

Delegated Report (Members Briefing)		Analysis sheet		Expiry Date:		07/11/2012	
				Consultation Expiry Date:		16/10/2012	
Officer				Application Number(s)			
Craig Raybould				2012/4609/P			
Application Address				Drawing Numbers			
7 Quadrant Grove London NW5 4JP				Refer to draft decision notice			
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature				
Proposal(s)							
Retention of the use of the roof of the first floor rear extension as a terrace and the installation of a toughened glass safety barrier in association with use as a single family dwelling house (Class C3).							
Recommendation(s):		Grant planning permission and warning of enforcement action					
Application Type:		Full Planning Permission					
Conditions or Reasons for Refusal:		Refer to Draft Decision Notice					
Informatives:							
Consultations							
Adjoining Occupiers:		No. notified	08	No. of responses	01	No. of objections	01
				No. electronic	00		
Summary of consultation responses:		Summary of objections <u>Occupier of 9 Quadrant Grove</u> Objection received on the grounds that: <ul style="list-style-type: none"> • Loss of privacy of first floor rear room and ground floor conservatory which would be directly overlooked (refer to paras 2.5-2.8); • Objects falling over the side of the terrace could smash the conservatory window (refer to paras 2.5-2.8); • Any solid structure erected at the boundary of the terrace will cause further loss of light to the first floor rear room and to the ground floor level conservatory (refer to paras 2.5-2.8). 					
CAAC/Local groups comments:		N/A					

Site Description

The application site is a three storey single family dwelling house located within a terrace row on the south side of Quadrant Grove. To the front, the property has a small garden setting it back from the street and to the rear, a garden backing onto those on Grafton Terrace. The building is finished in a London Stock brick with doors and windows decorated with stucco dressed surrounds with cornicing. There is a perforated parapet at roof level. There is a two storey closet wing extension to the rear and without planning permission metal railings have been erected along the parapet of the closet to facilitate the use of the roof as a terrace.

The property is not listed and is not located within a conservation area.

Relevant History

PEX0300279/P/P – Planning permission was **granted on 01/09/2003** for the extension of the existing residential dwelling including a single storey extension infilling the side return, first floor extension above the existing extension and creation of an additional storey of accommodation at roof level.

Permission was granted subject to conditions, Condition 3 of which requires that:

The flat roof of the extension shall not be used as a roof terrace.

Reason: To safe guard the amenity of adjacent occupiers in accordance with policy EN19 of the London Borough of Camden Unitary Development Plan 2000.

Relevant policies

LDF Core Strategy and Development Policies 2010

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)

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

Camden Planning Guidance 2011

CPG1 (Design)

CPG6 (Amenity)

The London Plan (2011)

The NPPF 2012

Assessment

1. Proposals

1.1 In contravention of Condition 3 of planning permission dated 01/09/2003 (ref: PEX0300279/P/P), the roof of the first floor rear extension is being used as a roof terrace. To facilitate the unauthorised use, without planning permission and within the past 4 years, metal railings have been erected at second floor level along the parapet of the first floor rear extension. A window at second floor level has been changed to a door to provide access to the terrace.

1.2 This application proposals to retain the use of the roof as a terrace, remove the unauthorised metal railings and erect a toughened glass safety barrier in its place. Should consent be granted be granted, this would supersede the requirements of Condition 3 of planning permission dated 01/09/2003.

The key planning considerations arising from the proposals are:

- Design;
- Amenity; and
- Enforcement.

1.3 Following negotiations with the applicant, revised plans have been submitted. These are summarised below:

Original dwg no.	Revised dwg no.
726 E'02	726 E'02 Rev B
726 S'01	726 S'01 Rev B
726 P'03	726 P'03 Rev B

2. Analysis

Design

2.1 It is noted that numerous other properties, including nos. 11 and 13 Quadrant Grove have second floor roof terraces and have used far more crude methods of boundary treatment, including heavy black railings and high bamboo trellising. As a result, roof terraces are distinctive and noticeable to the rear of this part of the terrace row.

2.2 The proposed glass balustrade would be erected to a height of 1.1m from roof level and would continue around the full width of the roof, except adjacent to the boundary with no. 9 Quadrant where it has been set back by 1m. Whilst the proposed balustrade is intrinsically modern in terms of its form and appearance, owing to its glazed translucent nature, it would have a minimal impact on the appearance of the building and would be far less intrusive when compared with those on neighbouring properties.

2.3 The proposals are considered to be a sympathetic means to provide a safety barrier without creating a significant adverse affect on the appearance of the building. This complies with policies CS14 and DP24 and the guidance set out in CPG1: Design.

2.4 The insertion of a door from the second floor bedroom to the terrace in place of a window benefits from 'permitted development right' by virtue of Class A, of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended).

Amenity

2.5 Policies CS5 and DP26 seek to protect the quality of life of the Borough's residents from any harmful impacts of development taking into account visual privacy, noise, overshadowing, light pollution and general disturbance. The use of the first floor roof as a terrace is liable to give rise to intrusive overlooking into the rear first floor window and ground floor glazed conservatory of no. 9 Quadrant Grove. For this reason, Condition 3 was attached to planning permission 01/09/2003 prohibiting the use of the roof as a terrace.

2.6 The application originally proposed the retention of the unauthorised metal railings surrounding the roof terrace with a toughened glass barrier inside of this. These proposals were considered unacceptable in amenity terms as they would facilitate the full use of the roof as a terrace and allow for intrusive overlooking into no. 9.

2.7 Following negotiations with the applicant, the scheme has been revised, now proposing the removal of the existing metal balustrade and its replacement with a toughened glass balustrade which has been set back from the boundary with no. 9 by 1m. This arrangement significantly reduces the degree of overlooking that can be achieved in to the rear first floor window of no. 9 and completely removes any risk of overlooking into the roof of the ground floor conservatory. This proposal was

discussed the occupier of no. 9 who welcomed the revision.

2.8 The revised arrangement of the roof terrace is not considered to give rise to invasive overlooking into any other properties, and having regard to the prevalence of existing roof terraces nearby, is not expected to give rise to any discernable risk of harmful noise or disturbance.

The revised proposals comply with policies CS5 and DP26.

3. Enforcement

3.1 Without planning permission and within the past 4 years, metal railings have been erected on top of the rear first floor level extension. The works constitute development requiring planning permission and in the absence of the requisite consent from the Local Planning Authority, they are in breach of planning control and liable to enforcement action.

3.2 The presence of the unauthorised metal railings facilitate the use of the roof as a terrace and allows for an intrusive and harmful degree of overlooking to occur from the terrace into the rear first floor window and the ground floor conservatory of no. 9 Quadrant Grove. This undermines the amenity of the occupiers of the property and is contrary to LDF policies CS5 and DP26.

3.3 For these reasons it is considered expedient and in the public interest to take enforcement action to secure the removal of the unauthorised metal railings.

4. Recommendation: Grant planning permission and warning of enforcement action in respect of the existing unauthorised metal railings.

The Head of Legal Services be instructed to issue an **Enforcement Notice** under Section 172 of the Town & Country Planning Act 1990 as amended requiring the removal of the unauthorised metal railings 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.

4.1 The Notice shall allege the following breach of planning control:

Without planning permission and within the past 4 years, the erection of metal railings on top of the rear first floor level extension at no. 7 Quadrant Grove.

4.2 What you are required to do:

The notice shall require that within a period of 2 calendar months of the notice taking effect the unauthorised metal railings (shown in dwg nos. 726 E'x'02, 726 S'x'01 and 726 P'x'03) be removed and damage caused to the property as a result of the installation or removal of the railings be made good.

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

The presence of the unauthorised metal railings facilitates the use of the roof as a terrace and allows for an intrusive and harmful degree of overlooking to occur from the terrace into the rear first floor window and the ground floor conservatory of no. 9 Quadrant Grove. This undermines the amenity of the occupiers of the property and is contrary to policy CS5 (Managing the impact of growth and development) of the London Borough of Camden Local Development Framework Core Strategy and DP26 (Managing the impact of development on occupiers and neighbours) of the London Borough of Camden Local Development Framework Development Policies.

DISCLAIMER

Decision route to be decided by nominated members on Monday 5th November 2012.
For further information please click [here](#).