

Transcript of London Borough of Camden Development Committee Meeting 19 June 2014

Planning Officer	<p>This is the application site here. It is on the north west side of Conway Street, you can see Fitzroy Square just to the north. This is the existing building here, it is in use as a retail gallery over the ground and first floor with some ancillary office accommodation on the second floor. As you can see it has got quite a different character from the two terraces either side. It is located within the Fitzroy Square Conservation Area and it is considered to make a positive contribution to it. The adjacent terrace on Maple Street here is Grade II listed.</p> <p>This is the wrong presentation. It should have some plans of the previously refused scheme which aren't on here. The one saved on the u:/ drive.</p> <p>Thank you.</p> <p>That's great. That's the right one.</p> <p>That's the existing building which I have just shown you.</p> <p>OK. In 2013 planning permission was refused by officers for the erection of a roof extension on the property which is shown here. The proposal also included terraces at third floor level, just to show you on a plan, a terrace here and a terrace here and the enlargement of a terrace on the second floor shown here. The works were to create a new studio flat at this level of the accommodation and officers had concern about the impact of the proposal on the amenity of the neighbouring properties. In particular 2 Conway Street which is here and 44 Maple Street which is here. The concerns were regarding outlook, privacy and light. The applicant appealed our refusal and it was dismissed by an Inspector. The Inspector said that he had no concerns regarding the principle of a roof extension on the building even of this scale and he had no concerns about a contemporary approach being taken in terms of an extension on the roof but he was of the view that the proposal would have an impact on the neighbouring properties. He was of the view that the extension would impact on the windows to the third floor of 2 Conway Street in terms of their outlook and he was also concerned that that would be magnified by the presence of screening along here. He concluded that he could not make a decision about how much impact there would be on light to the adjoining properties because he did not have enough information. So his concerns were outlook, not enough information in terms of the impact on light to these residential properties and his other concern was about overlooking from the rear terrace to the properties here.</p> <p>Just to explain how these properties are laid out. 2 Conway Street is flats. There is a flat at second floor level and a flat at third floor level. Both of those are one bedroom flats that have habitable windows facing back across towards 2A Conway Street. 44 Maple Street has a number of windows at third floor level one of which serves a habitable room/ a bedroom. So we have had that decision.</p> <p>The current application - here are some photos taken from 2D Conway Street the third floor flat looking back across the flat roof of 2A Conway Street and again from the terrace of 2D Conway Street looking across to 2A. So this is the application site, the element of which we are discussing. Some more pictures.</p> <p>The current proposal is also for a roof extension on the property with a rear terrace. So the terrace is just confined to this part of it. And the proposal is to use this extension with the second floor in order to</p>
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	<p>create a one bedroom flat. The key differences between the appeal scheme and the current proposal are that the height, bulk and footprint of the extension have been reduced so much smaller in footprint and set away from 2A Conway Street, the previous proposed side terraces have been removed and are now areas of green roof and the only terrace that remains is at the back. This is just to show you this is what it looks like from the front elevation and you can say it takes a different form from the previously approved scheme with a sloped roof and in relation to the windows of Conway Street.</p> <p>So the main issues are design and amenity. Like the previously refused scheme the proposal is a contemporary roof extension which incorporates metal and cladding glass. As I said the Inspector did not raise a concern about the principle of a roof extension at roof level nor did he have concerns about taking a modern design approach. Taking that into account and the fact that the roof extension is actually set back from the front, is quite a modest footprint, well below the height of the neighbouring properties, we feel in design terms it will be read as a subordinate addition and would have a positive impact on the appearance of the building and the Conservation Area.</p> <p>Turning to the amenity as I have already stated the previously proposed extension was considered to impact on the outlook to 2D Conway Street, that's the third floor one bed unit. As I showed on the earlier drawings the form of the roof extension was much larger, more blocky, solid wall going up here, and in terms of the proposed it has been set further back, much lower then slopes away so reaches its peak some 9 metres from here. We feel that the redesign in terms of the form of the extension means that the impact on outlook is minimized and we don't feel that there will be a sense of enclosure to the property at 2D Conway Street.</p> <p>In terms of light the Inspector said that he did not have enough information. His concern at that point was that the extension was brought right out and came straight up and clearly cut the 25 degree line which is a basic measure used to look at the impact on light. He could not make a formal assessment without a more detailed analysis being done. In this case what we can see that it does not break the 25 degree line. That means that there will be no impact on light to the windows here and so that issue is also resolved.</p> <p>The final issue was around overlooking. I am just looking back to the plan. As I said these areas of flat roof here are not to be used as roof terraces. They are green roofs and there is a condition to prevent use of them for anything other than maintenance purposes. The terrace at the rear is much smaller than it was on the original refused scheme. It is set further away from 44 Maple Street and Conway Street, pushed back another 1 metre and the proposal includes some screening here. We feel this will adequately protect the privacy of the properties here and overcoming the third concern of the Inspector. Officers feel satisfied that all the previously concerns that we had regarding g the proposal and that were supported by the Inspector have been overcome by the proposed design and it is recommended for approval.</p>
Councillor Rea	<p>We should actually put on record that we were on the Council with the applicant. I don't think it is material, but some of us were. Roger stood down because she was a colleague.</p> <p>[Unrecorded comment made by Councillor Vincent]</p> <p>It is true but nevertheless it is right and proper to say.</p>
	<i>Deputations received.</i>

Chair	Question or comments
Councillor Phil Jones	I am interested in this point about privacy and overlooking. I have noted that the objectors have said that you can be overlooked through your bedroom window. When I was looking through the report it highlights a number of ways in which it could have been the case before but then it lists in 6.6.2. a number of ways in which this has now been prevented through screening, the terrace being reduced in size, the windows to be permanently obscured so I just wanted to ask you in what way you feel your privacy is still being invaded when the officers feel that it isn't?
Objector 1	There is still access round the side of the terrace. Somebody can still come round whether it is maintenance or anything else.
Objector 2	The entrance to the property will be past the window.
Objector 1	The only entrance to the property is past the entrance is facing the bedrooms in Flat B which is underneath us because at the side of the building is what is now considered a fire exit. But is used for people smoking when there is activities going on so people coming up to the flat will have to pass by the bedroom windows to the terrace, which is the area around in the diagrams, people can still walk around there and we are really worried because Ms Hossack does not adhere to any conditions that was done in the last planning application we cannot see why she would do that adhere to them now and there is no one able to implement that except us complaining to the Council which we have done which I have said in my statement but nothing is done about it.
Councillor Jones	Can I ask the officer to comment on that because I think I understand the points being made. That area that has been blocked off as a green roof the objectors feel that that will not be adhered. We need to make sure that that is adhered to basically to stop the problem.
Planning Officer	I think there were two points that were raised. One around access on to the green roof and whether it will be used. And yes, there is still a door here because there needs to be some means of getting out there for maintenance but there are conditions to prevent you from using it which obviously we can enforce if breached. In terms of the staircase that was mentioned it has got a slightly strange access arrangement. It is an existing staircase that has a separate entrance from ground floor and comes up the side of the property so it already exists. At the moment that goes up to the second floor and you come into what is the ancillary office for the gallery but would now become part of the flat. That staircase arrangement was there previously as part of the appeal scheme and the Inspector did not raise any concerns around that from an amenity point of view. It was not one of his reasons for dismissing the appeal.
Councillor Beales	Just following on from Councillor Jones' point. Just to clarify I am trying to work out which bit you are not allowed to walk on and which bit is the bit you are. So is it the higher, the bit on page 7 of our pack the bit coloured in green below this greenhouse thing, is that the bit you are not allowed to walk on?
Planning Officer	It would probably be helpful to show you on these ones. So the green areas are green roof and no you can't walk on the front or the side. So the only area you can go on to is the bit at the back which on the plan here this is the only area which is terrace.
Councillor Beales	So what distinguishes those two areas from one another.

Planning Officer	Yes, this is green it can be accessed but we have a condition that restricts how it can be used.
Councillor Beales	So are they connected the terraces?
Planning Officer	No there is a privacy screen so you can't walk across there.
Councillor Beales	What does that entail?
Planning Officer	There is a condition for further details of the privacy screen.
Councillor Beales	Sorry I didn't catch that.
Planning Officer	There is a condition to secure further details of the privacy screen.
Councillor Beales	So it is not decided yet. It could be a plant.
Planning Officer	Well no because we would not approve that. We would need to be satisfied that it was a form of screening that did the job. It could be obscured glazing, it could be some form of fixed screen, it could be made out of any material as long as it is..
Councillor Beales	My concern is that it could be something moveable, something not tangible, if this is to be... I don't know perhaps rented out, there are tenants here.. it is accessible. Firstly if it is not fixed it is quite easy to access the side, the other point I was going to come on to was, I get the point that it needs maintenance as there is potentially grass, it seems that it is quite a large door for maintenance quite an attractive sliding door potentially, I am not sure if it is a sliding door, but it is quite a big door for just accessing a roof for maintenance purposes.
Officer	This is not all openable. It is just a door on one side. The rest of that is fixed glazing.
Councillor Beales	OK so it is all fixed?
Planning Officer	No. Not all of it. Just one element. I appreciate that it does look like it could be much wider but it is only one door at the end.
Councillor Beales	OK. And just following on for the issue raised by the people that made the deputation so how are these conditions going to be enforced? How rigidly are they going to be enforced if in six months after it has been built they are not being stuck to?
Planning Officer	Our enforcement team are very proactive and we take any breaches of planning control very seriously. The issues that have been raised around other matters as to how the property is being used have been noted and we have asked our enforcement team to open an investigation to make sure that the use is not stretching itself outside of its current use class. We don't know whether there is a breach or not until we have investigated that fully. In terms of the disturbance that they have been experiencing I have spoken to our environmental health department and they have only noted two complaints being made in the last 12 months – one last year and one earlier this year. But obviously again our environmental health department are very proactive and if any complaints come in we do take action to get that dealt with.
Councillor Beales	Last point. Again a bit of clarification from your previous statement to Councillor Jones. It is the case that when walking up the stairs to access the property the new residents will be overlooking the bedrooms of

	the existing residents. Is that the case?
Planning Officer	It is an existing staircase, the back of this property faces into this property. They are looking on to their land. That staircase is there at the moment. The Inspector looked at that staircase as part of the previous appeal scheme and did not raise a concern around it.
Councillor Beales	Is that staircase used at present to access somewhere apart from the roof?
Planning Officer	It is an external staircase which I presume it probably was a fire exit but I don't know how widely it has been used. The Inspector wasn't looking at it in terms of how it is being used at the moment, he would have been looking at whether or not it provided a suitable means of access to the new residential flat.
Councillor Beales	That's my point there is a staircase there for a fire escape. We are not comparing apples and oranges really
Chair	Can I just say that we have less than 10 minutes to go and I think that if you have got some questions can you ask them quickly. All of you ask your questions and then get some answers. Who wanted to ask a question? Merik then Sue ask a question.
Councillor Merik	Thank you Chair. I am looking at page 56 of the supplementary agenda which is submitted by the deputation. It is a sort of sketch. I am not actually convinced that enforcement will deal with the concerns raised by the deputation. It is simply unrealistic. That aside there are a couple of rooflights here. It mentions here light pollution...these causing light pollution. Could you comment on that please and just for my curiosity how far are the bedroom windows from this terrace?
Councillor Vincent	Am I right the question I had is it 2.6 metres away from the building line the bedroom windows, then 1.7 metres in terms of the outside amenity space so I make that 4.3. If you check what the Inspector said that the extension would be less than 4 metres away from habitable rooms that is such a short distance away. Now we're only taking about 0.3m over 4 metres away. Is that correct because I have taken that from your report. So that's the first question. The second question. Why can't we see the video of the disturbance. Third question to the applicant. Have you only complained twice in the last 12 months. Shaking her head. Can you tell me how many times you have complained.
Objector 1	We've complained probably three or four times to Jenna Litherland and sent the video through with the disturbance. We've complained to the Housing Patrol but they've told us because the Gallery wasn't a housing site, although they went they weren't able to do anything. I have had a call from the environmental officer to see if they've received our complaints and they have said they were looking into it and they asked me specifically what I was complaining about. I said I understood it was a gallery and that they have open evenings, that's not a problem.
Chair	Can I stop you the question was how many times had you complained and we have very little time to make a decision on this.
Objector 1	I would say at least 8 times to different officers in the past 12 month.
Councillor Vincent	OK. Thank you. Just for the record I have got enforcement cases that have been ongoing and open for years so the comment about enforcement potentially always being on top if it isn't accurate

	although I think they do a tremendous job at times. All of us have case work here but it is incredibly difficult to get action from both environmental health and planning enforcement.
Chair	OK. I think we need to move to a vote...unless there are questions you can answer really quickly. Light pollution.
Planning Officer	It is a residential property. The lights will be on. They will be visible from the rooflights. Do I think that will amount to light pollution. No I don't.
Chair	OK. Can we now move to a vote on this. Can I see all those in favour of granting planning permission subject to a s106 legal agreement. All those in favour.
Clerk	1,2,3
Chair	All those against.
Clerk	1,2,3,4
Clerk	Abstentions
Chair	2
Chair	Can we have..
Councillor Vincent	Yes, you certainly can. This is against our policy DP26 which contributes to the visual impact, the privacy, overlooking, overshadowing, the outlook, the sunlight, the daylight, the artificial light levels and the noise impact particularly from the activities that we would also like enforcement action taken against. The proposed extension and proposed screening to the fourth floor roof terrace by virtue of its bulk, massing and proximity to the habitable rooms to 2D Conway Street and the flat at 4 th floor level at 44 Maple Street would result in the loss of outlook to the habitable rooms of these flats to the detriment of the amenity of their occupiers contrary to policy CS5 and to DP26 as I mentioned earlier. The overlooking and loss of privacy would be detrimental to the amenity of the occupiers and the light pollution which I thought would... the light pollution. Basically it is too close.
Planning Officer	Can I just clarify one thing. I have light pollution, noise pollution you said privacy, outlook and daylight. Is that to all of those properties 44 Maple Street and 2 Conway Street? To all of them?
Councillor Vincent	It is. It is. The visual privacy the overlooking, the overshadowing, the outlook, the daylight, the sunlight.
Planning Officer	All of those amenity issues to both properties?
Councillor Vincent	It is. Correct.
Frances Wheat	Can I clarify one thing in terms of noise. Can you clarify what you were thinking about on that given that it is a residential flat? I just need to understand where it focuses.
Councillor Vincent	It is a residential flat that morphs into an external gallery space. So I remain unconvinced that the open space would not extend beyond the use of the terrace.
Frances Wheat	But the planning application is for a residential flat so...

Councillor Vincent

It would cause noise, nuisance to the immediate neighbours. Its an amenity issue there would be smoking, drinking and it would ... it is too close if it was 18 metres away I would not be minded to refuse planning permission. It is barely 4 metres away from somebody's bedroom window. There is no controls we could put on it to enable them to stop, drinking, smoking or partying out there. It's a residential.