

Delegated Report		Analysis sheet		Expiry Date:		15/04/2010	
		N/A / attached		Consultation Expiry Date:		30/3/2010	
Officer				Application Number(s)			
Hugh Miller				2009/5854/P			
Application Address				Drawing Numbers			
48 Leighton Road London NW5 2QE				Refer to decision notice			
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature				
Proposal(s)							
Amendment to planning permission granted 08/05/2008, reference 2008/0453/P, for the retention of the first floor window to the side elevation and the first floor french door and juliet balcony to the rear elevation of the rear extension of single family dwelling house (Class C3).							
Recommendation(s):		Refuse					
Application Type:		Full Planning Permission					
Conditions or Reasons for Refusal:		Refer to Draft Decision Notice					
Informatives:							
Consultations							
Adjoining Occupiers:		No. notified	03	No. of responses	04	No. of objections	04
				No. electronic	00		
Summary of consultation responses:		Site Notice displayed 10/3/2010, expires 31/3/2010. No response. 4 letters of response received. The objectors are raised concerns as follows: <ul style="list-style-type: none"> the side window is unacceptable because it overlooks the windows of no.50; the replacement door and Juliet balcony would provide access to the flat roof and would adversely affect privacy of neighbours; the Juliet balcony can be removed at any time, loss of privacy and overlooking into bedroom; the side window should be removed and the rear addition restored to the original approved planning consent. 					
CAAC/Local groups* comments: <small>*Please Specify</small>		No CAAC. <u>Leighton Road Neighbourhood Association</u> : Object. Concerns are as follows: <ul style="list-style-type: none"> proposed rear door is not acceptable as it will enable access to the flat roof and cause overlooking of adjacent rear gardens; the railing could be ineffectual or removed, the side window should not be approved. The frosted glass proposed 					

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| | <p>could be easily removed to give greater light and enable overlooking of neighbouring habitable rooms,</p> <ul style="list-style-type: none"> ○ the previous decision should be upheld and removal of the unapproved features vigorously enforced according to Planning Enforcement EN09/0013 issued in February 2010. |
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Site Description

2-storey plus basement Georgian property in use as a single dwelling, located on the south-western side of Leighton Road. It is constructed of stock brick and forms part of a terrace of similar properties.

The site forms part of the Kentish Town Conservation Area.

Relevant History

12 February 2007 – PP refused - Erection of a mansard roof extension, rear extension at lower ground floor and ground floor levels and creation of a first floor terrace at rear of house (Class C3), ref. 2006/5806/P

9 September 2007 – Withdrawn - Resubmission of refused application 2006/5806/P for lower ground and ground floor extension, first floor terrace to the rear, new fenestration and replacement of existing roof top extension to single family dwelling house (C3), ref. 2007/1223/P

20 December 2007- PP refused - Additions and alterations including part single storey and part two storey extension at rear lower ground and ground floor levels and erection of a roof extension, all to provide additional residential accommodation to dwelling house, ref. 2007/4152/P

8 May 2008 - PP granted - Erection of part single storey and part two storey extension at rear lower ground and ground floor levels to the existing single family dwelling house (C3 use), ref. 2008/0453/P

19 March 2010 – application received to discharge condition 02. This application is currently being assessed (2010/1373/P).

Relevant policies

Camden Unitary development Plan 2006:

SD6 - Amenity for occupiers and neighbours

B1 – General design principles

B3 – Alterations and extensions

B7 - Conservation areas

Camden Planning Guidance 2006

Kentish Town: Conservation Area Statement 1995

Draft LDF Core Strategy

The following policies in the draft LDF Core Strategy and Development Policies documents have been taken into consideration

CS1 – Distribution of growth

CS5 – Managing the impact of growth and development

CS14 – Promoting high quality places and conserving heritage / conservation areas

DP24 – Securing high quality design

DP25 – Conserving Camden's heritage / conservation areas

DP26 - Managing the impact of development on occupiers and neighbours

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.

Assessment

Background

In May 2008, planning permission was granted for the "Erection of part single storey and part two storey extension at rear lower ground and ground floor levels to the existing single family dwelling house" subject to conditions. Specifically, condition 02 state the following:

The details of the windows to be used on the building shall not be otherwise than as those submitted to and approved by the Council before any work is commenced on the relevant part of the development. Such details shall include proposed design, colour and materials. The relevant part of the works shall not be carried out otherwise than in accordance with the details thus approved.

On 22 January 2009, the application site was visited after the Council received complaints that some of the implemented works were contrary to the approved drawings. The officer observed that french doors plus Juliette balcony has been installed at rear ground floor level instead of a window. The officer also discovered that condition 02 as noted above was not discharged and remain outstanding.

By letter dated 23/4/2009, officers informed the application of the breach of condition and the need to submit the window details within 28 days to have the matter formally determined.

Follow up letter were sent to the applicant dated 3/11/2009 to have the condition discharged. The officer remind the applicant of the likelihood of enforcement action being taken in absence of any submission to discharged condition 02.

April 2009, officers delegated report recommends that an Enforcement Notice be served for alleged breach as follows:

- 1) *The non-compliance with Condition 2 requiring the submission of window details prior to the relevant works being undertaken Ref: 2008/0453/P. (no action)*
- 2) *The insertion of a French door and Juliet balcony on the rear elevation at first floor level without the benefit of planning permission. (no action)*
- 3) *The insertion of a flank window within the approved first floor rear extension without the benefit of planning permission. (action to be taken)*

The Enforcement Notice required the complete removal of the unauthorised first floor window overlooking No 50 Leighton Road from the flank of the extension and the opening permanently blocked up in materials to match the surrounding wall.

The Council considered it expedient to issue the notice for reason as follows:

The unauthorised window in the flank of the first floor rear extension is considered to harm the outlook of neighbouring residential properties by way of a loss of amenity through loss of privacy and overlooking. Therefore, this element is considered to be contrary to Policy SD6 of the Replacement Unitary Development Plan 2006.

An application has very recently been submitted (19 March 2010) to discharge condition 02 and this application is currently being assessed.

Current application

The proposal is for the following amendments to the rear extension approved 08/05/2008 (2008/0453):

- Retention of the first floor window to the side elevation
- Retention of the first floor french door and juliet balcony to the rear elevation

The main concern are **a)** design and impact on the appearance of the building and the conservation area, **b)** neighbour amenity - overlooking / loss of privacy

Design

New side window

The new side window as installed is casement timber framed and comprises clear glazed. It is painted white to match existing windows on the host building. As installed, it is not considered to harm the appearance of the host building or the character and appearance of the conservation area. The proposed drawing is annotated and state that the replacement window would be single hung sash obscure glazed and timber framed. In terms of design, either of the windows, casement as existing or sash as proposed would be satisfactory. Notwithstanding, the window's impact on neighbour amenity will be discussed below.

French door/ Juliet balcony rail

The French doors as installed comprise timber framed and glazed, painted to match others on the host building. The installed Juliet balcony railing which is painted black is also satisfactory. The retention of French doors plus installed Juliet balcony railing as replacement of window on the rear elevation is not considered to cause harm to the appearance of the host building or the character and appearance of the conservation area.

In terms of design, both the side window and the replacement French doors and Juliet balcony are considered satisfactory and are in compliance with policy B1, B3 and B7 of the RUDP 2006.

Neighbour amenity

New side window

No. 50 has a small squared off bay window on the rear elevation which is glazed on three sides. The bay window provides views across the rear of the host building from the neighbouring occupiers' bedroom. The window as installed measures 500mm width x 1000mm height and is clear glazed it is located approximately 3.0m from the existing bay window at no. 50. In this location and orientation, due south-east, given the closeness of the windows, it is sufficiently large to cause harm through overlooking and loss of privacy. Therefore any window on the elevation facing No.50 will cause overlooking and create a reduced sense of privacy which is contrary to Policy SD6 of the UDP.

The applicant has indicated that he is prepared to have the window fixed shut and fitted with obscure glazing. It is considered this could minimise the impact of overlooking and loss of privacy. However, because these solutions would require the use of a condition to impose them and there is no guarantee that this condition would be complied with. In addition these solutions could be reversed, and this would result in protracted harm to neighbouring residential occupiers' amenity. It is considered that the removal of the window and make good the wall to be bricked up is the only way to permanently remove the impact on the occupiers at no.50.

The window as installed in the flank of the first floor rear extension is considered unacceptable as it would cause harm to the occupiers at no.50 by through loss of privacy and overlooking. The proposed is considered to be contrary to Policy SD6 of the RUDP 2006.

French door/ Juliet balcony rail

The Juliet balcony as installed prevents occupiers of the host building from accessing the small unsecured flat roof area from being used as a terrace. This also means that no additional harm would be caused from the replacement French door and is therefore satisfactory and accords with policy SD6.

Conclusion

1. In terms of design, the side window as installed is satisfactory and would not harm the appearance of the host building or the conservation area.
2. Generally, the design of the French door and Juliet balcony railing is satisfactory. As installed they would not harm the appearance of the host building or the conservation area.
3. In view of the harm cause from the side flank window as installed; it is considered that the proposed remedial measures for its retention would not serve the interest of proper planning due to their reversibility and it is unacceptable for the reasons noted above.

Recommendation: Refuse planning permission.

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