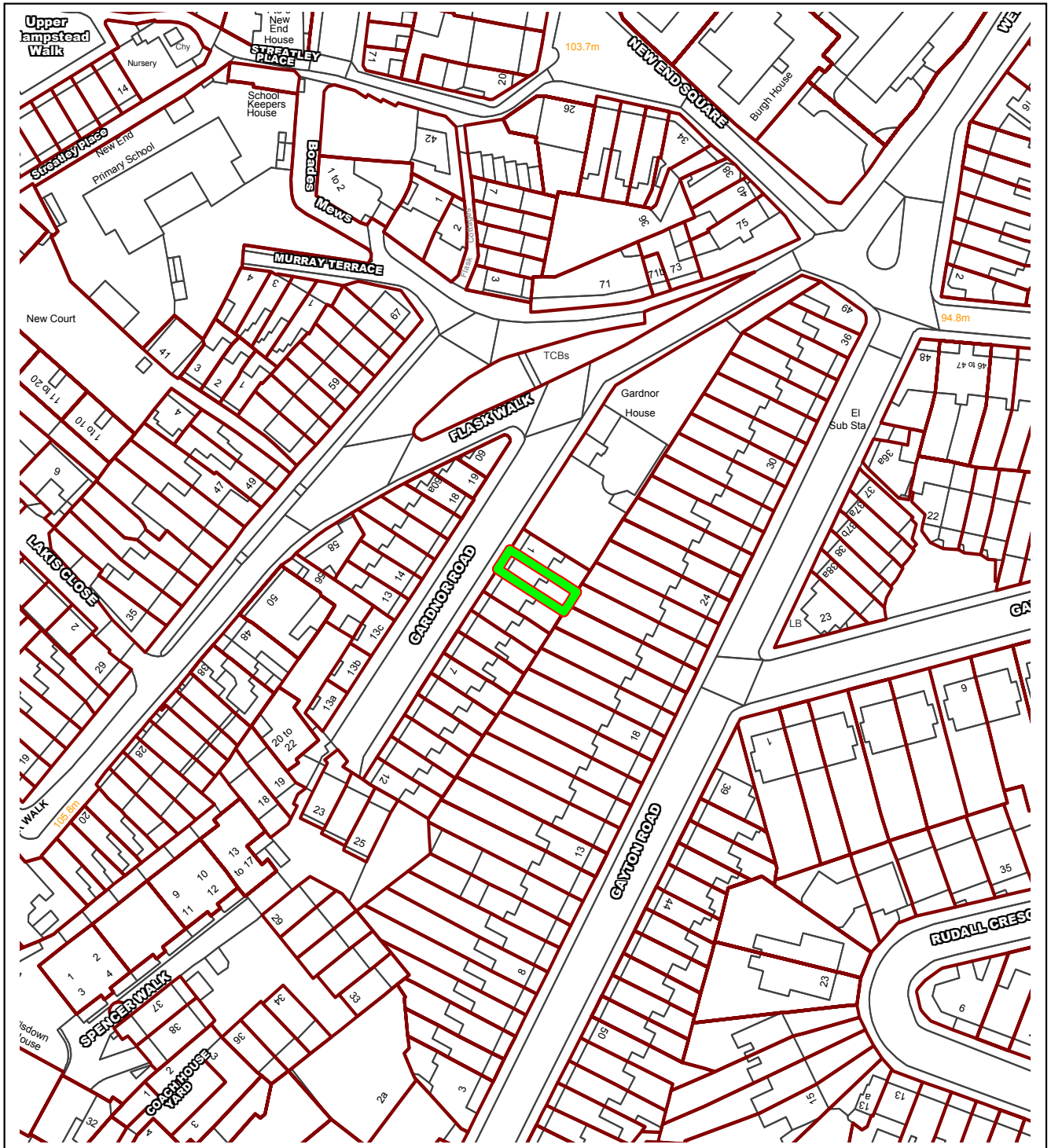


# Flat 1, 2 Gardnor Road



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Photograph 1



Rear of the properties No. 2, 3 and 4 showing first floor terrace balconies.

Photograph 2



Rear of host property



Photograph 3



Rear of property facing No.1 Gadnor Road.

Photograph 4



Rear of property facing Gaytor Road.

<b>Delegated Report (Members Briefing)</b>		<b>Analysis sheet</b>	<b>Expiry Date:</b>	<b>01/05/2015</b>
		N/A / attached	<b>Consultation Expiry Date:</b>	<b>02/04/2015</b>
<b>Officer</b>			<b>Application Number(s)</b>	
Raymond Yeung			2015/0993/P	
<b>Application Address</b>			<b>Drawing Numbers</b>	
Flat 1 2 Gardnor Road London NW3 1HA			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>				
Variation of condition 3 (Alterations of approved drawings) granted under reference 2014/7688/P dated 17/02/15 namely to remove the approved Juliet balcony of the ground floor patio doors and enclose a section of flat roof of the approved extension with a balustrade, to create a balcony on the rear elevation.				
<b>Recommendation(s):</b>	Grant planning permission			
<b>Application Type:</b>	Variation or Removal of Condition(s)			

<b>Conditions or Reasons for Refusal:</b>	<b>Refer to Draft Decision Notice</b>					
<b>Informatives:</b>						
<b>Consultations</b>						
<b>Adjoining Occupiers:</b>	No. notified	<b>09</b>	No. of responses	<b>02</b>	No. of objections	<b>02</b>
			No. Electronic	<b>00</b>		
<b>Summary of consultation responses:</b>	<p>Site notice displayed from 09/03/2015 until 30/03/2015  Press notice displayed from 10/03/2015 until 31/03/2015</p> <p>No.22 Gayton Road objects on the grounds of:</p> <ul style="list-style-type: none"> <li>Balcony would lead to overlooking and loss of privacy</li> </ul> <p><u>Officer's response</u>  The existing sash window already looks directly towards these gardens and the additional loss of privacy and increased level of overlooking from the balcony is not considered to be overly intensified to impact detrimentally on the neighbouring properties. In any case there is a significant amount of mutual overlooking between the rear of the properties in this terrace.</p> <p><u>Officer's response</u>  The current application is assessing its alteration of the drawings only, namely the terrace balcony. The principle and design of the previous proposals have been granted, any concerns raised with regards to this is not considered material for the assessment of this application.</p>					
<b>CAAC/Local groups comments</b>	<p><b>Gayton Resident's Association</b></p> <p>Objects that the previous permission place a condition to prevent use of the flat roof of the approved extension to be not used as a roof terrace and such variation application should be refused due to impact on neighbour's amenity.</p> <p><u>Officer's response</u>  This condition would still remain on the remainder of the new green roof. It is also noted that the condition did not prevent use of the flat roof outright; merely that it would need to be approved in writing by the planning authority.</p>					

## Site Description

The site is a 4 storey end of terrace property on the south side of Gardner Road. The terrace is identified as a positive contributor of the Hampstead Conservation Area but is not listed. The garden of the property backs onto the gardens of houses in Gayton Road.

## Relevant History

### Application site

**2014/7688/P** - Erection of single storey rear extension at lower ground floor level, installation of timber sash windows to front bay window at ground and lower ground floors, replacement of front brick fence with black iron railings, and installation of rear Juliet balcony at ground floor level. **Granted 17/02/15**

### 3 Gardner Road

**27309** - Alterations comprising extension of roof and formation of a roof terrace. **Granted 15/2/1979**  
**2010/0127/P** - Replacement of existing roof extension with a full width roof extension with rear roof terrace to provide additional accommodation to residential flat (Use Class C3). **Granted 6/4/2010**

### 6B Gardner Road

**2011/5953/P** - Loft conversion to provide front and rear mansard roof extension with windows to front and a dormer window to rear, including rear roof terrace to residential flat (class C3). **Granted 18/01/2012**

### 8 Gardner Road

**9501134**- Erection of balcony railings and replacement of existing windows with double doors. **Granted 25/8/1995**

Erection of a single storey rear infill extension at lower ground floor level with roof terrace and metal balustrade at ground floor level. **Granted 14/1/14**

### 9 Gardner Road

**2006/5827/P** - Change of use of existing self-contained flat and maisonette to create a single dwellinghouse, plus erection of a mansard roof with two dormers to front and terrace to rear, and access structure from the upper ground floor to the lower rear garden. **Granted 13/7/2007.**

### 12 Gardner Road

**2013/4653/P** - Replacement of sash window with French doors and Juliette balcony at upper ground floor level and widening of lower ground floor French doors on rear elevation of existing house (Class C3). **Granted 17/09/2013.**

### 13A Gardner Road

**PW9802891R1** - The erection of a rear extension over an existing rear first floor terrace. **Granted 21/1/1999.**

## Relevant policies

### NPPF 2012

### Local Development Framework 2010

### 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

CPG1 (Design) 2014

CPG2 (Housing) 2013

CPG6 (Amenity) 2011

### Hampstead Conservation Area Statement 2001

### London Plan March 2015, consolidated with alterations since 2011

## Assessment

### 1. Proposal

1.1 The proposal seeks to vary condition 3 (Alterations of approved drawings) granted under reference 2014/7688/dated 17/02/15 which states:

- The development hereby permitted shall be carried out in accordance with the following approved plans: 2GAR-001 rev P1; -003 rev P1; -004 rev P1; -020 rev P1; -021 rev P1; -030 rev P1; -031 rev P1; -101 rev P3; -200 rev P3; -201 rev P1; 300rev P1; -301 rev P3; -800 rev P1; -801 rev P1; Arboriculture Report 14/12; & D&A Statement by Brosh Architects.

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

1.2 The proposal is to remove the approved Juliet balcony from the first floor rear French doors and erect metal railings to be able to use a section of the flat roof of the extension to be used as a terrace balcony.

### 2. Design

2.1 Within the Hampstead Conservation Area Statement under section H34 (Roof terrace/gardens) it states; *'The formation of roof terraces/gardens can be an opportunity for external space. Care should be given to locating gardens so that they do not have a detrimental impact on the street scene, surrounding buildings or on the architectural quality of the building. They can be successfully concealed, for example behind parapet walls. The introduction of a roof terrace/garden should not result in an unreasonable amount of additional overlooking or impact on long views in particular. Roof terraces/gardens should not be located on mansard roofs'*.

2.2 In light of the above guidance, the proposal is considered acceptable. The character to the rear of the terrace is defined by 2 storey outriggers and many with balconies and terraces. As mentioned above in the planning history sections there are other similar developments which were given approval and other immediate properties such as the neighbour No.4 who have historically had its first floor balcony. Many of these are actually higher than the one proposed.

2.3 The design of the balcony is sympathetic to the host property with its traditional black metallic

railings and would be flush with the rear walls of the host property's and adjoining No.3s outrigger, the terrace area would therefore be enclosed and appear concealed unlikely the existing ones on the terrace which includes staircases.

2.4 There would be a partial removal of the sedum roof from the roof, this is considered minimal as the majority of this would still remain.

2.5 The material and the detailed design are considered appropriate and preserve the character of the conservation area.

### **3. Amenity**

3.1 Concern has been raised about the proposal in terms of increased overlooking and loss of privacy to the gardens of properties on Gayton Road. It is noted that the proposal site is at higher ground level.

3.2 Although the garden of the subject property is relatively shallow (approximately 7.5m from the rear elevation to the boundary wall), the gardens of Gayton Road are relatively deep (approximately 24 m [and 25m between the main rear elevation and the boundary wall]). The existing sash window already looks directly towards these gardens and the additional loss of privacy and increased level of overlooking from the balcony is not considered to be overly intensified to impact detrimentally on the neighbouring properties. In any case there is a significant amount of mutual overlooking between the rear of the properties in this terrace.

3.3 With regards to overlooking to the adjoining properties at No. 3 and No. 1, it is considered that the harm from such overlooking and loss of privacy would not materially increase over the current levels due to the existing location of windows in the property and it would not make a material difference compared to the Juliet balcony and French doors which was previously approved.

3.4 Condition 5 from the previous permission would still be relevant for the remainder of the flat roof.

3.5 Given all the points above, it would not be appropriate or sustainable to refuse the application on the basis of harm to neighbouring amenity.

### **4. Recommendation**

4.1 It is recommended that planning permission be granted subject to conditions.

### **DISCLAIMER**

**Decision route to be decided by nominated members on Monday 27<sup>th</sup> April 2015. For further information, please go to [www.camden.gov.uk](http://www.camden.gov.uk) and search for 'Members Briefing'.**



Mr. Lior Brosh  
Brosh Architects  
31 Burghley Avenue  
Borehamwood  
Hertfordshire  
WD6 2JL

Application Ref: **2015/0993/P**  
Please ask for: **Raymond Yeung**  
Telephone: 020 7974 **4546**

16 April 2015

**DRAFT**

Dear Sir/Madam

**DECISION**

Town and Country Planning Act 1990 (as amended)

**Variation or Removal of Condition(s) Granted**

Address:

**Flat 1  
2 Gardnor Road  
London  
NW3 1HA**

**DECISION**

Proposal:

Variation of condition 3 (Alterations of approved drawings) granted under reference 2014/7688/P dated 17/02/15 namely to remove the approved Juliet balcony of the ground floor patio doors and enclose a section of flat roof of the approved extension with a balustrade, to utilised as a balcony at the rear elevation.

Drawing Nos:

Superseded:

2GAR-101 rev P3; -200 rev P3; 301 rev P3.

Proposed:

2GAR-101 rev P5; -200 rev P4; 301 rev P4, 3D rev P2.

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



Condition(s) and Reason(s):

- 1 For the purposes of this decision, condition 3 (approved plans) of planning permission 2014/7688/P dated 17/02/2015 shall be replaced with the following condition:

REPLACEMENT CONDITION 3

The development hereby permitted shall be carried out in accordance with the following approved plans:

2GAR-001 rev P1; -003 rev P1; -004 rev P1; -020 rev P1; -021 rev P1; -030 rev P1; -031 rev P1; -101 rev P5; -200 rev P4; -201 rev P1; -300 rev P1; -301 rev P4; -800 rev P1; -801 rev P1; 3D revP2; Arboriculture Report 14/12; & D&A Statement by Brosh Architects.

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

Informative(s):

- 1 This approval under Section 73 of the 1990 Act effectively varying the relevant condition of the previous planning permission is subject otherwise to the same terms, drawings, conditions as attached to the previous planning permission. This includes condition 1 providing for a 3 year time period for implementation which for the avoidance of doubt commences with the date of the original decision (and not this variation), condition 2 for materials to match existing, condition 4 which requires submission of details for the green roof, condition 5 would still remain for the remainder of the flat roof to be not used as a roof terrace and condition 6 for submission of details of a replacement tree.

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