Appeal of planning refusal for 2015/3940/P: Creation of a roof terrace with associated installation of railings and planters on the top flat roof at 103 Greencroft Gardens, London NW6 3PE.

# Arguments for Reversal

Our application has been refused based on the reasons in table 1 below. We believe that our application should be granted for the following reasons:

* The proposed terrace would not be visually prominent due to the height of the building and the upward viewing angles possible from the street (please see additional file on build of a mock up and its visibility)
* The building is located in the middle of the street, with neighbouring buildings blocking the views from both sides, leaving only direct frontal angles as possible points of viewing the terrace. This further reduces its visual prominence (please see additional file on build of a mock up and its visibility)
* The flat roof is significantly inset from the boundary of the building footprint, further decreasing visibility from the street level (please see additional file on build of a mock up and its visibility)
* The proposed use of materials and planting is consistent with the many existing balconies and terraces that are already in existence in the South Hampstead Conservation Area, therefore is not an incongruous addition and we believe is fully compliant with the securing high quality design requirements
* There is already significant precedent in the area for construction at roof level of visually prominent features, namely the roof terrace at 70 Aberdare Gardens, but also the erection of railing and balustrades on many other properties (please see additional files on precedent in South Hampstead Conservation Area)
* Precedent also exists to alter the character of the building in an area of high visual prominence within the rows of terraced houses that share the design of 103 Greencroft Gardens on both the north and south sides of Greencroft Gardens. Many of these flats have extended the railings on their balconies to heights compliant with modern health and safety, as well as converting the decorative second story balconies into usable outside space with tables and chairs (please see additional files on precedent in South Hampstead Conservation Area)
* We would also contest the application of DP25 as a negative argument in this case. As the majority of the Conservation Area has been converted into flats and the roofs altered during these conversions, the roofs (including ours) bear little resemblance to the original characteristics of the Victorian construction and thus the “preserve” element of the policy is not valid. With the conversion to flats the majority of inhabitants are in first or higher floor flats that have prominent views of the roofline. Many of those views having water tanks, aerials, dormers, skylights, and satellite dishes as their defining features. Our proposal would bring our rooftop space in line with the quality and character of the many beautiful gardens and terraces of the Conservation Area, thus we are fully compliant with the “enhance” portion of the policy

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| Reasons 1  The proposed terrace with associated railings, by reason of its visual prominence would be an incongruous addition to the roof and would harm the character and appearance of the host building, and the wider South Hampstead Conservation Area, contrary to policies CS14 (promoting high quality places and conserving heritage) of the London Borough of Camden Local Development Framework Core Strategy and policy DP24 (Securing high quality design) and DP25 (Conserving Camden's heritage) of the London Borough of Camden Local Development Framework Development Policies. |

Table -Camden Council's Reason for Refusal

## Additional Policies that concern the proposal

The Mayor of London has repeatedly endorsed the expanded use of roof terraces and green roofs. With publications from 2008, 2011, and 2015 the use of roof space for providing additional green space and outside accessible areas has been repeated.

* Living Roofs report published by the Mayor of London in 2008 states on page 5 “Accessible roof space provides necessary outdoor living space in London. This will become particularly important as planning policies start to drive a more compact and denser urban form with proportionally less space for immediate gardens. As such, accessible roof space can be viewed as an integral element of a well-designed, high quality, high density, more efficient, attractive and liveable city.”
* Our proposal is in line with parts a, d, e, f, and g as per below referenced from the London Plan 2015 & 2011 section 5.11 A “Major development proposals should be designed to include roof, wall and site planting, especially green roofs and walls where feasible, to deliver as many of the following objectives as possible: Major development proposals should be designed to include roof, wall and site planting, especially green roofs and walls where feasible, to deliver as many of the following objectives as possible:

1. adaptation to climate change (ie aiding cooling)
2. sustainable urban drainage
3. mitigation of climate change (ie aiding energy efficiency)
4. enhancement of biodiversity
5. accessible roof space
6. improvements to appearance and resilience of the building
7. growing food.

* The London Plan 2015 in section 5.51 cites “Research undertaken in Manchester has shown that increasing urban green space by 10 per cent can help to cool high density areas of the city by around three to four degrees centigrade” and our proposal is to plant 10% of the roof space with greenery, bringing this area in line with wider London’s environmental aims.

## Responses

With regard to the many responses of both support and objection, we feel the objections fall into broadly these categories with our response below:

### Visibility or not fitting in with the character of the neighbourhood

This is addressed above, as well as in our additional document detailing our mock up and visibility exercise.

### Noise and Privacy

The proposed terrace is in a very high position away from the existing gardens as well as being inset from the original boundaries of the building, and even further inset from the rear extensions which are in existence in every building within sight. There will also be significant planting to reduce the transmission of noise and provide privacy. It is worth noting that noise reduction and privacy are a two way street and our aim is to make a quiet place for our family to enjoy outside space where we are also not being observed or disturbed by the noise of the existing gardens.

These objections were not sited in Camden’s refusal.

### Construction

Our building roof has been reinforced with a large amount of structural steel when it was converted to flats, and has recently had a new fibreglass flat roof installed as part of regular maintenance. The structure has been stress tested by a specialist and the results verified by an architect to ensure it can withstand the expected load of the roof terrace.

These objections were not sited in Camden’s refusal.

### Precedent

Permission for a rooftop terrace has already been granted at 70 Aberdare Gardens and 68 Compayne Gardens, thus precedent already exists.

These objections were not sited in Camden’s refusal.

# Relevant Planning Applications

As the only feature that will have any visual prominence is the proposed iron railings, we feel that the following planning applications that have previously been granted support our proposal.

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| **Address** | **Construction** | **Planning Application Number** | **Appeal Reference** |
| 70 Aberdare Gardens | Construction of a Roof Terrace | 2011/5650/P | APP/X5210/A/12/2171056 Allowed 02/07/2012 |
| 68 Compayne Gardens | Construction of dormer and roof terrace | [2012/6116/P](http://planningrecords.camden.gov.uk/Northgate/PlanningExplorer17/Generic/StdDetails.aspx?PT=Planning%20Applications%20On-Line&TYPE=PL/PlanningPK.xml&PARAM0=339982&XSLT=/Northgate/PlanningExplorer17/SiteFiles/Skins/Camden/xslt/PL/PLDetails.xslt&FT=Planning%20Application%20Details&PUBLIC=Y&XMLSIDE=/Northgate/PlanningExplorer17/SiteFiles/Skins/Camden/Menus/PL.xml&DAURI=PLANNING) |  |
| 49 Greencroft | Replacement of roof level handrails & Balustrades | [2012/1376/P](http://planningrecords.camden.gov.uk/Northgate/PlanningExplorer17/Generic/StdDetails.aspx?PT=Planning%20Applications%20On-Line&TYPE=PL/PlanningPK.xml&PARAM0=301073&XSLT=/Northgate/PlanningExplorer17/SiteFiles/Skins/Camden/xslt/PL/PLDetails.xslt&FT=Planning%20Application%20Details&PUBLIC=Y&XMLSIDE=/Northgate/PlanningExplorer17/SiteFiles/Skins/Camden/Menus/PL.xml&DAURI=PLANNING) |  |
| 36 Canfield Gardens | Erection of Balustrading on Roof | [25642](http://planningrecords.camden.gov.uk/Northgate/PlanningExplorer17/Generic/StdDetails.aspx?PT=Planning%20Applications%20On-Line&TYPE=PL/PlanningPK.xml&PARAM0=112592&XSLT=/Northgate/PlanningExplorer17/SiteFiles/Skins/Camden/xslt/PL/PLDetails.xslt&FT=Planning%20Application%20Details&PUBLIC=Y&XMLSIDE=/Northgate/PlanningExplorer17/SiteFiles/Skins/Camden/Menus/PL.xml&DAURI=PLANNING) |  |
| 18 Canfield Gardens | Erecting of protective railings to roof level | [9300014](http://planningrecords.camden.gov.uk/Northgate/PlanningExplorer17/Generic/StdDetails.aspx?PT=Planning%20Applications%20On-Line&TYPE=PL/PlanningPK.xml&PARAM0=26775&XSLT=/Northgate/PlanningExplorer17/SiteFiles/Skins/Camden/xslt/PL/PLDetails.xslt&FT=Planning%20Application%20Details&PUBLIC=Y&XMLSIDE=/Northgate/PlanningExplorer17/SiteFiles/Skins/Camden/Menus/PL.xml&DAURI=PLANNING) |  |
| 35 Canfield Gardens | Installation of Safety railings to roof level | [2013/0788/P](http://planningrecords.camden.gov.uk/Northgate/PlanningExplorer17/Generic/StdDetails.aspx?PT=Planning%20Applications%20On-Line&TYPE=PL/PlanningPK.xml&PARAM0=349638&XSLT=/Northgate/PlanningExplorer17/SiteFiles/Skins/Camden/xslt/PL/PLDetails.xslt&FT=Planning%20Application%20Details&PUBLIC=Y&XMLSIDE=/Northgate/PlanningExplorer17/SiteFiles/Skins/Camden/Menus/PL.xml&DAURI=PLANNING) |  |
| 58 Compayne Gardens | Insertion of french windows at front second floor level to provide access onto small balcony area as shown on drawing nos.SK/RX/1-3.6 | 8804363 |  |
| 40 Compayne Gardens | Installation of a green roof and maintenance platform with associated access hatch and retractable ladder. | 2013/7837/P |  |

Table - Relevant Planning Applications in South Hampstead Conservation Area – Planning numbers are as per <http://planningrecords.camden.gov.uk/Northgate/PlanningExplorer17/GeneralSearch.aspx>

While the Council may argue that some of these applications are for railings to provide for safety during maintenance activities, firstly they never contested the proposed use of our terrace, and secondly if the visual prominence of a permanent change is an issue, permission could have been granted in these cases for anchoring points of no visual prominence such that harnesses or temporary barriers could be erected when necessary rather than permanently altering the roof line.

# Conclusion

In summary, our aim of this application is to bring a high quality outside space into the lives of our family. A place where my wife and I can teach our children about growing plants and interaction with wildlife, observe the universe with them through our telescope, and generally enjoy quality time with our friends and family. We have taken every measure to maximize privacy and minimize the visual prominence within the construction, and where there is a degree of visibility, keeping that in line with the character of the neighbourhood. In agreement with the many letters of support, we feel that the increase in access to outside space brings many benefits, such as better quality of life and more interaction with neighbours, which in turn forms a bigger bond in the community.