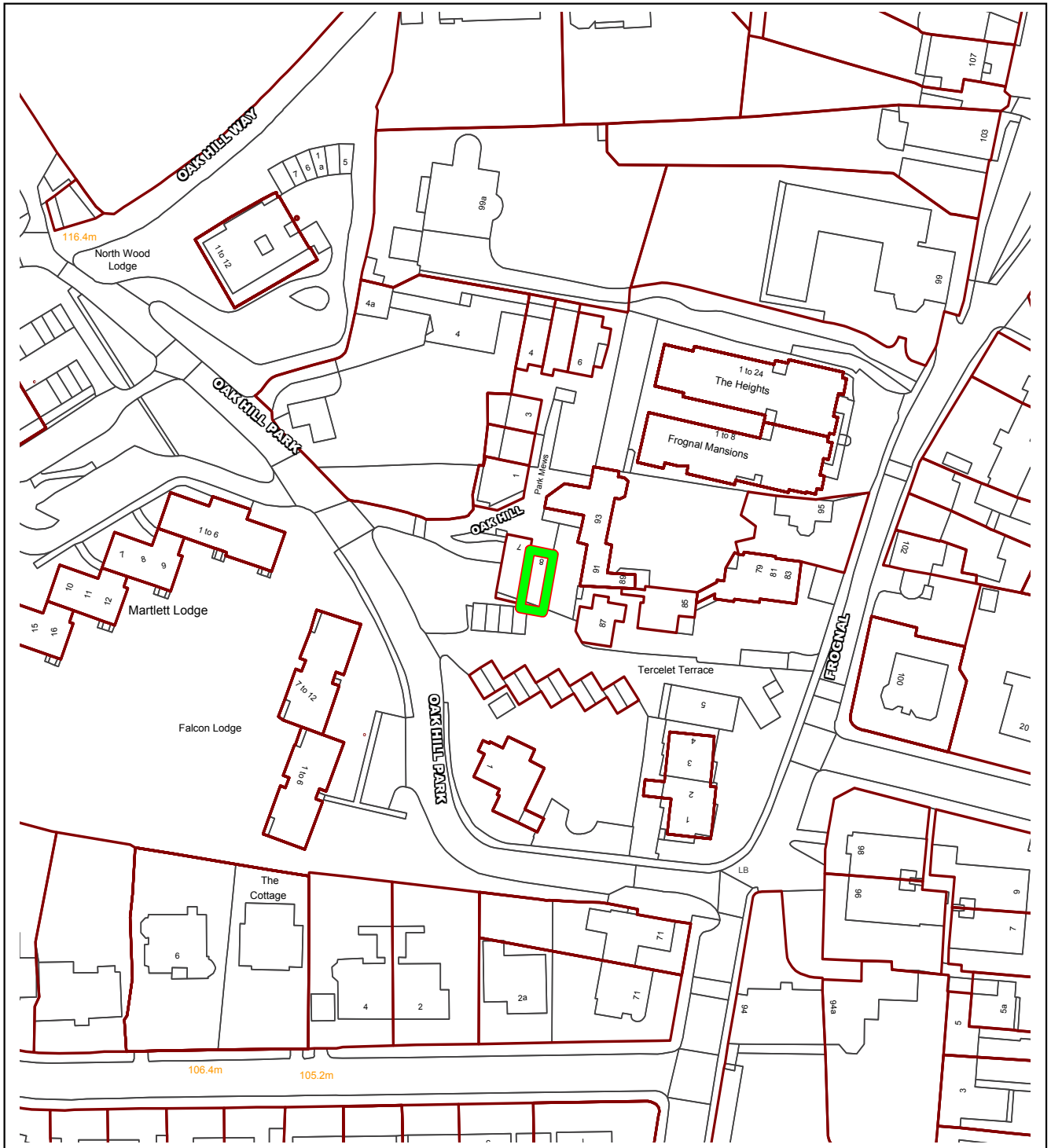


Site Map - 2016/2156/P 8 Oak Hill Park Mews



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Site Photographs - 2016/2156/P 8 Oak Hill Park Mews



Looking north towards nos. 7 and 8 Oak Hill Park Mews



Roof of nos. 7 and 8 Oak Hill Park Mews

Delegated Report (Members Briefing)		Analysis sheet		Expiry Date:	10/06/2016
		N/A		Consultation Expiry Date:	26/05/2016
Officer			Application Numbers		
Anna Roe			2016/2156/P		
Application Address			Drawing Numbers		
8 Oak Hill Park Mews, London, NW3 7LH			Refer to Draft Decision Notice		
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature		
Proposal					
Removal of condition 4 of application granted 08/09/2015 (ref: 201/3569/P) for installation of accessible roof lights and new plant room at roof level.					
Recommendation:		Grant removal of condition			
Application Type:		Removal of condition			

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	01	No. of responses	01	No. of objections	01
			No. Electronic	00		
Summary of consultation responses:	<p>Advertisement in local press on 05/05/16, expired 26/05/2016.</p> <p>Site notice displayed on 04/05/16, expired 25/05/16.</p> <p>Consultation period (letters to adjoining occupiers) 29/04/16 – 20/05/16.</p> <p>The property manager for Oak Hill Park objected to the application on the following grounds:</p> <ol style="list-style-type: none"> 1. This application and the previous one, 2015/3569/P, has not been issued correctly, they have not been served on 7-12 Falcon Lodge, 1-6 Martlett Lodge or 1 Oak Hill Park. As a result your application needs to be resubmitted. 2. My client Dawlin RTM Limited, who are the residents management company of Oak Hill Park, object to the removal of clause 4 of the previous application, 2015/3569/P, that was granted without proper consultation, as it would cause issues with privacy, space, light and noise for the neighbouring properties. <p><i>Officers response:</i></p> <ol style="list-style-type: none"> 1. <i>In accordance with Camden's Statement of Community Involvement letters were sent to adjoining neighbouring properties which are contiguous to the application site.</i> 2. <i>Please refer to section 4 of this delegated report. It should be noted that, before the roof can lawfully be used as a terrace, the applicant would need to install 1.1 metre high railings around its perimeter, which would warrant an application for planning permission.</i> 					
CAAC comments:	<p>The Heath and Hampstead Society objected to the application on the following grounds:</p> <ol style="list-style-type: none"> 1. This Condition was rightly attached to permission 2015/3569/P to prevent overlooking and loss of privacy to adjacent houses. We objected to a previous, very similar, application on this site, 2012/4929/P; the applicant plainly thinks that repeated attempts to get his way will bring him success. He advances no justification for its removal in this case; there is none. <p><i>Officers response:</i></p> <ol style="list-style-type: none"> 1. <i>Please refer to section 4 of this delegated report. It should be noted</i> 					

that, before the roof can lawfully be used as a terrace, the applicant would need to install 1.1 metre high railings around its perimeter, which would warrant an application for planning permission.

Site Description

The application relates to a semi-detached three storey dwelling-houses on Oak Hill Park Mews.

The house was built in the 1960s when the original Oak Hill Park Mews was re-developed and the informal Italianate villas replaced with blocks of flats between 3 and 7 stories and 8 houses.

The site located in the Hampstead conservation area.

Relevant History

2015/6853/P - Use of existing flat roof at third floor level as a terrace, in association with existing dwelling house (Class C3). Certificate of lawfulness granted 14/03/2016.

2015/3569/P - Installation of accessible roof lights and new plant room at roof level. Granted 08/09/2015.

2012/4929/P - Erection of extensions at second floor level, erection of additional roof extension with roof terrace including balustrading all in connection with existing dwelling houses (Class C3). Refused 14/11/2012.

2011/4671/P - Erection of extensions at second floor level to front and rear, erection of roof extension with rear roof terrace including balustrading all in connection with existing dwelling houses (Class C3). Refused 16/11/2011.

2003/2095/P - Construction of a roof level terrace, including the erection of a stair enclosure and balustrade. Refused 29/03/2004.

Relevant policies

National Planning Policy Framework, 2016

The London Plan, 2016

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

Camden Supplementary Planning Guidance

CPG1 Design, 2015 – chapter 5 (roofs, terraces and balconies)

Hampstead Conservation Area Statement, 2002

Assessment

1. Proposal

1.1 The application site is in C3 residential use, as a single family dwellinghouse. The proposal relates to the flat roof at third floor level. Use of the roof as a terrace was deemed to be lawful on the 14/03/2016. This application would regularise the use.

1.2 Planning permission 2015/3569/P was granted on the 08/09/2015 for the installation of accessible roof lights and a new plant room at roof level at nos. 7 and 8 Oak Hill Park Mews. Condition 4 was added to the permission which states:

The flat roof of the building made accessible via the roof lights hereby approved shall not be used at any time as a roof terrace or amenity area without the express permission of the Council.

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.

1.3 The applicant seeks to remove this condition on the grounds that it would not result in overlooking of neighbouring properties.

1.4 No works are proposed. The existing roof space is not enclosed and there are no railings or decking at third floor level.

1.5 The Certificate of Lawfulness (ref: 2015/6853/P) considered that the using the flat roof in itself as a terrace would not fall within the meaning of development, however the installation of railings (which would be required under building regulations) would be development and would require planning permission.

2. Assessment

2.1 The principle issues considered to determine this application are summarised as below:

- Design – the impact of the proposal on the character of the host property as well as that of the wider conservation area); and
- Amenity (the impact of the proposal on the amenity of adjoining occupiers).

3. Design and Conservation

3.1 Given that no alterations are proposed, the works would not materially affect the external appearance of the building or the character or appearance of the wider conservation area.

3.2 In order to comply with building regulations the applicant would need to install 1.1 metre high

railings around the perimeter of the roof before it could be lawfully used as a terrace which would warrant an application for planning permission (the applicant is aware of this).

3.3 It should be noted and without prejudice to any future application, being at high level, the installation of railings/balustrading could have a detrimental impact upon the character and appearance of the host property, wider conservation area and neighbouring resident's appreciation of the character and appearance of the area in which they live.

4. Residential Amenity

4.1 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.

4.2 Planning permission has been granted for the installation of accessible roof lights at nos. 7 and 8 Oak Hill Parks Mews (ref no. 2015/3569/P). Officers were concerned that use of the flat roof made accessible via the rooflights would facilitate mutual overlooking between 7 and 8 and hence the Condition 4 was attached, however this application relates to no. 8 Oak Hill Park Mews only and therefore the issue would not arise.

4.3 Furthermore, having reviewed the situation as part of this application, the proposed roof terrace is not considered to result in increased overlooking to neighbouring occupiers at nos. 7-12 Falcon Lodge, 1-6 Martlett Lodge or 1 Oak Hill Park, over and above the existing situation and would not be detrimental to the enjoyment of occupiers.

4.4 It must be noted, in order to comply with building regulations and indeed the safe use of the roof space for amenity purposes, railings would be required around the perimeter. Again this has not been proposed as part of this application.

5. Recommendation

Grant removal of condition

DISCLAIMER

The decision to refer an application to Development Control Committee lies with the Executive Director of Supporting Communities. Nominated members will advise whether they consider this application should be reported to the Development Control Committee on Monday 13th June 2016. For further information, please go to www.camden.gov.uk and search for 'Members Briefing'

Ms Muireann Murphy
Nicholas Taylor & Associates
31 Windmill Street
London
W1T 2JN

Application Ref: **2016/2156/P**
Please ask for: **Anna Roe**
Telephone: 020 7974 1226

1 June 2016

DRAFT

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Variation or Removal of Condition Granted

Address:
8 Oak Hill Park Mews
London
NW3 7LH

DECISION

Proposal: Removal of condition 4 of application granted 08/09/2035 (ref: 201/3569/P) for installation of accessible roof lights and new plant room at roof level.

Drawing Nos: N/A

The Council has considered your application and decided to grant permission.

Informative:

- 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).

Director of Supporting Communities



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