

Delegated Report		Analysis sheet	Expiry Date:	06/03/2012
(Members Briefing)		N/A / attached	Consultation Expiry Date:	23/02/2012
Officer			Application Number(s)	
Hugh Miller			2012/0206/P	
Application Address			Drawing Numbers	
162 Camden Road London NW1 9HJ			Refer to draft decision notice.	
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature	
Proposal(s)				
Erection of extension at rear lower ground floor level including associated excavation to enlarge patio, formation of new external steps from patio and replacement of existing access stairs to upper ground floor level rear; insertion of new door and glazed privacy screen in association with creation of new roof terrace at first floor level rear; two new rooflights on side roofslope and associated window alterations, all in association with internal rearrangement of existing 4 selfcontained flats (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	14	No. of responses	04	No. of objections	04
			No. Electronic	04		
Summary of consultation responses:	<p>Application advertised in local press – Ham & High 02/02/2012, expires 23/02/2012. Site Notice displayed 25/01/2012, expires 15/02/2012.</p> <p><u>Flat - 160 Camden Road:</u> Objection</p> <p>The idea of a rooftop garden at this level is a modernist carbuncle on a Georgian architecture neighbourhood and would grossly intrude on the light and privacy of my maisonette at 160 Camden Road.</p> <p>In September I wrote with respect to an earlier application (2011/4003/P) which was withdrawn. The new application is little changed since the earlier one. The concerns are:</p> <ol style="list-style-type: none"> 1. The drawings fail to <ol style="list-style-type: none"> 1.1. place the development in the context of the other half of the semi-detached. Had they done so, the impact on 160 Camden Road would have been clear. 1.2. include an overflow from the boiler and water tank on the ground floor. This abuts onto our property and should be removed 1.3. include external aluminium secondary glazing on all the windows facing Camden Road which, though installed some years ago, are not acceptable within a conservation area. 2. The application is slightly misleading with regard to its previous use. The former owner lived on the property and used to let rooms in the building. Although some of the flats could be classified as self contained, this was not true of the accommodation on the first floor. Two of the rooms were rented out to one tenant and the room overlooking the back garden was rented out to another. The person renting this rear room had been a lodger for a number of years and shared the bathroom with the then owner of the property. The rooms on the first floor did not and never have formed a self contained flat. It should also be noted that none of the accommodation units had separate metering for electricity, gas or water and until recently the building was liable for only one Council tax charge. To describe the building as divided into flats is somewhat disingenuous. 3. The proposed alterations seek to develop 6 self contained flats – two of which are studio flats. This is thus an increase of residential units and does not retain the status quo as implied in para 17. 4. The proposal to cut an opening to access a terrace on the roof of the extension will destroy the rhythm of the rear of the building. 5. Developing the roof of the extension as a terrace will greatly impact on the homes of the two residents in 160 Camden Road <ol style="list-style-type: none"> 5.1. The proposed terrace will provide a direct line of sight into the living rooms of both flats and greatly impact on their privacy 5.2. The proposed terrace will be only feet below the bedroom of the top floor flat 					

- 5.3. The proposed terrace will overlook our garden and have a major impact on our privacy
- 5.4. The erection of a balustrade around the proposed terrace will increase the bulk of the extension, result in significant overshadowing and reduce levels of lighting in both our flats
- 5.5. Any use of the terrace, especially if parties were to be involved, will result in increased noise levels and, at night, significant light pollution.
6. The proposed terrace will also directly overlook the gardens at 158 and 164 Camden Road: again impacting on their privacy.
7. It should be noted that previous attempts by houses in the mews to establish roof top gardens have been rejected on grounds of privacy and noise and light pollution.
8. The creation of 6 flats opens the possibility of increasing the pressure on parking in the neighbourhood. I am assuming that the proposed flats will not be able to attract parking permits.

On a more general note, I am surprised that neither the CAAC nor neighbours received notification of the earlier submissions of March and September last year in which applications were made for Lawful Development Certificates for Existing uses.

Officer comment.

1 - 1a] The proposed rear elevation shows the ground & 1st floor windows closest to the proposed roof terrace & 1st floor plan also shows the window at no.160. 1b] the overflow from the boiler and water tank is a matter for the neighbour and the applicant to resolve and is not a material consideration pertinent to the determination of this application; 1c] see para. 2.9 below.

2, 3 & 8 - The lawful use of the building as 4 separate dwellings has been formalised by way of Certificates of Lawfulness – See history section below. The Certificates do not address parking impact, etc and are only legal determinations based on factual evidence that the units have been used continuously for 4 years or more before the date of the application. Furthermore, the proposal is for a roof terrace, various alterations and rear extension and not for 6 self-contained flats- the existing 4 units are being kept but in a rearranged manner. Please refer to history section below regarding the flats. Car parking is not a material consideration pertinent to the determination of this application.

4 – See para. 2.8 below.

5 – 7 See paras. 2.7- 2.8 (roof terrace) below; impact on neighbour amenity – paras. 2.11 -3.4.

general note: *The Council is not required to consult or advertised applications for Certificate of Lawfulness*

Flat B - 160 Camden Road: Objection.

Concern about the roof terrace and privacy screen – **1]** sitting room is at 1st floor level and roof terrace will cause overlooking / loss of privacy; privacy screen would block the view from the sitting room window, and block light from the property. **2]** roof terrace would have similar impact on flats at no.162, it would overlook rear gardens at nos.160 & 162. **3]** cause noise nuisance; **4]** roof terrace out of character with Georgian/Victorian architecture; **5]** the roof terrace at the rear of no.160 is at a lower level and is well screened by mature trees and is barely visible, unlike the proposal; **6]**

the 1 bedroom flat appears small for permanent habitation.

Officer comment. Please refer to paragraphs 2.7- 2.8 (roof terrace); paras. 3.1-3.4 (impact on neighbour amenity)

5 Camden Sq. – Objection.

Object when this proposal was made previously.

I strongly object to the creation of a roof terrace which will severely affect the privacy of the surrounding neighbours. The proposed privacy screen will be unsightly and will only afford privacy if the people on the roof terrace are sitting down. I think it's wrong for the amenity of many people to be degraded for the advantage/profit of one person.

Officer comment. Please refer to paragraphs 2.7- 2.8 (roof terrace); paras. 3.1-3.4 (impact on neighbour amenity)

164 Camden Road - Objection

The proposed recreation area above first floor roof-

1. It will overlook at least six gardens in the immediate area causing intrusion and noise pollution.

2. The area is small and high up and would be a safety hazard to anyone using it.

Officer comment. Please refer to paragraphs 2.7- 2.8 (roof terrace); paras. 3.1-3.4 (impact on neighbour amenity)

NB: No responses were received from the Camden Sq CAAC or the Camden Square Neighbourhood Association on this current scheme, which is identical to the re-submitted proposal under consideration. The comments below refer to the original application which was withdrawn by the applicant. Given the similarities between the proposals, it is considered that the original concerns raised would be relevant and officer's revised comments are added.

Camden Sq CAAC: Objection (Withdrawn Application ref. 2011/4030/P)

Concern about inadequate plans – no detail of the adjoining semi-detached house; privacy screen creates excessive bulk & contravenes the C.A Strategy; loss of privacy and overlooking from roof terrace; noise nuisance; light pollution; replacement front windows should not have horns – see CA Strategy.

Officer comment: Please refer to paragraphs 2.7- 2.8 (roof terrace); paras. 3.1-3.4 (impact on neighbour amenity)

Current drawings show the existing windows closest to the roof terrace at 1st & 2nd floor levels at the rear at no.160.

Camden Square Neighbourhood Association: Objection (Withdrawn Application ref. 2011/4030/P)

Concern about developers coming into the Camden Square Conservation Area and 'overdeveloping' the beautiful Victorian houses. The proposed terrace with its balustrade will be far too bulky and will negatively impact neighbours' privacy as well as add to noise and light pollution.

Officer comment: Please refer to paragraphs 2.7 – 2.8 (roof terrace); paras. 3.1-3.4 (impact on neighbour amenity)

**CAAC/Local groups*
comments:**

*Please Specify

Site Description

The site comprises a semi-detached three-storey + attic property located on the south side of Camden Road, north of Camden Mews and west of the junction with Murray Street. The building is divided into 4 separate flats, although as currently arranged they share a common hallway and staircase and therefore are non-self-contained. The building is not listed but it is located within the Camden Square Conservation Area and has been identified as a building that makes a positive contribution to the character and appearance of the conservation area.

Relevant History

January 2012 - Certificate of Lawfulness (Existing) Granted for - Continued use of 1x2 bedroom lower ground (front) and ground floor maisonette and 1x1 bedroom lower ground (garden) floor (rear) flat as self-contained residential units (Class C3); ref. 2011/5579/P.

October 2011 – Application withdrawn – Erection of extension at basement level rear; including excavation to enlarge patio, formation of new steps and replacement of access stairs to upper ground floor level rear; insertion of new door, erection of new glazed privacy screen including formation of new roof terrace at first floor level rear; new replacement rooflights and landscaping works to front garden to residential flats (Class C3); ref. 2011/4030/P.

May 2011 - Certificate of Lawfulness (Existing) Granted for - Continued use of a 1 bedroom first floor flat as a residential dwelling (Class C3); ref. 2011/1142/P

January 2011 – Application withdrawn - Continued use of a 1 x bedroom first floor flat as a residential dwelling (Class C3); ref. 2010/6555/P.

November 2010 – Certificate of Lawfulness (Existing) - Retention of use of second floor (roof space) as a self contained flat (Class C3); ref. 2010/5068/P.

March 2010 – Application withdrawn - Replacement of two windows and two doors with white aluminum double glazed windows and doors, to rear (South-East) elevation of basement flat (Class C3).; ref. 2009/5648/P.

Relevant policies

LDF Core Strategy and

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)

Camden Square Conservation Area Appraisal and Management Strategy 2011

CPG:2011

Assessment

1.0 Overview

1.1 On 5th October 2011, the applicant withdrew the original planning application following concerns raised about the lack of information supporting the lawfulness of the ground and lower ground floor maisonette unit at the property.

1.2 The proposal was for the "Erection of extension at rear lower ground floor level; including associated excavation to rear and side enlarge patio, formation of new steps / access and replacement of access stairs to upper ground floor level rear; insertion of new door and balustrade/ glazed privacy screen to allow the formation of new roof terrace at first floor level rear; installation of two new replacement rooflights; landscaping works to front and rear garden and associated window alterations to residential flats (Class C3).

1.3 In the intervening period, the applicant applied for and gained approval in January 2012 for a 'Certificate of Lawfulness' (Existing) for '*Continued use of 1x2 bedroom lower ground (front) and ground floor maisonette and 1x1 bedroom lower ground (garden) floor (rear) flat as self-contained residential units (Class C3)*'.

1.4 It should be noted that the current proposal involves changing the internal arrangement of flats within this house following confirmation of the lawful status of the 4 non-s/c units here. As existing, there are a 2 bed maisonette on front basement and whole ground floor, a 1 bed flat on rear basement, a 2 bed flat on 1st floor, and a 1 bed flat in the loft. As proposed, there will be a 2 bed flat on basement, 1 bed flat on ground, 2 bed maisonette at front 1st and whole loft, and a 1 bed flat on rear 1st floor. In total there are and will continue to be 4 separate flats of an identical mix (2 x 1 bed, 2 x 2 bed)

1.5 Prior to withdrawal and during the course of the assessment, the application was the subject of some amendments that sought to address issues related to: **a]** reduction to the depth of the roof terrace floor size **b]** reduction to the privacy screen depth to match the revised roof terrace depth **c]** show window at 1st floor level elevation rear at no.160 on the elevation drawing.

1.6 This application is identical to the withdrawn scheme of October 2011 and is described below.

1.7 Proposal

a] Erection of extension at rear lower ground floor level including associated excavation to enlarge patio, formation of new steps from patio and replacement of access stairs to upper ground floor level rear; **b]** insertion of new door and glazed balustrade to allow the formation of new roof terrace at first floor level rear; **c]** two new rooflights in side roofslope **e]** landscaping works to front and rear garden **f]** associated window alterations to residential flats (Class C3).

2.0 Design and appearance

Extension / alterations at lower ground floor level

2.1 The host building forms a pair of semi-detached houses and comprises inconsistent sized dormer windows at the front and rear roofslopes. Unlike the adjacent house no.160, the host building has a part 2-storey closet wing (5.2m depth) and a part 3-storey shallow depth (1.3m) addition; including a cantilever bay-window. It is proposed to erect a single -storey conservatory extension at the lower ground level with dimension of 2.35m depth x 2.8m width x 2.3m height. It would abut the bay window plus replacement staircase and be positioned between the closet wing and shallow depth addition. Its roof would comprise obscured toughened safety glazing with a slight slope. Its position, scale, detailed design and materials are not considered to detract from the appearance of the building. The rear of the pair of semi-detached buildings are not uniform as noted above and, although it would be visible from a few Mews house that lies at the rear, the proposed extension would not be visible from the public realm being screened by adjacent boundary walls and clearly in terms of its design, and setting is considered satisfactory. Moreover, it is not considered that the scale or low position of the

extension would harm the integrity of the semi-detached pair of houses. Therefore no objections are raised to the proposed alterations.

2.2 To clarify, the proposed works do not involve any excavation to the existing building. There is already a lower ground level at the building and the proposed involves an extension to this, involving the removal of some of the soil from the rear garden and the side alleyway at the building. The removal of this soil does not in itself require planning permission as it is not considered to be a material operation. Given this context, it is not considered that information in relation to policy DP27 (Basement and lightwells) is required in this instance.

Enlarge patio and new and replacement staircase

2.3 The rear garden has hard and soft landscaping with the paved patio set on two levels (the garden and lower ground floor) and comprising stepped access with approx. 1.2m depth between the patio areas. It is proposed to excavate and enlarge a section of the existing raised patio to provide level access with the floor of the glazed extension. The enlarged patio has dimension of 2.7m x 2.9m. It would align with the rear line of the 2-storey closet wing and set back from the staircase on the east side that link the upper ground floor with the rear garden. The excavation would retain a substantive portion of the soft landscaped garden area whilst improving accessibility to the occupiers. The total garden space that the proposed excavated area would occupy would not diminish the quality and amenity value of garden space. It is not considered to harm the overall visual impact on the appearance of the host building and given the prevailing character of rear garden amenity space it is considered that the proposal would not detract from the character and appearance of the Camden Sq. C.A.

2.4 Where as the ground level of the existing side pathway has a gentle slope from front to the rear, the proposal would comprise some minor excavation to comprise steps at the front and rear, including a flat even surface in between. The proposed changes in ground levels are sufficiently minor not to have any impact on the appearance of the host building.

2.5 A new step on the east side set below the existing staircase is proposed and it would provide access to the new extension and it is considered satisfactory. It is also proposed erect a new stainless steel staircase as replacement for the timber stair between the upper ground and the rear garden. Both the new steps and replacement staircase are considered satisfactory not having any impact on the appearance of the building.

2.6 The proposed minor excavation of the front garden space to create a sloping garden and remove a wall is in accordance with the stated aims and objectives of DP24 & DP25 and is satisfactory.

Roof terrace /new door – 1st floor level

2.7 Roof terraces are not characteristic of the semi-detached properties that form a group along this section of Camden Road. However, in Camden Mews at the rear, the roof terraces are common features at first and second floor /roof levels. Nos. 11 & 13 directly rear of the application building have roof terraces. These roof terraces are visible from within the host building and within its rear garden amenity space. It is noted that CPG1 paras. 5.23-24 that states "*Balconies and terraces can provide valuable amenity space for flats that would otherwise have little or no private exterior space. However, they can also cause nuisance to neighbours. Potential problems include overlooking and privacy, daylight, noise, light spillage and security*".

2.8 The proposed roof terrace plus glazed privacy screen would replace the existing flat roof and provide amenity space for the 1st floor self-contained flat. Unlike the original proposal, the revised roof terrace and glazed privacy screen have been reduced in depth and set back 2.5m from the rear elevation of the house. The altered privacy screen at only 1.5m high and 2.5m long is acceptable as it would not create an unacceptable increase in building or visible bulk to the closet wing. A new door would be installed to provide access and would comprise timber framed glazed with glazing bars to match the existing windows. It is considered that these alterations would not significantly adversely affect the overall appearance of the building. They would not be visible in the public realm, being at

the rear. Moreover, the proposal clearly reflects the key criterion of CPG1 para. 5.25, in terms of **a]** detailed design to reduce the impact on the existing elevation; **b]** careful choice of materials and colour to match the existing elevation; **c]** the use of setbacks to minimise overlooking; **d]** the use of screens to prevent overlooking of habitable rooms or nearby gardens, without reducing daylight and sunlight or outlook; and **e]** avoiding creating climbing opportunities for burglars. The proposal is therefore considered to preserve the character and appearance of the host property and the conservation area in accordance with policies CS14, DP24 and DP25.

Window alterations

2.9 The applicant also proposes to install new timber framed glazed sash windows (shown to have small horns) as replacement for the existing aluminium windows located at the front of the property. The new windows would be of identical design, scale and proportions to the existing timber sash windows at the rear. In terms of design and appearance the new windows are acceptable and would enhance the appearance of the host building and the character and appearance of the conservation area.

2.10 On the east flank wall, lower ground floor level is located three windows that vary in their sizes. The larger to the three would be reduced in size to 500mm x 650mm from 1000mm x 650mm; the central window enlarged to match the window due south 300mm x 600mm from 350mm x 500mm. In this location these windows would not be visible from the public realm and their alteration would not have an adverse impact on the appearance of the host building and they are acceptable.

Replacement rooflights

2.11 The applicant proposes to install two new heritage rooflights on the side roofslope as replacement for the existing ones elsewhere and these are satisfactory as they would not harm the appearance of the roofscape. It is considered that these alterations would not affect the overall appearance of the building, provided they are of conservation-style being flush with the roofslope. The proposals are therefore considered to preserve the character and appearance of the host property and the conservation area in accordance with policies CS14, DP24 and DP25.

3.0 Neighbour amenity

3.1 The gap between the 1st floor rear window at no.160 closest to the proposed terrace and privacy screen is 2.1m. The roof terrace floor level is lower by approximately 300mm than the internal floor level of the host building and the gap between the roof terrace floor and the top of the window cill at no.160 measures approximately 1.0m in height. At 2.5m in depth, the revised roof terrace floorspace would reduce the amount of amenity floorspace at this level but nevertheless provide a useful space. The obscure glazed privacy screen at 1.5m height would not completely prevent views outwards but a higher 1.8m screen would appear somewhat bulky at this high position. However the resultant acute angle of view to no 160's 1st floor window and difference in floor levels would ensure that there would be minimal overlooking opportunities to the neighbours within the host building or at the two self-contained flats at no.160. It is considered that the proposed roof terrace would not result in an unreasonable amount of additional overlooking of the neighbouring rear gardens and the proposal is acceptable. A condition would ensure the privacy screen is retained and maintained. A further condition would ensure the remaining flat roof area is not used as a roof terrace.

3.2 The windows at rear are orientated due south-east and the location, shallow depth and glazed design of the privacy screen would not cause additional harm through loss of day/ sunlight and is satisfactory here. Neither would there be any loss of outlook or impact on the occupiers' views.

3.3 The new extension is of shallow depth and together with its obscured glazed roof is considered sufficiently small in area not to cause light pollution to the occupiers at the upper ground floor level. Given its location abutting the 2-storey closet wing, it would not have any impact on occupiers' at no.160. The proposal is thus compliant to LDF policy and CPG guidelines.

3.4 Noise nuisance: Given the small size roof terrace, it is considered that any noise from its use would be similar to that emanating from the rear garden and in this regard would not result in an unreasonable amount of additional noise to harm occupiers of the neighbouring units and the proposal is acceptable.

The proposed is in compliance with LDF policies and is satisfactory.

Recommendation: Grant planning permission.

DISCLAIMER

Decision route to be decided by nominated members on Monday 5th March 2012. For further information see

<http://www.camden.gov.uk/ccm/navigation/environment/planning-and-built-environment/planning-applications/development-control-members-briefing/>