

DISCLAIMER

Decision route to be decided by nominated members on Monday 21st January 2008. For further information see

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

Delegated Report (Members Briefing)		Analysis sheet	Expiry Date:	23/01/2008
		N/A / attached	Consultation Expiry Date:	04/01/2008
Officer			Application Number(s)	
Philip Niesing			2007/6072/P	
Application Address			Drawing Numbers	
Flat 3 90 Greencroft Gardens London NW6 3PH			No. 384/1 rev. A; 384/2; 384/3 rev. A	
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature	
Proposal(s)				
The installation of timber deck and perimeter railings to the existing rear flat roof with access via an existing kitchen window for use as an external terrace in association with Flat 3.				
Recommendation(s):		Grant planning permission with conditions		
Application Type:		Full Planning Permission		

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	29	No. of responses	10	No. of objections	10
			No. Electronic	00		
Summary of consultation responses:	Site notice placed on 14/12/2007 Objections: 1. Overlooking and the loss of privacy 2. Noise and disturbance (vibrations) to ground floor bedrooms & bathroom 3. Artificial light pollution 4. Structural damage to roof 5. Detrimental impact on the visual amenities of the neighbouring properties 6. Harm to the visual appearance of the conservation area 7. Out of character with the surrounding conservation area 8. Set a precedent for future developments 9. Scale (even a smaller terrace would have the same impact) 10. Roof has never been used as a terrace 11. No justification for the proposal 12. No consent from the landlord 13. The Design and Access statement does not comply with the Administerial Advice set out in Circular 1/06					
CAAC/Local groups* comments: *Please Specify	N/A					

Site Description

The site is located on the northern side of Greencroft gardens and falls within Swiss Cottage Conservation Area. The site comprises a three-storey semi detached residential building that was converted into a number of self-contained flats. The ground floor flat has an existing rear extension as well as an infill conservatory on the boundary with number 92 Greencroft Gardens.

Relevant History

1989 – Change of use to eight self-contained flats – Appeal

1991 – Planning permission was refused for the erection of a conservatory at first floor level above existing rear extension and the formation of a roof terrace for use by existing residential unit at first floor level. Appeal received and dismissed.

1992 – Planning permission refused for the erection of a first and second floor extension above the existing rear extension.

1998 – Erection of a conservatory at rear ground floor level – granted

2007 – The use of a roof terrace at rear first floor level in association with an existing self contained residential flat. Withdrawn

Relevant policies

London Borough of Camden Unitary Development Plan

- SD1 – Quality of life
- SD6 – Amenity for occupiers and neighbours
- SD7 – Light, noise and vibration pollution
- B1 – General Design principles
- B3 – Alterations and extensions
- B7 – Conservation Areas

Camden Planning Guidance

- Section 10 – Conservation Areas
- Section 19 – Extensions and alterations
- Section 28 – Noise and vibration

Swiss Cottage Conservation Area Statement

Assessment

The applicant is seeking planning permission to install timber decking and a 1.126 metre high steel balustrade around the existing terrace at first floor level in order to comply with Building Regulations. The applicant initially proposed to use the entire roof terrace. This however would have caused unacceptable amounts of overlooking and loss of privacy to the neighbouring properties. The applicant was therefore advised to reduce the depth of the proposed terrace by installing the steel balustrades not more than 3 metres from the rear flank elevation of the main building. Revised drawings were received on 16/01/2008.

Access unto the terrace is limited to the rear kitchen window. The applicant uses a small stepladder to get through the kitchen window. This application does not include any alterations with regards to the kitchen window. It is noted that due to the difference in levels between the kitchen and the terrace it is not possible for the applicant to incorporate an alternative opening unto the terrace.

Material considerations:

Overlooking and the loss of privacy: The properties that would be most affected in terms of overlooking are considered to be the neighbouring property number 88 Greencroft Gardens and the ground floor flat that was recently granted permission for a new conservatory to the side of the extension.

Since the rear flank wall of number 90 is set back from that of number 88 it is considered that a terrace - not projecting more than 3 metres, would be acceptable. The site visit confirmed that it would not be possible to look directly into the number 88's rear windows, at ground and first floor level or into the rear of the existing ground floor conservatory from a 3m deep terrace. Views would be oblique and would not result in significant loss of privacy.

In addition, the newly approved conservatory would have an opaque glazed roof (as required by condition) and it would not be possible to view directly into the conservatory from above. The proposal would therefore not result in any additional amount of overlooking or loss of privacy that would cause harm to the amenities of the neighbouring properties.

Outlook & surrounding area: Various other roof terraces on first, second and third floor

with matching steel balustrades can be viewed to the western side of the subject site. It is however noted that the design of the subject building is similar to those to the east, with no roof terraces. Nevertheless it is not considered that a 3 metre deep terrace would have such a harmful affect on the surrounding Conservation area to refuse the planning application.

Loss of daylight/sunlight: The proposal would not result in loss of daylight or sunlight to the neighbouring properties.

Light pollution: A single external light has already been installed above the window leading onto the terrace. The applicant does not propose any additional lights to be installed on the terrace. Given that the approved conservatory at ground floor level would have an opaque roof and the fact that the rear flank wall is set back from the rear of number 88 it is not considered that undue harm would be caused due to light spillage.

Noise and disturbance: The proposed terrace would be located above a bathroom and a small bedroom at ground floor level. The nearest windows to the terrace would be that of neighbouring property, number 88 and the upper and lower flats at the subject site. Bearing in mind that access unto the terrace is limited and rather inconvenient and that it would only be used during periods of fine weather it is unlikely to result in unacceptable amounts of noise and disturbance.

The fact that that terrace has been reduced to 3 metres from the rear flank wall, would also allow fewer persons to use the terrace at one time.

Other matters raised by the objectors:

1. Structural damage and noise generated by people walking on the roof terrace can be controlled by separate legislation and is referred to in an informative.
2. Consent from the landlord is not considered a material consideration and does not affect the recommendation.
3. The objector states that the Design and Access statement does not comply with the Ministerial Advice set out in Circular 1/06. As this application is for development of a relatively minor nature, the submitted statement is considered adequate in order to determine the application.

Recommendation: Grant planning permission with conditions