

Delegated Report		Analysis sheet	Expiry Date:	21/06/2016
		N/A / attached	Consultation Expiry Date:	
Officer			Application Number(s)	
John Diver			2016/1322/P	
Application Address			Drawing Numbers	
52 & 54 Parliament Hill, London, NW3 2TLT			See draft decision notice	
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature	
Proposal(s)				
Installation of movable planters at front and rear of roof level to both dwellinghouses (Class C3)				
Recommendation(s):		Refuse permission		
Application Type:		Full Planning Permission		

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	37	No. of responses	01	No. of objections	01
Summary of consultation responses:	<p>The application was advertised in local press between the 05/05/16 and 26/05/16. A site notice was posted between the 29/04/16 and the 20/05/16.</p> <p>Objections have been received from the occupiers of no.57 Parliament Hill and can be summarised as follows:</p> <ol style="list-style-type: none"> 1. Disagree that the roof would be used for escape purposes only. 2. Proposed planters would disrupt views from a number of properties 3. A roof terrace would create noise and disturbance <p><i>Officer's response:</i> 1: Please see paragraph 2.3 2-3: Please see paragraph 2.12</p>					
CAAC/Local groups comments:	<p>An objection comment was received from the Heath and Hampstead Society. Comments made can be summarised as follows:</p> <ol style="list-style-type: none"> 1. Planters are considered to enclose a proposed roof terrace 2. Decking should be removed. 3. Potential roof terrace would lead to issues regarding loss of privacy and noise and disturbance. <p><i>Officers response:</i> 1-2: Please see paragraph 2.3 3: Please see paragraph 2.12</p> <p>A request for comments was sent to the South Hill Park CAAC on the 27th April 2016, no response has been forthcoming.</p>					

Site Description

The application relates to a pair of large, five-storey plus basement semi-detached single family dwelling houses on the east side of Parliament Hill, near its junction with Tanza Road. The properties are not listed, but are situated within the South Hill Park Conservation Area, and identified as making a positive contribution to the character of the South Hill Park Conservation Area Statement (SHPCA).

Relevant History

52 Parliament Hill:

2004/4966/P: Change of use and works of conversion to create a single dwelling house. Granted 01/02/2005

Submitted together with a similar application at 54; **(2008/4797/P):** Erection of rear extension at lower ground floor level, window alterations at rear first and second floors and installation of a roof light to front roof slope to dwelling house (Class C3). Lawful Development Certificate Granted 13/02/2009.

Submitted together with a similar application at 54; **(2009/1628/P):** Erection of a rear roof extension with two dormer windows and the erection of railings to the flat roof above the proposed rear lower ground floor rear extension (as per certificate of lawfulness 2008/4797/P) to a single family dwelling house (Class C3). Granted 22/06/2009.

54 Parliament Hill:

2005/0485/P: The change of use and works of conversion to form a single family dwellinghouse. Granted 29/04/2005.

2008/4799/P: Erection of rear extension at lower ground floor level, window alterations at rear first and second floors and installation of a roof light to front roof slope to dwelling house (Class C3). Lawful Development Certificate Granted 13/02/2009.

2009/1624/P: Erection of a rear roof extension with two dormer windows and the erection of railings to the flat roof above the proposed rear lower ground floor rear extension (as per certificate of lawfulness 2008/4799/P) at single dwelling house. Granted 22/06/2009.

An enforcement notice was issued on 21/07/2011 **(EN10/0053)** in relation to the erection of a glass balustrade on the roof to create a roof terrace, and the installation of plant equipment on the roof. This enforcement notice did not include a request to remove the existing decking.

An appeal **(APP/X5210/C/11/2162672)** was lodged against the notice, and was partly allowed in relation to the plant equipment, but was upheld in relation to the glass balustrade on 12/03/2012.

2013/1705/P: Erection of glazed balustrade at roof level in connection with use of roof as terrace, to single dwelling house (Class C3) (retrospective). The balustrade was revised in design and location from the original installation. This application was refused and a warning of Enforcement Action to be Taken issued. The balustrading was subsequently removed.

Reason(s) for refusal:

- (1) The glass balustrade, by reason of its height, detailed design and location, is visually harmful to the host building, failing to preserve its appearance, or the character and appearance of the South Hill Park Conservation Area. It is contrary to policies...*

Relevant policies

NPPF (2012)

The London Plan 2016

LDF Core Strategy and Development Policies (2011)

LDF Core Strategy (2010)

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)

South Hill Park Estate Conservation Area Statement 2001

Assessment

1. Proposal

- 1.1. The application proposes the installation of a row of planters along both the front and rear edges of the existing decking upon the roofs of both 52 and 54 Parliament Hill. The planters would be made from steel and would each have a width of 1m, a depth of 0.5m and a height of 0.7m and would be planted with Buxus plants (evergreen box bushes). A total of 56 planters are proposed to be installed.
- 1.2. Although the applicant has described the proposed planters as 'movable', it is not considered that it would be realistically viable to move 56 steel planters filled with soil once installed and as such they are considered to represent a permanent installation.

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 South Hill Park Estate Conservation Area (Design and Conservation)
- The impacts caused upon the residential amenities of any neighbouring occupier (Residential Amenity).

2.2. In this instance, the planning and appeal history of the application site is a pertinent consideration for the assessment of this application.

2.3. It should be noted that debate has been ongoing regarding the proposed use of the flat roof of the properties since the appeal in 2008. Originally it was maintained that the decking would be used for the sole purposes of a means of fire escape between the properties. Supporting documents for the 2013 application reversed this position, stating that the Inspector deemed the decking at roof level to be lawful, and therefore in effect the presence of a 'roof terrace' accessed via 2 flat

rooflights has been established. Notwithstanding the Inspector's determination, it is acknowledged that the existing decking is lawful due to the passage of time and the acceptability of the decking does not form part of this assessment.

Design and Conservation

- 2.4. 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 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.
- 2.5. CPG1 design guidance recommends that roof terraces, railings, balustrading and other means of enclosure should form an integral element in the design of elevations which complements the elevation upon which it is to be located. It therefore advises that careful consideration should be awarded any proposed terrace in terms of detailed design, choice of material and colour and the use of setback to ensure that they complement or do not impact upon the elevations below. For the creation of a terrace at roof level, this document advises that "*Any handrails required should be well set back behind the line of the roof slope, and be invisible from the ground*".
- 2.6. This application has been submitted in an attempt to overcome the Council's reason for serving the enforcement notice, the Inspector's rationale in upholding this part of the notice on design and conservation grounds, as well as the previous reason for the refusal of planning permission. Previously, it was concluded that the installation of glazed balustrading at roof level would result in unacceptable harm to the character and appearance of the property as well as the wider conservation area and as such, this application instead proposes an alternative solution (steel planters).
- 2.7. In the report for the appeal of enforcement notice, the Inspector describes the glazed balustrading as appearing to sit "*uncomfortably with the Victorian detailing of the building and it constitutes an alien and unsympathetic roof feature*". The report continues to mention that, despite its partial transparency, the previously installed balustrading "*adds visual mass to the roof of the property and fails to respect the style and architectural composition of the building. Consequently, the design of the balustrade appears inappropriate to its context and harms the character and appearance of the building, thereby diminishing its contribution to the Conservation Area*".
- 2.8. Following this decision, an amended application was submitted in 2013 which set in the balustrading 1.2m from the front edge of the roof as well as lowering its height to 1.1m. In the officer's report for this application, it was considered that these changes would not result in the balustrading being obscured from view, still appearing as an "*alien, obtrusive addition at roof level which would be noticeable in wider public views*". As such it was concluded that the revised scheme would still cause considerable visual harm to the host building, failing to either preserve or enhance its appearance, or the character and appearance of the wider South Hill Park Conservation Area.
- 2.9. The currently proposed planters would be positioned right at the extreme front and rear edges of the flat roofs and as such would not be masked from view from either the front or the rear. Whilst it is acknowledged that the revised scheme is of a lower height, the proposed planters would still represent an additional substantial bulk across the pair of dwellings which would be eye-catching and would appear incongruous within the streetscene. Indeed they would appear bulkier and more prominent than the previously refused glass balustrades. Both the chosen material (steel) and detailed design of the planters would not reflect the Victorian nature of the attractive facades below, and would detract from the special character of this pair of houses. The scheme also contravenes the guidance for terraces on flat roofs set out by CPG1, which states that proposed methods of enclosure for terraces should be well set back and be invisible from the ground.

- 2.10. As highlighted in the Inspector's report, the South Hill Park Estate Conservation Area Statement notes that a key factor contributing to the unique character of the area derives from the slopes of the roads and the long views afforded of the cascading roof lines. The proposed planters would be highly prominent within long views of the site (both from Parliament Hill and Tanza Road) and would disrupt the visual uniformity of roof forms within these views. As such it is considered that the proposed planters would lead to an unacceptable impact upon the character and appearance of the streetscene and would fail to preserve or enhance the character of the South Hill Park Estate Conservation Area.
- 2.11. Due to the fact that the roof extension features a flat roof with decking installed on top, the proposed planters would be sited at a level which is likely to remain visible, projecting above the ridgeline of the properties, no matter where they are placed. Additionally, during the previous application the applicants maintained that setting the planters further inwards from the roof's edge would not be possible due to building regulations requirements. As such it is not considered that the repositioning of the proposed planters would overcome the above consideration or lead to an acceptable scheme.
- 2.12. It should also be noted that in order to fulfil the requirements of Building Regulations, a railing/balustrading must have a minimum height of 1.1m from the level of the decking/terrace. If these planters were to be installed, an additional railing could still be required either in front of or behind the proposed planters to ensure safety prior to the use of the terrace. This would consequently compound the impact of the planters and would result in a visually contrived scheme. Although it would be argued that the box bushes would provide this additional required height, these plants are not structures or permanent and are not guaranteed to survive especially at this high exposed level.

Residential Amenity

- 2.13. The potential impact upon the residential amenities of adjoining neighbours did not form a previous reason for dismissal or refusal. As the existing decking is considered lawful, it is therefore possible to use the flat roof as a terrace, albeit not at the extreme edges due to safety reasons. Thus the only assessment necessary is that of the installation of the planters themselves. Due to their height and siting, the proposed planters would not impact upon the residential amenities of any neighbouring resident by reasons of loss of light or outlook. Although it could be argued that the planters would enable a safer and more intensive use of the terrace and thus potentially accommodate parties and large groups of people, nevertheless it is considered that this would not lead to any serious overlooking or noise nuisance, significant enough to warrant a reason for refusal, given the distances and sightlines available to neighbours.

3. Conclusion

- 3.1. Overall it is considered that the proposed scheme has not addressed the previous reasons for the dismissal of appeal of enforcement action, or for refusal of the previous application. The proposed planters by virtue of their siting, scale, detailed design and materials are considered to cause a detrimental impact upon the character and appearance of the pair of dwellings, streetscene and the wider South Hill Park Estate Conservation Area.

4. Recommendation

4.1. Refuse Planning Permission