

Delegated Report (Members Briefing)		Analysis sheet		Expiry Date:	05/06/2014
		N/A		Consultation Expiry Date:	29/05/2014
Officer			Application Number(s)		
Rachel Miller			2014/2619/P		
Application Address			Drawing Numbers		
Flat A 10 Heath Street London NW3 6TE			See decision notice		
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature		
Proposal(s) Removal of condition 4 (requiring that new access created at second floor level shall be used for maintenance purposes only and the flat roof on the host building shall not be used as or for a terrace or amenity space) in relation to planning permission (2012/6767/P) dated 12/03/2013 for the erection of 2 storey extension to rear at first and second floor levels.					
Recommendation(s):		Grant removal of condition 4			
Application Type:		Variation or Removal of Condition(s)			

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	14	No. of responses	01	No. of objections	01
			No. electronic	00		
Summary of consultation responses:	<p>Site notice displayed from 02/05/2014 until 23/05/2014 Press notice displayed from 08/05/2014 until 29/05/2014</p> <p>One response received with the following concerns:</p> <ul style="list-style-type: none">• The integrity of the wall to which my apartment is part of will be damaged.• Village Mount should be listed and its red brick is distinctive when walking through Perrins Court.• The extension may damage the side of the building <p><u>Officer response</u> These comments are not relevant to this application that seeks removal of a condition</p>					
CAAC/Local groups* comments: *Please Specify	<p>Hampstead CAAC – object. We do not understand the need for a larger access than that required for maintenance purposes.</p> <p><u>Officer response</u></p> <ul style="list-style-type: none">• This application does not propose the increase in access but seeks permission to remove the condition limiting roof terraces. <p>The Heath and Hampstead Society – object “The relevant issue is permission for the use, or continued use, of a roof terrace.</p> <p>Roof terraces, in principle, have the potential for extremely damaging and harmful overlooking of nearby properties, loss of privacy, and especially in such a densely developed area, noise pollution. They are commonly used for noisy evening parties, causing much nuisance to neighbours. In this case, a permission for alteration work dating from 2012 incorporated, quite correctly, a condition concerning the use of a space which could be used as a terrace. The applicants state that it had been so used for some time, and that an existing use should not be overturned.</p> <p>Our view is that the 2012 permission, which included elements affecting this use, was perfectly justified in imposing this condition, dealing with a potential public nuisance.”</p> <p><u>Officer response</u> See assessment section</p>					

Site Description

The site comprises a three-storey property located on the east side of Heath Street. The ground floor is currently in use as a shop whilst the upper floors are in residential use (1x 2 bedroom flat). The flat is accessed from the side (South) frontage which opens out onto Village Mount, a narrow street characterised by single storey shop units with residential accommodation located behind. The street is characterised by ground floor shop units with residential units located above.

The building site is not listed but is Identified as making a positive contribution to the Hampstead Conservation Area.

Relevant History

2012/6767/P - Erection of 2 storey extension to rear at first and second floor levels to existing first and second floor flat (Class C3). Approved 12 March 2013.

Relevant policies

CS1 (Distribution of growth)

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 Design Guidance :

CPG 1- Design 2013: Chapters 1, 2, 3 and 4

CPG6- Amenity 2011: Chapters 6 & 7

Hampstead Conservation Area Statement 2001

London Plan 2011

National Planning Policy Framework 2012

Assessment

1.0 Proposal

1.1 Planning permission 2012/6767/P was granted on 12th March 2013 for the erection of a 2-storey extension at first and second floor levels. Condition 4 was added to the permission that states:

4. The new access created at second floor level shall be used for maintenance purposes only and the flat roof on the host building shall not be used as or for a terrace or amenity space.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with policy CS14 (Promoting high quality places and conserving our heritage) of the London Borough of Camden Local Development Framework Core Strategy and policy DP25 (conserving Camden's heritage) of the London Borough of Camden Local Development Framework Development Policies.

1.2 The Applicant seeks to remove this condition on the grounds that the existing terrace on the roof has been in use for around 16 years and there would be no new access to the second floor roof.

2.0 Assessment

2.1 In support of the application, the applicant has submitted evidence to show that the existing terrace at roof level has been in use continuously for more than four years. The evidence includes:

- 1) a letter from the freeholders confirming that the roof terrace was defined in an extract in the lease dated 1999.
- 2) a letter from the occupier of 11A Gardnor Mansions saying that she has witnessed the roof terrace being used since 2009.
- 3) a letter from a trustee of property investment company V&L Schaverien Trust stating that she confirms that the roof terrace has been used since at least 2007
- 4) a letter from the previous owner of the flat from 2004 to 2007 who confirms that the roof terrace was continuously used and enjoyed as a roof terrace
- 5) an estate agents brochure from Hamptons International showing a photograph of the roof terrace
- 6) a letter from occupiers of 10A Heath Street confirming that they have lived at the application property as tenants since Summer 2012 and regularly use the roof terrace.
- 7) a letter from Wayne and Silver property consultants stating that they have been involved in lettings and valuations for the landlord of the building since 2006 and can confirm that on every occasion the roof terrace has been in use by the occupant at the time.

2.2 Officers have visited the site and could see that the existing access as well as fixtures and fittings for the roof terrace had been in place for a while. The Council's aerial photographs from 2007, 2010 and 2012 show the existing roof tiles and access to the terrace and are currently in place.

2.3 Concerns have been raised from the Hampstead CAAC and Heath and Hampstead Society about overlooking and the use of the roof as a terrace. It is considered that sufficient evidence has been submitted to prove the existing terrace on the roof of the building has been in existence continuously for more than four years and therefore condition 4 is not required.

2.4 The "proposed drawing" for permission 2012/6767/P does not show any new access door from the new extension at second floor level to the roof and the Applicant does not intend to use it as a roof. Also the drawing shows the roof "falls" therefore would not be flat.

3.0 Recommendation: It is considered that condition 4 can be removed from permission 2012/6767/P.

DISCLAIMER

Decision route to be decided by nominated members on Monday 21st July 2014. For further information please go to www.camden.gov.uk and search for 'members briefing'