

Planning Statement

4 Warren Mews, W1T 6AW

April 2014

1 Introduction

- 1.1 This Planning Statement has been prepared on behalf of the applicant, Ms Belle Lupton, in support of her application for creation of a roof terrace with associated stair enclosure and privacy screen.
- 1.2 This Planning Statement should be read in conjunction with the Design and Access Statement produced by Douglas and King Architects.
- 1.3 Stratagem Planning Consultants have been appointed by the client to work with Douglas and King Architects in preparation of this application.
- 1.4 Stratagem principal, Dr Mark Matheson, M.A. (Planning and Sustainability), MRTPI, is a Chartered Town Planner with extensive experience of development management gained through working at three London local planning authorities.

2 Site Description

- 2.1 The applicant's property is a three storey terraced family dwelling house located on the north-eastern side of Warren Mews. The property was built to provide office accommodation but was converted to a three bedroom family dwelling in 2008.
- 2.2 The property is located within the Fitzroy Square Conservation Area, which was designated in 1968. It is not listed.

3 Planning and Site History

- 3.1 Change of Use application
(Reference: 2008/0850/P)
In 2008 permission was granted for *Change of use from office (Class B1) to a single family dwellinghouse (Class C3) including replacement of existing folding doors at ground floor with new recessed folding doors, creation of refuse store entrance adjacent to the main entrance and installation of entrance canopy.*
- 3.2 First Application (for roof terrace)
(Reference: 2013/3541/P)
On **August 29th 2013** permission was refused for *Creation of terrace to flat roof at third floor level together with the erection of glass stair enclosure and balustrade (Class C3).*
- 3.3 The reasons for refusal were as follows:
- 3.4 Reason 1
The proposed terrace with associated glass balustrade and stair enclosure, by virtue of their siting, scale and materials, would appear as an incongruous

addition to the host building and the row of mews properties within which it is located failing to respect its character and integrity and disrupting the uniform pattern of development.

3.5 *In addition the proposal would fail to preserve and enhance the character of the surrounding Conservation Area, contrary to Policy CS14 (Promoting high quality places and conserving our heritage) of the London Borough of Camden Local Development Framework Core Strategy and Policies DP24 (Securing high quality design) and DP25 (Conserving Camden's heritage) of the London Borough of Camden Local Development Framework Development Policies.*

3.6 Reason 2

The proposed terrace by virtue of its scale and siting would result in harm to the privacy enjoyed by neighbouring residents within Nos. 23-29 Conway Street resulting in harm to their amenity, contrary to policies CS5 (Managing the impact of growth and development) and DP26 (Managing the impact of development on occupiers and neighbours) of the London Borough of Camden Core Strategy and Development Policies 2010.

3.7 First Application Appeal

(Reference: APP/X5210/D/13/2205154)

The above decision was upheld on appeal. The appeal decision date was **4 November 2013**.

3.8 In essence, the appeal inspector did not support the Council's first reason for refusal stating that the proposed glass balustrade would "have minimal visual impact on the building, the group, or the mews as a whole". The inspector did however agree that the proposal would result in loss of privacy for neighbouring occupiers to the rear and on this basis upheld the Council's decision to refuse the application.

3.9 Second Application (for roof terrace)

(Reference: 2013/5746/P)

On **29 October 2013** permission was refused for *Creation of terrace to flat roof at third floor level with glass stair enclosure and balustrade together with privacy screen to rear roof slope (Class C3).*

3.10 The proposal had been modified as follows:

1. The glass balustrade was set back from the front of the property.
2. The height of the stair enclosure was lowered.
3. A privacy screen was created to the rear by extending the existing mansard roof.

3.11 The reasons for refusal were as follows:

3.12 Reason 1

The proposed development, by virtue of its siting, scale and materials, would appear as an incongruous addition to the host building and the row of mews properties within which it is located failing to respect its character and integrity and disrupting the uniform pattern of development.

3.13 *In addition the proposal would fail to preserve and enhance the character of the surrounding Conservation Area, contrary to Policy CS14 (Promoting high quality places and conserving our heritage) of the London Borough of Camden Local Development Framework Core Strategy and Policies DP24 (Securing high quality design) and DP25 (Conserving Camden's heritage) of the London Borough of Camden Local Development Framework Development Policies.*

3.14 Reason 2

The proposed terrace by virtue of its scale and siting would result in harm to the privacy enjoyed by neighbouring residents within Nos. 23-29 Conway Street resulting in harm to their amenity, contrary to policies CS5 (Managing the impact of growth and development) and DP26 (Managing the impact of development on occupiers and neighbours) of the London Borough of Camden Core Strategy and Development Policies 2010.

3.15 These reasons are exactly the same reasons for refusal as Application 1. *It is important to note that Application 2 was determined prior to the issuing of the appeal decision.*

4 The Scheme

4.1 The proposal for the current application is to create a roof terrace on the existing flat roof of the house. A stair enclosure would be formed to the south end of the roof and the existing sloped section of roof to the rear would be extended in order to create a privacy screen. The other sides of the terrace would be protected by a glass balustrade. This would be set in from the front elevation by 1.2 metres in order to safeguard the visual continuity of the front elevation of the property.

5 Planning Policy Context

5.1 This application requires to be assessed against the following suite of policy documents. At National level the National Planning Policy Framework (published March 2012) sets out the key strategic policies against which development management decisions must be made. At regional level the policies in the London Plan (adopted July 2011) and supporting guidance documentation are material considerations, while at local level the key documents are the Core Strategy (November 2010), the Development Management Policies document (November 2010) and the Fitzroy Square Conservation Area Appraisal and Management Strategy (March 2010). Supplementary planning guidance is also a material consideration.

5.2 Relevant policies from these documents will be cited in the appropriate sections below.

6 Land Use

6.1 The existing building is entirely under a C3 (dwelling houses) use classification. No loss of C3 space would result from the development. No space falling under any other use class is proposed.

6.2 **Paragraph 24.23 of the Development Management Policies Document** states that *“Private outdoor amenity space can add significantly to resident’s quality of life and applicants are therefore encouraged to explore all options for the provision of new private outdoor space. Gardens, balconies and roof terraces are greatly valued and can be especially important for families.”*

6.3 Having been built as an office, the application property was not originally intended for residential occupation. As such, despite being a family sized dwelling it has no outdoor amenity space. The only green space within the immediate neighbourhood of the house is Fitzroy Square which is only open to the public between 12 noon and 3.00pm during the summer months. The creation of a private outdoor amenity space would accordingly greatly improve

the residential amenity of this family dwelling and in this way would be in accordance with the DMPD.

7 Design and Heritage Issues

7.1 **Core Strategy policy CS14 Promoting high quality places and conserving our heritage** requires development of the highest standard of design that respects local context and character and which seeks to preserve and enhance Camden's rich and diverse heritage assets and their settings, including conservation areas.

7.2 Warren Mews is a narrow back street. The application property is three storeys high. As a result the views from the mews of the roof of the application property are minimal. The fixings for the glass balustrade proposed to protect the roof terrace on the front and sides would be lower than the parapet so as to minimise the visual impact. In the First Application the balustrade was positioned just inside the front parapet. In his appeal statement, the inspector stated that:

I consider that a limited view of the proposed balustrade, a lightweight, transparent structure, would have minimal visual impact on the building, the group, or the mews as a whole. The character and appearance of the wider conservation area would thereby be preserved. Insofar as it would be visible, the development would not cause any material harm and would not breach the objectives of Policy CS14 of the Camden Core Strategy, Development Policies DP24 and DP25 or the Council's Supplementary Planning Document Design (SPD).

7.3 It should be emphasised that this statement was made with reference to the *First Application*. In the *Second Application*, the balustrade was set back from the front of the property by 1.2 metres. This positioning has been retained in the current application with the balustrade again being set back from the front of the property by 1.2 metres. As such, no view of the balustrade would be possible from the mews and accordingly the positioning of the balustrade in the current application would certainly have been considered acceptable by the inspector.

7.4 In Application 1 the height of the proposed stair enclosure was 2000mm. Of this, the appeal inspector states that "*though it would project well above the flat roof, [the stair enclosure] would be set towards the rear of the property where, from ground level within the narrow mews, it is very unlikely that it would be visible*". In the current application the height of the stair enclosure has been reduced to 1800mm. As such the possibility of it being visible from the narrow mews would be very unlikely indeed.

7.5 Of the views of the proposed terrace from neighbouring properties, the appeal inspector states that "these would be private rather than public views and would not, as the Council asserts, harm the visual amenity of the area, which includes several examples of rooftop terraces".

7.6 It is proposed that the existing sloped section of roof to the rear of the property would be extended to form a privacy screen. This would be clad in natural slate to match the existing. The adjacent stair enclosure would also be clad in slate, as would the small vertical triangular area which would join the raised section of roof and the adjoining rear extension of 27 Conway Street. As far as the impact of the proposed changes on the appearance of the rear of the property, one point needs to be stressed. While to the front, the terrace of five properties within which the application property is located has a clear

uniformity, to the rear because of the relationship of the terrace to the properties on Conway Street no such uniformity exists. Indeed the application property is partly joined to 27 Conway Street. The increase in height of the sloped section of roof would not therefore result in a disruption to a uniform row of properties, as no such uniformity exists.

8 Amenity

- 8.1 The second reason for refusal of the previous application was the impact on the amenity of the neighbouring occupiers to the rear of the site. In particular, the impact on privacy was cited. **Paragraph 17 of the NPPF** requires that developments should “always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings”.
- 8.2 In the First Application a glass balustrade protected the terrace on all sides, including to the rear. The stair enclosure was also glazed to the rear. This clearly allowed overlooking to the rear. In his statement the appeal inspector identified this issue as problematic and on this basis upheld the Council's decision to refuse the First Application.
- 8.3 In the Second Application it was proposed to extend the height of the sloped section of roof to 1450mm. In her report, the planning officer notes that for the privacy screen to be effective “*it would need to be taller than 1.4m. If using the rule of thumb applied in permitted development 1.7m in height would be the regular height for means of protected neighbour amenity*”. In response to this comment, and in order to address the issue of protecting the privacy of the properties to the rear, the current application proposes a privacy screen of 1.8m in height from the flat roof of the terrace area. This would ensure that no overlooking of the rear properties was possible. The stair enclosure would also be of the same height, again to safeguard the privacy of neighbouring occupiers. As such the current proposal is in accordance with **Core Strategy CS5 Managing the impact of growth and development** and **Development Management Policy DP26 Managing the impact of development of occupiers and neighbours**.

9 Sustainability

- 9.1 Douglas and King Architects place sustainability at the heart of their design approach, reflecting the importance placed on sustainability within the planning system.
- 9.2 The location of the application site is in an area of very high public transport accessibility. The enhancement of this property through creation of a roof terrace is therefore in accordance with planning policies aimed at promoting development in accessible locations.
- 9.3 The materials used would as far as possible be obtained from sustainable sources and would be durable, minimising the need for replacement and repair.
- 9.4 The building envelope would be highly insulated thereby minimising the energy consumption of the building.

10 Conclusion

- 10.1 This Planning Statement has set out the ways in which the design of the proposed development has been informed by a detailed knowledge of relevant planning policy.
- 10.2 Although the appeal inspector was comfortable with a stair enclosure of 2000mm and the glass balustrade just above the parapet at the front of the property, the current application improves on this condition by proposing a stair enclosure of reduced height and a balustrade set well in from the front elevation. Accordingly the development will not be visible from the mews while any views of the terrace from neighbouring properties would, as the appeal inspector notes, be “private rather than public views” and “would not harm the visual amenity of the area”.
- 10.3 The design has been amended in line with the guidance in the officer’s report for the Second Application in order to ensure that the rear privacy screen is of sufficient height to ensure that no overlooking of neighbouring properties would result.
- 10.4 Accordingly, the proposal is in accordance with **Policies CS5 and CS14 of the Core Strategy** and **Policies DP24, DP25 and DP26 of the Development Management Policies Document**.
- 10.5 The detailed design of the development has been very carefully considered in order to compliment and reflect the existing character of the conservation area. High quality durable materials have been specified for all aspects of the development.
- 10.6 Paragraph 12 of the NPPF states that “Proposed development that accords with an up-to-date Local Plan should be approved” while Paragraph 14 states that there should be a “presumption in favour of sustainable development” which local planning authorities should apply in determining development proposals. This document has demonstrated that the proposed development is consistent with all the relevant policies in the Local Plan and as such it is respectfully requested that permission be granted without delay.