

**DISCLAIMER**

Decision route to be decided by nominated members on Monday 05<sup>th</sup> October 2009. For further information see

<http://www.camden.gov.uk/ccm/navigation/environment/planning-and-built-environment/planning-applications/development-control-members-briefing/>

<b>Delegated Report (Members' Briefing)</b>		<b>Analysis sheet</b>	<b>Expiry Date:</b>	06/10/2009
			<b>Consultation Expiry Date:</b>	30/09/2009
<b>Officer</b>			<b>Application Number(s)</b>	
Jenny Fisher			2009/2664/P	
<b>Application Address</b>			<b>Drawing Numbers</b>	
47 Regent's Park Road London NW1 7SY			Refer to decision letter	
<b>PO 3/4</b>	<b>Area Team Signature</b>	<b>C&amp;UD</b>	<b>Authorised Officer Signature</b>	
		Design Surgery. 29/09/2009		
<b>Proposal(s)</b>				
Creation of a terrace on part of the existing side addition roof to existing flat (Class C3)				
<b>Recommendation(s):</b>	Grant planning permission with conditions			
<b>Application Type:</b>	Full Planning Permission			

<b>Conditions or Reasons for Refusal:</b>	Refer to Draft Decision Notice					
<b>Informatives:</b>						
<b>Consultations</b>						
<b>Adjoining Occupiers:</b>	No. notified	<b>15</b>	No. of responses	<b>03</b>	No. of objections	<b>02</b>
			No. Electronic	<b>00</b>		
<b>Summary of consultation responses:</b>	<p>A letter of support has been received from the occupants of flat 3 who feel that their neighbours would benefit from an outside space to sit and to place plants. Note that new plans would not cause loss of privacy for flats 4 or 5. Letters of objection have been sent from flat 4 and from the freeholder and leaseholder of flat 1.</p> <p>Overlooking – into bathroom; loss of light; concerned about structural impact to roof; security (flat would be more accessible from outside); terrace out of character with the building; bamboo screens not substantial enough; legal matters raised that do fall within planning legislation.</p> <p><u>Officer's comment</u>  <i>Visual and amenity impact are discussed in detail in the assessment of the report. Structural matters will be addressed by Building Control. The terrace would only be accessible from flat 6. and screens either side would prevent a person wandering across the roof. It is noted that there are bars in front of the bathroom windows that face onto the roof.</i></p>					
<b>CAAC/Local groups* comments:</b> *Please Specify	<p><u>Primrose Hill Conservation Area Committee object</u>  We were not aware, when considering earlier applications, of the neighbour's windows in the flank wall of the building, which quite reasonably require protection. The proposed solution is not appropriate: it results in an over-elaborate and intrusive set of screens and railing in a prominent location, visible from the street, which would be inappropriate in character, and damaging to the character and appearance of the conservation area.</p> <p><u>Officer's comment</u>  <i>All of the issues raised by the CAAC. are addressed in the report below.</i></p>					

## Site Description

The application premises comprise a part two part four storey building which is located on the south side of Regent Park Road, close to the junction with Albert Terrace. The property is subdivided into flats. Flats 4 and 5 are on the same level as the lower floor of the top floor maisonette (flat 6). Communal internal stairs provide access to the flats; entrances to flats 4 and 5 are either side of the entrance to flat 6.

The current application refers to the roof of the two storey section of the building.

Within the Primrose Hill Conservation Area. The building is not listed but is identified as a positive contributor to the Conservation Area.

## Relevant History

2008/2485/P Creation of a terrace on part of the existing side addition roof, withdrawn.

27/11/2008 (2008/4701/P) an application for the creation of a terrace on part of the existing side addition roof was refused.

Reason:

The proposed roof terrace, by reason of its location, would be detrimental to the amenity of the neighbouring flat in terms of loss of privacy and as such would be contrary to policy SD6 (Amenity of occupiers and neighbours) of the London Borough of Camden Replacement Unitary Development Plan 2006.

The applicant submitted an appeal which was dismissed by letter dated 20<sup>th</sup> May 2009.

## Relevant policies

### **London Borough of Camden Replacement UDP 2006**

SD1 – Quality of Life; SD6 – Amenity of Occupiers and Neighbours ;B1 – General Design Principles  
B3 – Alterations and Extensions; B7 – Conservation Areas

**Camden Planning Guidance:** conservation areas; daylight; design; overlooking and privacy; roofs and terraces

**Primrose Hill Conservation Area Statement**

## Assessment

Works proposed would provide access from the top floor apartment, Flat 6, to the lower roof area (over the two storey wing of the building) and creation of a roof terrace. An existing window within flat 6 would be replaced with a door, with steps leading down to the roof from a small landing. The steps would pass in front of a high level stair window. The terrace would be created from an area of the roof that would be enclosed with steel railings affixed to the parapet wall and either side. A bamboo screen is also proposed along each side.

The main difference between this and the previous scheme, appeal dismissed (20/05/2009), is the orientation of the steps that would lead straight down to the roof rather than crossing immediately in front of the bathroom window of flat 4. The screens that would be erected each side of the proposed terrace are also new to the scheme.

### Main Planning Considerations

- Impact of the proposed roof terrace on the appearance of the building and on the character and appearance of the Conservation Area;
- Impact of the proposal on the amenity of occupiers and neighbours by reason of loss of privacy, overlooking, noise and loss of sunlight/daylight.

### Design

The proposed roof terrace would be 2.79m<sup>2</sup>. It is noted that the Inspector commented (decision letter 20/05/2009) that he found the design of the proposal harmonised with the building and its surroundings and would therefore not harm the character or appearance of the conservation area. What is proposed would have even less of an impact because the steps are reduced in length and screens proposed set well back (more than 4.5m.) from the Regent's Park Road elevation, therefore unlikely to be seen from the ground. If approved a condition is recommended requiring the submission of details of the screens and balustrade. An informative would be attached encouraging the applicant to submit drawings showing the balustrade inside the parapet wall rather than on top, to reduce impact. It is considered that an obscure glazed screen would also be more appropriate than the bamboo proposed.

### Amenity

Camden Planning Guidance states that balconies/terraces should not be introduced where they result in an unreasonable amount of additional overlooking into any habitable rooms or the gardens of neighbouring properties, result in an unreasonable loss of sunlight/daylight or where they would have an adverse effect on the character of the building as a result of being visually intrusive.

The previous scheme (2008/4701) included steps leading down to the roof and crossing immediately in front of the bathroom window of Flat 4. Although the bathroom window is glazed with reeded glass, the Inspector decided that it might well be insufficient to fully obscure views from such an extremely close range. More importantly, this is an opening window and when open it would appear to be possible to gain angled views into the bathroom from the proposed steps and terrace. Due to the proposed positioning of the stairs, it might be necessary to bend down in order to gain such views, but even so the possibility would be intrusive and would severely affect the privacy of occupiers of Flat 4.

It is considered that the current scheme has addressed this problem. The screens would confine the use of the terrace to the area immediately in front of the landing window. There would be no opportunity for a person on the roof to look into the bathroom windows to flats 4 and 5, or into the two rooflights that have been installed in the roof above Nos. 4 and 5. Views directly out would be over roof tops and sufficiently far enough away from roof terraces to not have an adverse impact on the enjoyment of the terraces for adjoining occupiers. Windows to the rear of Albert Terrace properties are more than 30m. away. The screens would not restrict natural light to the bathrooms. Although natural light to the internal landing may be reduced slightly, it would not be completely obscured. The stairs would not pass in front of neighbouring windows and since the windows to Nos. 4 and 5

are to bathrooms rather than habitable rooms, it is considered that the use of the terrace is unlikely result in nuisance for adjoining occupiers.

The design of the terrace is considered satisfactory, it would not have an adverse visual impact and would not have a detrimental impact on local amenity by reason of loss of privacy or natural light. It is therefore considered that the application is in line with policies B1 (general design principles), B3 (alterations and extensions), B7 (conservation areas), SD1 (quality of life) and SD6 (amenity for occupiers and neighbours) of the Replacement UDP 2006. Comments made by the appeal Inspector in his letter of 20/05/2009 have been taken into considered and the application has been assessed for compliance with supporting L.B. Camden Supplementary Planning Guidance.

**Recommendation: Grant planning permission with a condition that requires details of the means of enclosing the proposed terrace**