

<b>Delegated Report</b> (Refusal)		<b>Analysis sheet</b> N/A / attached	<b>Expiry Date:</b> 09/08/2016	<b>Consultation Expiry Date:</b>
<b>Officer</b> John Diver		<b>Application Number(s)</b> 2016/3305/P		
<b>Application Address</b> 30 Ornan Road London NW3 4QB		<b>Drawing Numbers</b> Refer to decision notice.		
<b>PO 3/4</b>	<b>Area Team Signature</b>	<b>C&amp;UD</b>	<b>Authorised Officer Signature</b>	
<b>Proposal(s)</b> Construction of roof extension to create a second floor level with external terraces to the front and rear and a extending to the rear.				
<b>Recommendation(s):</b>	Refuse			
<b>Application Type:</b>	Householder Application			

<b>Conditions or Reasons for Refusal:</b>	<b>Refer to Decision Notice</b>					
<b>Informatives:</b>						
<b>Consultations</b>						
<b>Adjoining Occupiers:</b>	No. notified	<b>09</b>	No. of responses	<b>07</b>	No. of objections	<b>07</b>
<b>Summary of consultation responses:</b>	<p>A site notice was displayed from the 06 July 2016          The development was advertised in the local press from the 07 July 2016</p> <p>Letters of objection have been received from the owners/occupiers of nos. 15 and 17 Belsize Lane; 51 Ornan Road; 2 Perceval Avenue and 43a Lancaster Grove. Two further letters were received from an architectural consultant writing on behalf of the owners of no.34 Ornan road and one further letter was received with no stated name or address.</p> <p>The points raised can be summarised as follows:</p> <ul style="list-style-type: none"> <li>- Overlooking,</li> <li>- Loss of privacy</li> <li>- Loss of daylight</li> <li>- Increased noise pollution</li> <li>- Loss of light</li> <li>- Overdevelopment</li> <li>- Insensitive design detrimental to character of row</li> <li>- Lack of a s106 agreement across the row would mean that extensions may not be forthcoming on other properties. Furthermore no.26 may be subject to a historical covenant held by No 14 Perceval Avenue which may prevent extensions at this site and therefore a unified row (even if a s106 were forthcoming).</li> <li>- Significant inaccuracies in submitted plans.</li> </ul>					
<b>CAAC/Local groups* comments:</b> *Please Specify	<p>A letter of objection was received from the Heath &amp; Hampstead Society. The comments raised can be summarised as follows:</p> <ul style="list-style-type: none"> <li>- Singular extension would be highly disruptive to the appearance of the row.</li> <li>- The design of the proposed extension is insensitive to the character of the dwelling.</li> <li>- The argument of replicating the design being along the row should be disregarded without legal assurances.</li> <li>- Significant overlooking, a loss of privacy and increased noise pollution from the proposed terraces.</li> </ul>					

## Site Description

The application dwelling is an end terrace property within a group of three x 2-storey terraced houses built in the 1970's on the north side of Ornan Road. The property is not listed however the site is within the Fitzjohns and Netherhall Conservation Area. The property has undergone a number of extensions/alterations including the excavation of a large basement with sunken garden, as well as the conversion of the original ground floor garage. From street level the terrace which the application site forms part of (26-30 Ornan Road) is largely uniform with each being unaltered at roof level with them all maintaining their original flat roofs and a strong parapet line.

The terrace at 26-30 is distinguishable from the generally larger Edwardian buildings and early twentieth century mansion blocks in the local vicinity, however, it sits comfortably within the streetscene maintaining a modest appearance and scale while being slightly setback from the street. The Fitzjohns and Netherhall Conservation Area Statement (2001) considered the row to make a 'neutral' contribution to the character and appearance of the area.

## Relevant History

In this instance, it is pertinent to consider the planning history of the group of three dwellings (26-30 Ornan Road, NW3 4QB). An overview of this history is set out below:

2014/3019/P: (28 Ornan Road, NW3 4QB) An application for the 'Erection of a single storey roof extension' was refused on the 15/07/2014. A subsequent appeal of this decision was dismissed. **Please refer to the Appendix for a copy of the Inspector's decision and details of the application.**

2009/0532/P: (30 Ornan Road, NW3 4QB) Enlargement of the basement and provision of an additional front light well as an amendment to planning permission granted on 24/11/2008 (Ref: 2008/4462/P) Granted on the 10/03/2009

2008/4468/P: Alterations to materials, elevational detail and roof alterations as an amendment to planning permission granted on 16/11/2005 (ref: 2005/4022/P), for the erection of an additional storey to each of the dwellinghouses at Nos. 26, 28 & 30 Ornan Road. Granted 24/11/2008

2008/4462/P: (30 Ornan Road, NW3 4QB) PP was granted for the 'Excavation of a new basement floor level, including front and rear lightwells'

2005/4022/P: (26-30 Ornan Road, NW3 4QB) Revision to permission PWX0302267 involving enclosure of the rear balcony at No. 26 with obscured glazed panels, minor alterations to the rear balcony of Nos. 28 & 30, reduction in depth of the front balcony across all 3 houses, minor alterations to the glazing to the front elevation and the barrel roofs, addition of rooflights and brise-soleils to the front elevation of all 3 houses and metal flues to roofs of Nos. 28 & 30. Granted 16/11/2005.

2005/4014/P: Removal of condition 1 of planning permission 9792(R) (for erection of three houses with garages) relating to retention of garage for car parking purposes at no. 28. Granted 28/10/2005.

PWX0302267: (26-30 Ornan Road, NW3 4QB) Granted PP on 29.03.04 for erection of an additional storey to each property of a terrace of 3x single family dwellinghouses.

9792(R): PP granted for erection of 3x 2-storey houses with garage and gardens dated 17/12/70

## Relevant policies

### National Planning Policy Framework (2012)

### London Plan (2016)

### Local Development Framework

#### Core Strategy (2010)

CS5 – Managing the impact of growth and development

CS6 – Providing quality homes

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

#### Supplementary Guidance

CPG 1 – Design (2015)

CPG 6 – Amenity (2011)

### Fitzjohns and Netherhall Conservation Area Statement 2001

## Assessment

### 1. Introduction

- 1.1. Planning permission is sought for the erection of a roof extension above the flat roof of the dwelling in order to form a habitable room at 2<sup>nd</sup> floor level. The proposed extension would be of concrete construction with white rendered walls and would feature a considerable level of glazing to three of its four elevations. The extension would be set in 1.6m from the front parapet and 1.5m and 1.3m from the side elevation and boundary with no.28 respectively.
- 1.2. The proposed extension would feature a projecting canopy to the rear and the areas formed from the recesses to the front and rear would be used as roof terraces. The side spaces created are proposed to be enclosed by privacy screening and have been labelled for maintenance access and planting only. The submitted Planning and Design Statement outlines that it would be the applicant's intention for climbing plants and flowers to be planted in pots on the roof in order to "further ornament appearance".

### 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, group of properties at 26-30 Ornan Road, the streetscene, local area and the Fitzjohns and Netherhall Conservation Area (Design and Conservation)
- The impacts caused upon the residential amenities of the neighbouring occupiers (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 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) states that roof extensions are likely to be unacceptable where there is likely to be an adverse effect on the skyline, the appearance of the building or the surrounding street scene. It also states that roof extensions would be discouraged where "Complete terraces or groups of buildings have a roof line that is largely unimpaired by alterations or extensions" or where an "additional storey would add significantly to the bulk or unbalance the architectural composition" (para. 5.8).
- 2.4. The Fitzjohns and Netherhall Conservation Area Statement states that all new development should "respect existing features such as building lines, rooflines, elevational design, and where appropriate, architectural characteristics, detailing, profile and materials of adjoining buildings". With regard to roof extensions it mentions that scheme should be unlikely to be considered acceptable where the property forms part of a group or terrace which remains largely unimpaired or forms part of a "symmetrical composition, the balance of which would be upset [by the proposed development]" (para.F/N15).
- 2.5. As outlined above under Relevant History, in 2004 permission was granted for the erection of an additional storey to each dwelling in the row (ref. PWX0302267). This permission was amended via subsequent applications in 2005 (ref. 2005/4022/P) and again in 2008 (ref. 2008/4468/P). These permissions were not implemented and have since expired. These applications were only considered acceptable as the group of dwelling were all being extended together which was secured through a section 106 legal agreement. This meant that the group would still be uniform in appearance and it was only deemed acceptable subject to the legal agreement which would maintain strict control over the terrace's development.
- 2.6. In 2014, an application was received for the addition of a roof extension to the adjacent building at 28 Ornan Road, which is the middle dwelling in the row (ref. 2014/3019/P). This application was refused for the following reason: "*The proposed additional storey, by reason of its form, bulk and location in a roofscape largely unimpaired by later additions, would result in harm to the character and appearance of the building, the terrace of which it forms part and of this part of the conservation area*" (See Appendix 1).
- 2.7. A subsequent appeal of this decision (ref. APP/X5210/D/14/2226564, see Appendix 3) was dismissed by the inspector who agreed with the Council's position. They found that the extension would "*disrupt the uniformity of the roofline which does much to integrate the terrace with its surroundings*", and that the proposed singular extension would alter the building to appear "*more assertive in the street scene and the contribution which it makes to the character and appearance of the Conservation Area would change from neutral to negative*".
- 2.8. This appeal strengthens the Council's judgement that adding a roof extension to only one dwelling within the row (i.e. developing this group of buildings in a piecemeal fashion) would be contrary to local policy and guidance; would cause harm to the character and appearance of the row of dwellings and would cause a detrimental impact on the conservation area. As such it is considered that an in principle objection to a singular roof extension is maintained. Furthermore, as the application dwelling is at the end of the terrace, the impact in terms of symmetry to the row would be worse in terms of the visual impact on the streetscene than the application which was refused and subsequently dismissed at appeal at no. 28.

- 2.9. Whilst the submitted Planning and Design Statement has stated that the proposed extension could be replicated across the row, there would be no legal control over whether this would be implemented. There is no information of matching extensions at the neighbouring properties nor is there a mechanism to secure/control this. A similar argument was raised at the appeal for no.28 and the inspector responded by stating: *“if allowed, the appeal proposal could remain the only roof extension to the terrace indefinitely”*. The potential of other freeholders within the row to implement the same scheme if they were to see fit at some later stage would therefore not address the issues outlined above. As the properties are owned by different freeholders it would not be possible to ensure that the other buildings would be brought forward with a matching design at any point in the future.
- 2.10. Notwithstanding this in principle objection, the proposed extension is unacceptable due to its design and appearance as it fails to respond to the character and appearance of the host building or that of the conservation area either in its form or its choice and application of materials. As has been previously outlined, the existing buildings are simple in their design and surrounded by trees/bushes which result in the block being visually recessive. By adding a roof extension to these building they will become prominent and play a stronger role in views/townscape. The detailed design is poor with an awkward block paces on top of the host building without relating to the below. It would be a incongruous addition with unresolved details. Other design elements such as the projecting canopy, which extends over the rear parapet, and the 1.7m high privacy screens detract further from the proposal. The design of any roof addition would need to demonstrate the highest standards of design which comes from a carefully crafted to response to the character of the conservation area and that of the host buildings in order to be found in accordance with our policies which seek to promote high quality places and to preserve and enhance the character and appearance of conservation areas (DP24 and DP25). The proposal fails to express the high quality design aspirations sought by the local plan.
- 2.11. Overall it is considered that the proposed extension would erode the balance, harmony and appearance of the group of dwellings, making them more prominent within the streetscene whilst not fully responding to their unique character. The proposed development would fail in its statutory duty to preserve or enhance the special character of the conservation area and would lead to less than substantial harm to the designated heritage asset.

### **Residential Amenity**

- 2.12. Concerns have been raised by a number of neighbouring residents regarding the impact on their amenities. The original scheme as consented in 2004 fully assessed the then proposed development against the impacts caused in terms of light, privacy and outlook and concluded that the impacts would not have been significant enough to warrant a reason for a refusal, subject to the application of conditions requiring privacy screening. Similarly in 2014, the refused scheme at no.28 did not include the impact upon amenity for a reason for refusal, stating in the report that as the proposed massing was similar to the consented scheme and there had been no significant changes to the surrounding context, a reason for refusal on these grounds would not be justified. It is however noted that the additional screening required to screen the terraces would contribute further to the harmful appearance of the proposal by adding further built form at upper level.
- 2.13. In a similar manner, due to the fact that the proposed extension would have a reduced massing from the consented scheme, it is not considered that the impacts in terms of light or outlook would be significant. It is also not considered that, given that the property is a single family dwelling, the level of noise pollution emitted from the roof extension / terraces would not substantiate a reason for refusal.
- 2.14. Notwithstanding this, concerns are still maintained with regard to the size of the proposed rear terrace, which is considerably larger than that which was approved in this location in 2004. It should be noted that were all other material consideration found to be acceptable, the Council

would have requested the submission of additional evidence regarding the impact upon privacy from this rear terrace due to its size and proximity to no.34. The impacts upon amenity do not however form a reason for refusal in this instance as these concerns may have been able to have been addressed via the submission of further evidence/conditioning were the scheme found to have been otherwise acceptable.

### **3. Recommendation**

#### **3.1. Refuse Planning Permission**

## **Appendices**

Appendix One: Decision Notice for 2014/3019/P

Appendix Two: Proposed Drawings for 2014/3019/P

Appendix Three: Appeal Decision (ref. APP/X5210/D/14/2226564) following 2014/3019/P



**Appendix One:**

**Planning application 2014/3019/P (28 Ornan Road, London, NW3 4QB)**

**Decision Notice**

Turley Associates  
The Charlotte Building  
17 Gresse Street  
London  
W1T 1QL

Application Ref: **2014/3019/P**  
Please ask for: **Carlos Martin**  
Telephone: 020 7974 2717

15 July 2014

Dear Sir/Madam

## **DECISION**

Town and Country Planning Act 1990 (as amended)

### **Householder Application Refused**

Address:  
**28 Ornan Road**  
**London**  
**NW3 4QB**

Proposal:  
Erection of a single storey roof extension  
Drawing Nos: 449/L/01; -02 C; -03; & -06.

The Council has considered your application and decided to **refuse** planning permission for the following reason(s):

#### Reason(s) for Refusal

- 1 The proposed additional storey, by reason of its form, bulk and location in a roofscape largely unimpaired by later additions, would result in harm to the character and appearance of the building, the terrace of which it forms part and of this part of the conservation area, contrary to policy CS14 (Promoting high quality places and conserving our heritage) of the London Borough of Camden Local Development Framework Core Strategy and policies DP24 (Securing high quality design) and DP25 (Conserving Camden's heritage) of the London Borough of Camden Local Development Framework Development Policies.



Informative(s):

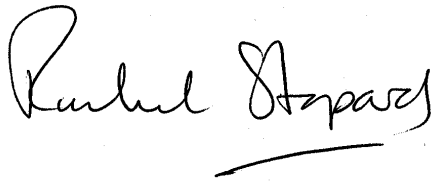
1

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

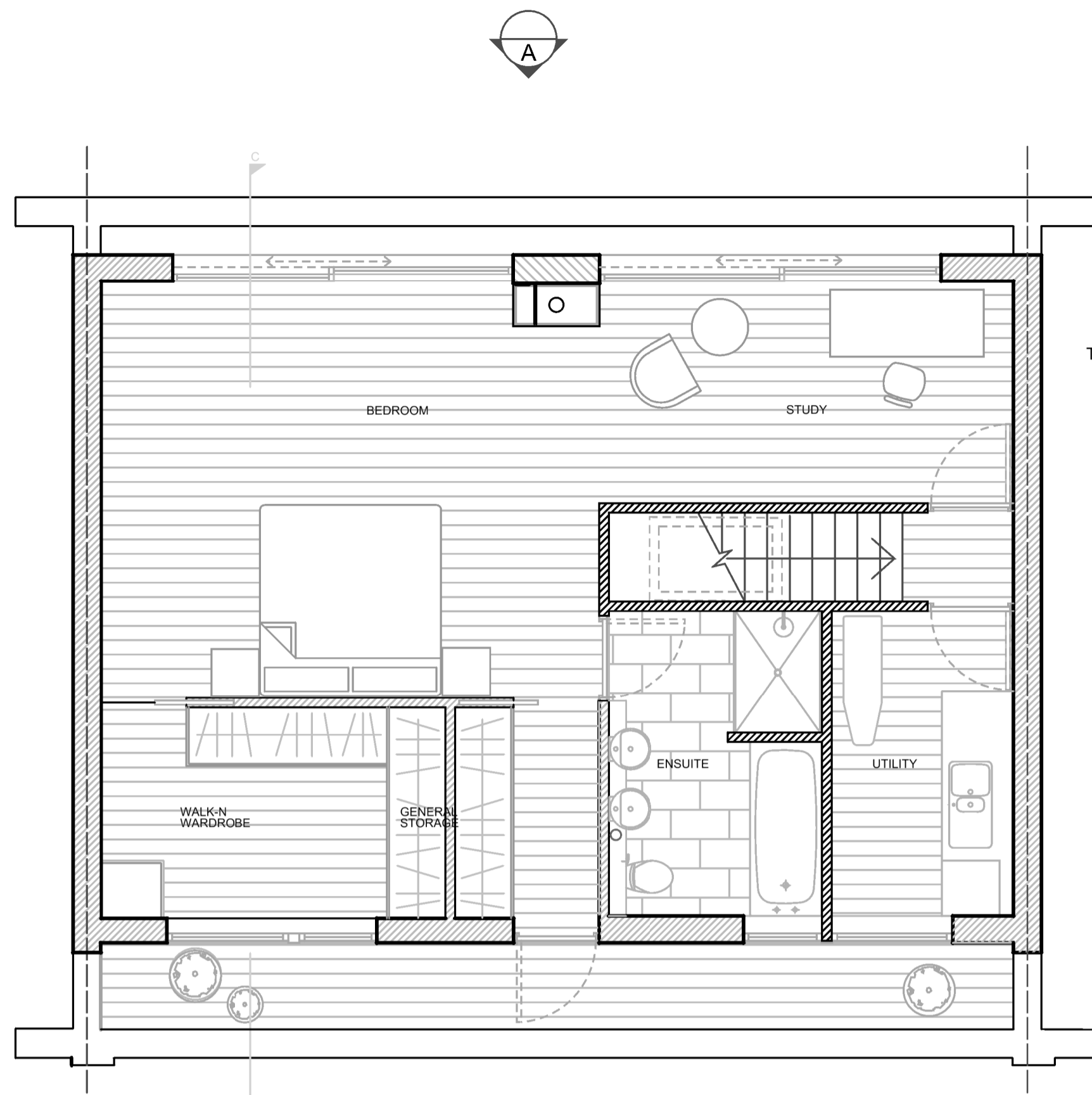
A handwritten signature in black ink, appearing to read 'Rachel Stopard', with a horizontal line underneath the name.

Rachel Stopard  
Director of Culture & Environment

**Appendix Two:**

**Planning permission 2014/3019/P (28 Ornan Road, London, NW3 4QB)**

**Proposed Drawings**

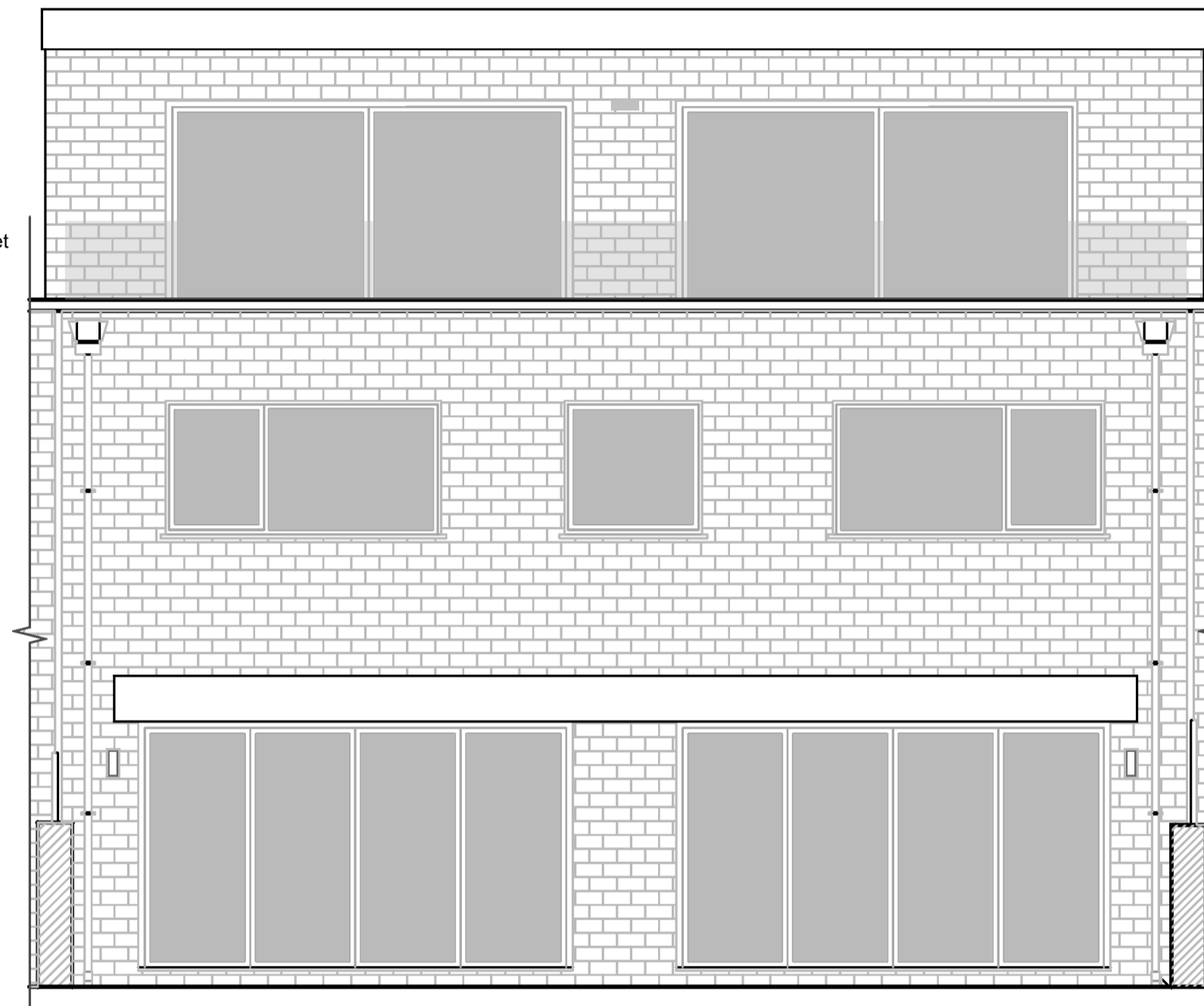


PLAN (63m<sup>2</sup>)

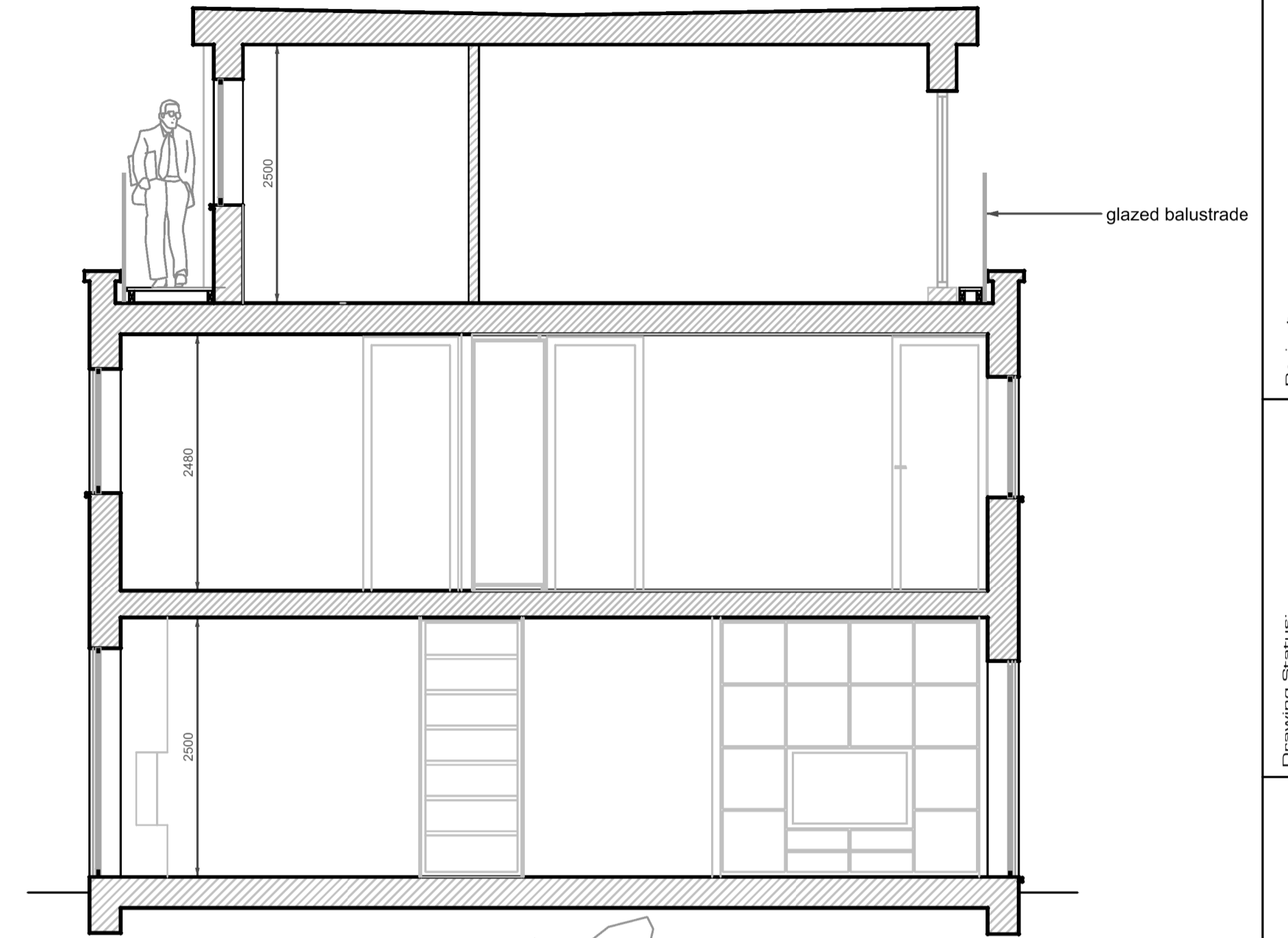
Top of New Roof  
+8550 FFL

Top of Existing Parapet  
+6000 FFL

Ground Floor  
FFL - 00



FRONT ELEVATION A

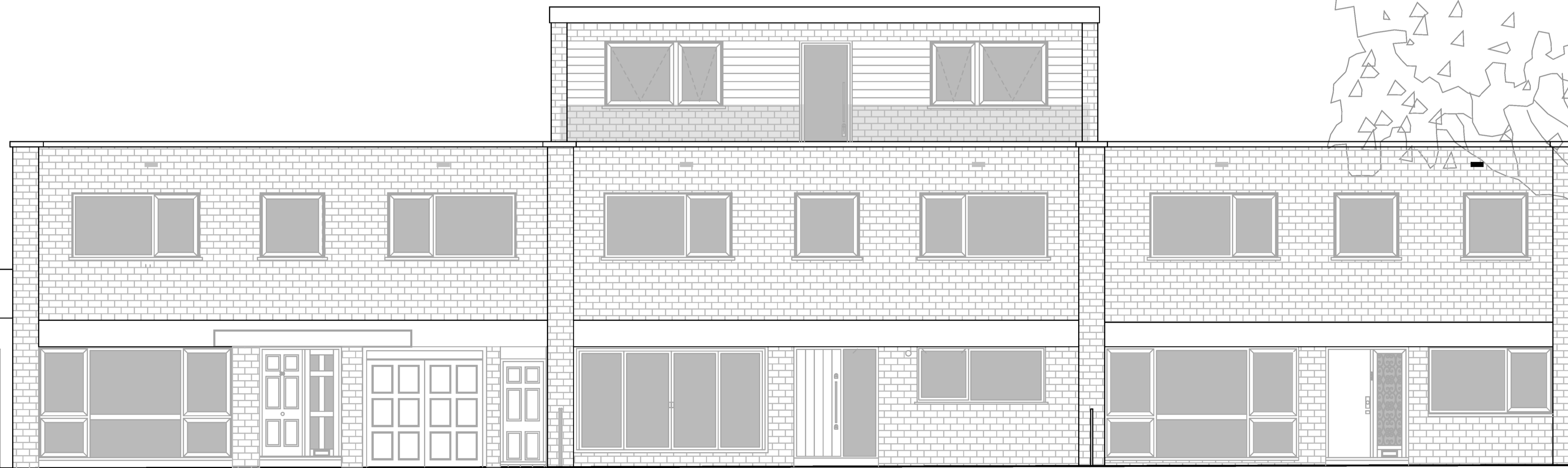


SECTION C-C

Top of New Roof  
+8550 FFL

Top of Existing Parapet  
+6000 FFL

Ground Floor  
FFL - 00



ELEVATION B

N° 30 ORNAN ROAD

N° 28 ORNAN ROAD

N° 26 ORNAN ROAD

Revisions:

A	12/15/23	Number 30 updated to correct elevation
B	14/03/24	Elevation update
C	28/03/24	Elevation update

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Tel. 020 7722 7069  
www.formwork-uk.com

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Drawing Status:

Preliminary for Approval

Design Approved by Client

Planning Drawing

Tender Drawing

Construction Drawing

Project: 28 ORNAN ROAD, LONDON NW3 4QB

Title: PROPOSED ROOF EXTENSION - OPTION B

Scale: 1: 50 @ A1 and 1:100 @ A3

Date: 08/11/23

Drawing Number: 449 / L / 02

North Arrow

North Arrow

**Appendix Three:**

**Appeal Decision (ref. APP/X5210/D/14/2226564) following the refusal of planning permission 2014/3019/P (28 Ornan Road, London, NW3 4QB)**



## Appeal Decision

Site visit made on 2 December 2014

**by Simon Warder MA BSc(Hons) DipUD(Dist) MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 9 December 2014**

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**Appeal Ref: APP/X5210/D/14/2226564**

**28 Ornan Road, London, NW3 4QB**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr and Mrs Emma Hill against the decision of the Council of the London Borough of Camden.
  - The application Ref 2014/3019/P, dated 28 April 2014, was refused by notice dated 15 July 2014.
  - The development proposed is the erection of a single storey roof extension.
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### Decision

1. The appeal is dismissed.

### Main Issue

2. The main issue in this case is the effect of the proposal on the character and appearance of the host building and the Fitzjohns/Netherhall Conservation Area.

### Reasons

3. The appeal property is the middle of three units in a two storey, flat roofed terrace dating from the 1970's. The terrace is, therefore readily distinguishable from the generally larger Edwardian buildings and early twentieth century mansion blocks found in this part of the Conservation Area. Nevertheless, the terrace sits comfortably within the street scene and the unified flat roof form is characteristic of the other late-twentieth century residential buildings in Ornan Road. Therefore, the terrace makes a neutral contribution to the character and appearance of the area.
4. The proposal would add an additional storey across the full width of the appeal property. I recognise that the extension would be set in from the front and back of the walls of the building and that the detailing and materials would match the host property. However, by virtue of its size and position, the extension would be prominent in the Ornan Road street scene. Whilst the planting in the garden of 14 Perceval Avenue helps to screen the terrace on the approach from Haverstock Hill, the extension would be seen in mid and short range views from Ornan Road. The rear of the extension would also be glimpsed in views from Belsize Lane.
5. The extension would disrupt the uniformity of the roofline which does much to integrate the terrace with its surroundings. The abrupt change in the height of part of the building would not be characteristic of the more modern buildings in

- the area. As a result, the building would be more assertive in the street scene and the contribution which it makes to the character and appearance of the Conservation Area would change from neutral to negative.
6. Whilst the Conservation Area Statement considers the appeal terrace to be less interesting than two other nearby contemporary buildings, I am not persuaded that this amounts to support for the appeal proposal. Indeed, the Statement commends the other buildings for the simplicity of their design. Adding a prominent extension to part of the appeal terrace would, if anything, reduce the simplicity of its design.
  7. The appellant argues that extending the central unit would maintain the symmetry of the terrace. However, in this case, the more significant characteristic is the uniformity of the roofline, rather than the symmetry of the terrace as a whole.
  8. I recognise that the extension has been designed in a way which would allow the other dwellings in the terrace to be similarly extended and that planning permission has previously been granted (application reference PWX0302267 and subsequent revised proposals) for an additional storey on each of the dwellings. However, there is nothing to suggest that the appellant has control over whether the adjoining dwellings are extended. Therefore, if allowed, the appeal proposal could remain the only roof extension to the terrace indefinitely. The implementation of a single scheme for the whole building would not give rise to my concerns regarding the loss of uniformity resulting from the appeal proposal.
  9. Consequently, I find that the proposal would have a harmful effect on the character and appearance of the host building and the Conservation Area. It would, therefore, conflict with policy CS14 of the Council's Core Strategy and policies DP24 and DP25 of its Development Policies. Together, these policies require extensions to buildings to achieve a high standard of design, preserve heritage assets, including having regard to Conservation Area Statements, and to consider the character and form of the host and neighbouring buildings.
  10. Nor would the proposal meet the aim of paragraph 131 of the National Planning Policy Framework (the Framework) which requires the desirability of sustaining and enhancing the significance of heritage assets to be taken into account. In terms of the assessment required by paragraph 134 of the Framework, whilst the impact of the proposal on the Conservation Area would be less than substantial, I have not been made aware of any public benefits sufficient to outweigh it.
  11. There is nothing to indicate that the development plan policies referred to above are in conflict with the Framework. I have had regard to the other concerns expressed locally, but none has led me to a different overall conclusion.

*Conclusion*

12. For the reasons outlined above, the appeal should be dismissed.

*Simon Warder*

INSPECTOR