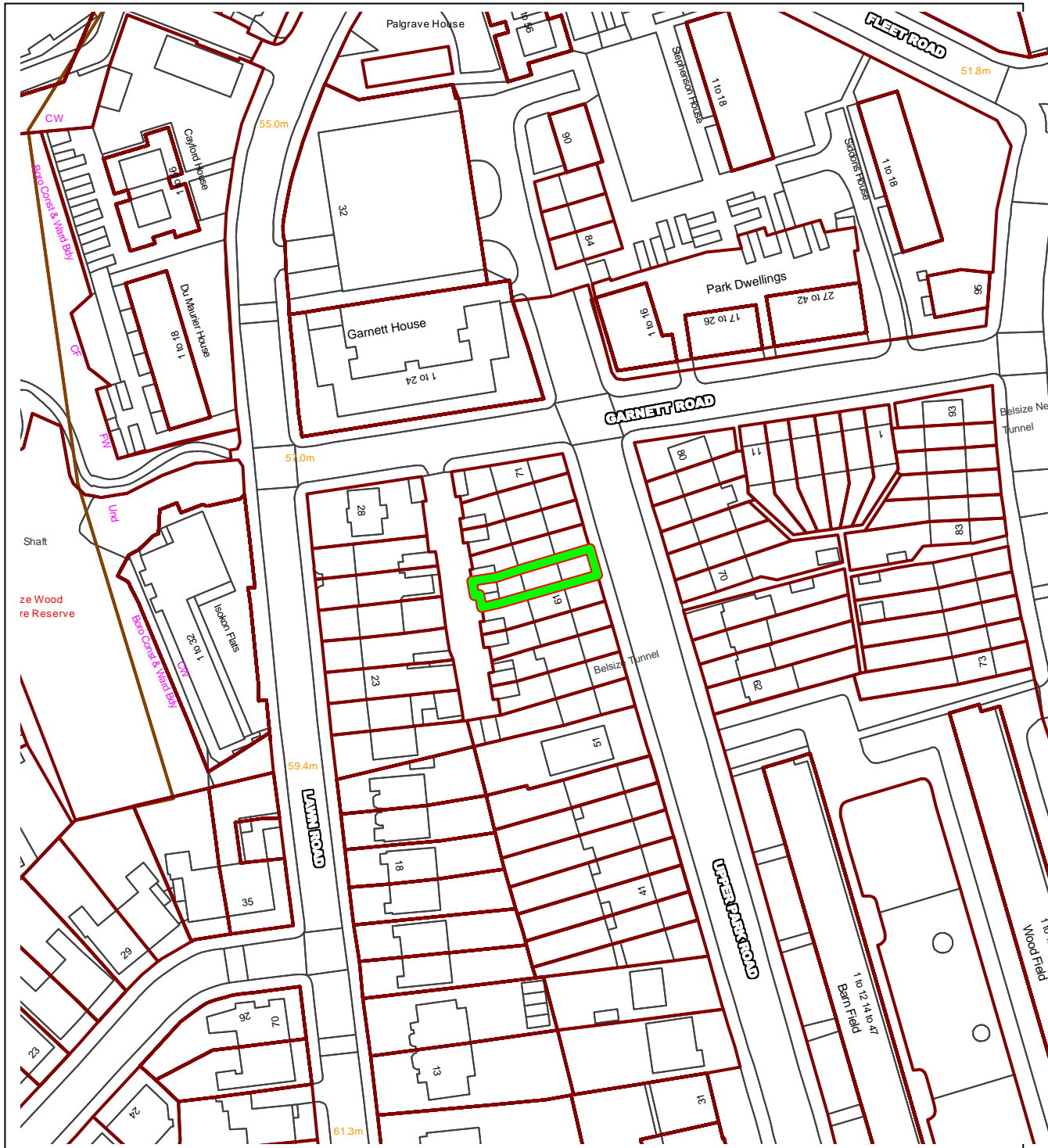


# Members Briefing – 63 Upper Park Road 2014/4713/P

## Location Plan



## Site photographs (11/09/2014) – 63 Upper Park Road

Front elevation



Rear elevation



Boundary treatment at the rear



<b>Members Briefing Report</b>		<b>Analysis sheet</b>	<b>Expiry Date:</b>	01/10/2014
		N/A / attached	<b>Consultation Expiry Date:</b>	04/09/2014
<b>Officer</b>			<b>Application Number(s)</b>	
Katrine Dean			2014/4713/P	
<b>Application Address</b>			<b>Drawing Numbers</b>	
63 Upper Park Road London NW3 2UL			Please refer to draft 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 conservatory to rear and alterations to roof terrace including new handrail.				
<b>Recommendation(s):</b>		Grant subject Conditions		
<b>Application Type:</b>		Householder Application		

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	03	No. of responses	03	No. of objections	03
			No. electronic	00		
Summary of consultation responses:	<p>Two letters of objection were received from the owner/occupiers of the neighbouring properties at either side noting the following concerns:</p> <ol style="list-style-type: none"><li>1. The design and access statement states that the extension would not be higher than the fence; however the drawings show it to be considerably higher. This would reduce the amount of natural light received at the objectors' habitable windows.</li><li>2. There is no information on the structure's foundations and how this will impact on the objectors' property;</li><li>3. The external walls of the extension are proposed to be finished in render and maintained, however, this would require them gaining access to objectors' land, which would be denied;</li><li>4. The positioning of the fence between the objector's and the developer's land is in dispute, which means that the extension could be built on land which does not belong to the developer;</li><li>5. Dependant on the above - the owner has a statutory duty to serve notice on the objector under the Party Wall etc. Act and has not done so.</li><li>6. The applicant has breached planning laws by reconstructing the rear dormer into a roof terrace/balcony without consent, which he now seeks retrospective approval for;</li><li>7. If the proposed development were to go ahead it would cause disruption to the enjoyment of the objector's land;</li><li>8. If the balcony is retrospectively granted, the objector would seek opaque glass to be installed;</li><li>9. The conservatory would extend the full width of the small garden and would represent over-development of the space, which would be out of keeping with the adjoining properties;</li><li>10. The balcony floor has been reconstructed and brought forward to the outer edge of the gutter, projecting further than previously;</li><li>11. The floor is built right up to the party wall and allows a view of the whole of the objector's back garden; and</li><li>12. The design of the rails – stark black ironwork, is out of keeping with the rest of the terrace.</li></ol>					
Officer Comments:	<ol style="list-style-type: none"><li>1. The conservatory would reach a height of 2.7m, which would be marginally higher than the existing boundary fence at either side. Please see section 4.2 of the assessment for more details.</li><li>2 – 5. These are not material planning considerations, but are rather civil or other matters which should be resolved between the neighbours aside from the planning process;</li><li>6. The impact of the rear balcony is assessed in paragraphs 3.1 of the assessment.</li><li>7. An element of disruption during construction is expected and associated with any development. The hours of construction, are controlled through the application of necessary conditions in order to minimise disturbance regulate the impact on residential amenity.</li><li>8. The installation of opaque glazing would not be necessary in this instance.</li></ol>					

	<p>9. The rear elevation of this row of terraces, although in a conservation area, has little architectural merit and therefore extending property at the rear is acceptable in this instance.</p> <p>10. Amendments to the existing development have been negotiated, which decrease the depth of the balcony projection.</p> <p>11. There would be no difference to the previous amount of overlooking associated with the development.</p> <p>12. Details of appropriate rails have been requested by condition.</p> <p>Emails of support/no objection to the development have also been submitted after the consultation period had expired from three neighbouring properties at 24 – 26 Lawn Road and 67 Upper Park Road. Although these cannot be not formally considered, they were nevertheless sent.</p>
<b>Parkhill CAAC:</b>	Object to further development of the rear garden space.
<b>Officer Comments:</b>	The proposed extension is minor in height and footprint and would allow for some amenity space to remain at the rear. It is therefore considered to be acceptable.

## Site Description

The application site is located on Upper Park Road, which is within the Parkhill Conservation Area (CA) and is identified as making a positive contribution to the CA. The works relate to a mid-terraced two and a half storey property. The rear garden ground is small, mostly paved and split over two levels. It is bounded by timber fencing at the sides (the height of the fence at no. 65 is 2.5m and at no. 61 is 2.4m) and detached garages at the rear.

There is an existing roof terrace at the rear, which has recently been resurfaced, extended and a new balustrade installed. The works were carried out without the benefit of planning permission and are included in this proposal in order to regularise them.

## Relevant History

PEX0000328 - The erection of an extension to the roof at the rear. Refused 26/09/2000.

8702946 - Erection of a studio unit above the existing flat roofed garage. Refused 17/11/1987.

8500479 - Alterations including an extension above the existing garages to provide a granny flat. Refused 03/07/1985.

## Relevant policies

### LDF Core Strategy and Development Policies

#### Core Strategy:

CS5 (Managing the impact of growth and development)

CS14 (Promoting high quality places and conserving our heritage)

#### Development Policies:

DP24 (Securing high quality design)

DP25 (Conserving Camden's heritage)

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

#### Camden Planning Guidance 2011:

CPG 1 – Design (paragraphs 4.9 and 5.26)

CPG 6 – Amenity (chapter 7)

### Parkhill and Upper Park Conservation Area Appraisal and Management Strategy

## Assessment

### 1. Background

1.1 The works to the roof terrace were carried out without planning permission and an enforcement case had been created. The unauthorised works were deemed to be unacceptable by the Council and following a meeting with the applicant, their agent and the Council's Development Management and Enforcement officers, amendments to the roof terrace have been secured. The existing terrace projects all the way to the roof plane and to the eaves, with an over-bearing balustrade. The proposed roof terrace would be set away from the eaves and the plane of the roof and details of different railings would be requested by condition. These would require to be more subtle and in-keeping with the roof.

### 2. Proposal

2.1 As well as the works to the roof terrace, this proposal also seeks planning permission for the erection of a small conservatory at the rear of the property. The conservatory would project by around 1.5m from the rear of the house, reach 2.7m in height and extend the full width of the property.

### **3. Design**

- 3.1 The design of the roof terrace element of the development would be improved because the terrace would be set in from the roof plane and set back from the eaves, re-instating a line of unbroken tiles above the eaves. This generally complies with the advice on roof terraces in paragraph 5.26 of CPG1. The existing railings appear to be over-dominant on the roof and the proposed ones would require to be more subtle, in order to comply with the CPG1. Although these would be visible from the ground, as is the existing roof terrace, the visual impact would be minimised by securing smaller railings, which would be less intrusive on the roof slope.
- 3.2 Although the proposed rear conservatory would extend the full width of the property, this was considered to be acceptable by the Council's conservation team because the projection of the conservatory towards the rear would be minimal (1.5m) and although the rear elevation is largely uninterrupted along this row of terraces, it was not deemed to have sufficiently high architectural merit to justify refusing a new addition to the building, which would maximise the internal space of the building, without compromising the host building or the conservation area. Furthermore, the properties on Lawn Road have been extended substantially to the rear and therefore precedent for such development has been set in this location. The proposed extension complies with the remainder of the general principles on conservatories set out in paragraph 4.19 of CPG1.

### **4. Amenity**

- 4.1 The alterations (railings and re-surfacing) to the existing roof terrace in themselves would not have a negative impact on residential amenity. The levels of over-looking from the proposed structure would not be dissimilar to that of the existing terrace. The proposal would therefore be acceptable in terms of its impact on residential amenity.
- 4.2 The rear garden ground is well screened at either side and the rear. The proposed conservatory would therefore not give rise to increased levels of over-looking of neighbouring property. Its projection of 1.5m from the rear elevation and its modest height of 2.7m (only 0.2 and 0.3m higher than the existing fencing at the sides) would mean that the neighbouring properties at either side would not be negatively impacted in terms of loss of daylight/sunlight or outlook. Some external amenity space would remain at the rear of the property to allow for the construction of the conservatory.

### **5. Recommendation**

- 5.1 Having given consideration to the above assessment it is considered that the proposal complies with the necessary policies and guidance of the Council and should be granted subject to conditions.

### **DISCLAIMER**

**Decision route to be decided by nominated members on Monday the 8<sup>th</sup> of December 2014. For further information please go to [www.camden.gov.uk](http://www.camden.gov.uk) and search for 'members briefing'.**



Mr Aggi Theocharous  
63 Upper Park Road  
London  
NW3 2UL

Application Ref: **2014/4713/P**  
Please ask for: **Katrine Dean**  
Telephone: 020 7974 **3844**

3 December 2014

**DRAFT**

Dear Sir/Madam

## **DECISION**

Town and Country Planning Act 1990 (as amended)

### **Householder Application Granted**

Address:  
**63 Upper Park Road  
London  
NW3 2UL**

**DECISION**

Proposal:  
Erection of a conservatory to rear and alterations to roof terrace including installation of new handrail.

Drawing Nos: Location plan - 004/A; Site plan - 003/A; Existing plans and elevations - 001/B; and Proposed plans and elevations - 002/B.

The Council has considered your application and decided to grant permission subject to the following condition(s):

Condition(s) and Reason(s):

- 1 The development hereby permitted must be begun not later than the end of three years from the date of this permission.

Reason: In order to comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).





- 2 All new external work shall be carried out in materials that resemble, as closely as possible, in colour and texture those of the existing building, unless otherwise specified in the approved application.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policy CS14 of the London Borough of Camden Local Development Framework Core Strategy and policy DP24 and DP25 of the London Borough of Camden Local Development Framework Development Policies.

- 3 The development hereby permitted shall be carried out in accordance with the following approved plans - Location plan - 004/A; Site plan - 003/A; Existing plans and elevations - 001/B; and Proposed plans and elevations - 002/B.

Reason:

For the avoidance of doubt and in the interest of proper planning.

- 4 Details of replacement railings around the terrace shall be submitted to and approved in writing by the local planning authority within two months of the date of this consent and installed on-site prior to commencement of use of the roof terrace and shall be permanently retained.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of Policy CS14 of the London Borough of Camden Local Development Framework Core Strategy and Policy DP24 and DP25 of the London Borough of Camden Local Development Framework Development Policies.

Informative(s):

- 1 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts which cover aspects including fire and emergency escape, access and facilities for people with disabilities and sound insulation between dwellings. You are advised to consult the Council's Building Control Service, Camden Town Hall, Argyle Street WC1H 8EQ, (tel: 020-7974 6941).
- 2 Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You are advised to consult the Council's Compliance and Enforcement team [Regulatory Services], Camden Town Hall, Argyle Street, WC1H 8EQ (Tel. No. 020 7974 4444 or on the website <http://www.camden.gov.uk/ccm/content/contacts/council-contacts/environment/contact-the-environmental-health-team.en> or seek prior approval under Section 61 of the Act if you anticipate any difficulty in carrying out construction other than within the hours stated above.

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.

You can find advice about your rights of appeal at:

<http://www.planningportal.gov.uk/planning/appeals/guidance/guidancecontent>

Yours faithfully

Director of Culture & Environment

**DRAFT**

**DECISION**