

Flat 1st and 2nd Floor, 44 Chalcot Road



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Photo 1: View of existing flat roof of no.44 Chalcot Road from first floor kitchen, showing how it abuts terrace at 43 Chalcot Road



Photo 2: View of existing flat roof of no. 44 Chalcot Road from first floor kitchen



Photo 3: View of existing flat roof of no. 44 Chalcot Road from first floor kitchen



Photo 4: View of existing flat roof from rear courtyard of 44 Chalcot Road



Photo 5: Flat roof of no. 44 Chalcot Road and adjacent terrace at no. 43 Chalcot Road



Photo 6: Neighbouring terrace at no. 45 Chalcot Square

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|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|----------------------------------|--|----------------------------------|--|-------------------------------------|--|
| Delegated Report | | Analysis sheet | | Expiry Date: | | 25/03/2016 | |
| (Members Briefing) | | N/A / attached | | Consultation Expiry Date: | | 07/04/2016 | |
| Officer | | | | Application Number(s) | | | |
| Darlene Dike | | | | 2016/0359/P | | | |
| Application Address | | | | Drawing Numbers | | | |
| Flat 1st and 2nd Floor 44 Chalcot Road London NW1 8LS | | | | Please refer to decision notice. | | | |
| PO 3/4 | | Area Team Signature | | C&UD | | Authorised Officer Signature | |
| | | | | | | | |
| Proposal(s) | | | | | | | |
| Replacement of rear window with door and installation of metal staircase from first floor level to flat roof in association with new roof terrace with railings and privacy screens. | | | | | | | |
| Recommendation(s): | | Grant Planning Permission | | | | | |
| Application Type: | | Full Planning Permission | | | | | |

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|--------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------|------------------|-----------|-------------------|-----------|
| Conditions or Reasons for Refusal: | Refer to Draft Decision Notice | | | | | |
| Informatives: | | | | | | |
| Consultations | | | | | | |
| Adjoining Occupiers: | No. notified | 12 | No. of responses | 00 | No. of objections | 00 |
| | | | No. Electronic | 00 | | |
| Summary of consultation responses: | <p>A site notice was displayed from 11/03/2016 to 01/04/2016. A press notice was published from 17/03/2016 to 07/04/2016.</p> <p>No responses were received form adjoining occupiers.</p> | | | | | |
| CAAC/Local groups* comments: *Please Specify | <p>Primrose Hill Conservation Area Advisory Committee made the following objection:</p> <p>We object to the use of the roof terrace at this height on the grounds of loss of amenity to neighbours through overlooking. The terrace would overlook habitable space in this area enclosed on three sides.</p> <p>We are concerned about loss of light to habitable rooms resulting from the addition of the stair and balcony. We also find this an awkward proposal inappropriate to the forms of the rear elevation.</p> <p>Officer's Response See paragraphs 4.2, 5.1 and 5.2</p> | | | | | |

Site Description

The application site comprises a three storey plus basement property, currently divided into two self-contained flats across the first and second, and basement and ground floors, and a ground floor shop. The property is located on the south-western side of Chalcot Road close to the junction with Fitzroy Road and features an existing flat roof at first floor level.

The site is located in the Primrose Hill conservation area and covered by an Article 4 Direction restricting certain permitted development rights, including the extension of a property, constructing a hard standing, erecting gates, fences or walls next to the highway, constructing a means of access to a highway and painting external brickwork visible from the highway. While not listed, the building is identified within the Conservation Area Statement as making a positive contribution to the character and appearance of the conservation area.

Relevant History

APPLICATION SITE

2007/4733/P - Change of use, conversion and extension of the residential unit in the basement, existing shop at ground level (Class A1) and residential unit above to form a smaller shop unit at ground and basement level (front), 2x flats at ground and basement level (rear), and an additional 2x self-contained residential units above incorporating the erection of an additional floor at roof level and a single storey first floor rear extension with roof terrace above. **Refused 06/12/2007 – Roof terrace objected to on design and amenity grounds – proposed to 2nd floor level with glass balustrade so considered visually intrusive, and considered to cause undue overlooking as no privacy screens proposed.**

NEIGHBOURING SITES

10 Chalcot Road

2004/1518/P - Change of use including works of conversion into a single family dwelling including erection of a mansard roof and a first floor rear extension, with second floor roof terrace. **Granted 16/06/2004.**

18 Chalcot Road

2012/0015/P - Erection of a single storey infill rear extension with roof terrace and balustrade and associated alteration to existing window at first floor level to rear elevation to dwelling house (Class C3). **Granted 28/02/2012.**

21 Chalcot Road

2015/5092/P - Use of previously approved single storey rear extension as a roof terrace, new door at rear upper ground floor level, and the installation of a glass balustrade. **Granted 26/11/2015.**

37 Chalcot Road

8400433 - The provision of a roof terrace at rear 1st floor level. **Granted 25/04/1984.**

43 Chalcot Road

8701172 - Erection of a basement and ground-floor rear extension for use in connection with the existing shop and formation of a roof terrace over. **Granted 28/01/1988.**

47 Chalcot Road

PEX0300130 - Retention of a roof terrace and associated railings and replacement of an existing timber sash window with french doors in the first floor rear elevation. **Granted 29/05/2003.**

Relevant policies

National Planning Policy Framework 2012

London Plan 2015, consolidated with alterations since 2011

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)

Camden Planning Guidance 2013

CPG1 Design – Chapters 4

CPG6 Amenity – Chapters 6 and 7

Primrose Hill Conservation Area Statement 2000

Assessment

1. Proposal

1.1 Planning permission is sought for the replacement of a rear first floor window with timber door and fanlight, the installation of a metal staircase from first floor level to the existing flat roof, and the installation of metal railings and three timber privacy screens in connection the use of the existing flat roof as a roof terrace.

2. Revisions

2.1 In response to comments from Council planning officers the following amendment was made to the scheme:

- Three privacy screens were introduced to edges of the proposed roof terrace where it neighbours properties at 43 and 45 Chalcot Road, to minimise the opportunity for overlooking in line with CPG1 and CPG6 guidance

3. Assessment

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

- Design (Visual Impact on the character of the host property as well as that of the wider Primrose Hill conservation area); and
- Amenity (Impact on the amenity of adjoining neighbours)

4. Design

Principle

4.1 CPG1 Design guidance acknowledges that ‘terraces can provide valuable amenity space for flats that would otherwise have little or no private exterior space’ (paragraph 5.23). The proposed scheme recognises and capitalises on this, as all alterations sought are in connection with the use of the first floor flat roof as a terrace. The use of the flat roof as a terrace is acceptable in principle as there are several existing examples of rear roof terraces along Chalcot Road, most closely at numbers 42, 43, 45, 47 and 48, making terraces of this kind a feature of the rear profile of buildings in the vicinity. Given this context a rear terrace at 44 Chalcot Road would not be out of keeping with its setting.

Staircase, Railings and Privacy Screens

4.2 CPG1 Design guidance goes on to stress that ‘the key to whether a design is acceptable is the degree to which the ... terrace complements the elevation upon which it is to be located.’ (paragraph 5.24). The most prominent features of the proposed rear terrace are the new staircase, railings and privacy screens to be erected at first floor level, and around the perimeter of the flat roof respectively. Concerns have been raised that these elements would have an awkward and inappropriate relationship with the rear elevation. Whilst it is acknowledged that proposals would introduce an element of visual clutter to the rear elevation, it is not considered that this is any more detrimental to the host building or its setting than the existing railings and elements associated with the roof terraces at the neighbouring properties of 42, 43, 45, 47 and 48 Chalcot Road, permission has been granted for terraces at 43 and 47 under permissions 8701172 and PEX0300130 respectively. Although there is no planning history for the remaining terraces, upon visiting the site it was evident they had been in situ for some time and form part of the character of the area. The staircase is limited in size and comprising mainly railings would form a lightweight addition to the rear elevation. Similarly the railings that would surround the flat roof are simple and permeable in design and so would not form an obtrusive addition to their setting. Formed of metal the railings the staircase would also comply with Primrose Hill Conservation Area Statement guidance that ‘the enclosure of roof terraces should be constructed in metal’ (page 32). For these reasons the introduction of a new staircase and railings is considered acceptable.

4.3 CPG1 Design also advocates the ‘possible use of screens or planting to prevent overlooking of habitable rooms or nearby gardens’ (paragraph 5.24), which proposals satisfy through the use of three privacy screens to be placed on the edges of the flat roof where it neighbours 43 and 45 Chalcot Road. Constructed of timber, the privacy screens would be a traditional material sympathetic to their context within the Primrose Hill Conservation area. The proposed screens would have the same relationship to adjacent buildings as the existing timber screen between 45 and 46

Chalcot Road, and so would be fitting to their context. Measuring 1.8m in height the timber screens are not excessive in terms of their scale and so would not form an overbearing presence on the property boundaries, nor would they upset the visual amenity of neighbours when seen in private views from Chalcot Road and Fitzroy Road.

- 4.4 Permission was refused in 2007 for a roof terrace at second floor level on the grounds of its design and impact on amenity (see relevant history). There are significant differences however between this historic case and current proposals. Firstly, the historic case sought to introduce a roof terrace at second floor level with a glass balustrade, where proposals here are seeking a first floor terrace to an existing flat roof surrounded by metal railings. Because of the marked difference in height and boundary treatment, the roof terrace proposed under this scheme is far more modest than that sought under the 2007 application, and would be far less visually intrusive, and so is more acceptable in design terms. Secondly the current scheme proposes to introduce privacy screens where the former scheme did not, and so overcomes the issues of overlooking and associated harm to residential amenity present under the 2007 application.

Alterations to Fenestration

- 4.5 Proposals also seek to replace an existing first floor window to the rear elevation with a new door and fanlight. The proposed door and fanlight would be constructed from timber, and so are appropriate in terms of their material. They also benefit from being positioned in the same opening as the existing window and following a similar configuration, and as such are not considered harmful to the character and appearance of the host building, or the wider Primrose Hill Conservation Area.

5. Amenity

Policy CS5 seeks to protect the amenity of Camden's residents by ensuring the impact of development is fully considered. Furthermore, Policy DP26 seeks to ensure that development protects the quality of life of occupiers and neighbours by only granting permission to development that would not harm the amenity of neighbouring residents. In line with both policies, proposals will have minimal impact on the amenity of neighbouring residents.

Daylight and Sunlight

- 5.1 Concerns have been raised about loss of light to habitable rooms at neighbouring properties of 43 and 45 Chalcot Road, resulting from the addition of the stair and balcony. Given the permeable design of the railings, of which the stairs and balcony comprise however, it is not felt that either would form a barrier to light entering the site or adjacent properties, and so the impact of the scheme on daylight and sunlight in this respect is negligible. It is felt that the only aspect of the proposals with the potential to affect daylight and sunlight are the proposed privacy screens. It is acknowledged that they could have small effect on the daylight and sunlight entering the site and its surrounds, but this is not considered significant enough to be harmful, given their modest height of 1.8m.

Overlooking

- 5.2 Objections have also been raised on the grounds that proposals would result in the loss of amenity to neighbours through overlooking. This objection was made prior to revisions to scheme which incorporated three privacy screens to the boundaries of the flat roof facing 43 and 45 Chalcot Road. It is felt that the presence of these timber privacy screens at a height of 1.8m would act as a sufficient barrier to views in to neighbouring properties, and so fully overcome any issues of overlooking.

6. Recommendation

- 6.1 Grant Conditional Permission.

DISCLAIMER

Decision route to be decided by nominated members on *Monday 18th April 2016*. For further information please go to www.camden.gov.uk and search for 'members briefing'.

Mr. Mokhtar El-Houry
ENG Consulting Limited
Winston House
2 Dollis Park
London
N3 1HF

Application Ref: **2016/0359/P**
Please ask for: **Darlene Dike**
Telephone: 020 7974 1029

14 April 2016

DRAFT

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Full Planning Permission Granted

Address:

**Flat 1st and 2nd Floor
44 Chalcot Road
London
NW1 8LS**

DECISION

Proposal:

Replacement of rear window with door and installation of metal staircase from first floor level to flat roof in association with new roof terrace with railings and privacy screens.

Drawing Nos: Site Location Plan; 44CR-06; 44CR-07 Rev 1

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

Condition(s) and Reason(s):

- 1 The development hereby permitted must be begun not later than the end of three years from the date of this permission.

Reason: In order to comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

Director of Culture & Environment



- 2 All new external work shall be carried out in materials that resemble, as closely as possible, in colour and texture those of the existing building, unless otherwise specified in the approved application.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policy CS14 of the London Borough of Camden Local Development Framework Core Strategy and policies DP24 and DP25 of the London Borough of Camden Local Development Framework Development Policies.

- 3 The development hereby permitted shall be carried out in accordance with the following approved plans; Site Location Plan; 44CR-06; 44CR-07 Rev 1.

Reason:

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

- 4 The use of the roof as a terrace shall not commence until the screens, as shown on the approved drawings, have been constructed. The screens shall be permanently retained thereafter.

Reason: In order to prevent unreasonable overlooking of neighbouring premises in accordance with the requirements of policy CS5 of the London Borough of Camden Local Development Framework Core Strategy and policy DP26 of the London Borough of Camden Local Development Framework Development Policies.

Informative(s):

- 1 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts which cover aspects including fire and emergency escape, access and facilities for people with disabilities and sound insulation between dwellings. You are advised to consult the Council's Building Control Service, Camden Town Hall, Argyle Street WC1H 8EQ, (tel: 020-7974 6941).
- 2 Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You are advised to consult the Council's Compliance and Enforcement team [Regulatory Services], Camden Town Hall, Argyle Street, WC1H 8EQ (Tel. No. 020 7974 4444 or on the website <http://www.camden.gov.uk/ccm/content/contacts/council-contacts/environment/contact-the-environmental-health-team.en> or seek prior approval under Section 61 of the Act if you anticipate any difficulty in carrying out construction other than within the hours stated above.
- 3 Reasons for granting permission. [Delegated]

The proposed development is in general accordance with the London Borough of

Camden Local Development Framework Core Strategy, with particular regard to policies CS5 and CS14 of the London Borough of Camden Local Development Framework Core Strategy, and policies DP24, DP25 and DP26 of the London Borough of Camden Local Development Framework Development Policies. The proposed development also accords with policies 7.4, 7.6 and 7.8 of the London Plan 2011 as consolidated in 2015; and paragraphs 14, 17, 56 -66 and 126-141 of the National Planning Policy Framework. For a more detailed understanding of the reasons for the granting of this planning permission, please refer to the officer report

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

DECISION