

Delegated Report		Analysis sheet	Expiry Date:	27/07/2010
		N/A / attached	Consultation Expiry Date:	14/07/2010
Officer			Application Number(s)	
Katrina Christoforou			2010/1646/P	
Application Address			Drawing Numbers	
33 Parliament Hill London NW3 2AE			See decision notice	
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature	
Proposal(s)				
Retention of glazed balustrade to roof of rear ground floor extension, and of metal staircase with platform and new door to south west (side) elevation of part-single, part-two storey rear extension to existing flats (Class C3)				
Recommendation(s):		Refuse Planning Permission and Serve Enforcement Notice		
Application Type:		Full Planning Permission		
Conditions or Reasons for Refusal:		Refer to Draft Decision Notice		
Informatives:				

Consultations

Adjoining Occupiers:	No. notified	34	No. of responses	05	No. of objections	05
Summary of consultation responses:			No. electronic	02		
CAAC/Local groups* comments: <small>*Please Specify</small>	<p>A site notice was erected on the 18/06/2010. Five objections to the proposals were received from neighbours at 29, 31, 33 and 35. The objections are summarised as follows:</p> <ul style="list-style-type: none"> - Bedroom at number 31 is completely overlooked by the roof terrace. - General overlooking of number 31. - Overlooking of number 35, particularly kitchen and living room. - Overlooking of neighbouring gardens. - Noise nuisance from the terrace. - Materials are modernist and are at odds with the spirit of the original design and other surrounding materials- inappropriate for the context. - Design of the staircase is an aesthetic mess. - Staircase interferes with the lightwell serving the basement depriving the space of daylight. - Staircase over one third of the lightwell blocks the only source of light to the basement flat and affects privacy. - Safety of neighbouring buildings. - Spiral staircase is an eyesore. - Balustrade has caused the death of birds. - Green roof has been disregarded. <p><u>South Hill Park CAAC: No response.</u></p> <p><u>31 Parliament Hill Resident's Association: Objection</u></p> <ul style="list-style-type: none"> - Overlooking of the four flats at the rear of number 31 and of the bedroom of flat 1. - Noise nuisance from terrace. <p><u>Heath and Hampstead Society: Objection</u></p> <ul style="list-style-type: none"> - It was plainly designed for the flat roof to be used as a terrace and due to the raised position would cause overlooking of neighbouring gardens. 					

Site Description

The semi-detached property is located on the west side of Parliament Hill within the South Hill Park Conservation Area. The building has been divided into a number of residential flats and extended at the rear by a 1-2 storey rear extension at basement and ground floors.

Relevant History

2007/0794/P

Planning permission granted 28/08/2007 subject to a Section 106 Legal Agreement (car free) for the "Excavation of a new basement and installation of associated new light wells to front and rear of the building and erection of a single storey partly sunken rear garden extension, to provide 2 new residential units, one bed-sit on the front and one 2 bedroom unit at the rear and to enlarge an existing one bedroom flat at rear ground floor level to form a 2/3 bedroom flat."

It had a condition 5: *Details of the green roof to be created on the flat roof of the new rear extension, including species, planting density, substrate and a section at scale 1:20 showing that adequate depth is available in terms of the construction and long-term viability of the green roof, and a programme for a scheme of maintenance, shall be submitted to and approved by the Council prior to the commencement of works. Thereafter, the green roof shall be fully provided in accordance with the approved details, and permanently retained and maintained in accordance with the approved scheme of maintenance.*

2008/0885/P

Approval of details of green roof in association with 2007/0794/P granted 29/04/2008.

Enforcement History

A report of unauthorised building works in the rear garden was received by the Council and an enforcement investigation was opened under the reference EN08/0771 on the 09/09/2008.

A further complaint was received relating to the erection of a large metal staircase and another investigation was opened under the reference EN09/0217 on the 01/04/2009.

A complaint was then received in relation to the erection of a rear boundary wall over 1.6m in height (reference EN10/0668, record created 09/07/2010). Investigations into these matters are ongoing and the current application has been submitted in an attempt to regularise the unauthorised staircase, balustrade and door in association with investigation EN09/0217.

Relevant policies

Replacement Unitary Development Plan 2006

SD1- Quality of life
SD6- Amenity for occupiers and neighbours
B1- General design principles
B3- Alterations and extensions
B7- Conservation Areas
N5- Biodiversity

Supplementary planning guidance

Camden Planning Guidance 2006

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*
CS15- *Protecting and improving our parks and open spaces and encouraging biodiversity*
CS17- *Making Camden a safer place*

DP24- *Securing high quality design*
DP25- *Conserving Camden's Heritage*
DP26- *Managing the impact of development on occupiers and neighbours*

Assessment

This application has been made retrospectively for the retention of an access door, staircase and balustrade to the rear of the building. The door replaces the approved window in the side elevation of the rear extension at ground floor/garden level. This door opens immediately out onto the new metal platform and spiral staircase providing access to the garden and the flat roof above ground level. A clear glass balustrade has been erected around the perimeter of the flat roof. The flat roof has been planted with sedum in accordance with planning permission 2007/0794/P and approval of details 2008/0885/P.

Amenity

- basement flat

The staircase has been erected immediately over the basement level lightwell on the southern flank of the property. This lightwell is the only source of natural daylight to basement Flat B. This basement flat is serviced by three doors serving the two bedrooms and the living/dining space all looking onto this lightwell. Outlook and daylight to the basement unit as approved would already have been limited. The addition of the staircase would further obstruct daylight to this unit and would add to the sense of enclosure by virtue of being directly above the lightwell. This would be to the detriment of the residential amenity of the occupants of basement Flat B and is therefore contrary to policy SD6. It is recommended that this forms a reason for refusal for the staircase and platform.

- main property

The staircase would be immediately opposite a rear elevation window serving a bedroom at ground floor level within the parent building. Again, due to its position, the staircase would obstruct outlook to this window and adds to overlooking from a higher level from the stair and the terrace which it would not have previously experienced. The loss of amenity to this window is considered to be increased enough to form a reason for refusal due to the fact that any views into it were previously on the same level, whereas now the potential for greater viewing height down into the bedroom from either the stair, platform or flat roof is considered to cause a greater degree of harm than the approved context which allowed a degree of overlooking from the communal garden. Access to the flat roof on the rear extension also causes a loss of privacy to this rear ground floor bedroom of the parent building, as well as directly to immediately adjoining rear windows of the upper ground floor flat within the rear extension itself. Other users of the garden would be able to access the area of flat roof immediately adjoining the windows to this flat.

The access door which replaces the approved window on the southern flank is not considered to be detrimental in itself, as it is flush with the side elevation. However, the door opens directly out onto the platform of the unauthorised staircase. The removal of the staircase would therefore require the removal of the door.

- adjoining properties

The garden of the property serves all flats within the property and technically all flats would have access to the new staircase and the flat roof. This would create an overlooking issue for the immediately adjoining neighbours at both numbers 31 and 35 Parliament Hill. From the flat roof area there is a direct line of sight downwards to the two lower ground windows of number 35 (possibly in use as a kitchen area) and to the adjoining section of garden, causing a loss of privacy and increased overlooking.

The design and access statement specifies that the staircase is for maintenance purposes only and it is not intended that the flat roof would be used as a terrace. However, access could be given on such an ad hoc basis by way of a ladder if necessary and a permanent spiral stair and glazed safety screen is not necessarily required for maintenance purposes. The creation of a means of access to the flat roof is therefore contrary to policy SD6 in terms of a loss of privacy and it is recommended that this forms a reason for refusal.

Design

The property has been comprehensively extended and altered to the rear. The use of simple metal railings and an unframed clear glass screen are not in themselves in detailed design terms considered to harm the character or appearance of the Conservation Area and are not visible from the public realm. However, the addition of the staircase and balustrade at upper levels of the rear extension, combined with the bulk and depth of the approved extensions, is considered to be excessive in its cumulative impact and to add unnecessary visual clutter, particularly when it is only intended to create access for maintenance of the sedum roof. The staircase is especially bulky and prominent in the context of this rear extension. This harms the character and appearance of the host building and the conservation area.

Biodiversity

The flat roof has also been planted with sedum in accordance with the previous permission 2007/0794/P and approval of details 2008/0885/P. However, a permanent means of access has been created and it is therefore

considered that a condition restricting use of the flat roof would not be enforceable. Any use of the roof area would also compromise the viability of the sedum roof and its contribution towards biodiversity. Therefore, to allow this stair and associated screen would effectively grant permission for the use of the roof as a terrace which would be difficult to enforce. It would also make the sedum roof redundant over time as the use of the roof as a terrace would make the keeping of the sedum all the more difficult.

Summary

The retention of these features would therefore harm local amenity through overlooking of nearby windows and gardens and would create excessive visual clutter to an already overdeveloped rear garden context.

Recommendations:

- a) planning permission be refused;
- b) Head of Legal Services be instructed to issue an **Enforcement Notice** under Section 172 of the Town and Country Planning Act 1990 as amended requiring the removal of the unauthorised metal spiral stair and associated platform, access door and the clear glass screen located on the flat roof of the rear ground floor extension, and officers be authorised in the event of non-compliance to commence legal proceedings under Section 179 or other appropriate power and/or take direct action under Section 178 in order to secure the cessation of the breach of planning control.

The breach of planning control that has occurred is:

The unauthorised erection of a:

- 1) Metal staircase to the side of the existing rear extension providing access from the communal garden to flat roof above the ground floor extension.
- 2) Replacement of a window with a door to the side elevation of the rear extension at ground floor level.
- 3) Erection of a clear glass balustrade to the perimeter of the flat roof of the rear ground floor extension.

The notice shall require:

- 1) The removal of the unauthorised spiral staircase and platform
- 2) The removal of the side door
- 3) The removal of the glass balustrade

Within a period of:

- 4 months from the date of the notice.

Reason for serving the notice:

- 1) The staircase, by virtue of its design and position directly above the basement lightwell, results in a loss of daylight and outlook to the basement flat below and is therefore detrimental to the residential amenity of the occupiers of the basement flat, contrary to policy SD6 (Amenity of occupiers and neighbours) of the London Borough of Camden Replacement Unitary Development Plan 2006.
- 2) The staircase, balustrade and side door, by reason of their location and creation of an accessible roof terrace above the ground floor rear extension, results in increased overlooking to the lower ground floor windows of residential properties at nos. 31 and 35 Parliament Hill, to the ground floor rear window of the host building at no.33, and also to the upper ground floor rear windows of the rear extension at no. 33. This is therefore detrimental to the residential amenities of neighbours, contrary to policy SD6 (Amenity of occupiers and neighbours) of the London Borough of Camden Replacement Unitary Development Plan 2006.
- 3) The staircase and balustrade, by virtue of their design and position, add unnecessary visual clutter and bulk to the rear extension in the context of an already extensively extended and altered rear elevation of the property, which harms the appearance of the host property and the character and appearance of the conservation area, contrary to policies B1 (General Design Principles), B3 (Alterations and extensions) and B7 (Conservation Areas) of the London Borough of Camden Replacement Unitary Development Plan 2006.

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