

Delegated Report		Analysis sheet	Expiry Date:	13/07/2015
		N/A / attached	Consultation Expiry Date:	16/07/2015
Officer			Application Number(s)	
Darlene Dike			2015/2769/P	
Application Address			Drawing Numbers	
45 Pilgrim's Lane London NW3 1SR			Please refer to decision notice.	
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature	
Proposal(s)				
Creation of third floor rear roof terrace to existing flat roof, associated installation of 2 privacy screens and replacement of window with French door.				
Recommendation(s):		Refuse Planning Permission		
Application Type:		Full Planning Permission		

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	13	No. of responses	06	No. of objections	06
			No. electronic	06		
Summary of consultation responses:	<p>A site notice was displayed from 24/06/2015 to 15/07/2015. A press notice was published from 25/6/2015 to 16/07/2015.</p> <p>Six objections were received from residents at 8, 9, 10, 12 and 13 Willow Road and 7 Prince Arthur Mews, and a further objection was received from Councillor Tom Currie. These are summarised as follows:</p> <p>Design</p> <ul style="list-style-type: none"> - Adding a roof terrace would only serve to increase the sense of overbearing that the development has on neighbouring properties - The roof terrace in itself would amount to additional overdevelopment of Worsley Court, because of the increase in both height and bulk - The existence of this terrace will further expand the bulk of the building - The volume of the building was carefully limited by Camden Planning in the past, for good and detailed reasons, and the logic of that decision holds true here - This proposal runs contrary to the guidance set out in clauses 5.24-5.26 of Camden's planning guide CPG1. <p>Amenity - Overlooking/Privacy</p> <ul style="list-style-type: none"> - Given the close proximity of adjoining properties at Willow Road proposals are inappropriate and would result in an intrusion to these properties' privacy - The rear windows at number 45 already overlook the bathrooms and bedrooms at the rear of 13 Willow Road – proposals would only worsen this. There is an almost direct line of site from the roof terrace to rear bedrooms and bathrooms of 13 Willow Road and the erection of privacy screens would not make any difference to this. - The property at 9 Willow Road is equally overlooked - The specifics regarding overlooking involving restrictions on windows and terracing were very carefully set out by the Council when they allowed a version of the development. A roof terrace would completely contradict those very specific permissions - The new roof terrace would block out sunlight and daylight and impinge on privacy to 12 Willow Road, both in relation to a number of rooms at the rear of the house and the patio garden, which abuts on to the property at 45 Pilgrim's Lane - The proposed siting for the balcony is less than 40 feet from primary living spaces at 10 Willow Road and closer for neighbouring properties. As a result the proposed balcony would very much overlook primary living spaces - The addition in height of 45 Pilgrim's Lane has already led to a reduction in light and privacy, as the newly built windows overlook the bedrooms and bathroom at the rear of 8 Willow Road. The proposed roof terrace would only add to the overbearing structure and result in an increased lack of privacy - The glazed privacy screens would only preserve Worsley Court resident's privacy, and not the privacy of residents on Willow Road - The previous Worsley building had a roof terrace erected which was then deemed to impinge upon the privacy of houses at numbers 8,9,10,11,12 and 13 Willow Road, both in connection with rear rooms and gardens. The recent redevelopment of Worsley Court has brought about the new building with a somewhat higher roof, so that another roof terrace would lead to these Willow Road houses being subjected to a greater loss of privacy in their rear rooms and gardens. - The erection of a roof terrace, notwithstanding attendant fixed screens and/or foliage, will severely impinge upon the modicum of privacy and quiet enjoyment (visual and aural) still available to numbers 8 to 14 Willow Road. - The front elevation of the balcony is completely clear glass, with no screening 					

	<p>whatsoever. The occupants of 13 Willow Road have quite clearly demonstrated with photographs that anybody standing on the proposed balcony would have a clear view inside their home. There are also at least five gardens within the direct line of sight of this front section (OR The applicant has not made any efforts whatsoever to protect the privacy of neighbouring properties with his low, clear glass balustrade)</p> <ul style="list-style-type: none"> - The application breaches both CPG1 and DP26 <p>Amenity – Noise</p> <ul style="list-style-type: none"> - Residents have a basic right to privacy and the proposed plans would substantially compromise this. Noise from the proposed balcony is also a concern - Any people making use of the proposed roof terrace would lead to noise coming from this roof terrace - Noise coming from the buildings at 43 and 45 Pilgrim’s Lane bounces off these two properties and becomes amplified as it hits the specific run of Willow Road houses. A roof terrace would only exacerbate this. - The proposed balcony is clearly too large for such an area, creating the potential for noise issues. <p>Amenity – Daylight/Sunlight</p> <ul style="list-style-type: none"> - The erection of a roof terrace with attendant fixed screens and/or foliage will cause an unacceptable loss of daylight to the rooms at the rear of 11 Willow Road as well as a material and unacceptable loss of sunlight to the tiny rear garden <p>Safety</p> <ul style="list-style-type: none"> - Anything dropping/falling or blowing off any roof terrace (umbrellas, plants, chairs, toys etc) would have the potential to cause serious damage to people/property at 8 to 12 Willow Road. <p>Other</p> <ul style="list-style-type: none"> - The roof terrace is unjustifiable given the local access to public open space present at the playground on the far side of Willow Road, Preacher’s Hill and Hampstead Heath - In future the roof terrace could inevitably be used as a precedent and justification for terraces on the side of the building and on the flat roof of the building
<p>CAAC/Local groups* comments: *Please Specify</p>	<p>The Heath & Hampstead Society raised the following objection:</p> <p>It is plain from comments you have received from neighbours that there is a Planning history related to development on this site, and that this is only the latest phase in an acrimonious story. We have to take this into account in assessing this proposal.</p> <p>The proposed balcony, or terrace, is large, over-scaled in relation to the house, and poorly designed in concept and detail. Our main objection to it, however, is the overlooking it would cause, especially to houses in Willow Road. The glazed “privacy screens” would have little effect on this. Policy DP26 applies.</p>

Site Description

The application site comprises a five storey end of terrace building, known as Worsley Court, located on the western side of Pilgrim's Lane, close to the junctions with Denning Road and Willow Road. The property houses 5 self-contained flats.

The site is located in the Hampstead conservation area, but is not listed and not noted as making a positive contribution to the character and appearance of the conservation area within the Hampstead

Relevant History

APPLICATION SITE

PW9702646R1 - Retention of and alterations to roof terrace including the provision of an obscured glass screen along the northwest and northeast sides of the terrace. **Refused with warning of enforcement action 06/03/1998.**

EN980371 – The construction of a roof terrace by the erection of a metal railing balustrade and the laying of floor tiles at roof level. **Enforcement notice upheld and appeal dismissed 31/03/1999.**

NEIGHBOURING SITES

25 Pilgrim's Lane

9300062 - The installation of railings on part of flat roof in connection with construction of roof terrace. **Refused 04/03/1993.**

Relevant policies

National Planning Policy Framework 2012

London Plan 2015

Camden LDF Core Strategy 2010

CS5 Managing the impact of growth and development

CS14 Promoting high quality places and conserving our heritage

Camden Development Policies 2010

DP24 (Securing high quality design)

DP25 (Conserving Camden's heritage)

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

DP28 (Noise and vibration)

Camden Planning Guidance 2015 and 2013

CPG1 Design – Chapter 5

CPG6 Amenity – Chapters 4, 6 and 7

Hampstead Conservation Area Statement 2001

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Assessment

Proposal

Planning permission is sought for the creation of a third floor roof terrace, which would occupy the footprint of the existing flat roof. Linked to this is the proposed installation of 2 privacy screens, a glass balustrade and the replacement of the existing window with a French door.

Assessment

The principal considerations material to the determination of this application are summarised as follows:

- Design (Visual impact)
- Amenity (Impact on the amenity of adjoining neighbours)

Design

CPG1 Design guidance states that 'balconies and terraces should form an integral element in the design of elevations.' It goes on to stipulate that 'the key to whether a design is acceptable is the degree to which the balcony or terrace complements the elevation upon which it is to be located' and notes that 'consideration should therefore be given to the following:

- detailed design to reduce the impact on the existing elevation
- careful choice of materials and colour to match the existing elevation' (Paragraph 5.24).

The Hampstead Conservation Area Statement acknowledges that 'the formation of roof terraces/gardens can be an opportunity for external space' but makes clear that 'care should be given ... so that they do not have a detrimental impact on the street scene, surrounding buildings or on the architectural quality of the building' (page 63).

The proposed roof terrace fails to comply with these basic recommendations as it does not complement the existing elevation in terms of its detailed design. Comprising two large opaque glass panels each over a metre in height and width, and a glass balustrade over 3m in width, the screening and barriers that are necessary to protect the amenity of the adjoining and nearby dwellings form an excessively prominent addition to the rear elevation. These would adversely increase the visual bulk and sense of dominance of the affected portion of the rear elevation, to a degree that is deemed inappropriate. Given the position of the proposed works at the rear of the property, alterations would not be visible from the public realm, however they would appear unduly prominent and so significantly disrupt several private views from properties along Willow Road and Denning Road contrary to guidance within the Hampstead Conservation Area Statement which states that 'the introduction of a roof terrace/garden should not result in an unreasonable ... impact on long views in particular' (page 63).

Constructed entirely from glass, the balustrade and privacy screens also consist of materials entirely unsympathetic to their setting within the Hampstead Conservation area, where traditional detailing such as wrought iron railings is more characteristic (as can be seen in the examples of rear terraces present at roof level in close vicinity along Willow Road and Denning Road). The proposed balustrade and privacy screens would thus form an incongruous addition, out of keeping with the character and appearance of the conservation area, and so fall foul of Policy DP25 which states that 'the Council will...only grant planning permission for development in Camden's conservation areas that preserves and enhances the special character or appearance of the area' (paragraph 25.2).

Amenity

Policy CS5 emphasises that 'protecting amenity is...a key part of successfully managing growth in Camden' and notes that Camden will expect all development 'to avoid harmful effects on the amenity of existing and future occupiers and nearby properties or, where this is not possible, to take appropriate measures to minimise potential negative impacts' (paragraph 5.8). Policy DP26 furthers this in stating in its opening paragraph that 'the Council will protect the quality of life of occupiers and neighbours by only granting permission for development that does not cause harm to amenity.'

OVERLOOKING/PRVACY

The proposed obscure glazed privacy screens are clearly designed to afford a level of privacy to neighbouring occupiers however, they would only provide an effective barrier between 45 Pilgrim's Lane and adjacent properties along Pilgrim's Lane, and properties set behind the screen at numbers 9, 10 and 11 Willow Road. Because they are positioned only to the sides of the proposed terrace and not to the front, the screens would do nothing to prevent direct overlooking into the rear

gardens of 12, 13 and 14 Willow Road and more significantly would allow immediate views into the rear habitable rooms of these properties. This is an impact on amenity that would be wholly unacceptable and directly contrary to CPG1 guidance that 'a terrace...should not result in overlooking of habitable rooms of adjacent properties' (paragraph 5.25). Although such overlooking could be prevented by installing a third privacy screen to the front of the terrace, this would have the unfortunate effect of being bulky and prominent at this level and introducing further visual clutter to the terrace which, as explained above, is already unacceptable here.

The impact on overlooking here is exacerbated by the proximity of the proposed roof terrace to properties along Willow Road. At 15.5m and 16.7m from the rear elevations of 12 and 13 Willow Road respectively, the position of the proposed roof terrace directly contravenes guidance within CPG6 on amenity which directs that 'to ensure privacy, there should normally be a minimum distance of 18m between the windows of habitable rooms of different units that directly face each other. This minimum requirement will be the distance between the two closest points on each building (including balconies)' (paragraph 7.4).

It is acknowledged that an existing level of overlooking is incurred from the third floor level windows which are proposed to be converted to a French door under proposals. It should be refuted though that overlooking as a result of the terrace would be no worse than the existing level of overlooking. The terrace would be used far more intensively than the rear windows which by comparison are only used incidentally, and thus the impact of the roof terrace on amenity would be far greater, and so less acceptable, than the existing windows.

NOISE

It is anticipated that the installation of a terrace at the high level proposed would lead to an addition in noise and disturbance to neighbouring properties. There is an extremely close relationship between the living areas and private gardens in the enclave to the rear of Pilgrim's Lane and Willow Road, and whilst disturbance from outdoor activities is an almost inevitable consequence of living in such an area, it is felt that the imposition of a high level terrace that is likely to incur frequent use, would lead to an additional source of noise that could well be disturbing to neighbours. Approving the scheme in light of this would stand contrary to policy DP28 which states in its opening paragraph that 'the Council ... will not grant planning permission for development likely to generate noise pollution.'

DAYLIGHT/SUNLIGHT

Given the dimensions of the proposed privacy screens at 1.8m in width and 1.3m in height, the increase in height and depth to the roofscape resulting from the screening is not considered likely to result in any unacceptable overshadowing. Due to the distance between the properties behind the privacy screens and 45 Pilgrim's Lane, there is a sufficient void for daylight and sunlight to penetrate the nearby sites, and so no impact in terms of loss of daylight or sunlight is envisaged as a result of proposals. The impact on amenity in terms of loss of daylight/sunlight is therefore not cited as a reason for refusal.

Recommendation

Refuse planning permission.