

Delegated Report		Analysis sheet		Expiry Date:		19/09/2007	
		N/A		Consultation Expiry Date:		11/09/2007	
Officer				Application Number(s)			
Tania Skelli-Yaoz				2007/2778/P			
Application Address				Drawing Numbers			
24 England's Lane London NW3 4TG				See decision notice			
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature				
		Hannah Walker 11/09/07					
Proposal(s)							
Installation of metal railings on the roof of the residential building to facilitate the use of the roof as a terrace							
Recommendation(s):		Refuse permission					
Application Type:		Full Planning Permission					
Conditions or Reasons for Refusal:		Refer to Draft Decision Notice					
Informatives:							
Consultations							
Adjoining Occupiers:		No. notified	22	No. of responses	02	No. of objections	01
				No. electronic	00		
Summary of consultation responses:		<u>10a Elizabeth Mews</u> : Objection. Refers to previous refusal. Over development. Loss of privacy to mews house nos 1-15 but especially those on the north side of the mews directly facing the terraces, i.e. nos-10-15b. <u>13 Chalcot Gardens</u> : Support. The railings will not materially alter the building's appearance and will be hardly visible from the street. The proposal will increase the enjoyment of the property by its occupiers.					
CAAC/Local groups comments:		<u>Belsize Residents Association</u> : Always oppose the concept of roof terraces at skyline level above the level of ridges. Excessive overlooking over a wide area and dangerous precedents. <u>Belsize CAAC</u> : Objection. Excessive development on top of added mansard storey.					
Site Description							
<p>The application site is a four-storey with mansard mid-terrace house located on the north-west side of England's Lane close to the corner with Primrose Gardens. The house is according to planning records divided into flats with a shop to the ground and first floor, including a 1-bed flat at second and 3-bed maisonette at third and fourth floor level.</p> <p>The applicant states in their application form that the ground floor is in use as a dentist surgery (D1) and that there are 3 flats within the building. It is possible that part of the building has changed use without the benefit of planning permission; this has been reported to the enforcement team for investigation. It does not have any bearing on the assessment of this application.</p> <p>Immediately to the rear of this terrace is a mews (known as Elizabeth Mews) of two storey properties within a</p>							

mix of residential and office / studio use. The area is characterised by predominantly residential with shops to the ground floor frontage. The site is situated within the Belsize Park Conservation Area.

Relevant History

October 1989 – The construction of a mansard roof extension with front dormers and velux windows to the rear for use in conjunction with the existing showroom and store. **Approved**

18 December 2001 - The erection of two roof terraces above the existing mansard roof of 22-24 England's Lane (ref. PWX0103917) **refused** on grounds of the proposal having detrimental effect on the appearance of the building and on the character and appearance of the Eton Villas Conservation Area.

December 2001 – Replacement of existing and ground floor rear extensions at nos. 22 and 24 England's Lane to cover the existing rear courtyard areas. **Approved**

2nd May 2003 - The conversion of the second to fourth floor to flats (1 x 1-bed and 1 x 3-bed) with retail retained at ground and first floor on (ref. **PWX0203086**) **granted** subject to legal agreement.

No. 30 (2006/0910/P)

Granted planning permission for replacement of existing conservatory, the application included reference to retention of an existing roof terrace. It was considered that the terrace had in fact been in place for more than 4 years and therefore was immune to enforcement action and could not be resisted despite being contrary to Council policy.

Relevant policies

SD1, SD6, B1, B3, B7.

CPG 41.29-41.33

Belsize Conservation Area Statement

Assessment

Permission is sought for the erection of railings at roof level in order to create additional amenity space to the third and fourth floor maisonette. The railings are to be a metal balustrade; 1000mm high, painted mid grey with planting and set back from front and rear.

The applicant has offered (letter dated 07/09/2007) to propose a different material or semi-folding balustrades if this would be considered more favourably by the Council. The applicant has also referred to the development at No. 30 (see history above). However, it should be noted that whilst this was included in a proposal granted planning permission in 2006, the Council was of the view that the terrace, which was contrary to policy, was lawful by virtue of it having been in place for more than 4 years.

Design

The primary concern regarding this proposal is whether it would adversely affect the character and appearance of the terrace of properties or the wider Conservation Area. The property forms part of a terrace of twelve properties which present an unaltered roofline when viewed both from England's Lane to the front and Elizabeth Mews to the rear. Mansard roofs were granted to this terrace in 1989 and since then various proposals have been made ranging from rear extensions to roof terraces, with the later previously refused on this site in 2001.

In accordance with the CPG and the CA Statement it is considered that a roof terrace should be assessed with consideration of long views, materials, overlooking and its impact on the street scene, as follows;

The proposed railings will not be visible from the front of the building due to the street being narrow, however, they will be highly visible in long views, e.g. from Primrose Gardens to the rear. The proposal is considered to alter the homogenous roofline of this terrace and will appear incongruous above the existing mansard roof which terminates the building in a traditional and appropriate manner. The CA Statement states that roof terrace 'should not be located on mansard roofs'. It is considered that the proposal would be harmful to the appearance of the building, the street scene and the character and appearance of the Conservation Area.

It should be noted that the proposal to substitute the railings material or function would not alter the above view.

Residential Amenity

A neighbouring resident has raised concerns that the proposed roof terrace would result in additional overlooking to neighbouring properties, particularly along Elizabeth Mews. Due to the location of the terrace, set back from the front and rear parapets of the roof, it is considered unlikely that the occupants of the extension would be able to look directly into neighbouring windows. The neighbouring buildings to the rear

along Elizabeth Mews and to the front along England's Lane are lower than the proposed terrace. It is consequently considered that the proposed terrace would not result in a loss of privacy to neighbouring residents to the detriment of their amenity. It should be noted that the previous application for a roof terrace was not refused on amenity grounds.

Accordingly, it is recommended to refuse planning permission on design grounds.