

<b>Delegated Report (Members Briefing)</b>		<b>Analysis sheet</b>	<b>Expiry Date:</b>	10/01/2013
		N/A	<b>Consultation Expiry Date:</b>	27/12/2012
<b>Officer</b>			<b>Application Number</b>	
Aysegul Olcar-Chamberlin			2012/6116/P	
<b>Application Address</b>			<b>Drawing Numbers</b>	
Flat 5 68 Compayne Gardens London NW6 3RY			See decision notice	
<b>PO 3/4</b>	<b>Area Team Signature</b>	<b>C&amp;UD</b>	<b>Authorised Officer Signature</b>	
<b>Proposal</b>				
Erection of dormer window in side roofslope and installation of rooflight, roof hatch and balustrading to roof top to facilitate its use as a terrace all in connection with existing maisonette (Class C3).				
<b>Recommendation:</b>		Grant Conditional Permission		
<b>Application Type:</b>		Full Planning Permission		

<b>Conditions or Reasons for Refusal:</b>	Refer to Draft Decision Notice
<b>Informatives:</b>	

### Consultations

<b>Adjoining Occupiers:</b>	No. notified	<b>13</b>	No. of responses	<b>00</b>	No. of objections	<b>00</b>
			No. electronic	<b>00</b>		
<b>Summary of consultation responses:</b>	<p>A site notice was displayed from 23/11/2012 to 14/12/2012. A press notice was advertised on 06/12/2012 and expired on 27/12/2012.</p> <p>No response from the adjoining occupiers has been received.</p>					
<b>CAAC/Local groups comments:</b>	<p><b>CRASH</b> objected to the proposal. In summary, the grounds of their objection are:</p> <ul style="list-style-type: none"> <li>• Compayne Gardens is a prime example of the character of a street being despoiled by changes and unsympathetic additions to the front and side elevations houses.</li> <li>• The proposed side dormer extension will be seen from the street.</li> <li>• The proposed means of access to the roof top would be dangerous.</li> <li>• A substantial run of balustrading would be intrusive, unsightly and unsafe.</li> <li>• Despite the paragraph 9.12b of the Conservation Area Statement which states dormer windows at the front and side will not normally be accepted a number have been permitted in the past.</li> </ul> <p>Response: Please refer to the assessment part of the report.</p>					

### Site Description

The application site is a three storey Victorian semi-detached property with attic level accommodation located on the north side of Compayne Gardens in the South Hampstead Conservation Area (formally known as the Swiss Cottage Conservation Area). The property has been divided into five self-contained flats and has dormer windows in the rear roof slope and rooflights in the crown roof top. The rear site boundary joins a private open space.

The pair of these semi-detached properties is considered to make a positive contribution to the character and appearance of the conservation area.

### Relevant History

#### Application property:

**2011/1847/P** – Planning permission was refused on 23/06/2011 for the erection of roof extension to side roof slope in association with provision of roof terrace enclosed by balustrade on crown roof top to existing maisonette (Class C3). Reason for refusal:

The proposed roof extension, by reason of its design, size and location, would appear as an incongruous and unduly prominent addition which would detract from the character and appearance of the existing building and would fail to preserve or enhance the character and appearance of the Conservation Area, contrary to policy 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.

Appeal was logged in on 08/12/2011 and dismissed on 10/04/2012. In summary. the inspectorate made the following comments:

- The extension would be visible from public viewpoints on Compayne Gardens in a very limited field of vision.
- The incongruity of the proposed extension would also be apparent from a number of private views, from properties opposite on Compayne Gardens, from the rear of properties on Broadhurts Gardens as well as from the large private communal garden at the rear of the appeal site.
- Some of the nearby properties have various roof features on both the front and rear elevations. None of these would break the roofline and stand out as would the proposal.
- The proposal would cause material harm to the character and appearance of the conservation area.

**2008/5336/P** – Planning permission was refused on 13/03/2009 for the extensions and alterations including roof extension and balustrading to create a roof terrace on the crown roof top to the existing maisonette. The reasons for refusal are:

- 1- *The proposed use of the proposed roof terrace would allow views into the private habitable rooms served by rooflights on the adjoining flat (Flat 4 Compayne Gardens) and result in loss of privacy, contrary to policy SD6 (Amenity for Occupiers & Neighbours) of the London Borough of Camden Replacement Unitary Development Plan 2006.*
- 2- *The proposed roof extension and balustrade, by reason of their design, size and location, would appear as an incongruous and unduly prominent addition which would detract from the character and appearance of the existing building, the symmetry of the pair of semi-detached houses and the Conservation Area, contrary to policies B1 (General Design Principles), B3 (Alterations and Extensions) and B7 (Conservation Areas) of the London Borough of Camden Replacement Unitary Development Plan 2006, together with supporting guidance contained within Camden Planning Guidance 2006 and Swiss Cottage Conservation Area Statement.*

An appeal was logged against the refusal of the above application on 20/08/2009. The applicants submitted revised drawings to the inspectorate. The revised drawings show the re-positioning of the proposed fencing around the roof terrace, changing its structure from wood to tensioned steel wire and recessing its projection. The inspectorate took into account the revised drawings and dismissed the appeal on 03/02/2010 on mainly design grounds. The inspectorate considered the proposed roof extension to be a prominent feature on the skyline by reason of its scale and mass and to appear incongruous extending so far above the existing roof line when viewed from the street and the gardens to the rear, or from neighbouring windows. In terms of the roof terrace the inspectorate considered that the terrace itself surrounded by a tensioned steel wire would not be visually prominent and its recessed line of the northern boundary would prevent unacceptable overlooking to the roof lights of the adjoining flat.

**2003/0113/P** – Planning permission was granted on 02/09/2003 for the conversion 2 existing second floor front sash windows to French doors, and the installation of a balustrade to the existing parapet of the front bay roof area, in association with its use as a terraced area (Flat 4).

**8602429** – Planning permission was refused on 15/04/1987 for change of use and works of conversion to form seven self-contained dwelling units including the erection of a two storey rear extension; formation of dormers and the use of the loftspace for habitable purposes and the alteration of window details

**8702841** – Planning permission was refused on 17/09/1987 for conversion to form five self-contained flats at first second and roof floor levels including the formation of recessed roof terraces at front and rear and the erection of dormer windows at the side and rear.

**8803672** – Planning permission was granted on 19/05/1988 for roof alterations including the insertion of two dormer windows to the rear together with rooflights and skylights (in association with conversion of the roofspace and second floor to form a four-bedroomedmaisonette).

**8905021** – Planning permission was granted on 27/09/1989 for change of use and works of

conversion to form four self-contained units on first second and roof floor levels.

Neighbouring Properties:

**53 Compayne Gardens** – Planning permission (ref: 2004/2490/P) was granted on 13/08/2004 for the variation to approved scheme for a loft conversion granted planning permission on 8.4.03, ref. PWX0302009, involving the erection of a further dormer in the rear roof slope, additional velux windows to both front and side elevations and the installation of railings and French doors to 2nd floor balcony at the front.

**57 Compayne Gardens** – Planning permission (ref: P9600122R2) was granted on 15/11/1996 for the retention of two pyramidal rooflights on the flat roof, two velux rooflights over the front gable and velux rooflight in the front roof slope together with the retention of a rear roof terrace in connection with the provision of additional accommodation for the existing top flat.

**62 Compayne Gardens** – Planning permission (ref: 2010/1285/P) was granted on 07/05/2010 for the alterations at roof level to provide additional habitable accommodation for the two existing second floor flats, including the raising of the roof ridge to the rear (by approximately 400mm), erection of one side dormer window and two rear dormer windows, installation of windows in the front gable end and installation of roof lights. Given the rear ridge would align with the existing side ridge and the substantial height of the building it was considered that it would be difficult to notice the change in the ridge line, or the difference between the pair of buildings.

**64 Compayne Gardens** – Planning permission (ref: 9101140) was refused on 28/02/1992 for works of conversion including extension into roofspace to provide 3 x 3 bedroom flats 1 x 2 bedroom flat erection of single storey rear extension installation of rear dormer and recessed rear roof terrace at third floor level installation of window in front gable at third floor level and other minor external alterations. Planning permission (ref: 9200224 ) was granted on 04/06/1992 for the change of use and works of conversion to provide 1x2 bedroom and 1x3 bedroom maisonettes together with the erection of two rear dormer windows at third floor level.

**66 Compayne Gardens** – Planning permission subject to s106 agreement (ref: 2008/3362/P) was granted on 24/04/2009 for the creation of new self-contained flat in loft space with the installation of 2 dormer windows to the rear roof slope, one with inset terrace, and one dormer window to the side roof slope; alterations to front gable window.

Roof additions and alterations which do not benefit from planning permission:

**48 Compayne Gardens** has a small shed type of structure on the crown roof top which was probably built more than four years ago.

**58 Compayne Gardens** has an existing unsympathetic side dormer extension which was built more than four years ago and therefore immune to an enforcement action.

**59 Compayne Gardens** has an unsympathetic roof addition above the crown roof top for which has been erected more than four years ago and therefore immune to an enforcement action.

**Relevant policies**

**LDF Core Strategy and Development Policies**

**Core Strategy**

CS5 – Managing the impact of growth and development

CS14 - Promoting high quality places and conserving our heritage

**Development Policies**

DP24 – Securing high quality design

DP25 – Conserving Camden's heritage

DP26 - Managing the impact of development on occupiers and neighbours

## **Assessment**

### **Proposal**

It is proposed to erect a dormer window extension on the west side roof slope, install a roof hatch on the crown top to provide access to the proposed roof top terrace with an area of approximately 16sqm, a rooflight on the rooftop to allow daylight to the new internal staircase and metal balustrade to enclose the proposed roof terrace.

The proposed metal balustrade would have a simple pattern and 1.1m high. There would be 0.4m high cable screen above the front balustrade to prevent overlooking to the rooflights of the adjoining flat.

### **Design and Appearance**

Policy DP24 states that the Council will require all developments, including alterations and extensions to be of the highest standard of design and respect character, setting, form and scale of the neighbouring properties and character and proportions of the existing building. Policy DP25 seeks to preserve and enhance important elements of local character in order to maintain the character of the conservation areas.

This part of Compayne Gardens is mainly characterised by uniformed late Victorian semi-detached properties with pitched roofs with crown tops. Many of them have dormer window extensions on their rear and side roof slopes. No. 59 (located opposite the application site) is the only property on Compayne Gardens with a roof extension above the crown roof top. Some of the properties also have recessed terraces at roof level and front dormers. The application property has a traditional roof form which has been minimally altered by the rooflights and a rear dormer. However the other pair /adjoining property at No. 66 has both front and side dormer windows.

#### Side Dormer:

Section 5 of CPG1 states that roof alterations are likely to be acceptable if there is an established form of roof addition to a terrace or group of similar buildings and where continuing the pattern of development would help to re-unite of buildings and townscape. Given the presence of a number of side dormers to the similar properties in the immediate vicinity a modest side dormer extension which is detailed in accordance with the Council's guidance is considered to be acceptable in principle.

The proposed side dormer window would be set within the roof slope between the existing chimney breasts and would be set back by approximately 7m from the front building line. In terms of its size and bulk would be smaller than the existing side dormer window at the other pair. Although the proposed side dormer would be visible from the street, due to its size and positioning, it would be viewed as a subservient addition to the existing roof profile and would not harm the appearance and character of the conservation area.

#### Roof Terrace and associated alterations:

The rear of the property is visible from the private open space to the rear which is used by the occupiers of the properties on Broadhurst Gardens and Compayne Gardens. The proposed balustrade would be mainly visible from the private open space at the rear of the application site and the rear of properties on Broadhurst Gardens.

The metal balustrade/fencing with cable screen would be set back by approximately 6.9m from the front building line and would not be readily visible from the street views. The proposed roof terrace with balustrade by reason of the lightweight appearance of the metal balustrade would not be visually prominent and would be considered to be acceptable in design terms.

## **Amenity**

The proposal would not raise amenity issues in terms of loss of daylight, privacy, and outlook.

The proposed roof terrace would be close to the adjoining flat's rooflights in the crown roof top. The height of the balustrade on the southern boundary is shown on the submitted plans as 1.5m. A screen of this height would not be sufficient to prevent overlooking. As such, a screen 1.8m in height would be secured by condition. This would adequately prevent unacceptable overlooking to the adjoining flat. The design of the screen would be secured by condition.

The proposed side dormer window would be approximately 3m from the rooflights on the east side roof slope of No. 70 which serve bedrooms therefore a condition is recommended for the proposed side dormer window to be obscure glazed to prevent overlooking. The roof terrace would be located approximately 5m from the bedroom windows at no. 70. As such, it is considered appropriate to secure by condition a 1.8 metre high privacy screen along the western boundary of the terrace.

The proposal subject to safeguarding conditions is considered to comply with the aims of policies CS5 and DP26.

### **Others**

The Mayor's CIL is not applicable in this case.

The concerns raised over the security of the proposed roof terrace would be dealt with through the Building Regulations.

### **Conclusion**

The proposed roof extension and alterations would be subservient to the existing roof profile and would not significantly harm the appearance and character of the conservation area as it would follow the established pattern of development in the area. The proposal subject to a recommended condition would not harm the amenities of the neighbouring properties.

**Recommendation: Grant Conditional Permission**

### **DISCLAIMER**

Decision route to be decided by nominated members on Monday 21st January 2013.  
For further information please click [here](#).