

Delegated Report		Analysis sheet	Expiry Date:	19/05/2014
		N/A	Consultation Expiry Date:	24/04/2014
Officer			Application Number(s)	
Sam Watts			2014/1990/P	
Application Address			Drawing Numbers	
24 Grove Place London NW3 1JP			See decision notice	
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature	
Proposal(s)				
Variation of condition 2 (work to be carried out in accordance with approved plans) of planning permission ref 2011/1292/P, dated 17/05/2011, for the installation of x3 rooflights to front and x 2 rooflights to the rear with inset rear roof terrace to dwelling flat (Class C3), namely to increase the depth of approved roof terrace by 0.25m.				
Recommendation(s):		Grant variation of condition		
Application Type:		Variation or Removal of Condition(s)		

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	21	No. of responses	04	No. of objections	04
			No. electronic	00		
Summary of consultation responses:	<p>The neighbours and owners of 23 Grove Place and flat 7, 57 Christchurch Hill have objected on the basis of:</p> <ul style="list-style-type: none">- Breach of previous permission granted (Please see paragraph 1.2 below).- Roof terrace being used daily despite leaseholders not having received any legal planning permission to use it (Please see paragraph 3.3 below).- Loss of privacy/overlooking (Please see paragraph 3.3 below).- Noise (residents use terrace to smoke, drink and talk long in to the night) (Please see paragraph 3.3 below).- Residents using the railings to hang washing over (Please see paragraph 3.3 below).- Visual impact on the conservation area (Please see paragraph 2.4 below).- Visual impact on the roof (Please see paragraph 2.4 below).					
CAAC/Local groups* comments: *Please Specify	<p>Hampstead CAAC raised no objections but stated the absence of a site plan and the scale and the orientation of the elevations made consideration difficult.</p> <p>Officers Response: A site plan was provided. The plans and elevations were the same (with the exception of the proposed amendment) on this application as they were on planning ref no 2011/1292/P.</p>					

Site Description

The application property is located on the third and fourth floor of a four storey mansion block located on the west side of Grove Place. The site is located in the Hampstead Conservation Area and is noted as a positive contributor in the Hampstead Conservation Area Statement.

Relevant History

2011/1256/P- Installation of x3 rooflights to the front and x3 rooflights to the rear in association with loft conversion of dwelling flat (Class C3) – **Approved 17/05/2011**

2011/1292/P - Installation of x3 rooflights to front and x 2 rooflights to the rear with inset rear roof terrace to dwelling flat (Class C3) – **Approved 17/05/2011**

Relevant policies

National Planning Policy Framework 2012

LDF Core Strategy and Development Policies

CS5 (Managing the impact of growth and development)

CS14 (Promoting high quality places and conserving our heritage)

DP24 (Securing high quality design)

DP25 (Conserving Camden's heritage)

DP26 (Managing the impact of development on occupiers and neighbours)

Camden Planning Guidance

CPG 1 (Design) 2013

CPG 6 (Amenity) 2011

Hampstead Conservation Area Statement (2001)

Assessment

1.0 Proposal:

1.1 Planning permission was originally granted in 2011 for the installation of three rooflights to the front elevation and two rooflights to the rear with an inset rear roof terrace to dwelling flat. This proposal seeks to vary condition 2 of the approved application 2011/1292/P to increase the depth of the approved terrace by 0.25m.

1.2 It is noted that there is an enforcement case opened (reference: EN13/1381) for the extended terrace. The terrace that currently exists on site is over a metre longer than what was originally granted permission. This current proposal seeks permission for a terrace with a reduced depth than what is currently on site but with a greater depth of 0.25m than what was originally approved under reference number 2011/1292/P.

2.0 Design:

2.1 CPG1 states: "Balconies and terraces should form an integral element in the design of elevations. The key to whether a design is acceptable is the degree to which the balcony or terrace complements the elevation upon which it is to be located. Consideration should therefore be given to the following:

- detailed design to reduce the impact on the existing elevation;
- careful choice of materials and colour to match the existing elevation;
- possible use of setbacks to minimise overlooking – a balcony need not necessarily cover the entire available roof space;
- possible use of screens or planting to prevent overlooking of habitable rooms or nearby gardens, without reducing daylight and sunlight or outlook; and
- need to avoid creating climbing opportunities for burglars."

2.2 Following from this, Policies CS14 and DP24 seek to ensure all development is of the highest quality design and considers the character, setting, context and form of neighbouring buildings.

2.3 Concerns have been raised by neighbouring residents that:

- The proposed terrace would break the existing roofline
- The visual impact of the terrace will have an adverse effect on the character and appearance of the conservation area

2.4 Officers Response:

- The proposed terrace will only extend 0.25m further than the existing roofline and this is seen to have a negligible impact on its' appearance.
- The inset roof terrace would be screened from the public realm by the position of the existing raised parapet and the prominent chimney stacks. It would also not be seen from the front elevation and as such would have no detrimental impact on the streetscene. Following from this, the proposed amendment would also not harm the appearance of the host building due to its position and modest scale. It is therefore considered to comply with DP24 and DP25 which states that the Council will only permit development within conservation areas that preserves and enhances the character and appearance of the area.

3.0 Amenity:

3.1 DP26 states: "A development's impact on visual privacy, overlooking, overshadowing, outlook, access to daylight and sunlight and disturbance from artificial light can be influenced by its design and layout, the distance between properties, the vertical levels of onlookers or occupiers and the angle of views. These issues will also affect the amenity of the new occupiers. We will expect that these elements are considered at the design stage of a scheme to prevent potential negative impacts of the development on occupiers and neighbours."

3.2 Concerns have been raised from neighbouring occupiers at flat 7 57 Christchurch Hill and 23 Grove Place that:

- There will be a loss of privacy/overlooking to both properties.
- The noise rising as a result of the amendment will be relentless

3.3 Officers response:

- Whereas there may be a view from Flat 7, 57 Christchurch Hill, the view is from a height and could only be seen at an obscure angle following the proposed amendment. There would also be minimal additional overlooking to both properties as a result of the amendment than there would have been had the original planning permission been implemented.
- Following from this, the proposed alterations would not be visible from either the public highway, Christchurch Walk, which runs along the rear of nos. 1-20 Grove Place, nor from the vast majority of the adjacent residential block on Christchurch Hill which lies due north west of the host building;
- It is not considered that the use of the small terrace would cause significant noise disturbance to neighbouring residents, particularly as it would be well screened from its closest neighbours. It is also not considered that any noise arising from this amendment would be any different from the noise that would have arisen had the original agreed planning permission been implemented. Residents using railings to hang out washing is not a planning issue.

3.4 Furthermore, the proposal is not considered to be harmful to the amenity of neighbouring occupiers with regard to its impact on sunlight, daylight, privacy and outlook. The provision of a roof terrace at the property which currently has no private outdoor amenity space is also welcomed in principle. The proposed amendment is therefore seen to be in compliance with both policy DP26 and CPG6.

4.0 The existing terrace:

4.1 The existing terrace in its current form is not acceptable for both design and amenity reasons.

Design

4.2 The existing terrace by reason of its unsympathetic proportions and depth does not preserve or enhance the character of the conservation area and would have a negative impact on the architectural details of the characteristic rooftops, contrary to policy DP25 paragraph 3. The existing terrace by reason of its depth also undermines the existing uniformity of the rooftops and does not respect their prevailing scale and form either, contrary to policy DP24 paragraphs 12 and 13. The existing terrace is also not seen to complement the elevation upon which it is located, contrary to CPG1 paragraph 5.24.

Amenity

4.3 The existing terrace provides opportunities for overlooking into both Flat 7, 57 Christchurch Hill and 23 Grove Place and is therefore not in accordance with DP26 which states “The Council will protect the quality of life of occupiers and neighbours by only granting permission for development that does not cause harm to amenity.” The existing terrace is also contrary to guidance in paragraph 7.4 of CPG6 which states that roof terraces should be carefully design to avoid overlooking.

Recommendation:

- a. Grant variation of condition - based on the revised drawings;
- b. That the Head of Legal Services be instructed to issue an Enforcement Notice under Section 172 of the Town & Country Planning Act 1990 as amended, and to pursue any legal action necessary to secure compliance and officers be authorised in the event of non-compliance, to prosecute under section 179 or appropriate power and/or take direct action under 178 in order to secure the cessation of the breach of planning control.
- c. **Alleged breach:** Roof terrace over a metre deeper than what was granted planning permission under reference number 2011/1292/P.
- d. **WHAT YOU ARE REQUIRED TO DO:**
- e. Reduce depth of roof terrace so it complies with either planning permission reference 2011/1292/P or planning permission reference 2014/1990/P;
- f. Make good any damage to match the existing roof finish.
- g. **PERIOD OF COMPLIANCE:**
- h. The Notice shall require that it is removed within a period of three months of the Notice taking effect.
- i. **Reasons for Issuing the Notice**
- j. The existing roof terrace is unsympathetic and fails to preserve and enhance the character and appearance of the building and the Hampstead Conservation Area, as required by policies CS14 (Promoting high quality places and conserving our heritage), DP24 (Securing high quality design) and DP25 (Conserving Camden’s heritage). The existing terrace also provides opportunities for overlooking into nearby properties contrary to DP26 (managing the impact of development on

occupiers and neighbours).

DISCLAIMER:

Decision route to be decided by nominated members on Monday 02nd June 2014. For further information please go to www.camden.gov.uk and search for 'members briefing'