

45 Twisden Road, NW5 1DL – Site Plan



45 Twisden Road, NW5 – Site Photos

(1) View of outrigger with railings installed taken from rear garden of no.45



(2) View of terraces at no 45 & 47 (looking North East)



(3) View from terrace looking South West



(4) Existing railings, parapet and zinc roof.



(5) View from Twisden Road (looking South West)



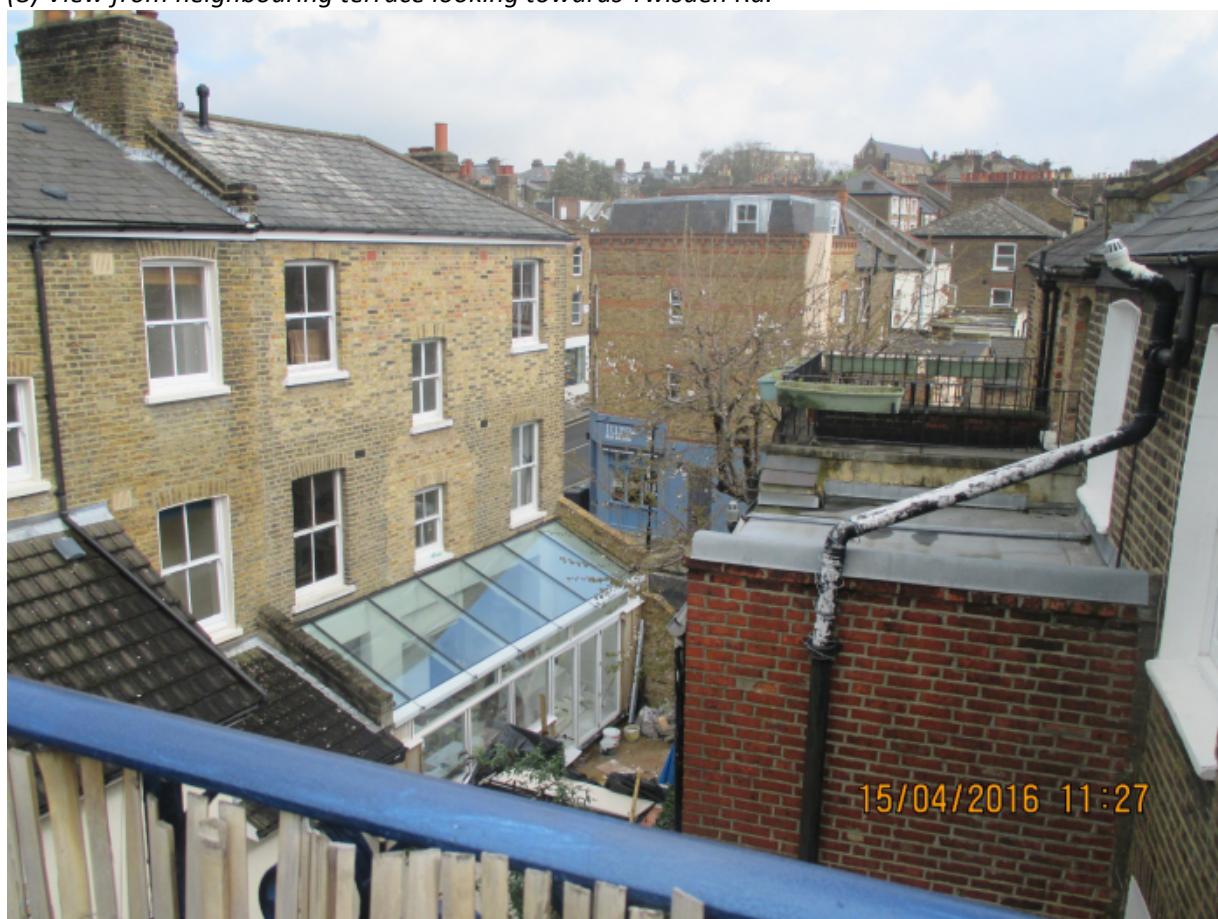
(6) View from neighbouring terrace



(7) Neighbouring terrace (no 47)



(8) View from neighbouring terrace looking towards Twisden Rd.



Delegated Report		Analysis sheet		Expiry Date:		03/05/2016	
(Members Briefing)		N/A / attached		Consultation Expiry Date:		28/04/16	
Officer				Application Number(s)			
John Diver				2016/1280/P			
Application Address				Drawing Numbers			
45 Twisden Road London NW5 1DL				See draft decision notice			
PO 3/4		Area Team Signature		C&UD		Authorised Officer Signature	
Proposal(s)							
Installation of roof terrace railings and decking to upper floor at rear (part retrospective)							
Recommendation(s):		Grant conditional planning permission					
Application Type:		Householder Application					

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	08	No. of responses	03	No. of objections	03
Summary of consultation responses from adjoining occupiers:	<p>Letters of objection were received from the occupiers of nos. 43 and 47 Twisden Road as well as 46 Chetwynd Road (opposite the site to the rear). Comments received can be summarised as follows:</p> <ol style="list-style-type: none"> 1. Installed railings are unsympathetic to character of dwelling 2. Terrace would impact upon privacy/cause overlooking. 3. Funnelling effect of rear building lines exacerbate impacts including overlooking and noise transmission. 4. Terrace would impact upon outlook, sun light and could cause noise and disturbance. 5. Disputes the claim that terrace had previously been in situ. 6. Could set a precedent for future development 7. Disapproval that permission was not sought prior to commencement of works. 8. Concern that the owner of opposite property is unable to submit comments <p><u>Officer's Comments:</u> (1): Please see paras.2.2-2.8 (2-4): Please see paras.2.9-2.17 (5-6): These points do not form material considerations for this assessment. (7): It is regrettable that enforcement action was required however this application represents an attempt to rationalise the situation and is thus welcomed. (8): This adjoining occupier was written to directly as part of the public consultation. Even if this correspondence was not received by the occupiers of this property, the amenities of these residents will be considered and will form a crucial part of the assessment.</p>					
CAAC/Local groups comments:	<p>1 objection was also received from a single member of the Darmouth Park CAAC prior to the submission of a second objection on behalf of the entire CAAC. The comments raised can be summarised as follows:</p> <ol style="list-style-type: none"> 1. Increased decking level will increase intrusion into neighbouring terrace. 2. Terrace will lead to overlooking issues along Chetwynd Road. 3. Long established terrace next door should not be regarded as precedent. 4. Access door is unlikely to meet building regulations 5. Rear extension and other alterations also do not appear to have been granted consent. <p><u>Officer's Comments:</u> (1-2): Please see paras.2.9-2.17 (3): Existing features must be assessed when considering the character of the local area. The existence of a terrace next door would not however justify further terraces if considerable harm was demonstrated. (4): These points do not form material considerations for this assessment. (5): The enforcement investigation associated with this application did not uncover any additional unlawful structures or additions. The house has recently undergone a number of refurbishment works which do not require express permission and these changes do not form a part of the assessment.</p>					

Site Description

The application site contains a three storey, terraced, single family dwellinghouse on the northern side of Twisden Road. The application property is not listed; however the site is situated within the Dartmouth Park conservation area. The Dartmouth Park conservation area appraisal and management strategy document (2009) lists the property as making a positive contribution to the character and appearance of the conservation area. To the rear of the property, a two storey outrigger was historically added to both numbers 45 and 47. A raised terrace was later added to the roof of this outrigger at no.47 and has been in situ as such for some time.

Relevant History

Relevant Planning History:

17623 (determined 10/12/1973) - Addition of extension with glazed roof at rear of 45 Twisden Road, N.W.5 and enlarging of existing kitchen window – *Granted*

Relevant Enforcement History:

EN15/1262 - New railings installed resulting in a roof terrace (at rear) – on going.

Relevant policies

NPPF (2012)

The London Plan (2016)

LDF Core Strategy and Development Policies (2011)

LDF Core Strategy (2010)

CS1 - Distribution of Growth

CS5 – Managing the impact of growth and development

CS14 – Promoting high quality places and conserving our heritage

Development Policies (2010)

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 (2015)

CPG6: Amenity (2011)

Dartmouth Park Conservation Area Appraisal and Management Strategy (2009)

1. Introduction

- 1.1. Retrospective planning permission is sought for the retention of metal railings as well as the installation of decking to form a roof terrace to the rear of the property at 3rd floor level.
- 1.2. The application property has recently undergone a number of refurbishments including the rendering and painting of the existing rear outrigger. Whilst these works were on-going, metal railings were installed to the roof of the outrigger to facilitate use as a terrace. These works had required express permission and, following a complaint from a member of the public, an enforcement investigation commenced. As a result an application was invited to assess the proposed decking/terrace as well as rationalise this situation.
- 1.3. The installed metal railing has a height of 1.1m from the level of the zinc roof, is of simple design and has been painted grey to match the painted render below. The decking would have a finished height of 6.5cm off the level of the zinc roof and would provide a level surface with an area of 5.2m² to facilitate use of the terrace.

2. Assessment

- 2.1. The principal considerations material to the determination of this application are as follows:
 - The visual impact upon the character and appearance of the host property, streetscene, local area and the Dartmouth Park Conservation Area (Design and Conservation)
 - The impacts caused upon the residential amenities of any neighbouring occupier (Residential Amenity).

Design and Conservation

- 2.2. The Council's design policies are aimed at achieving the highest standard of design in all developments. The following considerations contained within policy DP24 are relevant to the application: development should consider the character, setting, context and the form and scale of neighbouring buildings, and the quality of materials/boundary treatments to be used. Policy DP25 'Conserving Camden's Heritage' states that within conservation areas, the Council will only grant permission for development that 'preserves and enhances' its established character and appearance.
- 2.3. CPG1 design guidance recommends that roof alterations such as terraces take into account the character and design of the property and surroundings. It states that roof alterations such as terraces would likely be acceptable where: continuing the pattern of development would help to re-unite a group of buildings; they are architecturally sympathetic to the age and character of the building and retain the overall integrity of the roof form; or where there are a variety of additions or alterations to roofs which create an established pattern and where further development of a similar form would not cause additional harm. With specific regard to balconies or terraces, it suggests that these elements should form an integral element in the design of elevations; with detailed design, material, colour, screening and set back chosen to complement the elevation upon which it is to be located.
- 2.4. The Dartmouth Park Conservation Area Appraisal and Management Strategy (2009) advises that careful attention should be paid to the cumulative impacts formed by minor alterations and the resulting impacts to the wider Conservation Area. It states that roof alterations or additions are likely to be unacceptable where a building forms part of a group of buildings which have a roof line that is largely unimpaired by alterations or extensions, or where its architectural style would be undermined by any addition. It continues to state that unsympathetic rear roof terraces can sometimes alter the harmony and balance of a property or group of buildings
- 2.5. Historically, the host property has been altered in a number of ways from its original form, including the

recent application of render and grey paint to the entire rear elevation. These alterations benefitted from deemed consent and are thus not included within the assessment. Notwithstanding this, the roof terrace would not appear uncharacteristic within the local area. This is due to a significant number of properties in the local area benefiting from raised terraces of various designs, projections and heights; including the neighbouring property which features a terrace with a similar area and height.

- 2.6. From the only public view of the terrace (from near to the junction with Twisden Road and Chetwynd Road as seen in picture 5), the terraces at no.51 and 47 are much more prominent than the terrace hereby under assessment. Due to its height and the screening effect of the reed/rush trellising behind the railings at no.47, the terrace is not overly visible from this viewpoint. Furthermore a large mature tree in the rear garden of no.51 will obscure the majority of the terrace from public view whilst in leaf.
- 2.7. The railings and decking have been designed to be minimal in appearance and whilst the grey paint chosen does contrast with the colour of other railings in the nearby area, it does complement the rendered elevation upon which it is located. Whilst it is acknowledged that the group appearance of the terraces at no.45 and 47 could be further unified, it is not considered that the lack of detailing in railing design and increase in height of approximately 10cm of the railings at no.45 would cause particular harm when viewed from the nearest public space (approximately 21m away).
- 2.8. It is therefore considered that due to the number and variety of roof terraces within the local area as well as the restricted visibility from any public place, the terrace would, not cause demonstrable harm to the character and appearance of the streetscene or wider conservation area, thus preserving its special importance. It is also considered that the terrace would complement the elevation upon which it is located and would retain the overall integrity of the architecture and roof form of the host property.

Residential Amenity

- 2.9. 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. This includes privacy, overlooking, outlook and implications on daylight and sunlight. CPG6 seeks for developments to be "designed to protect the privacy of both new and existing dwellings to a reasonable degree" and that the Council will "aim to minimise the impact of the loss of daylight caused by a development on the amenity of existing occupiers."
- 2.10. CPG6 Amenity states that development should be designed to protect the privacy of existing dwellings to a reasonable degree; and that roof terraces, extensions and balconies should be carefully designed to avoid overlooking. The degree of overlooking depends on the distance and the horizontal and vertical angles of view. The most sensitive areas to overlooking are: Living rooms; Bedrooms; Kitchens; and the part of a garden nearest to the house.
- 2.11. The rear building lines of dwellings along Twisden and Chetwynd road converge towards the junction at the North Eastern end of Twisden Road. This has the effect of the rear gardens of dwellings along this section of both streets having restricted areas and opposing properties having relatively close rear elevations. The application property for instance has a rear garden with a depth of 3.4m and a gap between the rear elevations of the opposing property (48 Chetwynd Road) of only 6.2m.
- 2.12. As was acknowledged by the public comments received, this has the effect of all properties along this section of both streets suffering from a large degree of overlooking from opposing and adjacent properties. During the site visit it was found that there was an established relationship of mutual overlooking from all rear windows at upper floors of these properties and that the existing terraces compounded this relationship. To take the adjacent property at no.43 for example, although the users of the terrace would have a view down into this garden, this same view would have already been possible from the rear second floor window serving a habitable room which would likely be in use more often than the terrace. From both this window as well as the pre-existing window above the outrigger, views were already possible through to a large number of the rear gardens along the row, particularly nos.46-50 Chetwynd Road.

- 2.13. With regard to the impacts upon no.47, the Council's CPG6 guidance for the protection of privacy does not include raised terraces/balconies within its list of sensitive areas and the privacy of none of the habitable rooms of this property would be impacted upon by the terrace (with the adjacent internal space being a landing area as seen in photo 7). It is acknowledged that the decking would lead to the floor level being higher than the adjacent terrace, however to request that the roof level be lowered in order to match this terrace would be considered unreasonable considering that this terrace is not the primary outdoor amenity area of the neighbouring dwelling.
- 2.14. The new terrace would be used in connection with a single family dwelling house which benefits from a rear garden and would be of limited size. As the property benefits from a larger and more private outdoor amenity area and the terrace would only really be large enough for a few chairs and two or three people at one time, it is therefore considered that the level of activity likely to result from the terrace would not be significant. It is therefore not considered that the terrace would result in significant issues of noise or disturbance, despite its elevated location and the funnelling effect of the building lines.
- 2.15. As discussed, it is acknowledged that users of the new terrace would be able to look down into the rear garden areas of surrounding properties however this relationship is already established by the rear windows at upper floors as well as the existing terraces and it is not considered that this additional terrace would exacerbate this existing relationship to a significant level. Due to the size of the terrace, to request that the railings were set in from the edge of the room would lead to the space being unusable and would thus be unreasonable. Furthermore to place screening along the side return of the terrace would lead to greater impacts in terms of light and outlook from this neighbouring property, as well as appearing inappropriate in character/design terms.
- 2.16. Due to their minimal design, the railings and decking would not lead to a significant reduction in light into any neighbouring property or a reduction of outlook.
- 2.17. In order for the terrace to be considered unacceptable on these grounds, it would have to be considered that the development would lead to demonstrable harm to residential amenity. As there is a clear overlooking relationship between in existence between surrounding properties; the view from the terrace would be similar to that which is already possible from the windows on the rear elevation; and the adjacent terrace is not the primary outdoor amenity area of the adjacent dwelling; it is not considered that the new terrace would exacerbate the existing overlooking relationship to a level which would substantiate a reason for refusal.

3. Recommendation

3.1. Grant conditional planning permission

DISCLAIMER

Decision route to be decided by nominated members on Monday 9th of May 2016. For future information please go to www.camden.gov.uk and search for 'members briefing'.

Mr. Matthew Springett
45 Twisden Road
London
NW5 1DL

Application Ref: **2016/1280/P**
Please ask for: **John Diver**
Telephone: 020 7974 **6368**

4 May 2016

DRAFT

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Householder Application Granted

Address:
45 Twisden Road
London
NW5 1DL

DECISION

Proposal:
Installation of roof terrace railings and decking to upper floor at rear (part retrospective)
Drawing Nos: (Prefix: 168...) 100, 200, 300, 400, 500, D01.

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

Condition(s) and Reason(s):

- 1 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

Director of Supporting Communities



Borough of Camden Local Development Framework Core Strategy and policy DP24 and DP25 of the London Borough of Camden Local Development Framework Development Policies.

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans: (Prefix: 168 - ...) 100, 200, 300, 400, 500, D01.

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

- 3 The development hereby permitted shall be completed in accordance with approved drawings hereby approved within 2 months of 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).

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 The development hereby granted planning permission shall be completed in accordance with the drawings hereby approved within 2 months of the date of this permission. Failing this, the Director of Culture and Environment will instruct the Director of Law and Environment to issue an Enforcement Notice alleging a breach of planning control in relation to the existing unauthorised railings to be removed.

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 Supporting Communities

DRAFT

DECISION