

Delegated Report		Analysis sheet		Expiry Date:	02/06/2015
		N/A / attached		Consultation Expiry Date:	20/05/2015
Officer			Application Number		
John Sheehy			2015/1993/P		
Application Address			Drawing Numbers		
17 Fairhazel Gardens London NW6 3QL					
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature		
Proposal					
Alterations to rear dormer roof extension.					
Recommendation:		Refuse Planning Permission and Issue an Enforcement Notice			
Application Type:		Full Planning Permission			

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	24	No. of responses No. electronic	4 3	No. of objections	1
Summary of consultation responses:	<p>Site Notice displayed 24-4-2015.</p> <p>Press Notice published 30-4-2015, 21-day consultation period has now expired.</p> <p>Two letters of support have been received, one objection and one comment stating “no objection”.</p> <p><u>Supports</u></p> <p>The occupiers of 19 and 21 Fairhazel Gardens have written in support of the proposal, stating that planning permission should be granted and neighbours would also like to add a dormer extension to the loft space. The house is much lower than the rest of the neighbourhood and the extension is not visible from the street. The proposed rear roof extension is “beautifully laid out and in total harmony with the rest of the house”.</p> <p><u>No objection</u></p> <p>The occupier of 23 Fairhazel Gardens has “no objection” to the proposal; the property is not identified as a positive contributor to the South Hampstead Conservation Area; and “London is currently in a shortage supply of houses and improvements to current properties would be a positive outcome for local authorities and current home owner”.</p> <p><u>Objection</u></p> <p>The objection from Flats C and D 47 Greencroft Gardens raises the following concerns:</p> <p>Amenity: Precedent for the rest of the terrace, thus potentially impacting on amenity of properties on Greencroft Gardens - reduction of light to 47D Greencroft Gardens and overlooking to 47C Greencroft Gardens;</p> <p>Visual appearance: proposed rear roof extension the same size as that built without planning permission - visual appearance will be similarly unacceptable. Proposal will be “overbearing and out of keeping with the scale of the terrace will significantly harm the outlook from the rear of properties in the Conservation Area... proposed use of zinc cladding would intensify (not reduce) the impact.”</p> <p>The objector also refers to views of the Inspector for the recent appeal decisions 2010/5803/P and P9600851 for mansards to the each of the properties in the terrace where the Inspector identifies the additional bulk as “unduly overbearing”, with a harmful impact on properties in Greencroft Gardens in terms of outlook and daylight.</p>					
CAAC/Local groups comments:	No Conservation Area Advisory Committee in South Hampstead.					

Site Description

The site is situated on the west side of Fairhazel Gardens; the property is part of a terrace of 4 houses located close to the junction with Greencroft Gardens.

The houses were erected in the mid-20th century, to a traditional form; they comprise two storeys and are brick built with slate pitched roofs.

The site is located in the South Hampstead Conservation Area. The surrounding area is mainly made up of period properties dating from the 19th century. These buildings are of a grander scale than the application property, 4-5 storeys in height, built of red brick, with timber windows and traditional details.

Both in terms of its scale and the simplicity of its design, this terrace contrasts with the nearby larger properties. Due to the location and layout of the terrace, its roofline is prominent in views from the surrounding area.

Relevant History

17- 23 Fairhazel Gardens

July 1996 Planning permission refused for erection of an additional storey on the whole terrace, ref. P9600851.

The application was refused for the following reasons:

The proposed development would have an adverse effect on the character of the Conservation Area, by virtue of its design and bulk.

The proposed development would result in a loss of sunlight/daylight to properties on Greencroft Gardens to the detriment of their amenity.

January 1997 Appeal against the above refusal dismissed by the Planning Inspectorate.

September 2008 Planning permission refused for installation of a rear dormer window to each property and two velux windows within the front roof slope, together with an increase in the height of the ridge of the roof of each house by 1 metre, to provide an additional bedroom and a study for each the properties, ref. 2008/3394/P.

The application was refused for the following reasons:

The proposed roof extension, by reason of height, bulk and detailed design, would be detrimental to the appearance of the building and character and appearance of the conservation area;

The proposed development would result in a loss of outlook, sunlight and daylight to the rear of Greencroft Gardens properties, and be unduly overbearing, to the detriment of the amenities of adjoining occupiers.

23 Fairhazel Gardens

June 2002 Planning permission refused for the erection of a rear dormer and the insertion of three front roof lights, including an increase in the ridge height and the demolition of the chimney, to provide additional habitable floorspace for a single family dwelling., ref. PWX0202362.

The application was refused because the dormer and raised roof, due to their height and bulk, along with the unbalanced positioning of the roof lights would be harmful to the character and appearance of the building and the conservation area.

October 2002 Planning permission refused for the conversion of the roof space including the erection of a flat roof rear dormer and front roof light to provide additional habitable accommodation for a single-family dwelling, ref. PWX0202696.

The application was refused because the rear dormer would, by virtue of its scale, bulk, form and design,

detract from the appearance of the building and the terrace of which it forms part and would harm the character and appearance of the conservation area.

The following informative was attached to the decision Notice.

The applicant is advised that the existing space within the roof is insufficient to accommodate additional floorspace without an unacceptable alteration to the external form of the roof. It is therefore likely that any conversion including a dormer window would be unacceptable in principle.

December 2010 Planning permission refused for installation of dormer window on rear roofslope, two rooflights in front roofslope and obscure glazed window at first floor level on flank elevation all in connection with existing single-family dwellinghouse (Class C3), ref. 2010/5803/P.

The application was refused for the following reason:

The proposed rear dormer window by reason of its bulk, mass, position within the existing roofslope and design would be detrimental to the appearance of the building and the character and appearance of the Swiss Cottage Conservation Area, contrary to policies CS14, DP24 and DP25.

March 2011 Appeal against the above refusal dismissed by the Planning Inspectorate.

17a Fairhazel Gardens

May 2007 Planning Permission granted for erection of two-storey plus basement and attic end-of-terrace dwellinghouse with rear dormer window, front/side and rear lightwells, plus alteration to front boundary treatment including erection of low brick wall with railings, ref. 2006/5560/P.

March 2010 The above planning permission was renewed, ref. 2010/0446/P.

This scheme has been implemented and is now under construction.

It has only been possible to accommodate the rear dormer within this scheme by constructing the internal floor levels at a lower level than the neighbouring properties, including the application site.

Enforcement Investigation history

EN14/0546

May 2014 Complaint received that a rear roof extension was being erected at the property.

August 2014 Officers wrote to the owner advising that a roof extension to a dwellinghouse in a Conservation Area needs planning permission. Site visit requested no reply.

December 2014 Wrote again to the owner.

January 2014 Visited site and witnessed the completed roof extension. Officers explored the potential for a modified roof extension; however this cannot be achieved without breaching adopted planning policies and guidance. The extension had been in situ for less than 4 8 months and was not immune from enforcement action. Officers advised the owner to remove the unauthorised roof extension.

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 2014–CPGI Design, Chapter 5 'Roofs, Terraces and Balconies'

South Hampstead Conservation Area Appraisal and Management Strategy 2011 section 7 'Problems, Pressures and Capacity for Change'
London Plan 2011

Assessment

A rear roof extension has been constructed in breach of planning control. This application seeks permission for alterations to form a modified roof extension.

The main issues for consideration are the visual appearance of the existing and proposed works and their impact on the amenity of neighbouring occupiers.

Policy Background

Policy DP24 states that the Council will grant permission for development that is designed to a high standard. In terms of the works to this property, the following considerations contained within this policy are relevant:

- development should consider the character, setting, context and the form and scale of neighbouring buildings;
- development should consider the character and proportions of the existing building, where extensions and alterations are proposed.

Policy DP25 'Conserving Camden's Heritage' states that within Conservation Areas, the Council will only grant permission for development that preserves and enhances the character and appearance of the Conservation Area.

Camden's Supplementary Planning Guidance with regard to roofs states that roof extensions and alterations should be of an appropriate scale and should not be excessively prominent. It states that the Council will consider whether works are architecturally sympathetic to the age and character of the building and retain the overall integrity of the roof form of the application building and the established townscape. Detailed design including materials and windows should be sympathetic to the character and appearance of the original building and the surrounding area.

Camden SPG Chapter 5 "Roofs, terraces and balconies" states in para. 5.8 that a roof alteration or addition is likely to be unacceptable where:

- Complete terraces or groups of buildings have a roof line that is largely unimpaired by alterations or extensions;
- Where the scale and proportions of the building would be overwhelmed by additional extension.

With regard to dormer extensions paragraph 5.11 states:

- (Dormers) should be sufficiently below the ridge line of the roof in order to avoid projecting into the roofline when viewed from a distance. Usually a 500mm gap is required between the dormer and the ridge or hip to maintain this separation. Full-length dormers on both the front and rear of the property will be discouraged to minimise the prominence of these structures;
- Dormers should not be introduced where they interrupt an unbroken roofscape;
- (Dormer windows) should be aligned with the windows on the lower floors and be of a size that is clearly subordinate to the windows below.

These guidelines and policies are supported by South Hampstead Conservation Area Appraisal and Management Strategy, *in particular in paragraphs 7.15 and 7.16 "Roof Extensions and Changes to Roof Profiles and Detail"*.

Existing layout with unauthorised roof extension

The works that have been carried out without permission are detrimental to the appearance of the subject building and fail to preserve the character and appearance of the Conservation Area for the following reasons:

- The roof extension stretches across the full extent of the rear roof with minimal clearance to both sides and no clearance to the ridge. It would appear that the extension was designed to provide additional headroom for increased internal floor space rather than to provide additional daylight;
- The minimum clearances of 0.5m to the ridge and both sides have not been achieved. As a result, the extension is bulky and top-heavy. It does not relate subordinately to the existing building and is not sympathetic to its character and proportions. Instead it forms a top-heavy, dominant extension which is visually prominent and obtrusive. Because of the size of the roof extension and its width and height in relation to the original roof, the extension undermines and erodes the primacy of the original roof and detracts from its visual integrity;
- The clean roofline of the neighbouring properties is visible in private views from neighbouring properties and gardens. This contributes to the character and appearance of the South Hampstead Conservation Area. The unauthorised works that have been carried out have a detrimental impact on the rear roofline and jar with the rear elevation of the property as a whole. The works introduce visual clutter to what is an otherwise uncluttered elevation and a clean roofline;
- The materials and detailed design, utilising pvc to the window with solid slate walls on both sides, are of poor quality and proportions and are not appropriate in a Conservation Area. The works result in harm to appearance of the building in breach of policy DP24 and fail to preserve and enhance the appearance of the CA as required by policy DP25.

Proposed scheme

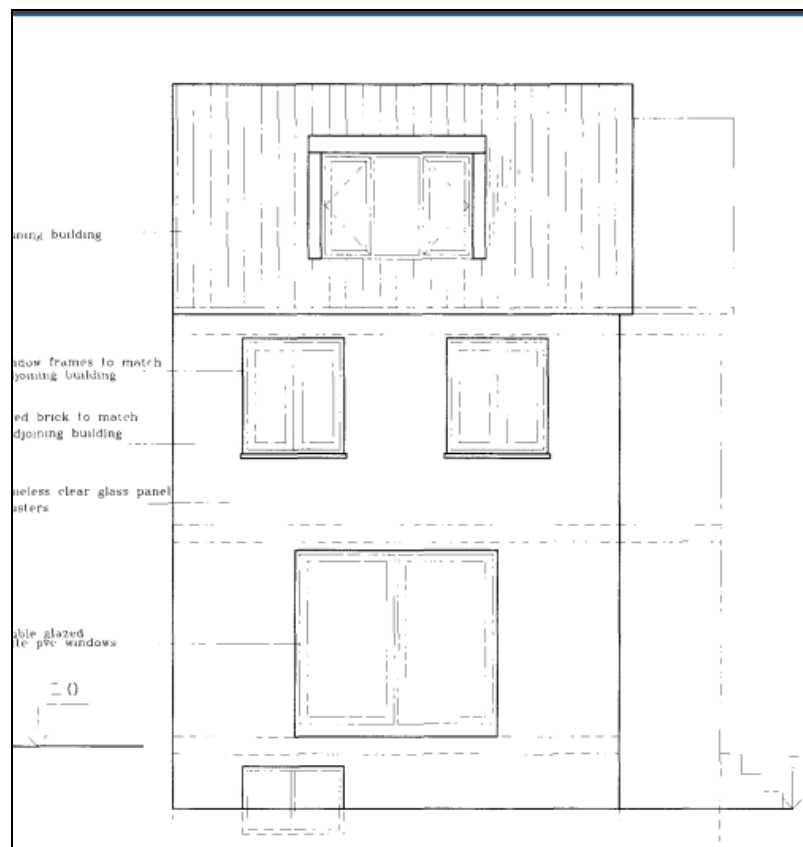
The proposed amendments would result in an extension which is marginally narrower than the roof extension which has been constructed without permission. The window would be larger as a proportion of the extension and would have a different pane pattern and materials.

The proposed roof extension is unacceptable for many of the same reasons as the unauthorised extension, in particular, the following:

- The amended roof extension as proposed would stretch across two thirds of the rear roof with no/ minimal clearance to the ridge. Because of its size and its width and height in relation to the original roof, the extension would undermine and erode the primacy of the original roof and would detract from its visual integrity. Like the unauthorised extension, it appears that the amended extension was designed to provide additional headroom for increased internal floor space rather than to provide additional daylight;
- The fact that there is no/ minimal clearance to the ridge, combined with the width of the roof extension would result in an addition which would be bulky and top-heavy. This extension which would be visually dominant and obtrusive in its context;
- The original elevation of each house in the terrace is simple in design and the clean roofline forms part of the visual character and appearance of the South Hampstead Conservation area, being prominent from numerous neighbouring properties and gardens. The modified extension, as proposed, would have a detrimental, intrusive impact on the clean roofline and would jar with the simple design of the rear elevation. The proposed works would fail to preserve and enhance the appearance of the CA as required by DP25 and would harm to appearance of the building in breach of policy DP24.

Recent decisions

A rear dormer window was granted permission to 17a Fairhazel Gardens under 2006/5560/P (renewed 2010/0446/P). This is less than half the width of the roof and achieves the minimum clearances to the eaves, ridge and sides in accordance with Camden Planning Guidance:



The applicant's Design and Access statement refers to this decision. However the proposed scheme is significantly wider than this approved dormer (two thirds of its width of the rear slope) and much more dominant in the context of the original roof. In addition, the approved dormer at 17a is in accordance with the minimum clearances set out in Camden Planning Guidance, whereas the proposed rear roof extension does not meet the minimum clearance of 0.5m to the ridge.



The scheme that is proposed here is similar to that at no. 23 Fairhazel Gardens which was refused by the Council in December 2010 (ref. 2010/5803/P) and dismissed at appeal by the Planning Inspectorate in March 2011:



As in the current application, there is no/ minimal clearance to the roof ridge and the dormer would be significantly more than half the width of the roof.

As noted above, there were also refusals of similar applications to no. 23 in June 2002 and October 2002.

The dormer at 17a Fairhazel Gardens is in accordance with adopted policies guidance and is referred to by the applicant in their Design and Access Statement in support of the proposed roof extension which is not in accordance with adopted policies and guidance.

By contrast, the material planning considerations at no. 23 are almost identical to those at no. 17. However, despite their relevance, the applicant's Design and Access Statement does not mention any of the three refusals at no. 23.

In addition, the applicant's Design and Access Statement does not refer to the dismissal of the appeal by the Planning Inspectorate in March 2011.

Impact on neighbour amenity

Both the existing roof extension and the proposed extension would be visible from the rear of the neighbouring properties on Greencroft Gardens. However, the flank of the dormer has not introduced additional bulk that materially affects daylight and sunlight to the windows of neighbouring habitable rooms. The proposed amendment would not result in a material impact on sunlight and daylight to neighbouring properties.

The rear facing window within the unauthorised extension replicates views from windows at lower levels and does not result in direct overlooking to any neighbouring habitable room. The existing and proposed extension would not cause any material overlooking.

Conclusion

Neither the as built or proposed scheme are acceptable due to their failure to comply with adopted policies and guidance and the visual harm they cause to the application building and the terrace as a whole. As such it is recommended that planning permission be refused and that an enforcement notice be served requiring the removal of the existing roof extension.

Recommendations:

1. Refuse planning permission
2. 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 to secure the flat-roofed rear roof extension and to pursue any legal action necessary to secure compliance and officers 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 a rear dormer roof extension.

The Council requires that within a period of three months of the Notice taking effect the following steps are taken:

- i. Completely remove the rear dormer roof extension;
- ii. Reinstate the rear roof to match the form profile and materials of the original.

REASON WHY THE COUNCIL CONSIDER IT EXPEDIENT TO ISSUE THE NOTICE:

- a) It appears the rear dormer roof extension has been erected less than 4 years ago
- b) The rear dormer roof extension by reason of its location, size and design, is a discordant, bulky and intrusive feature which has a demonstrably harmful impact on the integrity of the roof, and the appearance of the building, the terrace of which it forms part and the Conservation Area. As such, the works are contrary to policies CS5 (Promoting high Quality Places and Conserving Our Heritage) of the London Borough of Camden Local Development Framework Core Strategy; and DP24 (Securing High Quality Design) and DP25 (Conserving Camden's Heritage) and the

London Borough of Camden Local Development Framework Development Policies.