

<b>Delegated Report</b>		<b>Analysis sheet</b>		<b>Expiry Date:</b>	<b>15/09/2010</b>
		N/A / attached		<b>Consultation Expiry Date:</b>	<b>26/08/2010</b>
<b>Officer</b>			<b>Application Number(s)</b>		
Elizabeth Beaumont			2010/3921/P & 2010/3923/L		
<b>Application Address</b>			<b>Drawing Numbers</b>		
1 Regent Square London WC1H 8HZ			Please refer to 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>					
<b>Planning permission</b> - Erection of a first floor rear extension to ground floor flat (Class C3) and creation of roof terrace, including lowering of the floor level in the rear addition at ground floor level, installation of windows at ground floor level on west elevation and associated alterations.					
<b>Listed building consent</b> - Erection of a first floor rear extension to ground floor flat (Class C3) and creation of roof terrace, including lowering of the floor level in the rear addition at ground floor level, installation of windows at ground floor level on west elevation and associated alterations.					
<b>Recommendation(s):</b>	Refuse Planning Permission Refuse Listed Building Consent				
<b>Application Type:</b>	Full Planning Permission				
<b>Conditions or Reasons for Refusal:</b>	Refer to Draft Decision Notice				
<b>Informatives:</b>					

## Consultations

<b>Adjoining Occupiers:</b>	No. notified	<b>15</b>	No. of responses	<b>05</b>	No. of objections	<b>01</b>
			No. electronic	<b>00</b>		
<b>Summary of consultation responses:</b>	<p><b>First floor flat, 1 Regent Square</b> – supports the application;</p> <ul style="list-style-type: none"> <li>We have recently bought the freehold so we, as a group of leaseholders, can work to improve the quality of the whole house. The ground floor flat is in a poor state and needs upgrading. The rear ground floor flat is an eyesore for those of us who look down on and I welcome the improvements proposed.</li> </ul> <p><b>First floor flat, 2 Regent Square</b> – supports the application;</p> <ul style="list-style-type: none"> <li>I am likely to be materially affected if the proposal goes ahead. I fully support the application; the plans have been put together with care, sympathy, thought and consideration towards the local built environment of a grade II listed terrace.</li> <li>The plans envisage a significant improvement to a rather shoddy building to which planning consent was granted in a different era of thinking about conservation.</li> </ul> <p><b>Flat 4, 1<sup>st</sup> floor – 1 Regent Square</b> – supports the application;</p> <ul style="list-style-type: none"> <li>The existing extension is of poor quality and construction and suffering from lack of maintenance.</li> <li>These proposals are an improvement to enhance the listed terrace and this revised application has addressed the various objections made to the previous one.</li> </ul> <p><b>Tenant of ground floor flat – supports the application;</b> Our only view is into the neighbour's garden and we have no outside space. We use the garden belonging to our neighbours but they would be within their rights to stop us. The application would give us outside space and stop the direct overlooking between us and our neighbours. The new windows at the upper level would give us some views onto the outside works which are not overlooking anybody.</p> <p><b>Basement flat, 1 Regent Square</b> – objects for the following reason; I live in the basement the only light I get comes from the well. I am concerned with loss of light and loss of privacy.</p>					
<b>CAAC comments:</b>	<b>Bloomsbury CAAC</b> – no comments received.					

## Site Description

The site is located on the south side of Regent Square close to the junction with Sidmouth Street and backs onto St. Georges Gardens. The site comprises a three storey terraced property subdivided into flats. The building is grade II listed dating from c1829. There is an existing ground floor rear extension which occupies the whole site leaving no garden space to the rear. The applicant's ground floor flat occupies the rear room of the main terraced building plus the rear extension covering the former rear garden. This extension has access to the garden area to the rear of no. 2 Regent's Square. The boundary wall to the rear of the site forms part of the historic perimeter wall of St George's Gardens, and is also listed Grade II in its own right. The building is located within the Bloomsbury Conservation area.

The application relates to the rear ground floor flat.

## Relevant History

11/07/1963 – **p.p. granted (19\_06\_63)** for change of use to warehouse and office

31/03/2010 – **p.p. and LBC granted (2010/0718/P & 2010/0723/L)** for erection of a first floor rear extension for ground floor flat and creation of roof terrace, including lowering of the floor level in the rear addition at ground floor level, installation of windows at ground floor level on west elevation and associated alterations (Class C3).

Planning permission (2010/0718/P) was refused for the following reasons;

The proposed extension by reason of its size, appearance and detailed design would have a detrimental impact on the appearance of the building, the appearance and setting of the terrace, the character and appearance of the wider Bloomsbury Conservation Area and would cause harm to the historical features and settings of St. George's Park contrary to policies B1 (General design principles), B3 (Alterations and Extensions), B6 (listed Buildings), B7 (Conservation Areas) and N3 (Protecting open space designations) of the London Borough of Camden Replacement Unitary Development Plan 2006.

The proposed windows in the side elevation of the extension, the roof terrace and stairs, by reason of their size and location, would result in overlooking of habitable rooms of adjoining properties resulting in an unacceptable loss of privacy of adjacent occupiers, contrary to policies SD6 (Amenity for occupiers and neighbours) of the

Listed building consent (2010/0723/L) was refused for the following reason:

The height and width of the proposed extension, in combination with the inappropriate hipped roof form and modern glazing would not relate to the host building or wider context, obscures the rear elevation of the building and adversely impacts on long views of the terrace to an unacceptable degree and introduces alien design elements which do not preserve the special interest of or setting of the Grade II listed building and terrace of which it forms a part, nor the setting of the Grade II registered St George's Gardens contrary to policy B6 (Listed buildings) of the London Borough of Camden Replacement Unitary Development Plan 2006.

### Relevant policies

#### Replacement Unitary Development Plan 2006

SD6 (Amenity for occupiers and neighbours), B1 (General Design principles), B3 (Alterations and extensions), B6 (Listed buildings), B7 (Conservation areas), N3 (Protecting open space designations)

#### Camden Planning Guidance 2006

#### Bloomsbury Conservation Area Statement

#### LDF Core Strategy and Development Policies

CS1 (Distribution of growth), CS5 (Managing growth and economic impact), CS14 (Promoting high quality places and conserving our heritage), CS15 (Protecting and improving our parks and open spaces and encouraging biodiversity), DP24 (Securing high quality design), DP25 (Conserving Camden's heritage), DP26 (managing the impact of development on occupiers and neighbours), DP31 (Provision of, and improvement to, open space)

*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.*

### Assessment

**Proposal** - Planning permission and listed building consent are sought for the following;

- Erection of an extension above the existing ground floor rear extension in order to create additional residential accommodation.
- The extension would measure 3.8m wide and 5.2m deep and 2.7m high.
- The ground floor level of the existing extension will be lowered by approximately 0.6m.
- The first floor extension will be constructed from brick with glazing and a flat roof.
- It is proposed to replace the windows along the side of the existing extension at ground floor level with slanted panel windows.
- The floor level of the proposed extension would be 0.8m lower than the existing flat roof.

This application is a resubmission of the recently refused schemes (2009/0718/P and 2010/0723/L), the revisions include;

- Replacement of the hipped slated roof with a flat roof covered with lead with rolled joints.
- Reduction in the extent of glazing along the side elevation of the first floor extension.

**Design** - The building is a Grade II listed terrace house now subdivided into flats. The boundary wall to the rear of the site forms part of the historic perimeter wall of St George's Gardens, and is also listed Grade II in its own right. St George's Gardens is included on the English Heritage register of Historic Parks and Gardens at Grade II. Policy N3A (Parks and Gardens of Special Historical Interest) seeks to protect the "historic features and setting" of parks and gardens of Special Historic Interest. The existing ground floor rear extension to the building occupies the whole site, leaving no garden space to the rear. This extension appears to be post-war in date, but a structure in this position appears on the 1894 OS. The extension is in use as part of the ground floor flat.

It is proposed to form an extension above the existing rear ground floor, in order to create additional residential accommodation and outdoor amenity space for the existing flat, forming a part first floor extension in brick. This revised scheme omits the previously-proposed hipped, slated roof, and instead proposes a flat roof in rolled lead with projecting eaves detail. The overall height of the structure is 1.3m above the rear boundary wall to St Georges Gardens.

The extension will be set away from the rear of the existing building, and will be set approximately 1m – 2.4m from the angled boundary wall of St George's Gardens. The extension will be predominantly glazed on its rear and west elevations.

The main design issues in this revised scheme remain as follows-

- The impact on the special interest of the host building and its setting,
- The setting of the wider listed terrace, and
- The impact on the setting of St George's Gardens.

The rear of the terrace is predominantly flat backed, with one or two low level garden extensions or closet wing additions. The position, height, scale and form of these extensions generally do not interrupt views of the rear of the terrace from St George's Gardens. At no. 4 Regent Square, to the west of the site, there is a two storey extension within the garden, the ridge line of which is approximately the same as the ridge line of the proposed extension at no. 1. However, this historic addition does not appear to benefit from any formal consent and is not in line with current policy and guidance, therefore should not be taken as a precedent for similar extensions.

Whilst the position of the proposed extension away from the rear of the building would still allow for views of the rear of the host building from within the site, its width and its elevated position will begin to obscure the first floor level rear windows and those of the neighbouring buildings when viewed from the Gardens to the rear. It is not considered that the reconfiguration of the roof to omit the hipped structure and replace this with a lead covered flat roof will overcome the issue of the inappropriate position, width and height of the structure.

The amount of glazing along the side elevation has been reduced, however more than half of the elevation remains fully glazed. Aside from this alteration and the variation to the roof, the detailed design of the upper level has not changed. It is considered that the previous concerns with the refused proposals have not been addressed - these include the amount of proposed glazing along the rear and side elevation of the extension, and the replacement of some of the brick wall to the west side with open railings, being at odds with the appearance, character and generally solid nature of the rears of these properties.

The proximity and amount of glazing and the introduction of railings on the existing west elevation in place of brickwork is also considered to be at odds with the relationship between the listed terrace and the secluded nature of St George's Gardens, to the detriment of its setting and character. The existing side elevation of the top section of the ground floor extension is visible from St. Georges Garden therefore it is considered that the proposed section of metal railings would be visible from and allow direct views from the terrace into the gardens.

The revised proposal therefore remains unacceptable. The height, width and position of the proposed extension, in combination with the pattern of glazing which does not relate to the host building or wider context, obscures the rear elevation of the building and terrace to an unacceptable degree and introduces alien design elements which do not preserve the special interest of or setting of the Grade II listed building and terrace of which it forms a part, nor the setting of the Grade II registered St George's Gardens.

**Amenity** - Camden Planning Guidance 2006 states that terraces should not be introduced where they result in an unreasonable amount of additional overlooking into any habitable rooms of the gardens of neighbouring properties or have an adverse effect on the townscape or character of the building as a result of being visually intrusive. In order to address the previous reasons for refusal, a number of drawings indicating various sightlines from the proposed extension and roof terrace were submitted as part of the application.

#### Views from the terrace

The applicant has submitted two sets of sightlines comparing the existing and the proposed situation. However the existing flat roof is not in use as a roof terrace nor is there any record of permission being sought to use the roof for additional amenity space. This space forms part of the fire exit route for residents on the upper floors of the building. It is therefore considered that there are no existing levels of overlooking from the flat roof into any habitable rooms or gardens of neighbouring properties or the neighbouring gardens.

It is proposed to create a roof terrace on the roof of the ground floor extension. The floor of the terrace is set down below the top of the existing parapet wall around the ground floor extension. Railings are proposed along the side of the roof terrace with the existing wall retained along the rear elevation. The existing roof is used as a fire-escape with an access door from the shared landing for the flats on the upper floors.

It is considered that the proposed roof terrace would allow views directly into the garden area of the neighbouring properties and into the first floor bedroom window at no. 1 and into the habitable window at no.2. The applicant has submitted a drawing with sightlines drawn to indicate possible views from the bottom of the terrace closest to the habitable window on the first floor rear elevation. This sightline shows that users of the terrace can view into the room but would only be able to see into the top portion of the room. However this only shows one possible view from one position of the terrace. It is considered that if a person was stood either further along the terrace (adjacent to the side elevation of the extension), on the stairs down to the terrace or on the landing, they would be able to view directly into the bedroom window. It is proposed to retain the fire-escape access with the stairs and landing from the first floor doors but it is not intended for this section of the roof to be used as part of the proposed roof terrace. However if the proposals were considered acceptable a condition would be needed to restrict the use of this part of the roof to be used for a fire exit/maintenance purposes and not as additional amenity space.

Furthermore the two storey extension to the rear of no. 4 with a dormer window on the side elevation is only 12m away from the proposed terrace. The resulting degrees of overlooking from the terrace would be sufficient to be considered to

be unreasonable levels of overlooking.

The terrace would also allow views down into the neighbouring garden; however given there are existing windows on the side elevation of the ground floor extension which overlook this garden the proposal would not have a detrimental impact on the privacy of the users of the garden in comparison to the existing situation.

It is considered that the only ways to mitigate the levels of overlooking would be a privacy screen. However it is considered that the extent and height for a screen to be considered sufficient would have a detrimental impact on the special character of the listed building, the wider terrace and the conservation area.

There is an existing terrace on the roof of the neighbouring ground floor rear extension of no. 55 Sidmouth Street with the entire roof in use as a terrace. Planning permission and listed building consent (2005/5509/P and 2005/5510/L) were approved on 27/01/2006 for 'extensions and modifications to the existing 3-storey residential unit comprising: the erection of a first floor rear extension with new access to existing roof terrace, the installation of a new glazed roof to existing rear projection and alterations to front railings to provide refuse store'. However it appeared that the flat roof was already in use as a terrace prior to the submission of the application and had become lawful over time. It appears that the entire roof is in use as a terrace contrary to the approved scheme and the Councils Compliance and Enforcement Team were notified of this possible breach.

#### Views from the extension

The level of glazing along the side elevation of the extension has been reduced; however it is considered that the windows would allow people to look back towards the rear elevation of the neighbouring property. The half-landing windows serve non-habitable rooms; however the first floor window serves a residential flat. The applicant has submitted sightlines to indicate the extent of possible views into this window. However this only indicates one possible position of a person looking out of the window along the side elevation. It is acknowledged that these sightlines would not be horizontal and the distance between the extension and the first floor window is approximately 8m. However it is considered that the degree of overlooking resulting from the development is sufficient to affect the privacy of any occupiers or residents in comparison to the existing situation.

#### Views into the gardens

Sightlines have been submitted in order to show the extent the proposed extension would be visible from the Gardens. However it is considered that this only indicated one possible view from the terrace into the gardens. The top section of the side elevation of the ground floor extension is visible from St. Georges Gardens. Therefore it is considered that the side elevation of the extension and the sections of railings would be visible from and allow views into St. Georges Gardens. As the floor level of the proposed terrace has been lowered from the height of the roof of the existing extension, the height of the wall between the terrace and the gardens is 1.2m above the floor level of the terrace. This would result in the heads of people using the terrace to be visible above the wall thus allowing views into the Gardens and would affect the perceived privacy levels of these Gardens. It is acknowledged that in summer months given the extensive vegetation in the neighbouring Gardens, the levels of overlooking into them would be reduced; however it is considered that levels of overlooking would be sufficient to affect the secluded nature of the park and its special character.

#### New slat windows

The proposed 'slat' windows on the side elevation of the ground floor extension would replace an existing window and glazed door which allow direct views into the lounge and out onto the garden area. The proposed slat windows have been designed with an angle to improve the privacy of occupiers by limiting the levels of potential overlooking in comparison to the existing situation.

#### Other issues

Concerns were submitted regarding the possible loss of light into rooms located within the existing lightwell located between the original building and the rear extension at no. 1 due to the addition of a further storey. However as the extension is set back from the edge of the existing extension and as the rear wall of the ground floor extension will be retained, it is considered unlikely that the proposal would have a detrimental impact in terms of loss of sunlight or daylight. In terms of concerns of loss of privacy to these windows, the existing rear wall of the extension will form a balustrade to the terrace. It is considered that this would restrict any views down into the lightwell from the terrace. The only way for a person on the terrace to look into these windows would be to lean over the wall. It is therefore considered that the proposal would not have a detrimental impact on the levels of privacy of occupiers of the flats with windows in the lightwell.

**Recommendation** – Refuse planning permission and listed building consent for same reasons as before on grounds of inappropriate size, design and overlooking.

### **Disclaimer**

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