

Delegated Report		Analysis sheet		Expiry Date:	26/08/2010
		N/A		Consultation Expiry Date:	06/08/2010
Officer			Application Number(s)		
David Peres Da Costa			2010/3174/P		
Application Address			Drawing Numbers		
37 Goodge Street London W1T 2PU			Refer to draft decision notice		
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature		
Proposal(s)					
Retention of roof terrace at 1st floor level to rear of existing residential flat (Class C3).					
Recommendation(s):		Refuse planning permission and enforce			
Application Type:		Full Planning Permission			

Conditions or Reasons for Refusal:						
Informatives:	Refer to Draft Decision Notice					
Consultations						
Adjoining Occupiers:	No. notified	11	No. of responses	03	No. of objections	03
			No. electronic	00		
Summary of consultation responses:	<p>A site notice was erected on the 9/7/2010 and 11 neighbours were individually consulted.</p> <p>The occupier of 6 and 3 Colville Place objected to the proposal (the occupier of 3 Colville Place is also the landlord of 10 Colville Place). In summary, the grounds of their concerns are:</p> <ul style="list-style-type: none"> Noise from the terrace reverberates as the terrace is surrounded by 4 storey buildings on four sides, and the noise harms the amenity of this residential area. Overlooking – anyone on the terrace will be able to see into lots of bedrooms, removing any privacy from these overlooked bedrooms (from the terrace can look into the sitting room and bedroom of 10 Colville Place) <p>A letter was also received from 3 Colville place with the same concerns as outlined above. This letter was signed by the occupiers of 1, 5, 6, 7, 8, and 15 Colville Place.</p>					
CAAC/Local groups* comments: *Please Specify	<p>Charlotte Street Association - object</p> <p>Strongest objection to the retention of the unauthorised first floor terrace; the use of this terrace causes serious noise nuisance and disturbance to nearby Goodge St and Colville Place and there have been numerous complaints by affected residents to both Environmental Health and Ward Councillors. Its retention would be incompatible with the Council's policies for the protection of residential amenity.</p> <p>Charlotte Steet CAAC - object</p> <p>Given the enclosed nature of the site and surroundings and their residential use, the terrace is considered to be detrimental to their amenities and those of the CA.</p>					
Site Description						
<p>The application site refers to a four storey terraced house on the south side of Goodge Street. The ground floor is in commercial use with residential above. The property is situated in the Charlotte Street conservation area. The property itself is not listed but the adjoining property at no.35 is.</p>						
Relevant History						
<p>2009/5677/P Erection of a roof extension to create additional living accommodation at 4th floor level and installation of front and rear roof terraces to residential flat (Class C3). <u>Refused</u> 09/02/10</p> <p><i>Reason for refusal: The roof extension and associated works, by reason of their scale, height, detailed design and materials would be an incongruous addition, interrupting a largely unimpaired roof line and detracting from the character and appearance of the conservation area.</i></p> <p>90688: The erection of a lavatory and bathroom addition at the rear of the premises known as No. 37, Goodge Street, St. Pancras. Granted 27/7/37</p> <p>EN10/0461 There is an ongoing enforcement investigation for the unauthorised terrace at rear first floor level since 5/5/10</p>						

Relevant policies

Replacement Unitary Development Plan 2006

B1 – General design principles
B3 – Alterations and extensions
B7– Conservation Areas.
SD6 – Amenity for occupiers and neighbours

Camden Planning Guidance December 2006 Charlotte Street Conservation Area Statement

LDF Core Strategy and Development Policies

As the draft LDF Core Strategy and Development Policies documents have now been published, they are material planning considerations. However, as a matter of law, limited weight should be attached to them at this stage.

CS1 – Distribution of growth
CS5 – Managing the impact of growth and development
CS14 – Promoting high quality places and conserving our heritage
DP24 – Securing high quality design
DP25 – Conserving Camden's heritage
DP26 - Managing the impact of development on occupiers and neighbours

Assessment

Proposal:

The application seeks retention of alterations to create a roof terrace at rear 1st floor level for the one bedroom flat. The alterations include the replacement of a window with a smaller window plus door providing access to the terrace, decking and timber trellis enclosure. The terrace does not cover the entire flat roof, rather it terminates in line with the existing projecting wing providing an area of approx 5 sqm. The terrace is enclosed by the existing projecting wing to the west and partially enclosed by an existing sloping party wall to the east. The remainder of the terrace is enclosed by timber trellis measuring 1.1m high.

Assessment:

Main considerations:

- Impact on host building and conservation area.
- Neighbouring amenity

Impact on host building and conservation area

The rear of the properties along this section of Goodge Street is characterised by the roofs of the ground floor level commercial units, and occasional voids providing lightwells. There is little uniformity or consistency in the appearance of the rear of these properties. Within this context, the design of the terrace is considered to be satisfactory and it is not considered to have an adverse effect on the townscape or the character of the host property. As the terrace is at rear first floor level and is not visible from the public realm, the effect on the conservation area is limited. The use of timber for the balustrade plus trellis and decking is considered appropriate. The replacement of the window with a smaller window and door is considered acceptable.

Neighbouring amenity

Camden Planning Guidance recognises that terraces can provide valuable amenity space for flats but also acknowledges that they can cause nuisance to neighbours. Potential problems identified are overlooking, loss of privacy and noise.

The main rear elevation of the properties on Goodge Street is less than 8 metres from the rear of the

properties on Colville Place. The rear of the terrace is only 5 metres (approximately) from the rear elevation of 10 Colville Place. Within this relatively confined area, it is considered that noise nuisance could be potentially significant. The properties along Goodge Street and Colville Place, with a few noted exceptions, do not include outdoor amenity space at the rear.

The only 1st floor level terrace along this section of Goodge Street, is at number 33. This terrace is unauthorised and the Council, in this instance, was unable to take enforcement action as the balustrade and access door had been in situ for over 4 years. Two of the properties along Colville Place have small enclosures at ground floor level, one of which has planning permission. Both of these enclosures are relatively small, heavily screened and given the location, are typically used for plant pots rather than for seating. Other terraces along Goodge Street and Colville Place are at top floor roof level, where the problem of noise resonating in a confined area is not an issue.

The terrace is also considered to result in an unreasonable amount of additional overlooking into habitable rooms of neighbouring properties. The distance between the rear of the terrace and the neighbouring windows on Colville Place, plus the angle of view, allows a high degree of overlooking and is considered to result in a loss of privacy to both 10 and 11 Colville Place. There is also additional overlooking of windows of habitable rooms at the adjoining property, 35 Goodge Street. Although the use of screening could mitigate overlooking to some extent, it would not be considered to eliminate overlooking of higher neighbouring windows. In addition, high screening would be more visually obtrusive and would harm the outlook of neighbouring properties.

Recommendation: Refuse and warning of enforcement action to be taken

That the Head of Legal Services issue an Enforcement Notice under section 172 of the Town & Country Planning Act 1990 as amended, and officers be authorised in the event of non-compliance to prosecute under section 179 or appropriate power and/or take direct action under section 178 in order to secure cessation of the breach of planning control.

The Notice shall allege the following breach of planning control:

Without Planning Permission:

The unauthorised creation of roof terrace at rear first floor level involving the replacement of window with window and door, decking and timber trellis enclosure.

The Notice shall require that, within a period of four months of the Notice taking effect, the timber trellis enclosure, decking and the door shall be completely removed with the latter being replaced by a window to match pre-existing.

Reasons for Issuing the Notice:

It appears to the Council that the above breach of planning control has occurred within the last 4 years.

The unauthorised development causes harm to the amenity of neighbours with respect to overlooking, loss of privacy and noise nuisance. The development is therefore contrary to policy SD6 of the Council's Replacement Unitary Development Plan 2006.

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