- 2.29. This development offers good quality private outdoor amenity space for a flat with no other outdoor access. The terrace is set back and follows the design of similar treatments within the Conservation Area to reduce the impact on the character of the area and the street scene.

Chapter 3

Conclusion

3. Conclusion

3.1. This application seeks planning permission for a rear roof terrace, screening and French doors at Flat 4, 40 Canfield Gardens, Hampstead, London NW6 3EB.

3.2. In conclusion:

- The roof terrace would provide good quality private outdoor amenity space for a dwelling which is currently deficient.
- The proposal brings little impact to the Conservation Area; the materials and replacement French doors would complement the host-property and wider area.
- The development is sensitively designed to reduce the impact on neighbouring amenity with appropriate set back and screening to limit opportunities for overlooking and loss of privacy.

3.3. The development is compliant with the NPPF, the London Plan 2021 and development plan policies contained within the Camden Local Plan 2017. Planning permission should be granted, and we ask that the council therefore approve this application. We look forward to receiving your decision. Should you have any queries in respect of this submission, please do not hesitate to contact us.