

Delegated Report		Analysis sheet	Expiry Date:	09/12/2014
		N/A / attached	Consultation Expiry Date:	28/11/2014
Officer			Application Number(s)	
Obote Hope			2014/6291/P	
Application Address			Drawing Numbers	
Ground floor 94 Camden Road London			Refer to draft decision notice	
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature	
Proposal(s)				
Use of rear ground floor roof as a terrace (retrospective), and the installation of timber balustrade with trellis.				
Recommendation (s):	Refuse and warn of enforcement action			
Application Type:	Full Planning Permission			

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	94	No. of responses	14	No. of objections	14
			No. electronic	14		
Summary of consultation responses:	<p>Site notice was displayed on the 24/10/2014 -14/11/2014 Press advert was advertised on the 30/10/2014 - 20/11/2014</p> <p>Fourteen letters of objection were received from neighbouring properties, 84 Camden Road, Flat 5 84 Camden Road, 88 and 90 Camden Road, 94 x 2, 96 Camden Road, 71 Patshull Road, 39 Highstone Mansion, Flat 13 Highstone Mansions, Flat 29 Highstone Mansion, 14 Highstone Mansions, Flat 63, Highstone Mansions x 2, 39 Highstone Mansions, 209 Royal College Street, summarised below:</p> <ol style="list-style-type: none"> 1. The roof terrace is out of character with the conservation area. 2. Overbearing and obtrusive. 3. Loss of privacy to adjoining properties. 4. The loss of natural light. 5. Noise 6. Smoking pollution. <p>Officer comment: The above concerns raised are addressed in the main body of the report.</p>					
CAAC/Local groups* comments: *Please Specify	Camden Broadway CAAC – No comments received.					

Site Description

The site is a four storey plus basement building located on the east side of Camden Road, the site adjoins a triangular plot consisting of Royal College Street to the north, Grand Union Towpath and Lyme Terrace to the south and southeast. The ground floor of the building is occupied by a restaurant (Class A3) with three residential flats above. To the rear of the site is a single storey rear extension with a flat roof. A terraced has been constructed above this single storey extension with decking, it's also proposed to install balustrade with timber screening with planters. To the south lies No. 92 to 86 to the north No.96 to 104 to the southeast 96 to 102 all containing residential flats above ground floor level. Along the south side of Royal College Street consist of residential flat above ground floor level these are 205A to 213 all within 18m of the proposed terraced area and the purposely built block of flat of the "L shaped" multi story Highstone Mansions that consist of seven storeys.

The site is not listed but lies within the Camden Broadway Conservation Area.

Relevant History

2011/3063/P The use of ground floor and part basement as a restaurant (Class A3). **Granted** LDC (Existing) 30/09/2011

2005/3119/P Erection of a first floor rear extension and conversion of offices on first, second and third floors into three self-contained flats. **Granted** 04/10/2005.

H12/34/11/24290 The erection of a ground floor rear extension to provide a restaurant kitchen. Refused 14/03/1977 on the grounds that (1) the proposed scheme exceeds the Council's Plot ratio standards (2) the proposed extension would obstruct light to adjoining properties. **Refused** on 19/05/1977.

Relevant policies

LDF Core Strategy and Development Policies

Core strategy:

CS1 Distribution of growth
CS5 Managing the impact of growth and development
CS14 Promoting high quality places and conserving our heritage

Development policies:

DP16 The transport implications of development
DP17 Walking, cycling and public transport
DP18 Parking standards and limiting the availability of car parking
DP19 Managing the impact of parking
DP25 Conserving Camden's heritage
DP26 Managing the impact of development on occupiers and neighbours

Camden Square Conservation Area Statement 2011

Camden Planning Guidance 2013:

CPG5- design, chapter 5
CPG6 – Amenity, chapter 7,

London Plan 2011- Chapter 6

NPPF 2012-Chapter 4

Assessment

1.0 Proposal:

1.1 The site currently has an unauthorised terrace with decking on the rear ground floor, including installation of balustrade. The ground floor decking area is approximately 4.8 in depth with the timber screening that measure approximately 1.8m high with 7 x square ventilation gaps that measure 0.7m. The boundary treatment would contain trellis on the proposed timber screen located to the rear elevation. The applicant seeks the retention of the use of the terrace and the installation of the timber balustrade with trellis.

1.2 The main issues to consider are:

- Design and conservation; and
- Amenity

2.0 Design:

2.1 Impact on host building and conservation area

2.2 The rear of the property along this section of Camden Road is characterised of mixed used development consisting of commercial at ground floor and residential above. Within the existing block to the rear is predominantly residential in character. However, there is an example of an external terrace within commercial use, this relates to the Grand Union Camden. Notwithstanding, the views of the terrace and amenity issues such as overlooking are contained within the short views due to the formation, setting and design of the terrace and as such cannot be used as precedent for the proposed unauthorised terrace area. The proposed roof terrace is located on the flat roof at ground floor level that surround a significant

amount of residential properties including purposely built residential flats on the Corner of Camden Road.

2.3 The terrace currently measures approximately 4.9 to 4.8m in width x 5.7m depth on the existing flat roof. It encroaches on the boundary of rear ground floor garden areas No. 211 and 209 Royal College Street that are currently used as a storage area for the tables and chairs. This gives the extended decking area a wrap-round design. It was noted that a tree was consequently felled of which no consent was granted for the proposed works.

2.4 There is some uniformity and consistency in the appearance of the rear elevations along this section of Camden Road and Royal College Street in terms of form and scale of works that were undertaken. However, within this context, the design of the terrace is considered to be excessively large, and the proposed timber screen and trellis would not satisfactory overcome the scale and bulk of the terrace area nor the formation and setting of the terrace within a predominantly residential area.

2.5 It is not considered that the terrace would have an adverse effect on the immediate townscape due to the lack of visibility of the rear of the terrace from the public realm, due to the triangular formation of the surrounding residential properties located within close proximity of the application site. However, it is considered that the unauthorised terrace would have a detrimental impact on the conservation area and the character of the host property due to the introduction of the commercial element into residential gardens, and as such, would set an unwelcomed precedent. Furthermore, the size and scale would not be subservient and as such, would be overdevelopment that would be contrary CS4, DP24 and DP25 of the LDF.

2.6 The use of timber for the balustrade plus trellis and decking would be hard to sustained as there would be 0.7m gaps within the timber screen and as such, would not be an appropriate design. Furthermore, the use of glass balustrade would also not be an acceptable design due to its visual impact and incongruous form.

2.7 There are no other examples of the terrace and decking area of a similar size, setting and design within the surrounding area. The terrace is visible from private vantage points from surrounding properties. Therefore, the terrace would be harmful to the host property and the Camden Square conservation area, and is considered unacceptable, contrary to policies CS14, DP24 and DP25.

3.0 Amenity:

3.1 From the terrace, there is a direct view into the neighbouring properties from many directions. It is not considered that the proposed timber screen would mitigated the loss of privacy even if the proposed trellis are accordingly maintained to restrict the direct views into the habitable rooms at ground floor level, there would be impact with the loss of privacy to the flats above ground floor level. Due to the size, scale and setting of the proposed terrace, there would be direct views into the residential flats as the terrace would not be set back by a minimum of 18m and due to the close proximity of the residential there would be unacceptable levels of overlooking into the adjacent residential flats contrary to CPG 6.

3.2 The proposed terrace is considered to be detrimental to the adjacent residential properties, the terrace is also considered to result in an unreasonable amount of additional overlooking into habitable rooms of neighbouring properties namely, first floor of 94 Camden Road, 209, 209A, 211 Royal College Street and flat south 84A and 84B Camden Road. The plans submitted do not show the scope of the proposed terrace area as the site visit to the neighbouring property shows the decking area of the terraced projects to the ground floor level where additional seating and tables are stored. And as such, the distance has exacerbated further along the boundary of the properties.

3.3 The proposal would have a detrimental impact with the loss of privacy with the neighbouring properties above ground floor even if the screening is maintained for the 1.8m timber balustrade with trellis. However, if not maintained the properties not only at lower ground and ground floor level would have unacceptable levels of overlooking and loss to privacy to the rear windows on Royal College Street and the seven storey flats on Camden Road.

3.4 Although the use of screening could mitigate overlooking to some extent, it would not be considered to eliminate overlooking of higher neighbouring windows. In addition, high screening would be more visually obtrusive and would harm the outlook of neighbouring properties, contrary to policies CS5 and DP26.

Recommendation:

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 and to pursue any legal action necessary to secure compliance. Additionally, officers to 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:

Installation of balustrade and timber planters to allow use of flat roof as a terrace.

What you are required to do:

- 1) Cease the use of rear upper ground floor roof as a terrace; and
- 2) Completely remove the balustrade and timber planters and make good any resulting damage.

Period of Compliance: 3 months

REASONS WHY THE COUNCIL CONSIDER IT EXPEDIENT TO ISSUE THE NOTICE

Reasons for issuing the notice:

1. It appears that the breach of planning control has occurred within the last 4 years.
2. The use of the flat roof as a terrace and timber balustrade by reason of its inappropriate location, size and scale would be an unsympathetic and incongruous addition, detrimental to the character and appearance of the host building and the conservation area, contrary to policy CS14 (promoting high quality places) 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. The roof terrace by reason of its position and proximity to neighbouring properties results in harmful overlooking into a rear habitable rooms at 84A, 84B and 211 and 209 and 209A Royal College Street and is thereby contrary to policy CS5 (Managing the impact of growth and development) of the London Borough of Camden Local Development Framework Core Strategy and policy DP26 (Managing the impact of development on occupiers and neighbours) of the London Borough of Camden Local Development Framework Development Policies.