

Delegated Report		Analysis sheet	Expiry Date:	18/05/2016
		N/A / attached	Consultation Expiry Date:	18/05/2016
Officer			Application Number(s)	
Ian Gracie			2016/1622/P	
Application Address			Drawing Numbers	
1E Parsifal Road London NW6 1UG			Refer to Decision Notice	
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature	
Proposal(s)				
Single storey roof extension with roof terrace to rear and external staircase.				
Recommendation(s):		Refuse planning permission		
Application Type:		Householder Application		

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	40	No. of responses	01	No. of objections	01
			No. electronic	00		
Summary of consultation responses:	<p>A Site Notice was displayed on 27/04/2016 to 18/05/2016. Letters were also sent to adjoining neighbours.</p> <p>An objection was received from the owner/occupier of 37 Lyncroft Gardens who raised the following concerns:</p> <ul style="list-style-type: none">The extension will block light to the rear of 37 Lyncroft Gardens. In addition there will be additional noise from the roof terrace, especially in the summer. I also believe our privacy will be compromised by the addition of an extension. <p>An identical application, in design terms, was previously refused on this site on 18 November 2015 (LPA Ref. 2015/3565/P) – see below for more details. Notwithstanding the lower levels of response to the most recent consultation, and as there have been no material changes to the proposals themselves, it is considered that the consultation responses from the previous identical application <i>remain material considerations</i> for the current assessment.</p> <p>Objections were received from the owner/occupiers of 35, 37 and 41 Lyncroft Gardens who raised the following concerns:</p> <ul style="list-style-type: none">Loss of privacy and light would be unacceptable with taller buildings overshadowing the garden and property;The disturbance resulting from the use of the terrace, as well as being overlooked and overshadowed by a tall building, which will also have an unpleasant visual impact, is unacceptable;The views from the rear of 37 Lyncroft Gardens would be restricted as well as blocking out light. The roof terrace will affect privacy;Would result in a considerable loss of light which would also impact on our privacy as the roof terrace would have a direct view into our garden.P.1 of the Design & Access Statement is misleading which suggests that the roof extension will be roughly at a pitch of 45 degrees, however the plans indicate the pitch to be closer to 90 degrees.The proposal would be contrary to planning policy by virtue of its size and bulk which would be detrimental to the appearance of the building and the visual amenity of the surrounding area.There is no established form of roof addition in this location, or alteration to a terrace or group of buildings and this proposal would separate it from the existing group of buildings and townscape;The office at the rear of my property will lose light as a result of the proposal. <p>The privacy of the two main rooms of no.37 will be affected which includes the main bedroom.</p> <ul style="list-style-type: none">The proposed development is not suited for the site and will be an					

	<p>overdevelopment of the site.</p> <ul style="list-style-type: none"> • The first floor terrace is shown as already existing. However, there are currently no railings and the windows are not an accurate representation of the windows that currently exist. <p>A letter of support was received from the owner/occupier of 1F Parsifal Road noting that they welcome investment into the neighbourhood and London housing. The proposed extension adds living space with no impact on green space and is of high design quality. Now that privacy screening has been added onto the southeast elevation we are satisfied that this application does not impact the privacy of our property.</p>
<p>Local groups comments:</p>	<p>No comments received</p>

Site Description

The application site is located on the eastern side of Parsifal Road, occupying a backland site which is accessed by a driveway off of Parsifal Road. The application site comprises a two storey building, which was originally built as part of a pair of detached houses which includes 1F Parsifal Road to the east.

The site is surrounded on all sides by residential properties ranging from 3 to 4 storeys. The site is located particularly close to the rear of the properties along Lyncroft Gardens, and the site is also partly attached to 1F Parsifal Road which is located slightly north of 1E.

The site is not in a Conservation Area, however the southern and eastern boundaries of the site are within 5 metres of the boundary of the West End Green Conservation Area. The site is not in the setting of any Listed Buildings.

Relevant History

F4/5/B/25466 – Erection of 2 houses on the site – **Granted 08 February 1978.**

8400445 – Erection of a single storey rear extension as shown on drawing Nos.001 002 and 003. – **Granted 23 May 1984.**

8703141 – Change of use of a garage to provide additional residential accommodation, as shown on drawing no. 002. – **Granted 29 March 1988.**

PW9802404R1 – The erection of a mansard roof extension including the installation of rooflights to provide an additional storey for each property as shown on drawing number(s); 37/97/3, /4, /5 revised drawing, /6 revised drawing, 37/97/5, /6, /7, /8 and /9. – **Refused 26 November 1998.**

Reasons for refusal:

- 1. The proposed roof extension would be contrary to council policies and guidelines as contained in the draft Unitary Development Plans and Special Planning Guidance by virtue of size, and bulk and they would therefore be detrimental to the appearance of the building and the visual amenity of the surrounding area.*
- 2. The proposed roof extensions are considered undesirable as they would overshadow and create a sense of enclosure to adjoining properties to the detriment of their amenities.*

Dismissed at Appeal 02 September 1999.

The inspector concluded that:

“The proposal would not cause harm to the appearance of the area. However, on the second main issue, I am of the opinion that the extension would have an unacceptable effect on the living conditions of the occupiers of 35 Lyncroft Gardens. On balance I find this to be a compelling reason to dismiss this appeal.”

2013/5125/P – Basement extension with front and rear lightwells, rear single-storey conservatory extension, front extension with timber cladding to match neighbouring property, translucent glass privacy screens to new rear terrace and new translucent window to North-West Elevation. – **Granted Subject to Section 106 Legal Agreement 06 January 2014.**

2015/3565/P – Single storey roof extension with roof terrace to rear and external staircase. – **Refused 18 November 2015.**

Reasons for refusal

1. *The proposed development, by virtue of its height, bulk and proximity to 1F Parsifal Road, would be overbearing and create an unacceptable sense of enclosure, harming the amenities of neighbouring residential occupiers contrary to policy CS5 (Managing the Impact of Growth and Development) of the London Borough of the Camden Local Development Framework Core Strategy and policy DP26 (Managing the Impact of Development on Occupiers and Neighbours) of the London Borough of Camden Local Development Framework Development Policies.*
2. *The proposed roof terrace and associated railings, privacy screen and staircase, by reason of their design, location and visual prominence, would appear as incongruous additions resulting in harm to the character and appearance of the host building contrary to policy 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) of the London Borough of Camden Local Development Framework Development Policies.*

Relevant policies

National Planning Policy Framework (2012)

Paragraphs 14, 17, 56-66, and 126-141.

London Plan (2015) Consolidated with Alterations Since 2011

Policy 3.5 – Quality and Design of Housing Developments

Policy 7.4 – Local Character

Policy 7.6 – Architecture

Policy 7.8 – Heritage Assets and Archaeology

Local Development Framework

Core Strategy (2011)

CS5 – Managing the impact of growth and development

CS14 – Promoting high quality places and conserving our heritage

Development Policies (2011)

DP24 – Securing high quality design

DP25 – Conserving Camden's heritage

DP26 – Managing the impact of development on occupiers and neighbours

Fortune Green & West Hampstead Neighbourhood Plan

Policy 2 – Design & Character

Supplementary Guidance

CPG 1 – Design (2014) – Section 5

CPG 6 – Amenity (2011) – Chapter 7

Assessment

1. Proposal

1.1 The applicant seeks planning permission for the:

“Single storey roof extension with roof terrace to rear and external staircase.”

1.2 The proposal comprises the following elements:

- 2.4m roof extension with an internal head clearance of 2.2m;
- Zinc clad walls with EDPM membrane on the roof;
- Installation of French doors and additional window to north-east elevation, single obscured window to south-east elevation, fixed window to south-west elevation, two fixed windows to north-west elevation;
- The pitch of the proposed roof extension will be 80 degrees;
- Installation of rear roof terrace with external staircase connecting the terraces at leading from the first floor rear terrace to the roof level terrace;
- Installation of privacy screen at first floor and roof level along eastern boundary of application site.

2. Planning Practice Guidance (PPG) – Dealing with ‘repeat applications’ for development that has already been refused

- 2.1 This application is identical in design to the one refused in November 2015. The applicant has sought this time to simply add further justification for the proposals in the planning statement. Paragraph 056 of the PPG states that *“a local planning authority may also decline to determine an application for planning permission if it has refused more than one similar application within the last two years and there has been no appeal to the Secretary of State.”* Officers have taken the view that, as this application constitutes only one similar application to that which was recently refused, the application was accepted.
- 2.2 It is officers’ view however that this application has been submitted due to the lapse of the period in which the applicant had the right to appeal their previous refusal which passed on 10 February 2016. Officers’ are concerned that this application has been submitted, as is identified in paragraph 058 of the PPG, with the intention of, over time, wearing down opposition to proposed developments. As such, it is considered that the objections received from the previously refused application are a material consideration in the determination of this application and should be considered as part of any potential appeal process.
- 2.3 The council will be mindful, in the event of an appeal of this refusal, to consider seeking costs for the effort required to process and determine this planning application, which incurred no planning fee, due to the absence of any relevant material changes to the substance of the application.

3. Design & Heritage

Roof Extension

- 3.1 Policy DP24 states that developments will be expected to consider the *“character, setting, context and the form and scale of neighbouring buildings”* and *“the character and proportions of the existing building, where alterations and extensions are proposed.”*

- 3.2 With regards to roof extensions on more contemporary buildings, CPG 1 (Design), at paragraph 5.20, provides further clarity to this policy which sets out the considerations for a less traditional form of roof addition. Proposals should have regard to:
- The visual prominence, scale and bulk of the extension;
 - Use of high quality materials and details;
 - Impact of adjoining properties both in terms of bulk and design and amenity of neighbours, e.g. loss of light due to additional height;
 - Sympathetic design and relationship to the main building.
- 3.3 As noted above, planning permission was previously refused on the application site in 1999. The proposal was of a very similar design to that of this proposal. The only difference being that the previous scheme proposed a roof extension 2.5m in height compared to this application which proposes a height of 2.4m. The Council's reason for refusal, in terms of design, stated:
- "The proposed roof extension would be contrary to council policies and guidelines as contained in the draft Unitary Development Plans and Special Planning Guidance by virtue of size, and bulk and they would therefore be detrimental to the appearance of the building and the visual amenity of the surrounding area."*
- 3.4 This reason for refusal was then assessed by the inspector who concluded that:
- "I have come to the view that the character of the area is largely derived from a wide variety of building styles and would not be harmed by the construction of mansard roof extensions to the appeal properties."*
- 3.5 Planning permission has also been refused on site for an identical proposal in November 2015 to which there is no material difference in design terms to this proposal. However, since this refusal, the Fortune Green and West Hampstead Neighbourhood Plan has been adopted. Policy 2 (Design & Character) states that all development shall be of a high quality of design which shall be achieved by extensions being in character and proportion with its context and setting, including the relationship to any adjoining properties.
- 3.6 The application site is only visible from private views from the rear of the properties surrounding the site, whilst it is also partly visible from views along Parsifal Road when stood at the western end of the access road that leads to the application site. As such, it is considered that the visual impact of the roof extension on the surrounding area will be limited. What's more, the proposal is considered an interesting design to an area which is currently of no particular architectural merit.
- 3.7 With regards to the proposed scale and choice of materials, the proposal is considered acceptable. The 2.4m extension is considered sufficiently subordinate to the host building whilst the choice of zinc cladding is considered appropriate addition which relates to the surrounding area.

Roof terrace & privacy screen

- 3.8 With regards to the roof terrace, paragraph 5.24 of CPG 1 requires that consideration should be given to the detailed design to reduce the impact on the existing elevation. And with regards to terraces at roof level, paragraph 5.25 states that terraces should not result in overlooking of habitable rooms of adjacent properties. With this in mind, it is considered that the cumulative impact of having rear terraces at both first floor and roof level is unacceptable as they become dominant features to the rear elevation. This is compounded by the proposed addition of a staircase which links the two staircases between first floor and roof level which is considered an

unnecessary addition to the building.

- 3.9 The proposal also includes plans for a privacy screen along the eastern elevation to remove the opportunity for overlooking to properties to the east. This is considered a clumsy addition to the plans which does not outweigh the removal of the opportunity for overlooking. As a result, this is considered an unacceptable element to the proposal.
- 3.10 In light of this, whilst the roof extension is considered an acceptable addition to the host building in design terms, the proposed installation of a rear roof terrace, staircase and privacy screen is considered unacceptable and does not therefore comply with Policy DP24 (Securing high quality design).
- 3.11 As noted above, the application site is located close to the boundary of the West End Green Conservation Area. However, due to the limited visibility of the site from public views, it is considered that the proposal will not impact upon the views both into and out of the Conservation Area and is therefore considered to be in accordance with Development Policy DP25 (Conserving Camden's Heritage).

4. Amenity

- 4.1 Policy DP26 states 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 which includes visual privacy and overlooking, and overshadowing and outlook.
- 4.2 Paragraph 7.9 of CPG 6 (Amenity) provides further clarity and guidance on this policy which states that:
- “When designing your development you should also ensure the proximity, size or cumulative effect of any structures do not have an overbearing and/or dominating effect that is detrimental to the enjoyment of their properties by adjoining residential occupiers.”*
- 4.3 As noted above, planning permission was refused on site for a very similar scheme to that of the proposed scheme in 1999 and then again for an identical scheme to this one in November 2015. The second reason for refusal for the 1999 refusal was:
- “The proposed roof extensions are considered undesirable as they would overshadow and create a sense of enclosure to adjoining properties to the detriment of their amenities.”*
- 4.4 The Appeal Inspector noted the proposal's effect on the living conditions of the surrounding buildings. One of the effects was that of the impact on the amount of daylight/sunlight to the surrounding buildings. The Inspector noted that:
- “I concur with the Council that the occupiers of 35 Lyncroft Gardens would experience the greatest impact with a significant loss of sunlight and daylight particularly to the rooms in the rear projection.”*
- 4.5 In refusing the identical application in November 2015, the reason for refusal stated:
- The proposed development, by virtue of its height, bulk and proximity to 1F Parsifal Road, would be overbearing and create an unacceptable sense of enclosure, harming the amenities of neighbouring residential occupiers contrary to policy CS5 (Managing the Impact of Growth and Development) of the London Borough of the Camden Local Development Framework Core Strategy and policy DP26 (Managing the Impact of Development on Occupiers and Neighbours) of the London Borough of Camden Local Development Framework Development Policies.*
- 4.6 As noted above, whilst the policy context has changed following the adoption of the Fortune Green & West Hampstead Neighbourhood Plan, it is considered that the same policies in terms

of amenity are relevant to this case. As such, it is considered that the proposal is considered unacceptable for the same reasons.

- 4.7 The applicant has submitted a Daylight and Sunlight Report in support of this application which demonstrates that there is a negligible impact on the daylight and sunlight of the surrounding residential properties, which includes 35 Lyncroft Gardens and 1F Parsifal Road. As such, it is considered that the proposal is considered acceptable in daylight and sunlight terms.
- 4.8 As noted above, a mixture of obscure and clear windows are proposed at roof level as part of the plans. It is considered that the obscure windows on the south-east elevation are considered acceptable as they prevent any opportunity of overlooking into the adjacent properties at Lyncroft Gardens. It is considered that the windows on all of the remaining three elevations are considered appropriate as overlooking is not considered an issue. What's more the proposed privacy screens, which block views looking eastwards from the proposed terraces, will prevent any opportunity for overlooking and it is therefore acceptable in amenity terms.
- 4.9 As a result of the 1999 appeal, the Inspector also assessed the more fundamental aspect of the overbearing nature of a roof extension in this location. As the topography and layout of the built environment in this location has not altered since the appeal decision in 1999 or the recent refusal in 2015, this remains a material planning consideration to this case.
- 4.10 The previous appeal related to both 1F and 1E Parsifal Road. However, they were assessed as a pair rather than individual applications such as is the case here. As such, a further increase in height of 2.4m at the application site and the introduction of a privacy screen on its eastern boundary, together with its close proximity to 1F Parsifal Road, would have an overbearing and dominating effect which would create an unacceptable sense of enclosure to 1F. It is therefore considered that the application is not in accordance with policies CS5 and DP26 of Camden Council's Local Development Framework.

5. Conclusion

- 5.1 Since the refusal of an identically designed proposal in November 2015, the applicant has submitted additional justification making the case for the benefits of this proposal. However, the issues raised were fully assessed during the previous scheme and, as such, officers have come to the same conclusions with regards to this proposal.
- 5.2 It is considered that the design of the proposed roof extension is considered acceptable as it will add a visually interesting feature to the host building. However, the addition of a roof terrace, staircase and privacy screen is considered unacceptable and therefore does not accord with Policy DP24 of Camden's Local Development Framework.
- 5.3 The addition of a 2.4m roof extension and privacy screen in this location, together with its proximity to 1F Parsifal Road, in particular, is considered to have a dominating and overbearing impact on the surrounding residential properties.

6. Recommendation

- 6.1 Refuse planning permission.