

Delegated Report		Analysis sheet	Expiry Date:	23/12/2009
		N/A / attached	Consultation Expiry Date:	7/12/2009
Officer			Application Number(s)	
Hugh Miller			2009/4862/P	
Application Address			Drawing Numbers	
Tally Ho Apartments 12 Highgate Road London NW5 1AS			See decision notice	
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature	
Proposal(s)				
Erection of a rooftop extension at 5 th floor level, comprising an infill between 2 existing penthouse pavilions to provide additional accommodation to 2 existing 4 th and 5 th floor maisonettes (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	86	No. of responses	05	No. of objections	04
Summary of consultation responses:	<p data-bbox="424 427 884 461"><u>32 Tally Ho Apartments</u> –Object</p> <p data-bbox="424 501 1497 714">At the time of purchase there was no indication of further development and we purchased so that there would be no neighbours directly overhead. I am surprised that this is going forward, while also recognising the association between Casacucina Ltd and the developers of the property @ Tally Ho - " Moortown Properties" who have gone into liquidation with subsequent disruption to the owners.</p> <p data-bbox="424 721 1458 790">I would seek reassurance that there will not be a noise nuisance with the development to the immediate neighbours ,</p> <p data-bbox="424 795 1458 864">That there will be minimum disruption and control of pollution, debris and noise if building goes forward.</p> <p data-bbox="424 869 1390 938">That there will be no loss, or reduction of amenity areas to the other properties on the 4th floor.</p> <p data-bbox="424 943 1477 1048">That the integrity of the roof will be maintained and a guarantee that there will be no risk of water ingress into my property either during the proposed building, or thereafter.</p> <p data-bbox="424 1052 1490 1122">Please note that I did not receive notification until yesterday as I was out of the country thus timescales for reply are short.</p> <p data-bbox="424 1162 954 1196"><u>Flat 12, Tally Ho Apartments</u> –Object</p> <p data-bbox="424 1236 1469 1305">Object on grounds of height and bulk as the profile of the building will change in the way it looks in the townscape by becoming more dominant.</p> <p data-bbox="424 1346 954 1379"><u>Flat 31, Tally Ho Apartments</u> –Object</p> <p data-bbox="424 1420 1449 1489">Concern about damage to property, and disruption to occupiers use and enjoyment of property,</p> <p data-bbox="424 1529 1497 1599">Concern about excessive noise nuisance, as the proposed extension would be overhead of their flat, also the buildings structural stability.</p> <p data-bbox="424 1639 1465 1673">Development will cause loss of privacy due to overlooking of roof terrace,</p> <p data-bbox="424 1713 1449 1783">Concern about the impact of the development ton the appearance of the Tally Ho Apartments.</p> <p data-bbox="424 1823 1347 1856"><u>Tally Ho Apartments, 12 Highgate Road / dusan puvacic</u> –Object</p> <p data-bbox="424 1897 660 1930">Noise nuisance</p> <p data-bbox="424 1935 1490 2103">I purchased the apartment as a newly completed build, with the specific intention of providing a quiet environment to assist my husband's recovery after he suffered a severe stroke in 2008. As a new build, I did not expect further development work to be undertaken, certainly not so soon after completion.</p> <p data-bbox="424 2143 1442 2177">The proposed rooftop extension will create an additional residential unit</p>					

directly above our flat. Since my husband is now wheelchair bound and suffers from severe aphasia, this means that he requires 24 hour care. In addition to that, given our ages (71 me and 73 my husband) we spend most of the day confined to the apartment and we would find it very difficult to escape the inevitable noise created. I feel that the disturbance from this noise, both during the construction period and afterwards in occupancy, will prove to be stressful to both my husband and I, particularly for my husband who required regular speech and language therapy to assist with his aphasia, as well as periods of rest throughout the day.

There are many areas where noise will permeate into our apartment. Our bedroom windows face out onto the main corridor from which the workmen, materials and equipment will have to pass to gain access to the development. We also have a shared corridor between our flat and the development - again the workmen, materials and equipment will have to be brought in and out via this small corridor. I am certain that even with the best efforts of the workmen the noise levels during construction will be of an unacceptable level and cannot be mitigated.

Access
 Since my husband is wheelchair bound, we are completely reliant upon the only lift in the block. This lift has suffered a number of minor break-downs recently and I feel that the extra traffic the development will bring may exacerbate the situation.

I am specifically concerned that building material may be placed or stored in this corridor which would cause an obstruction and not allow me to manoeuvre the wheelchair out of the door. If there were to be a fire or some other emergency I may not be able to get my husband out.

Health issues
 As said previously, due to my husband's condition and our ages, we are both restricted to our apartment for most of the day and what concerns me greatly are the levels of dust that will be created during construction and the potential effects that they may have on our health.

I trust you will take the above issues into account in making your decision. In any event I would like you to provide me with clarification about party wall (or party structure) issues as well as any structural issues - in particular was the original structure designed to take the weight of further building on top? - as I would not be happy with any further work having to be done in my apartment to support the additional weight of the extension above.

**CAAC/Local groups*
 comments:**
 *Please Specify

None.

Site Description

The application relates to the site of the former Tally Ho Public House, on the western side of Fortress Road at its intersection with Fortress Walk. The site runs across the full length of Fortress Walk to Highgate Road, such that it forms the top side of a triangle of land between Fortress and Highgate Roads.

The site is not within any conservation area, but is within the Kentish Town centre. The site has been redeveloped by the erection of a part 5 part 6-storey building comprising 33 residential flats including 13 affordable flats and retail use at ground floor level.

Relevant History

September 2005 pp granted and subject to S106 legal agreement for the demolition of existing public house and erection of a part 5 part 6-storey building comprising 33 residential flats including 13 affordable flats and retail at ground floor level, ref. 2005/2242/P.

September 2006, planning permission was granted for Amendment to planning permission (ref: 2005/2242/P - Demolition of existing public house and erection of a part 5 part 6-storey building comprising 33 residential flats including 13 affordable flats and retail at ground floor level) granted 09/09/05 for creation of additional residential entrance within Highgate Road and relocation of passenger lift and shaft; ref. 2006/3521/P.

October 2008 pp granted for amendments to planning permission 2005/2242/P granted 09/09/2005 (for the demolition of existing public house and erection of a part 5 part 6-storey building) including the erection of a new mezzanine level for retail purposes, changes to the ground floor elevations (new entrances, ramp, materials); ref. 2008/3461/P.

Relevant policies

RUDP 2006:

B1 –General design principles

B3 –Alterations and extensions

SD1 - Quality of life

SD6 - Amenity for occupiers and neighbours

CPG 2006

Assessment

Preamble

In September 2005, planning permission was granted for a mixed use development involving the demolition of existing public house and erection of a part 5 part 6-storey building comprising 33 residential flats including 13 affordable flats and retail use at ground floor level, ref. 2005/2242/P. (The retail floorspace is vacant).

The scheme as approved was subjected to detailed negotiations between planning officers and the applicant on matters such as: design and density; mix use development / residential & retail; Traffic transport and servicing and affordable housing.

By letter dated 12/8/2005, the applicant confirmed the need to address officers concerns regarding the provision of correct contextual approach to the site. The applicants' letter further state " *You will also be aware that during our negotiations we have sought to address all concerns of [planning] officers, including reducing the overall height and floorspace of the scheme and adopting significant changes to the articulation of the elevations*"

"The development must respond to three differing contexts, namely Fortess Road, Fortess Walk and Highgate Road. We consider that the design of the building provides a well considered response to these challenges".

"The increased articulation within Fortess Road elevation is particular success, responding to the scale of the existing buildings to the south, whilst providing new interest at the corner of Fortess Walk and Fortess Road".

The above concerns, in particular the issues of building height, scale, bulk and massing, were also articulated in the planning officers committee report (paras.6.5 -6.13) with particular emphasis on how the development has fitted into the urban grain within what is considered to be the fragmented views along Highgate Road. The key design issues discussed in the committee report are referred to below.

The application proposes the following:

- Rooftop extension at 5th floor level comprising an infill between 2 existing penthouse pavilions to provide additional accommodation to 2 existing 4th and 5th floor maisonettes (Class C3). The extension will match the design and footprint of the existing pavilions and will cover the existing roof terraces here.

Design

The redevelopment of the site has only recently been completed with the retail use remain vacant. Based on the above information, it was considered that the as built part 5, part 6 storey building was the maximum allowed in terms of height, bulk, scale and massing. Consequently, for the purpose of clarity, it is considered pertinent to include the following paragraphs (6.8, 6.9, 6.10 & 6.11) of the approval committee report of 2005:

6.8 *The building's height, scale, bulk, grain, massing, building line, level of elevational detailing, and general level of articulation of ground floor elevations all respond well to each of these settings to produce a strong visual statement with visual interest and sensitively considered detailing. The setting of the neighbouring Listed Buildings is preserved.*

6.9 *The height of the building is a point of considerable contention, but is considered acceptable. The overall height of the building is 6 storeys, although it must be recognised that the predominantly glazed 4th floor is set 1.6m back from the front and side parapets and visually subordinate, and partially obscured in views northwards by the solid form of the southern-most section. The glass and timber balustrades are set 400mm behind the parapet. Given their setback and overall height they will only be visible in relatively long views where their lightweight form will enable them to add visual interest to the area but not stand out as*

unduly dominating features.

6.10 *The result is that the majority of the building's bulk is set below the 4th floor parapet, which is considerably lower than the parapet of the existing building at no. 1A Fortess Road which forms the 'prow' at the southern end of the triangular block and establishes the reasonable height of development for the block.*

6.11 *There are only two lightly constructed glazed 'pavilions' above the 4th floor parapet, set back 6m from the front and side parapets. Although they would be visible, they would not compromise the extent to which the building fits into the streetscape due to their position well into the footprint of the site. Instead they read as elegant structures in their own right and will be of interest on the roofline where visible but not dominant in longer views. Long views are obtained up and down both Highgate Road and Fortess Road and the height, bulk and massing successfully respect and is absorbed into the existing streetscape in these longer views.*

Whilst it is accepted that the host building is of contemporary design and lacks the rhythm of the Victorian or Georgian buildings, officers considered that the host building should fit within its surroundings. The assessment and justification for the glazed 'pavilions' is clearly stated in para. 6.11 above. Moreover, Policy B3's justification reinforces the need to consider the impacts of roof extensions and how they relate to the host building and their surroundings. Likewise, it is considered that the proposed infill extension would not be in compliance with CPG guidelines.

It is considered that the proposed infilling would result in a dominant upper floor, clearly visible in long views from Kentish Town Road, Fortess Road and Highgate Road. This would result in the building not fitting sensitively within the streetscene and would betray the size and bulk of the block which has been specifically designed at lower level to respond to the scale, grain, massing to each of their settings principally fronting Fortess Road and Highgate Road.

The additional bulk at upper level is considered undesirable as it compromises the original intentions of the permitted scheme and the reason why its roof profile was considered acceptable as explained in para 6.11 above. The proposed infill extension would result in excessive upper floor bulk, which would not be absorbed into the existing streetscape in these longer views. At present the pavilions appear as 2 lightweight subordinate conservatory-like structures forming bookend projections to the roof; the proposal however would coalesce these into one structure giving the impression of an additional full length and width storey at 5th floor which would be particularly apparent in views from the north.

By all account, it is considered that the scheme and in particular the erected two lightweight roof extension bookends is at its maximum in terms of scale and proportion to the host building. Moreover, it is considered that any further increase in floorspace at this level would not only be overly bulky but be visually dominant, detracting from the appearance of the host building and the area generally. No objections are raised in principle to the design in terms of matching materials, but the north facing elevation will be more solid than glazed which will increase the apparent visual bulk of this extension and thus the detailed design is considered inappropriate.

For the reasons stated above, the proposed works, by reason of design, height, scale and massing, would be overly visually dominant and would harm the appearance of the host building and the character and appearance of the surrounding area contrary to policies B1, B3 and CPG advice.

Recommendation Refuse.

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