

Delegated Report Members Briefing		Analysis sheet		Expiry Date:	12/12/2012
		N/A / attached		Consultation Expiry Date:	06/12/2012
Officer			Application Number(s)		
Philip Niesing			2012/5214/P		
Application Address			Drawing Numbers		
FLAT 3 137 GRAY'S INN ROAD LONDON WC1X 8TU			Refer to Draft Decision Notice		
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature		
Proposal(s)					
Erection of an extension to the rear roof slope incorporating a dormer and rooflight to form a mezzanine floor and changes to windows and doors at third floor level at front and rear elevations to existing residential flat (Class C3)					
Recommendation(s):		Grant Planning Permission			
Application Type:		Full Planning Permission			

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	09	No. of responses	01	No. of objections	01
			No. electronic	00		
Summary of consultation responses:	<p>Site Notice 02/11/2012 until 23/11/2012 Press Notice 15/11/2012 until 06/12/2012</p> <p>A letter was received from the occupier of flat 1, 137 Grays Inn Road, objection to the proposal for the following reasons:</p> <ul style="list-style-type: none"> • <i>'As a shared freeholder she [the applicant] has a responsibility to inform me of any plans that would effect the structure of the building'</i> (Officers comment: This is not a material planning consideration which would change to outcome of this application. Nevertheless it is noted that in accordance with Certificate B, notice was served on the occupier of Flat 1, 137 Gray's Inn Road on 19/09/2012) • <i>'The external appearance will totally change the character of the building'</i> (Officers comment: See Section 2 of this report) • <i>'...concerns about the building being structurally sound to support such work'</i> (Officer comment: This is not a material planning consideration and will form part of Building Regulations Regulations) • <i>'concerned that this will reduce the amount of daylight I get in my flat'</i> (Officer comment: See Section 3 of this report) • Noise and disturbance from the balcony (Officer comment: See Section 3 of this report) 					
CAAC/Local groups comments:	<p>Bloomsbury CAAC confirmed in writing that they have no comment to make.</p>					

Site Description

The application site is located on the west side of Gray's Inn Road, and comprises a four storey, mid terrace building with a retail unit at ground floor level and residential flats above. This application relates to the third floor flat. The building backs onto Brownlow Mews.

Although the building is not listed, it lies within the Bloomsbury Conservation Area. In an earlier appeal the planning inspector described this part of the conservation area as *'largely made-up of 3 and 4 storey terraces, with similar plot widths and materials, and with area of open space. The buildings generally abut or are site close to the back edge of the footway which creates a sense of enclosure along the roads and continuity in the character and appearance of the streetscene. However there are variations including roof forms, alterations at ground floor level, infill development within the terraces and significant alteration to the rear of the properties'*

The surrounding area is characterised by a mix of commercial and residential uses.

Relevant History

2007/5296/P - Change of use of basement/ground level shop (Class A1) and upper floor flat to provide 4 additional self-contained flats (4x 1-bedroom and 1x 2-bedroom) including the erection of a side extension on first floor with second floor roof terrace facing Grays Inn Road and excavation of 3 no. lightwells including new railings along Grays Inn Road and Guildford Street. **Approved** on 27/08/2009

2011/3390/P - Erection of mansard roof extension with 2x dormer windows to front and rear; recessed balcony at 3rd floor and terrace at top floor to existing flat (Class C3). **Refused** on 15/09/2011

2011/5197/P Erection of rear roof extension with 1 x dormer window and 1 x rooflight, alterations to windows and doors at rear third floor level and installation of glass balustrade to existing third floor flat roof in connection with existing flat (Class C3). **Refused** on 09/12/2011 and **Appeal dismissed** on 29/06/2012.

Reasons for refusal:

- 1. The proposed additions and alterations at rear 3rd floor and roof level, by reason of bulk, materials and design would be detrimental to the character and appearance of the host building and wider conservation area contrary to policies CS5 (Managing the impact of growth and development), 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.*
- 2. The proposed enlargement of terrace at 3rd floor level, alterations to the mansard roof and erection of dormer at roof level would, by reason of their size, location and design be detrimental to the amenity of adjoining neighbours, with particular regard to loss of privacy, overlooking and sense of enclosure contrary to policy CS5 (Managing the impact of growth and development) of the London Borough of Camden Local Development Framework Core Strategy and policy DP26 (Managing the impact of development on occupiers and neighbours) of the London Borough of Camden Local Development Framework Development Policies.*

Relevant policies

LDF Core Strategy and Development Policies, 2010

CS5 (Managing the impact of growth and development)
CS6 (Providing quality homes)
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, 2011

CPG1 (Design)
CPG6 (Amenity)

Assessment

1. Proposal and overview

- 1.1 Planning permission is sought for the erection of a rear roof extension, involving a change in the pitch of the lower roofslope of the existing mansard roof and the introduction of a rear dormer and rooflight in the new roofslope. New double glazed sash windows are also proposed in the front and rear elevation of the top floor flat, i.e at 3rd floor level.
- 1.2 A similar proposal was refused by the Council in 2011 and the appeal was dismissed on 29/06/2012 (see Section relevant planning history). Permission is now sought for a revised scheme in which the applicant seeks to address the Planning Inspectors concerns as noted in the Appeal Decision Notice dated 29/06/2012.
- 1.3 The key planning considerations relate to the impact of the proposed roof extensions/alterations and changes to the fenestration on the character and appearance of the host building and the wider Bloomsbury Conservation Area and the impact on residential amenity. The Appeal Decision Notice is also a material consideration which should be afforded significant weight in the determination of this application. In this respect it should be noted that although the Council refused to grant planning permission on grounds of *Impact on character and appearance* and *Impact on residential amenity*, the Planning Inspector considered the development proposal appropriate in design terms (see Section 2 below), but as the scheme included an extended third floor terrace adjacent to the neighbouring windows, the Appeal was dismissed for reasons relating to of residential amenity (see Section 3 below).
- 1.3 In concluding the appeal the Planning Inspector stated (paragraph 16): *'Although it has been concluded that the proposed development would conserve the character and appearance of the Bloomsbury Conservation Area it is judged that this matter is outweighed by the unacceptable harm caused to the living conditions of the occupiers of the neighbouring properties. Accordingly, and taking into account all other matters and the presumption in favour of sustainable development, it is concluded that this appeal should fail.'*

2. Design and appearance

- 2.1 The form, pitch and the appearance of the proposed rear roof extension, including the rear dormer and rooflight would remain almost identical to what was refused by the Council under 2011/5197/P (The revised scheme includes a larger roof apron below the proposed dormer, which is more appropriate in design terms). The current scheme however retains the third floor rear wall in its current position, thus omitting the extended roof terrace which was considered the main reason for dismissing the appeal.
- 2.2 In paragraph 7 of the Appeal Decision the Planning Inspector states: *'By reason of the building's appearance and those of the neighbouring buildings, whether individually or cumulatively, none of the alterations identified would appear so conspicuous as to cause material harm to the character and appearance of the area. This judgement applies equally to the proposed sliding doors which would be set back from the parapet wall and overhung by part of the roof.'* And in paragraph 9 the Inspector concluded: *'Overall, the general character, appearance and proportions of the existing building would be retained and the high quality design aspirations of CPG1, CS Policies CS14 and CS5 and CDP Policy DP24 would be met. These policies are consistent with the good design requirements of the Framework. It is therefore concluded that the proposed development would preserve the character and appearance of the Bloomsbury Conservation Area, as such, would accord with CS Policies CS5 and CS14, CDP Policies DP24 and DP25 and CPG1'.*
- 2.2 In light of the Appeal Decision, it is considered that it would be unreasonable to refuse the current scheme on design grounds.

3. Amenity

- 3.1 The second reason for refusal cited by the Council related to the impact of the development proposal on residential amenity. It states: *The proposed enlargement of terrace at 3rd floor level, alterations to the mansard roof and erection of dormer at roof level would, by reason of their size, location and design be detrimental to the amenity of adjoining neighbours, with particular regard to loss of privacy, overlooking and sense of enclosure contrary to...*. The Planning Inspector considered residential amenity in the Appeal Decision under section 'Living Conditions'.
- 3.2 *Overlooking and loss of privacy:* In paragraph 11 the appeal Decision Notice states *'By reason of their siting and oblique angles of view, it is judged that the proposed dormer window and rooflight would not materially change the existing relationship with the windows adjacent to the terrace and cause unacceptable harm to the privacy of the occupiers of these neighbouring properties.'* No objection was therefore raised in respect of the proposed dormer and rooflight.
- 3.3 However, the refused scheme included an extended third floor roof terrace, and given the potential for a material change in the intensity of the use of this terrace which could lead to greater instances of overlooking, the Planning Inspector upheld part of the Council's second reason for refusal, referring to the *'enlargement of terrace at 3rd floor level...'*. The subject extended roof terrace has been omitted from the current scheme and the proposal now is to retain the third floor rear elevation in its current position, maintaining an existing narrow terrace.
- 3.4 It is accordingly considered, in light of the Appeal Decision and the omission of the extended roof terrace that the revised scheme would not have such a material impact on the amenities enjoyed by the occupiers of the neighbouring properties in terms of overlooking and loss of privacy that would warrant refusal of permission on these grounds.
- 3.5 *Overshadowing, loss of daylight and sunlight:* Although the roof ridge would be brought forward by 900mm closer to an adjoining window at a neighbouring property it is likely that the development would only decrease early morning sunlight at certain times of year. For the majority of the day, and at most times of year, loss of sunlight/daylight is likely to be negligible or none.
- 3.6 *Loss of outlook:* The Council's second reason for refusal makes reference to a *'sense of enclosure'*, which has not been addressed by the Planning Inspector. Although the roof ridge would be brought forward by 900mm, in line with existing chimney, it is not considered, on balance and in light of the above assessment that permission should be refused on this ground only.

4. Recommendation

- 4.1 Grant planning permission

DISCLAIMER

Decision route to be decided by nominated members on Monday 10th December 2012.
For further information please click [here](#).