

<b>Delegated Report (Members Briefing)</b>		<b>Analysis sheet</b>		<b>Expiry Date:</b>	<b>22/09/2010</b>
		N/A / attached		<b>Consultation Expiry Date:</b>	02/09/2010
<b>Officer</b>			<b>Application Number(s)</b>		
Katrina Christoforou			2010/3799/P		
<b>Application Address</b>			<b>Drawing Numbers</b>		
Heath Studio Heath Passage London NW3 7HB			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(s)</b>					
Approval of details pursuant to condition 3 (details of screening materials) of planning permission 2008/1852/P dated 17/06/2008 for the erection of a single storey ground floor extension to the south west of the property, installation of french doors and railings at first floor level to facilitate the use of the flat roof as a terrace, and excavation below the existing bedroom and the enlargement of the existing roof lantern to the single family dwelling house (class C3).					
<b>Recommendation(s):</b>		<b>Grant approval of details</b>			
<b>Application Type:</b>		<b>Approval of Details</b>			

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	01	No. of responses	01	No. of objections	01
			No. Electronic	01		
Summary of consultation responses:	<p>Consultation was not a statutory requirement for this application for approval of details. However, as there had been involvement from the Council's Planning Enforcement Team and the screen would directly adjoin the neighbouring terrace, it was considered preferable that the immediate neighbour have a chance to comment on the proposals. The neighbour objected to the proposals as summarised below:</p> <ul style="list-style-type: none"><li>- The terrace has been built higher than approved resulting in the height of the privacy screen being increased to 2.3m from the side of the Rook. <i>(See history section &amp; 1.1)</i></li><li>- We do not object to the proposed design of the privacy screen but to the material (willow).</li><li>- Frosted glass would be preferable as it would still allow light through and would be less oppressive. <i>(See 1.2)</i></li><li>- The boundary is the only open aspect from the rook's patio and the material used will directly impact the neighbouring garden. <i>(See 1.2)</i></li></ul>					
CAAC/Local groups* comments: *Please Specify	N/A					

### Site Description

The residential property at number 4 Heath passage has been divided into two separate dwellings positioned side by side, number 4 and the studio (the application site). The buildings are accessed from pedestrian Heath Passage from main road North and quite residential cul de sac Sandy Road. The site is within the Hampstead Conservation Area and the Hampstead Heath Archaeological Priority Area.

### Relevant History

Planning permission was granted on the 03/03/06 for the change of use of the property from a single-family dwelling house to a one-bedroom flat and a three-bedroom maisonette, plus insertion of ground floor window in the Heath Passage elevation and French doors in the garden side elevation (Reference **2006/0185/P**).

Planning permission reference **2008/1852/P** was granted on the 12/06/2008 for the Erection of a single storey ground floor extension to the south west of the property, installation of French doors and railings at first floor level to facilitate the use of the flat roof as a terrace, and excavation below the existing bedroom and the enlargement of the existing roof lantern to the single family dwelling house (class C3). The planning permission included a roof terrace at first floor level at the same floor level as that of the neighbouring Rook.

Condition 2 of permission 2008/1852/P reads: A 1.8 metre high screen, details of which shall have been submitted to and approved by the Council, shall be erected on the edge of the roof terrace between The Studio and The Rook, prior to commencement of use of the roof terrace and shall be permanently retained and maintained thereafter.

Reason: In order to prevent unreasonable overlooking of neighbouring premises in accordance with the requirements of policies S1/ S2 and SD6 of the London Borough of Camden Replacement Unitary Development Plan 2006.

However, the terrace appears to have been built higher than originally approved causing it to step up from that of its neighbour behind the parapet by approximately 0.2m. The Council's Planning Enforcement Team has investigated the breach (open investigation reference EN10/0188) and considers that the divergence from the approved plans carries no material harm and that it is not expedient to take action.

## Relevant policies

### Replacement Unitary Development Plan 2006

S1/S2

SD6- Amenity for occupiers and neighbours

### LDF Core Strategy and Development Policies

The Inspector's Report into the Camden Local Development Framework Core Strategy and Development Policies Development Plan documents ("DPD"s) was published on 13th September and found the policies in the DPDs to be sound. This means "considerable weight" can now be given to these LDF policies even though at this stage they have yet to be formally adopted by the Council. Where there is a conflict between UDP policies and these LDF policies the Planning Inspectorate would consider it reasonable to follow the latter. However prior to formal adoption UDP policies should still be taken into account as the Council's adopted Development Plan.

### LDF Core Strategy

CS5- Managing the impact of growth and development

### Development Policies Development Plan

DP26- Managing the impact of development on occupiers and neighbours

## Assessment

1.1 It is proposed to erect a 1.6m willow screen above the existing parapet wall to act as a privacy screen between the two terraces. The original permission stipulated that a 1.8m screen should be erected and the total height of the screen plus the parapet would measure 1.8m on the side of the studio. The screen would be slightly higher on the side of the neighbouring terrace of the rook. The situation has been altered slightly as the terrace has not been constructed strictly in accordance with the approved drawings. However, the Council's Planning Enforcement Team have confirmed that the difference is negligible and causes no additional loss of amenity to the neighbouring property in terms of light or outlook, which benefits from a larger terrace area. The priority at this stage is therefore considered to be to preserve the amenity of the neighbouring terrace in terms of amenity. The screen at 1.8m (including the parapet) would be sufficient to block views between the two areas.

1.2 The neighbour has expressed a preference for a glazed screen which would be more permeable in terms of daylight. This was raised with the applicant who was unwilling at this stage to amend the proposed materials but intended to enter private negotiations with the neighbour to discuss the matter further. The rook currently has a trellis along this boundary with planting. Whilst the willow fence would have a more enclosed effect it would have a similar natural appearance. It is considered that the amenity of the neighbour would be preserved in accordance with UDP policies S1/S2 SD6 and LDF policies CS5 and DP26.

For the purposes of discharging the condition the proposed details are considered to be sufficient.

### Recommendation:

Grant approval of details.

## DISCLAIMER

**Decision route to be decided by nominated members on Monday 20<sup>th</sup> September 2010.**

**For further information see**

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