

<b>Delegated Report</b>		<b>Analysis sheet</b>	<b>Expiry Date:</b>	14/05/2009
		N/A / attached	<b>Consultation Expiry Date:</b>	13/04/2009
<b>Officer</b>			<b>Application Number(s)</b>	
Aysegul Olcar-Chamberlin			2008/5945/P	
<b>Application Address</b>			<b>Drawing Numbers</b>	
20 Menelik Road London NW2 3RP			See draft 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>				
Alterations and extensions including erection of ground floor and first floor front extensions and installation of front balcony at first floor (above ground floor extension), installation of 5 rooflights on front roofslope, raising of ridge of main roof and party/parapet wall to bring forward front roof plane and dormer extensions on rear and side roof slopes of main roof (retrospective).				
<b>Recommendation(s):</b>		Refuse Planning Permission and Warn Of Enforcement Action		
<b>Application Type:</b>		Full Planning Permission		

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
<b>Consultations</b>						
Adjoining Occupiers:	No. notified	<b>08</b>	No. of responses	<b>04</b>	No. of objections	<b>04</b>
			No. electronic	<b>00</b>		
Summary of consultation responses:	<p>The occupiers of 15, 18, 22 and 32 Menelik Road object the proposal. In summary, the grounds of their objection are:</p> <p>Amenity:</p> <ul style="list-style-type: none"> <li>• The construction work caused distress to the adjoining neighbours.</li> <li>• The height of the roof at the rear has increased dramatically and has greatly affected the amount of light to the gardens of 18 and 22 Menelik Road.</li> <li>• The proposed roof extension has increased overlooking to 18 and 22 Menelik Road. This severely affects the privacy of those properties.</li> <li>• The dwelling has two front doors. Two flats in the building would result in more cars in the area.</li> </ul> <p>Design:</p> <ul style="list-style-type: none"> <li>• The raised ridged at no. 20 destroys the matching appearance between no.20 and no.22.</li> <li>• The roof extension at no.20 dominates the streetscene and imbalance the symmetry. None of the houses on Menelik Road have been extended to the extend proposed in this application.</li> <li>• The height and size of the rear dormer is excessive.</li> <li>• The design and appearance of the roof extension is awkward, unsightly and inconsistency with the rest of the houses on the street and is out of character with the area.</li> </ul> <p>Others:</p> <ul style="list-style-type: none"> <li>• The drawings do not accurately show the full width and height of the dormer.</li> <li>• The roof extension is well over %50 of the volume of the existing house.</li> <li>• The works carried out on the site exceeds what might have been allowed under "Permitted Development" rights (as applicable from the 1<sup>st</sup> October 2008).</li> </ul>					
CAAC/Local groups* comments: *Please Specify	N/A					
<b>Site Description</b>						
<p>The application site is located on the north-east side of Menelik Road and has a two-storey semi-detached house in a predominantly residential area. The house has recently been altered and extended. The site is not in a conservation area.</p> <p>The surrounding area is mainly characterised by two storey semi-detached and detached houses. The</p>						

application property forms part of a uniformed group of similar semi-detached houses on the north-east side of Menelik Road (nos. 20-26).

## Relevant History

### Application Property:

**16424** - Planning Permission was granted in July 1973 for the conversion of 20 Menelik Road, N.W.6. into 2 self-contained flats, including the construction of a new deck and glazed balustrade at the front.

**19415** - Planning Permission was granted in October 1974 for the conversion into 2 self-contained flats including the erection of a single storey extension at the front.

**34941** – Planning Permission was granted in December 1982 for the change of use involving works of conversion and alteration to form 2 self-contained flats.

**8905363** - Planning Permission was granted in July 1989 for the erection of 5m<sup>2</sup> porch on front of existing dwelling.

**2008/3212/P** – Planning Permission was granted in September 2008 for change of use and works of conversion from two flats to a single family dwelling. It was considered there were no special circumstances that would warrant the removal of any permitted development rights.

The Council has an on going enforcement investigation for the roof extension which recently has been erected.

### Neighbouring Properties:

**11 Menelik Road** - Certificate of Lawfulness (ref: PWX0103749) was granted on 20/11/2001 for the loft conversion.

**15 Menelik Road** – Planning Permission (ref: PWX0203122) was granted on 11/03/2003 for the erection of a two-storey rear extension with first floor dormer window, together with the erection of a side dormer window and the insertion of a rooflight within the front roof pitch, in connection with the conversion of the attic space to provide an additional habitable room for the existing dwellinghouse.

**18 Menelik Road** – Certificate of Lawfulness (ref: PWX0002132) was granted on 08/08/2000 for the proposed roof extension comprising three dormers to the rear and two side roofslopes.

## Relevant policies

### **Replacement Unitary Development Plan 2006**

SD1 – Quality of life

SD6 – Amenity for Neighbours and Occupiers

B1 – General Development Principles

B3 – Alterations and Extensions

### **Camden Planning Guidance 2006**

## Assessment

### Proposal

The proposal is for the erection of ground floor and first floor front extensions and installation of front balcony at first floor (above ground floor extension), installation of 5 rooflights on front roofslope, raising of ridge of main roof and party/parapet wall to bring forward front roof plane and dormer extensions on the rear and side roof slopes of main roof (retrospective).

Significant part of the proposed development has been completed on site without planning permission. These unauthorised works include:

- first floor level front extension;
- raised ridge and parapet wall;
- altered front roof plane;
- five roof lights to the front roof plane;
- side dormer roof extension; and
- rear dormer roof extension

### Permitted Development

The planning permission granted in September 2008 for the conversion of property back to a single family dwellinghouse has benefited the property from 'permitted development' rights. Since then the property has not been in a condition that is suitable for that residential use.

As the property has permitted development rights, rear and side dormer extensions could be built in accordance with Part 1 Class B of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) Order 2008.

Although it is not clear when the new roof was built, it could not be considered as 'permitted development' as the height of the new roof exceeds the highest part of the original roof and the new front roof plane extends beyond the original roof slope which fronts the highway.

The rooflights on the front roof plane would have been acceptable and possibly built as 'permitted development' if they were on the original roof plane.

Similarly, the first floor front extension could not be considered as 'permitted development' by reason of its height and location.

### Design

Policy B3 of the adopted UDP states the Council will not grant planning permission for alterations and extensions that it considers harm to the architectural integrity of the existing building or to the surrounding area. Furthermore, the consideration will be given whether alterations and extensions are subordinate and sympathetic to the original building in terms of form, scale and materials.

#### Extensions to the front of the building and first floor level balcony:

The house has an existing ground floor front extension with a pitched roof. The other pair of the semi-detached houses and the rest of similar semi-detached houses on Menelik Road have front canopies (like front porches). The proposed ground floor extension would not project beyond the existing ground floor extension. It would have been acceptable in principle if it had a pitched roof instead of a balcony on its roof. The proposed first floor level balcony would be a new feature and would not respect the original built form of the existing house and the rest of similar semi-detached houses.

It is noted there is a first floor balcony at the adjacent detached property (no. 18) and a few more detached properties on that side of Menelik Road have first floor balconies. The first floor balconies are original features of those detached properties. The proposed first floor balcony would upset the

symmetry between the pair of semi-detached dwellings.

The first floor front extension is an infilling of corner of the front gable with matching materials and is in line with the west side wall of the house. It altered the roof of the front gable and detracts from the symmetry between the other pair of semi-detached property and the rest of similar semi-detached properties within the street context.

#### Roof extension:

The Council's planning guidance states roof extensions and alterations are likely to be acceptable where there is an established form of roof addition or alteration to a terrace or group of similar buildings and where continuing the pattern of development would help to reunite a group of buildings and townscape. The Council's guidance also gives advice on the form, scale, size and positioning of dormer window extensions in relation to the roof area.

The original roof of house has been significantly altered as a result of the unauthorised works in association with the proposed development. The tiles used in the new roof structure respect the materials of the original house, however the design and bulk of the new roof structure detracts from the architectural style of the original house and are contrary to the Council's guidance.

The original ridge line and the parapet wall between the application property and the adjoining property (other pair) were raised to support the new roof structure as built. The new ridge line is approximately 0.5m higher than the adjoining property's ridge line. The new roof plane at the front projects approximately 0.5m beyond the original roof slope fronting highway.

Side and rear dormer extensions as shown on the existing side and rear elevations (drawing: 888/03) have been already been built on site. No windows have been installed to the rear elevation of the roof extension yet. It is proposed to add a pitched roof sloping down from the new ridge above the rear dormer roof extension.

Both the proposed and existing alterations and extensions to the roof result in an obtrusive and incongruous form of development which cannot be considered as subordinate to the original building or respect the development pattern of the surrounding properties in the area. The impact of the existing roof profile is especially highlighted when seen in conjunction with the unaltered roof of the adjoining property (no.22). The difference between the new roof form of the application property and the adjoining property is quite prominent on the streetscene.

There are some rather prominent side dormer windows at the adjacent property (no. 18) which was constructed as a 'permitted development' under permitted development rights for which a certificate was issued on 08/08/2000. Although it is noted that quite bulky roof extensions including side and rear dormer windows could be built as 'permitted development' on site, the new roof form exceeds the limits set out in the GDPO. The roof extension in terms of its design, size and bulk does not respect the architectural style of the original building, the adjoining property and similar semi-detached properties on that side of Menelik Road.

The cumulative affects of the both existing and proposed extensions and alterations are considered to cause unacceptable harm to the appearance and character of the original building and the surrounding area. As such, the proposal is contrary to policies B1 and B3 of the adopted UDP and further advice given in the Council's planning guidance.

#### **Amenity**

Although the proposed rear dormer would have windows which will overlook to the rear gardens of 18 and 22 Menelik Road there is an existing overlooking from the first floor rear windows of the parent building into those gardens. The proposal is considered not to significantly worsen that overlooking impact. Additionally, the existing building has permitted development rights to built side and rear dormers.

It is also considered that the impact of the proposal on the daylight to habitable rooms of neighbouring

properties would not be any greater than what could have been built on the site under 'permitted development' rights.

The proposed first floor balcony is situated in a position which does not allow any significant overlooking to the neighbouring habitable rooms. The proposal does not raise any amenity issues and is considered to be consistent with policy SD6.

**Recommendation:** Refuse Planning permission and serve Enforcement Notice;

That the Head of Legal Services be instructed to issue an **Enforcement Notice** under Section 172 of the Town and Country Planning Act 1990 as amended, 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 Notice shall allege the following breach of planning control:** The unauthorised works to the original roof and first floor front extension. The works to the main roof include raising the ridge line and party/parapet wall to bring forward the front roof plane and erection of dormer extensions on the rear and side roof slopes.

The Notice shall require that within a period of 6 months of the Notice taking effect the new roof structure and first floor front extension shall be removed and replaced by the original roof form and the front gable feature should be reinstated.

**REASONS WHY THE COUNCIL CONSIDER IT EXPEDIENT TO ISSUE THE NOTICE:**

- 1) The new roof structure by reason of its design and excessive height and bulk would appear as an incongruous and obtrusive form of development which detracts from the appearance of the original building and unbalance symmetry of the semi-detached pair, contrary to policies B1 (General Design Principles), and B3 (Alterations and Extensions) of the London Borough of Camden Replacement Unitary Development Plan 2006.
- 2) The first floor extension (which allows for a bathroom to serve the master bedroom as shown on proposed first floor plan on drawing no: 888/02 submitted with planning application, 2008/5945/P) by reason of its location and design harms the original form and design of the building and unbalances the symmetry of the semi-detached pair, contrary to policies B1 (General Design Principles), and B3 (Alterations and Extensions) of the London Borough of Camden Replacement Unitary Development Plan 2006.

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