

<b>Delegated Report</b>		<b>Analysis sheet</b>		<b>Expiry Date:</b>		18/06/2014	
		N/A		<b>Consultation Expiry Date:</b>		29/05/2014	
<b>Officer</b>				<b>Application Number(s)</b>			
Tessa Craig				2014/2211/P			
<b>Application Address</b>				<b>Drawing Numbers</b>			
71 Sumatra Road London NW6 1PT				See decision notice			
<b>PO 3/4</b>		<b>Area Team Signature</b>		<b>C&amp;UD</b>		<b>Authorised Officer Signature</b>	
<b>Proposal(s)</b>							
Erection of a rear dormer and roof terrace with privacy screen and balustrade and associated alterations to rear parapet (part retrospective).							
<b>Recommendation(s):</b>		Refuse planning permission					
<b>Application Type:</b>		Householder Application					
<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>08</b>	No. of responses	<b>00</b>	No. of objections	<b>00</b>
				No. electronic	<b>00</b>		
<b>Summary of consultation responses:</b>		Eight neighbours were notified of the proposal by post. No comments were received.					
<b>CAAC/Local groups* comments:</b> *Please Specify		n/a					

## **Site Description**

The application site is located on the west side of Sumatra Road and comprises a terraced brick property. The site is not located within a conservation area and nor is it a listed building.

## **Relevant History**

2011/6021/P – Certificate of Lawfulness (proposed) for the erection of 2x dormer windows at roof and first floor level to rear elevation and 2x roof lights to front roof slope of dwelling house (Class C3).  
Granted, 26/01/2012.

## **Relevant policies**

### **LDF Core Strategy:**

CS5 – Managing the impact of growth and development

CS14 – Promoting high quality places and conserving our heritage

### **LDF Development Policies 2010:**

DP24 – Securing high quality design

DP25 – Conserving Camden's heritage

DP26 – Managing the impact of development on occupiers and neighbours

### **Camden Planning Guidance 2011:**

CPG1: Design - Chapters 1 - 5

CPG6: Amenity - Chapters 1, 6 and 7

### **London Plan 2011**

### **National Planning Policy Framework 2012**

## Assessment

### 1.0 Proposal

1.1 The property was granted a certificate of lawfulness in January 2012 (2011/6021/P), however the development was not built in accordance with the approved plans and a complaint from neighbours brought this to the attention of the Enforcement Team, resulting in this application to rectify the unlawfully built elements of the development and to add additional features.

1.2 The certificate of lawfulness (2011/6021/P) granted permission for a dormer on the closet wing. The 'as built' development includes removal of the remainder of the pitched roof on the closet wing to create a flat rear roof terrace beyond the dormer. The end gable has been levelled out with bricks to form a solid balustrade at the rear of the terrace, whilst a metal rail balustrade has been used on the side elevation. Access doors to the roof terrace have been inserted into the rear of the dormer.

1.3 The proposed scheme would reinstate the sloped end gable and include a metal balustrade at the rear to create a levelled barrier. Additionally, the side elevation would include an obscured glass screen. The rest of the development would be retained (including the roof terrace and access doors). The terrace is 2.6m deep and 3.1m wide (8.06m<sup>2</sup>), with the proposed screen being 2.1m high.

1.4 Given the development 'as built' does not comply with permitted development, the entirety of the scheme is now able to be assessed against the policies and guidance identified above. The principal considerations material to the determination of this application are summarised as follows:

- (i) the design of the proposed dormer, roof terrace (including the relationship to the host building and the terrace which the property forms part of) and the proposed privacy screen; and
- (ii) the impact of the works on residential amenity, these issues are discussed below.

### 2.0 Assessment

#### Design

2.1 The Council's design policies are aimed at achieving the highest standard of design in all developments. The following considerations contained within policy DP24 are relevant to the application: development should consider the character, setting, context and the form and scale of neighbouring buildings, and the quality of materials to be used.

2.2 Camden design guidance (CPG1) advises terraces can provide valuable amenity space for flats that would otherwise have little or no private exterior space. However, they can cause nuisance to neighbours. They should be designed to form an integral element in the elevation. Materials should match the existing building and setbacks should be used to avoid overlooking.

#### Roof Terrace

2.3 The existing roof terrace serves a single household which has access to rear garden space at ground floor level; therefore the terrace is not the only form of outdoor space available to the occupants. The 'as built' terrace has resulted in the loss of the sloped end gable of the closet wing which is a typical and uniform feature in the group of terraced properties. This application seeks to rectify the loss of the gable end by re-instating the slope and installing a metal balustrade across the end to retain the rear roof terrace. The reinstatement of the sloped gable is encouraged; however the application also proposes a high glass balustrade on the side elevation which is considered an unsympathetic addition to the building which does not relate to the existing form or materials of the property. The roof terrace is therefore considered unacceptable in design terms and is recommended to be removed as it constitutes unlawful development.

## Dormer

2.4 The CPG1 (Design) cites, alterations to, or the addition of, roof dormers should be sensitive changes which maintain the overall structure of the existing roof form. Proposals that achieve this will be generally considered acceptable, providing that dormers should not be introduced where they cut through the roof ridge or the sloped edge of a hipped roof. They should also be sufficiently below the ridge of the roof in order to avoid projecting into the roofline when viewed from a distance. Usually a 500mm gap is required between the dormer and the ridge or hip to maintain this separation.

2.5 The 'as built' rear dormer includes access doors to the roof terrace in the rear elevation. The dormer does not comply with CPG guidance requiring dormers are below the roof ridge. The dormer is considered an overly bulky and unsympathetic addition to the property which fails to respect the host building and the terrace which the property forms part of.

2.6 The subject property is located in a terrace of 47 properties with uniform sloped roof closet wings. The majority of the properties do not include rear dormer extensions or roof terraces. A search of Council planning records revealed one dormer extension on a closet wing had been granted in 2011 at number 77; however the records do not show any roof terraces being granted permission under the policies and guidance which are used to assess this proposal. Any existing roof terraces are likely to be formed without planning permission or historically some time ago.

2.7 As stated above, given the development has not been built in accordance with the lawful development certificate, the entire scheme is now subject to Camden policies and guidance. The proposal is considered unacceptable given the dominance and bulk of the dormer and poor design contrary to policy and guidance. The dormer is considered harmful to the host building and the terrace which the property forms a part. The dormer is recommended to be removed.

## **Amenity**

2.7 Policy CS5 seeks to protect the amenity of Camden's residents by ensuring the impact of development is fully considered. Furthermore Policy DP26 seeks to ensure that development protects the quality of life of occupiers and neighbours by only granting permission to development that would not harm the amenity of neighbouring residents. This includes privacy, overlooking, outlook and implications on daylight and sunlight. CPG6 seeks for developments to be "designed to protect the privacy of both new and existing dwellings to a reasonable degree."

2.8 With particular regard to the formation of a rear roof terrace at first floor level, Officers consider that the existing terrace causes unacceptable overlooking to windows servicing habitable rooms (bedrooms) at 69 Sumatra Road at first and second (upper) floor level and upper floor level. The existing terrace impacts on privacy to adjoining occupiers by way of overlooking, disturbance and loss of privacy to the neighbouring property, contrary to policy DP26 and guidance within chapter 7 of CPG6 (Amenity).

2.9 The proposal would see the installation of a privacy screen to resolve any privacy or overlooking issues. Overlooking in this instance could not be overcome by the privacy screen as this would not be acceptable in design terms as the screen would be bulky and unsuitable in terms of materials (obscured glass). Additionally, the proposed screen would result in loss of outlook for the occupiers of 69 Sumatra Road for the bedrooms at first floor in the closet wing by introducing a solid screen where currently there are metal railings with gaps. It is considered the screen would also create a sense of enclosure for occupants of the first floor bedrooms at number 69 Sumatra Road. Therefore it is considered a screen would be an unacceptable impact on amenity for the neighbouring property.

## **3.0 Recommendation**

### **1. Refuse planning permission.**

## **2. a) Issue an enforcement notice**

### **b) Authorise enforcement action**

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 for the rear closet wing dormer and roof terrace, 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.

### **The Notice shall allege the following breach of planning control:**

The erection of a rear dormer and roof terrace with balustrade and associated alterations to rear parapet.

### **The Notice shall require within a period of 6 calendar months of the Notice taking effect:**

- 1) Remove the rear dormer and roof terrace including the railings and reinstate the rear sloped gable wall, and make good any damage to the original building.

## **REASONS WHY THE COUNCIL CONSIDER IT EXPEDIENT TO ISSUE THE NOTICE.**

1. It appears the breach of planning control has occurred within the last 4 years.
2. The dormer roof extension, roof terrace and privacy screen, by reason of their prominent location, bulk, massing and detailed design, would be harmful to the appearance of the host building and the character and appearance of the terrace and wider area, and would have a detrimental impact on the amenity of no. 69 Sumatra Road in terms of loss of outlook and sense of enclosure, contrary to policy CS14 (Promoting High Quality Places and Conserving Our Heritage) of the London Borough of Camden Local Development Framework Core Strategy, policy DP24 (Securing High Quality Design), policy DP26 (Managing the impact of development on occupiers and neighbours) of the London Borough of Camden Local Development Framework Development Policies.