

Delegated Report (members briefing)		Analysis sheet		Expiry Date:		24/09/2010	
		N/A / attached		Consultation Expiry Date:		06/09/2010	
Officer				Application Number(s)			
Elizabeth Beaumont				2010/3863/P			
Application Address				Drawing Numbers			
35 Chalton Street London NW1 1JD				Refer to decision notice			
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature				
Proposal(s)							
Erection of a rear ground floor extension above existing lower ground floor extension, roof terrace and brick balustrade to dwelling house (Class C3)							
Recommendation(s):		Grant planning permission					
Application Type:		Householder Application					
Conditions or Reasons for Refusal:		Refer to Draft Decision Notice					
Informatives:							
Consultations							
Adjoining Occupiers:		No. notified	08	No. of responses	03	No. of objections	03
				No. electronic	00		
Summary of consultation responses:		<p>Flat 1, 33 Chalton Street – object for the following reasons;</p> <ul style="list-style-type: none"> <u>Privacy</u> - Our living room has patio doors that open to a first floor terrace. Before the works to 31 we had good levels of privacy however now the terrace has been built it is very close. The proposal at 35 would reduce our privacy even further and will create sightlines into our terrace and living area. (Refer to 3-3.4) The occupants at no. 31 are in breach of their planning permission as they are making use of a terrace at second floor. (See below) <u>Noise</u> – lots of noise from development, there was already noise from UNISON building and the extractor fan at no. 37 and from use of terrace. (See below and refer to 3-3.4). <u>Increased building density</u> - the property has already been considerable extended and they already have three terraces. Any further work would constitute over development. (Refer to 2-2.4) <p>Flat 2, 33 Chalton Street (2 letters received) – objects for the following reasons;</p> <ul style="list-style-type: none"> <u>Privacy</u> – I have patio doors from my living room onto a terrace at the rear of my building. Before the changes to no. 31 Chalton Street my roof terrace was not adjoined to any other. The plan for another terrace would compromise my privacy even more. It would create sightlines into my flat and terrace. The planning department has approved 3 different applications which have already resulted in a loss of light and privacy. (Refer to 3-3.4) <u>Increase building density</u> – the property has already been considerable extended and they already have three terraces. Any further work would constitute over development. (Refer to 2-2.4) <u>Noise</u> – building work will cause significant and prolonged disruption. I already deal with noise from a fan at no 37. Plus I object to the noise from the terrace. (See below and 3-3.4) 					

	Officer's comments – An informative would be attached to any decision notice regarding hours and noise from any construction. An Enforcement Investigation has been opened into the possible breach of condition of the planning permission (2008/5164/P) restricting the use of the second floor flat roof.
CAAC comments:	N/A

Site Description

The application site is located on the west side of Chalton Street and comprises a three storey building with accommodation in the basement and the roof. The property is solely used as a residential property. The site is surrounded by a mix of commercial units on the ground floor with residential uses on the upper floors.

The building is not listed and is not within a conservation area. The site is located within the Central London Area, the Chalton Street Neighbourhood Centre and the Camden Central Neighbourhood Renewal Area.

Relevant History

21/03/2000 – **p.p. granted (PS9905132)** for the erection of a mansard roof extension and two storey rear extension plus elevational changes in association with the continued use of the property as a single family dwelling house.

20/12/2007 – **p.p. granted (2007/5331/P)** for the erection of a roof extension to the rear to enclose an existing third floor terrace.

Relevant policies

Replacement Unitary Development Plan 2006

SD6 (Amenity for occupiers and neighbours),
B1 (General design principles),
B3 (Alterations and extensions).

Camden Planning Guidance 2006

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

CS1 (Distribution of growth),
CS5 (Managing the impact of growth and development),
CS14 (Promoting high quality places and conserving our heritage)

Development Policies Development Plan

DP24 (securing high quality design),
DP26 (Managing the impact of development on occupiers and neighbours).

Assessment

1. Proposal

1.1. Planning permission is sought for the erection of a ground floor extension with first floor roof terrace. The proposal would enclose the terrace with a high brick balustrade.

1.2. The main issues to consider are:

- The impact on the character and appearance of the building
- Amenity of the neighbour residents and future occupiers

1.3 Planning permission (PS9905132) was previously approved on the 21/03/2000 for 'the erection of a mansard roof extension and two storey rear extension plus elevational changes in association with the continued use of the property as a single family dwelling house'. The two storey element approved as part of this scheme is similar to the current proposal. The only difference is the inclusion of a lightwell and internal terrace at ground floor level with the current proposal. It appears that the approved scheme was partially implemented which included rebuilding the original rear extension to the approved depth and width. The ground floor extension was not built and the enclosed

roof terrace was relocated to the roof of the basement extension. According the Council's Building Control records the scheme was completed in 2002.

- 1.4 The original application was assessed under the superseded Adopted Unitary Development Plan of 2000 and before the supplementary planning guidance of 2002. In the intervening period between the original application and this application there has been a material change in policy. The Replacement Unitary Development Plan was adopted in June 2006, with Camden Planning Guidance adopted later in 2006. Although it is acknowledged that policies have changed, a number still cover the same broad aspects and are not considered to be significantly different from
- 1.5 previous UDP policies. Examples include matters relating to amenity and design. With this context in mind it is considered that the general design and amenity aspects of the rear extension have already been considered to be acceptable and the thrust of policies have not changed. However given the variation to the scheme these issues will be addressed in the assessment of the current scheme.

2. Impact on the character and appearance of the building

- 2.1. The existing basement extension has the appearance of two storey extension due to the height of the brick balustrade enclosing the roof terrace. It is proposed to (including balustrade) add an additional storey onto the existing extension. Camden Planning Guidance 2006 states that extensions less than one full storey below eaves/parapet level should generally be discouraged. The proposed extension (including balustrade) would be just under a full storey below the eaves level of the main building because of the changes in floor levels between the extension and the main building. However there would only be a 0.4m overlap and the second floor window of the main building would still be entirely visible. Therefore the extension would have the appearance of being a full storey below the eaves level.
- 2.2. There are an assortment of rear extensions within the wider terrace with a variety of heights, widths, depths and materials including terraces with metal railings on various levels. The bulk and scale of the proposal in relation to the host building are considered acceptable. The proposal would match the dimensions of the basement extension. The proposed materials of brick to match existing, a timber framed window and timber decking on the terrace are considered acceptable. The continuation of the brick elevations to a height of 1.7m to enclose the terrace and the proposed introduction of a window on the rear elevation are considered acceptable. The lightwell and small internal lightwell would not be visible and therefore would not harm the character of the host building.
- 2.3. It is considered that the introduction of the lightwell has not affected the original assessment in 2000 of the impact of the proposal on the host building or wider area. It is therefore considered that the proposed extension, roof terrace and brick enclosure would not harm the character or appearance of the existing building or the wider terrace.

3. Amenity of adjoining residents

- 3.1. There is an existing roof terrace located on the flat roof of the basement extension. The terrace is enclosed by a brick wall to a height of 1.7m. There are also a number of terraces on the adjacent property (no. 33) on the roof of the ground floor and first floor extension. It is currently possible for people on these terraces to look down onto the terrace at no. 35 and visa versa. It is therefore considered that there are existing levels mutual overlooking from both properties, although because of the changes in floor levels between the properties and the set back of the terrace at the application site and on the roof of the first floor extension at no 33 these levels are not considered to be unacceptable in this central London context.
- 3.2. The proposed terrace would be at a higher level than the neighbouring terrace on the ground floor roof and lower than the neighbouring terrace on the first floor roof. Following revisions to the scheme the height of proposed brick balustrade has been increased to 1.7m to enclose the terrace similarly to the existing situation. It is considered that this would be sufficient to prevent any additional levels of overlooking. Along with the set back of the second floor habitable room window to no 33 from the side boundary by 2m, the set back of the proposed terrace from the side boundary by 1m and the difference in floor levels between the properties it is considered that there will not be any unacceptable levels of overlooking into neighbouring windows. The 1.7m high brick balustrade will also prevent overlooking into neighbouring terraces. It is therefore considered that the proposal would replicate the existing situation and would not have a detrimental impact on the amenity of neighbouring occupiers in terms of overlooking or privacy in comparison to the existing situation.
- 3.3. It is considered that in comparison to the existing situation the proposal would not result in loss of daylight or sunlight to any neighbouring properties in comparison to the existing situation. The proposed lightwell has been designed to allow the retention of the window on the rear elevation of the ground floor level. It is considered this would be sufficient to ensure the bedroom would receive sufficient levels of daylight/sunlight and ventilation for future occupiers.
- 3.4. The proposed roof terrace is the same size and location as the existing roof terrace, albeit at one storey above the existing. It is therefore considered that there will be no additional or unacceptable levels of noise from the use of the terrace.

- 3.5.** It is considered that the situation has not changed since the original assessment in 2002 of the impact of the proposal on the amenity of any neighbouring occupiers. It is therefore considered that the proposal would not result in any detrimental impacts on the amenity of any neighbouring occupiers or residents in comparison to the existing situation.
4. **Recommendation** - Grant planning permission

DISCLAIMER

Decision route to be decided by nominated members on Monday 20th September 2010.

For further information see

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