

Delegated Report		Analysis sheet		Expiry Date:		22/11/2013	
		N/A		Consultation Expiry Date:		31/10/2013	
Officer				Application Number(s)			
Rachel Miller				2013/5559/P			
Application Address				Drawing Numbers			
21 Gayton Road London NW3 1TY				See decision			
PO 3/4		Area Team Signature		C&UD		Authorised Officer Signature	
Proposal(s)							
Retention of a wooden pergola at rear upper ground floor level; Addition of glazed enclosure to pergola and replacement of existing external staircase.							
Recommendation(s):		Refuse and warn of enforcement action					
Application Type:		Full Planning Permission					
Conditions or Reasons for Refusal:		Refer to Draft Decision Notice					
Informatives:							
Consultations							
Adjoining Occupiers:		No. notified	10	No. of responses	01	No. of objections	01
				No. electronic	00		
Summary of consultation responses:		Site notice displayed from 04/10/2013 until 25/10/2013 Press notice displayed from 10/10/2013 until 31/10/2013 One letter of objection received with the following comments: “the proposal would create an unduly visually prominent and discordant feature that would harm the character and appearance of the host building and wider Conservation Area. It would constitute a precedent for further proposals that might harm the Conservation Area.”					
CAAC/Local groups* comments: *Please Specify		Hampstead CAAC – no objection					

Site Description

The application property is a mid-terraced dwelling on the north west side of Gayton Road. The building is split into two flats. The row of terraces lies in the Hampstead Conservation Area. The building is identified as a building that makes a positive contribution to the Hampstead Conservation Area.

Relevant History

8702878 - Change of use and works of conversion to provide one 3 bedroom maisonette one 1 bedroom flat and one 2 bedroom maisonette including the formation of front and rear dormers and alterations to the rear elevations - approved - 13/01/1988.

8804264 - Conversion to provide two self-contained dwelling units – withdrawn - 08/05/2003

8804277 - Construction of a roof terrace at third floor level – withdrawn - 08/05/2003

2007/6351/P - Erection of a rear extension at basement and ground floor levels. Approved on 11/03/2008.

EN13/0501- Unauthorised extension to rear of property. Case pending

Relevant policies

LDF Core Strategy and Development Policies

CS5 (Managing the impact of growth and development)

CS14 (Promoting high quality places and conserving our heritage)

DP24 (Securing high quality design)

DP25 (Conserving Camden's heritage)

DP26 (Managing the impact of development on occupiers and neighbours)

Camden Planning Guidance

CGP1- Design 2013 – chapters 1 - 5

CPG6- Amenity 2011 – chapters 1, 6 and 7

Hampstead Conservation Area Statement 2001 – pages 2, 6,12, 27, 51-52, 57-58, 61-62

London Plan 2011

National Planning Policy Framework 2012

Assessment

The applicant seeks permission to retain the pergola at rear upper ground floor level. The timber pergola was constructed in May 2013 and measures 2.34metres high x 1.37metres deep x 3.2 metres wide. The applicant proposes reducing the width by 125mm and installing a single glazed rain canopy and glass side panels as well as replacing the existing stairs and handrail from rear terrace to the garden.

Planning permission was granted in 2008 (ref 2007/6351/P) that included a part width rear extension that protrudes 1.3m from the original rear elevation at upper ground floor level. This has been implemented and is the same depth as the existing upper ground floor extension and the depth of the neighbouring property. When this scheme was approved, the Council negotiated with the applicant that the depth of the extension should not protrude past the established building line at upper ground floor level. Since the permission was granted, the pergola has been erected without planning permission and the staircase has not been installed in the same position as approved.

This application is assessed in terms of design and amenity.

The proposed enclosed pergola would increase the depth of the upper ground floor extension to 2.6metres from the existing building line. There is no pattern of development at this level at the rear of this side of Gayton Road. Hampstead Conservation Area Statement says that: "Extensions should be in harmony with the original form and character of the house and the historic pattern of extensions within the terrace or group of buildings." (page 62). It is considered that the pergola and proposed alterations extend beyond the established building line. This type of development would be incongruous within the terrace and is clearly seen from adjoining properties as well as the rears of properties on Gardnor Road. The proposed glazed rain canopy and sides and glass balustrade on the existing frame would not be in harmony with the general pattern of brick materials at this level. The presence of the pergola and proposed changes harm the appearance of the existing building, the terrace and fail to preserve and enhance the character and appearance of the Hampstead Conservation Area.

Given that permission was granted for a terrace at ground floor level, the pergola does not cause an increase in overlooking or loss of privacy for the adjoining properties. The existing pergola and proposed glazed sides and roof would not give rise to a loss of daylight or sunlight for adjoining properties. The staircase has been erected adjacent to the boundary with number 20 Gayton Road however permission was granted for the staircase to be located in the centre of the extension away from the boundary. Notwithstanding this, the small terrace was granted in the 2008 permission which is located adjacent to number 20 therefore it is considered that the external stairs located adjacent to the boundary do not give rise to an unacceptable level of overlooking to number 20 Gayton Road.

Recommendation: Refuse Planning Permission and Warn of Enforcement Action to be taken

The Head of Legal Services shall be instructed to issue an Enforcement Notice under Section 172 of the Town & Country Planning Act 1990 as amended and to pursue any legal action necessary to secure compliance and officers be authorised in the event of non-compliance, to prosecute under section 179 or appropriate power and/or take direct action under 178 in order to secure the cessation of the breach of planning control.

The Notice shall allege the following breach of planning control:

Unauthorised timber pergola structure at rear upper ground floor level

What you are required to do:

- 1) Remove the unauthorised timber structure
- 2) Make good any damage caused.

Period of compliance:

The notice shall require that the above is carried out within a period of 2 calendar months of the notice taking effect.

REASONS WHY THE COUNCIL CONSIDER IT EXPEDIENT TO ISSUE THE NOTICE.

1. The pergola at upper ground floor level, by reason of its, size, siting and detailed design, is detrimental to the character and appearance of the host building, terrace and fails to preserve and enhance the character and appearance of the Hampstead Conservation Area contrary to policies CS14 (Promoting high quality places and conserving our heritage) of the London Borough of Camden Local Development Framework Core Strategy and policies DP24 (Securing high quality design) and DP25 (Conserving Camden's heritage) of the London Borough of Camden Local Development Framework Development Policies.