

Delegated Report (Members Briefing)		Analysis sheet		Expiry Date:	25/07/2012
		N/A / attached		Consultation Expiry Date:	12/07/2012
Officer			Application Number(s)		
Craig Raybould			2012/2891/P		
Application Address			Drawing Numbers		
Flat 2 102 Savernake Road London NW3 2JR			Refer to draft decision notice.		
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature		
Proposal(s)					
Formation of roof terrace at first floor level to the rear, the replacement of the first floor rear window with a door to provide access to the terrace and the erection of steel railings and timber decking to the new first floor terrace and existing terrace at second floor level to the rear (Class C3).					
Recommendation(s):		Grant planning permission			
Application Type:		Full Planning Permission			

Conditions or Reasons for Refusal:	Refer to Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	11	No. of responses	07	No. of objections	06
			No. Electronic	00		
Summary of consultation responses:	The application was advertised in the local press – Ham & High 21/06/12 to 12/07/12.					
	Site Notice displayed 14/06/2012 – 05/07/2012.					
	The owner of the 1 st , 2 nd and 3 rd floor maisonette at 104 Savernake Road have objected on the following grounds:					
	<ul style="list-style-type: none">Flat 2, 102 Savernake Road have no rights over the air-space above the ground floor extension;The roof to the ground floor flat would not be strong enough to support a terrace;The roof of the ground floor flat is sloped and not flat;There is no existing access to the roof;The only access to the garden of no.104 is via a raised walkway at the same height of the proposed terrace at no. 102;Loss of privacy of the garden at no. 102;Loss of privacy exacerbated by the raised ground floor levels of gardens to the rear;Noise disturbance caused by use of the terrace.					
	The owner and occupiers (x3 objectors) of the ground floor flat, 102 Savernake Road have objected on the following grounds:					
	<ul style="list-style-type: none">Loss of privacy in the rear garden;Noise and rubbish generated by people using the terrace;The use of the room below the terrace as a bedroom will be compromised;The roof would have to be made flat to accommodate the terrace which may result in water-pooling and damage to the property below;The extension was built in 1977 and is not structurally capable of housing a terrace;The roof terrace would change the living conditions of the ground floor flat, contrary to the terms of the lease that has been agreed with the current tenants;The terrace will restrict sunlight to exotic plants growing at ground floor level;Noise generated during construction.					
	The occupiers (x2) of 104 Savernake Road have objected on the following grounds:					
	<ul style="list-style-type: none">Intrusion and loss of privacy to flats and garden;The terrace will destroy the appearance of a building in a conservation area.					
	The issues raised above are addressed in paragraph 2 and 3 of this report.					
CAAC/Local groups	Mansfield CAAC.					
Comments	The CAAC have no serious objection to the proposals but advise that the terrace might constitute an amenity issue.					

Site Description

102 Savernake Road is a four storey semi-detached building which has been subdivided into two residential units – one at ground floor level and a residential maisonette which occupies the upper floors. The property forms part of a continuous series of attractive semi-detached dwellings which typify this part of the Mansfield Conservation Area.

Relevant History

11681 (02-08-1971) (approved) Provision of dormer windows at 102, Savernake Road, N.W.3. in connection with the provision of additional living accommodation.

25510 (22-09-1977) (approved) Construction of a single storey ground floor rear extension.

Relevant policies

LDF Core Strategy and Development Policies

LDF Core Strategy

CS5 (Managing the impact of growth and development)

CS14 (Promoting high quality places and conserving our heritage)

Development Policies

DP22 (Promoting sustainable design and construction)

DP24 (Securing high quality design)

DP25 (Conserving Camden's heritage)

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

Mansfield conservation area appraisal and management strategy (Dec 2008)

Camden Planning Guidance 2011

CPG1 (Design) 2011

CPGG6 (Amenity)

Assessment

1. Proposals

The application proposes the use of the roof of the ground floor rear extension as a terrace (3.9 x 3.4m in area) in association with the residential use of the maisonette which occupies the first, second and third floor levels. A new door is proposed through the rear first floor bedroom to allow access onto the proposed terrace. Black painted steel railings 1.1m in height are proposed around the periphery of the proposed terrace as well as that of the existing second floor roof terrace. The existing asphalt surfaces of both terraces are to be covered in timber decking.

The key planning concerns associated with the proposals are: (i) the design of the railings, decking and new door; and (ii) amenity impacts associated with the proposed terrace.

2. Design

The proposed alterations comprising black coloured steel railings, installation of timber decking and the replacement of the first floor rear window with a timber, bi-panelled door are confined to the rear of the property, are relatively small in scale and simple in appearance. They are not considered to detract from the appearance of the building or surrounding area and accord with policies CS14, DP24 and DP25 and the guidance set out in CPG1.

3. Amenity

The proposed first floor roof terrace sits directly above the rear extension of the ground floor flat. It immediately abuts the garden which the ground floor flat enjoys private use. The terrace will allow for a significant degree of overlooking, principally into the ground floor garden (which relates to flat 1) and the garden of the adjoining property – number 100 Savernake Road. There will also be a lesser degree of overlooking into the rear garden at 104 Savernake Road (as the rear garden here is screened to an extent by a trellis fence and vegetation). The proximity of the terrace to neighbouring properties may also facilitate a situation where its occupation may be

liable to cause noise and disturbance to neighbouring properties. The terrace will not allow for any direct or intrusive overlooking into habitable windows of neighbouring properties.

In assessing the impact this degree of overlooking and disturbance will have, regard must be had to the ambient levels of privacy currently enjoyed by the ground floor flat and neighbouring properties. Both are already directly overlooked by the existing second floor terrace at no. 102 Savernake Road, as well as by windows at second and third levels on the rear elevations of 104, 102, 100 and 98 Savernake Road. This situation is common throughout this part of Savernake Road where there are numerous roof terraces at first and second floor level which create intrusive overlooking into neighbouring gardens. The levels of privacy enjoyed by the rear gardens in this row could therefore be described as minimal at best.

Significantly, two terraces, one at the rear and one at the side of no. 66 Savernake Road were granted consent in 2005 (our ref: 2005/4312/P) which allow for similar levels of overlooking and intrusion into neighbouring properties and give rise to the same risk of noise and disturbance. The officer report notes that *"Given the prevalence of existing terraces in the vicinity, the side terrace is not considered to result in a loss of privacy, which would be worse than the existing situation"*. The same is true of the current proposal.

It is noted that the current proposals must be considered against adopted development plan policies and guidance which are different to those in force in 2005. Of particular relevance, policies CS5 and DP26 and adopted supplementary planning guidance CPG 6 (Amenity) seek to protect the quality of life of occupiers and neighbours from development that infringes amenity by way of visual privacy, overlooking and noise. However, policies RE2 and EN19 of the previously in force UDP provided similar safeguards. There is therefore no *material* change in policy in this particular regard since 2005.

Having regard to the ambient levels of privacy of neighbouring gardens and the previous consent issued by the Council, it is not considered that a decision to refuse permission could be sustained in this instance, despite the proposals being contrary to policies CS5 and DP26.

Comments received in relation to the structural ability of the ground floor flat to accommodate a roof terrace and the potential of the terrace to pool water are not considered sufficient to warrant refusal. Such issues are private matters and can be overcome with appropriate design and engineering solutions.

What is more, a grant of planning permission by the Council will not undermine any leasehold or contractual obligations held between existing tenants and leaseholders, which are private civil matters.

4. Mayoral CIL

The proposals are less than 100 sqm in area and therefore not liable for a contribution towards the Mayoral CIL.

4. Recommendations

For the above reasons, it is recommended that planning permission be granted.

DISCLAIMER

Decision route to be decided by nominated members on Monday 23rd July 2012. For further information please click [here](#).