

Delegated Report		Analysis sheet	Expiry Date:	21/07/2016
		N/A	Consultation Expiry Date:	
Officer			Application Number(s)	
Tessa Craig			2016/2958/P	
Application Address			Drawing Numbers	
45 Goldhurst Terrace London NW6 3HB			See decision notice	
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature	
Proposal(s)				
Retrospective application to retain works to loft conversion (including rear roof dormer and terrace and enlarged side elevation dormer), removal of pitched roof of existing first floor projection and fenestration works including double access doors at upper ground floor rear elevation.				
Recommendation(s):		Refuse retrospective planning permission		
Application Type:		Full Planning Permission		

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	25	No. of responses	05	No. of objections	05
Summary of consultation responses:	<p>A press notice was advertised on the 23/06/2016 and a site notice was displayed 22/06/2016-13/07/2016. Twenty five neighbours were notified by post.</p> <p>Responses were received from:</p> <ul style="list-style-type: none"> • 37 Goldhurst Terrace; • 41a Goldhurst Terrace; • Flat B, 43 Goldhurst Terrace; • 2 Langland Gardens; • 49 Goldhurst Terrace. <p>The objections relate to:</p> <ul style="list-style-type: none"> • Privacy; • Overlooking; • Noise; • Loss of trees; • Size of dormers; • Use of roofs as terraces; • Precedence. 					
CAAC/Local groups* comments: <small>*Please Specify</small>	N/A					

Site Description

The subject building is located on the east side of Goldhurst Terrace and is an end of terrace 4-storey red brick period property which is divided into four flats.

The site is within the South Hampstead Conservation Area and is a positive contributor to the area, but is not a listed building.

The surrounding area is mainly made up of period properties dating from the 19th century. These buildings are of a grand scale, 4-5 storeys in height, built of red brick, with timber windows and traditional details.

The terrace on which the property is located has a high degree of continuity in terms of materials, roofline and repeated detailing.

Relevant History

November 2015 Permission was granted for erection of single storey rear extension at lower ground floor. Erection of side and rear roof dormers. Installation of Juliette balcony at first floor rear elevation, installation of 2 conservation style rooflights to front roofslope and installation of windows in side elevation at lower ground, ground, first and second floors, ref. 2015/5564/P.

Works have started on site; however, as discussed below, these are not in accordance with the approved scheme.

Relevant policies

National Planning Policy Framework 2012

The London Plan 2015 consolidated with amendments since 2011

LDF Core Strategy and Development Policies 2010

CS5 (Managing the impact of growth and development)

CS14 (Promoting high quality places and conserving our heritage)

DP24 (Securing high quality design)

DP25 (Conserving Camden's heritage)

DP26 (Managing the impact of development on occupiers and neighbours)

Camden Planning Guidance 2015 and 2013

CPG1 (Design)

CPG6 (Amenity)

South Hampstead Conservation Area Statement 2011

Assessment

1.0 Proposal

1.1 Under application 2015/5564/P planning permission was granted in November 2015 for:

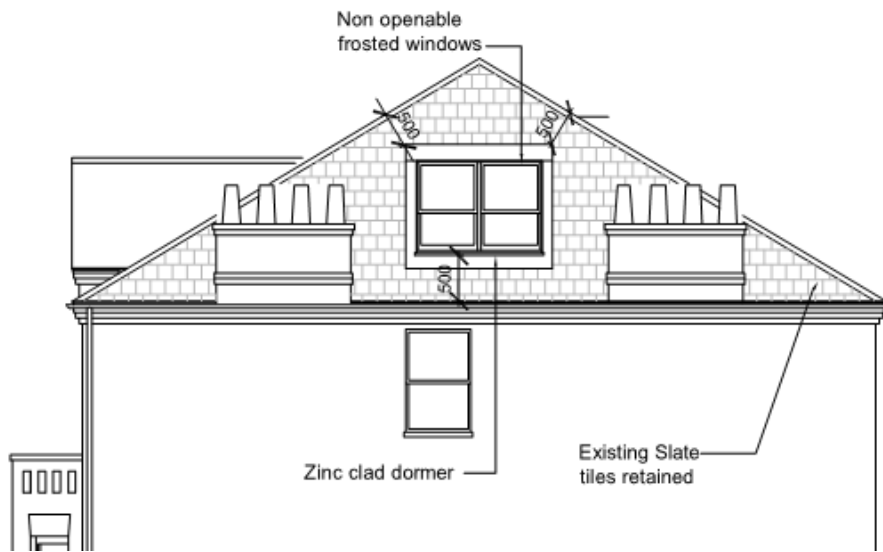
- a rear dormer with **inset** external terrace;
- a dormer to the side roof slope;
- a Juliet balcony at rear first floor;
- a full-width lower ground floor extension;
- conservation style roof lights, replacement timber framed windows throughout and installation of side elevation windows.

1.2 The following works have been carried out in breach of this permission and planning control:

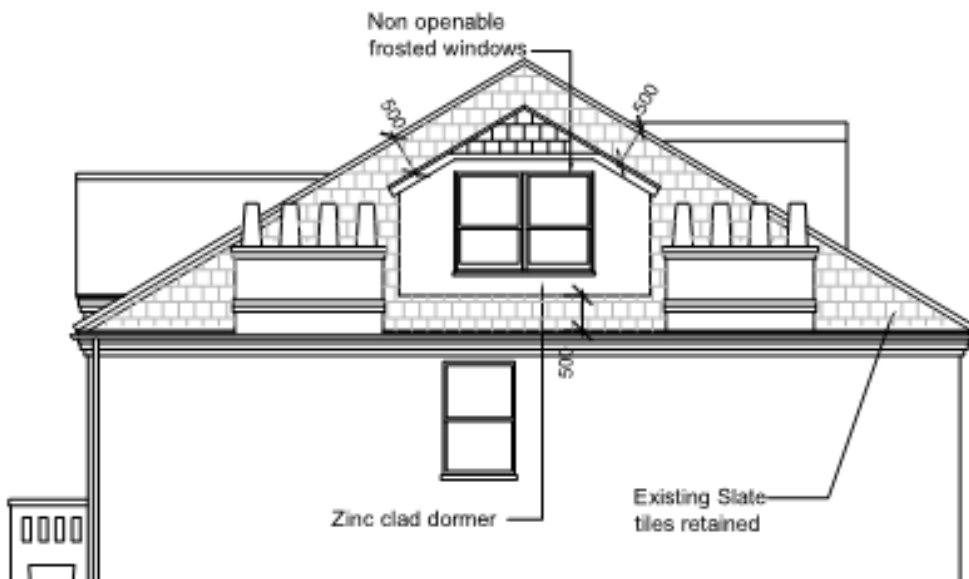
- the rear dormer that has been constructed is significantly larger than the approved;
- the rear roof terrace that has been constructed is significantly larger than the approved, extending to the edge and side of the roofslope and the slate skirt has been removed;
- the side roof dormer which has been constructed is significantly larger and of a different appearance to the approved;
- at rear first floor the clay tile sloped roof to the projecting bay has been removed and the wall has been extruded upwards to create an external balcony and flat roof to the bay (under 2015/5564/P a Juliet balcony was approved with the clay tile roof retained);
- a double door opening has been installed at rear ground floor in place of the original sash window pair. This would allow access to the flat roof of the lower ground floor rear extension;

The images below illustrate the approved scheme and the works which have been carried out ('as-built').

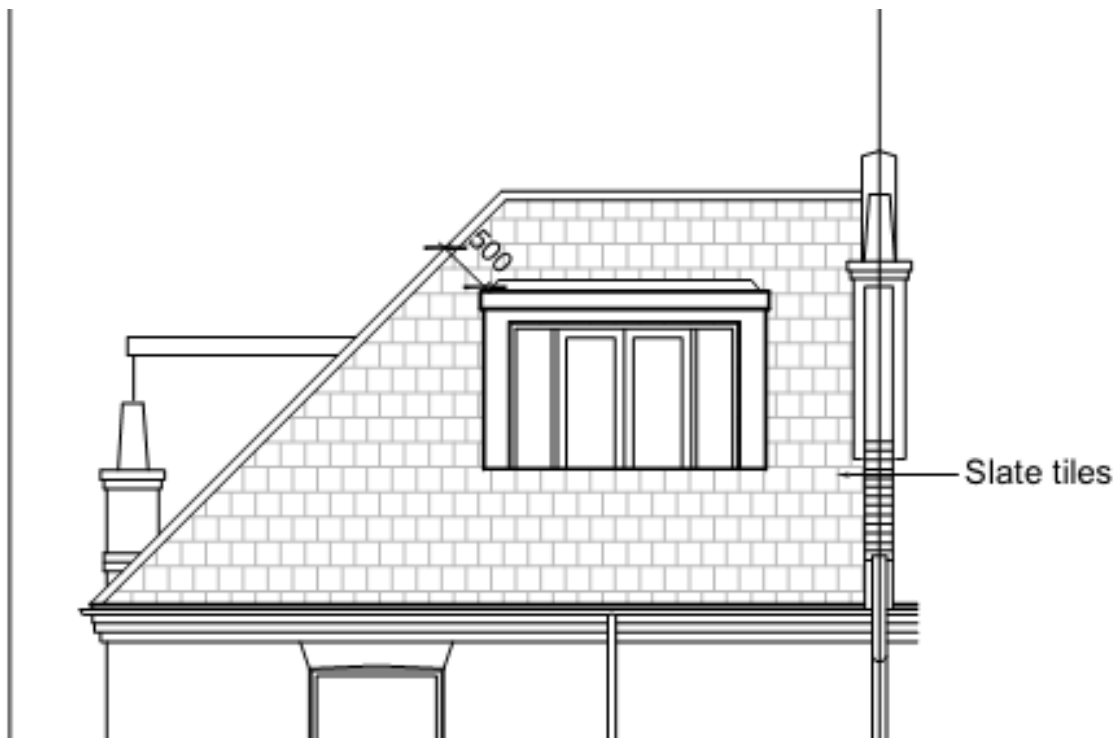
Approved Side Dormer



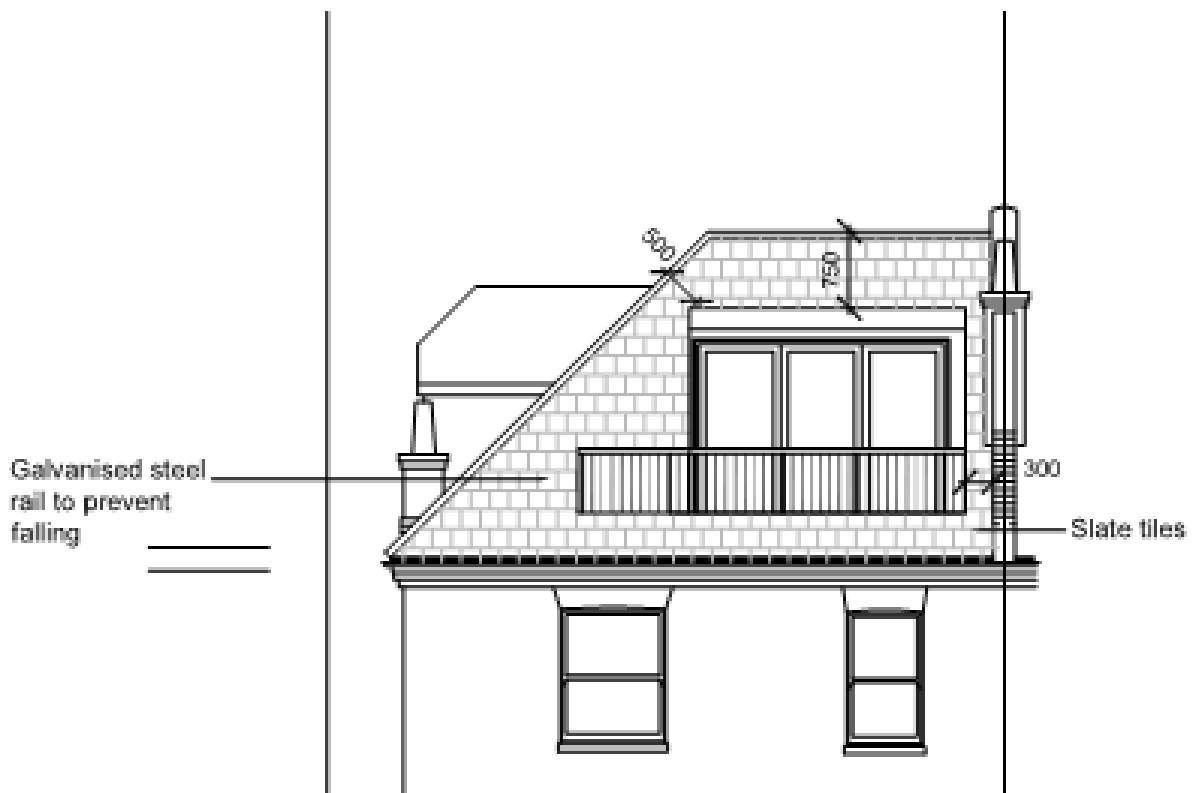
As-built Side Dormer



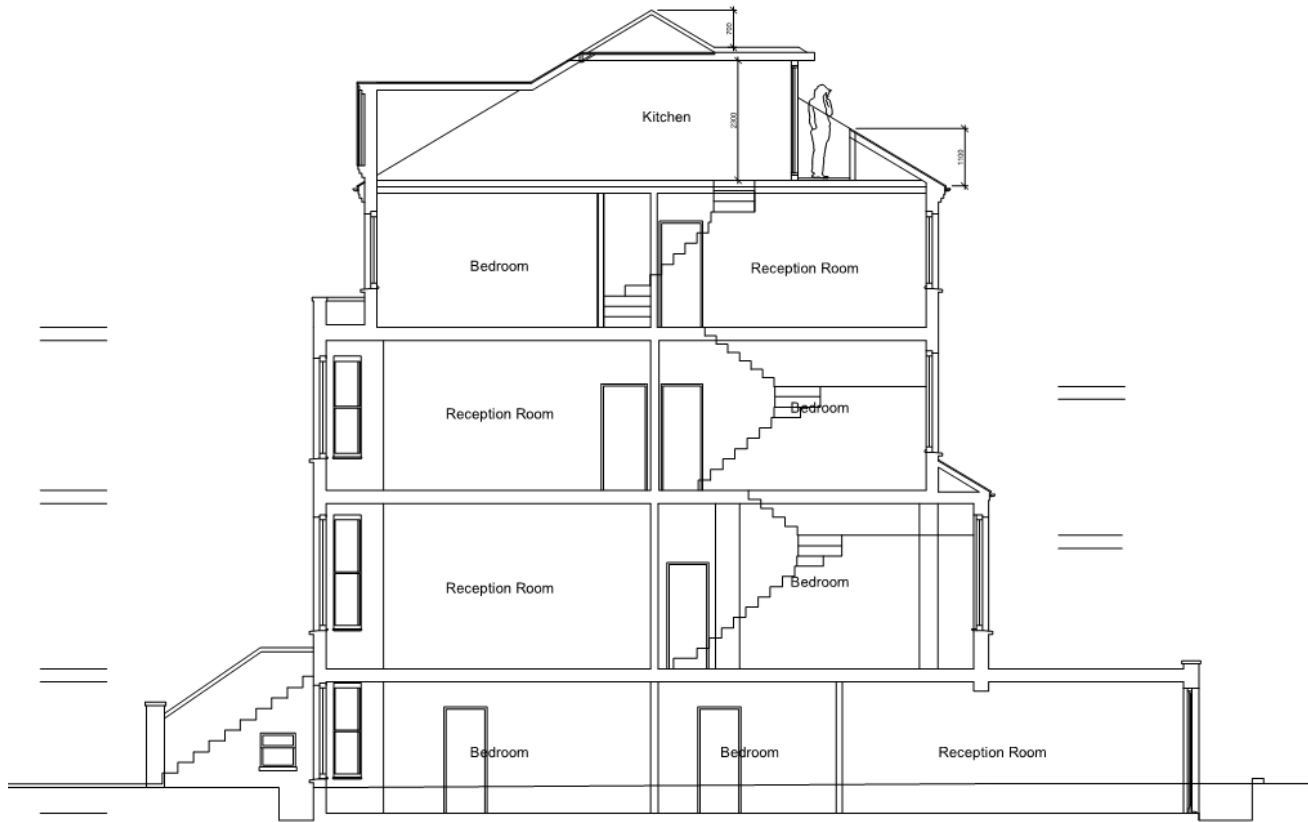
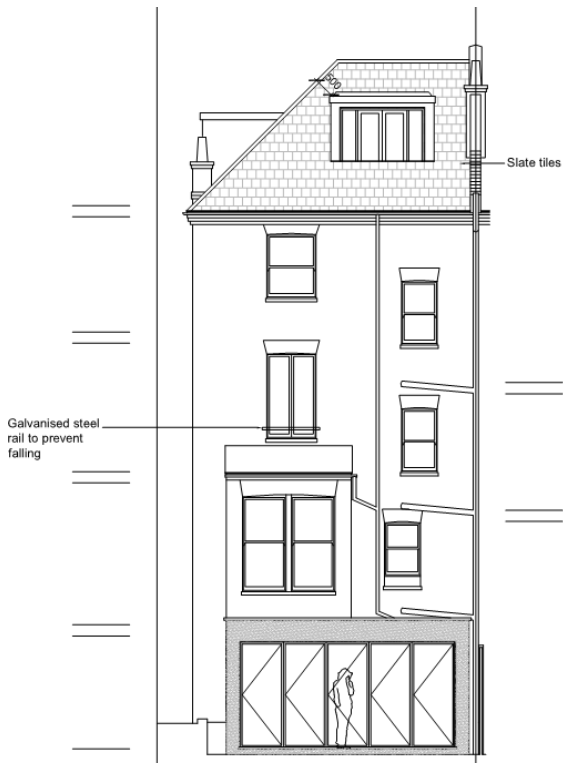
Approved Rear Dormer



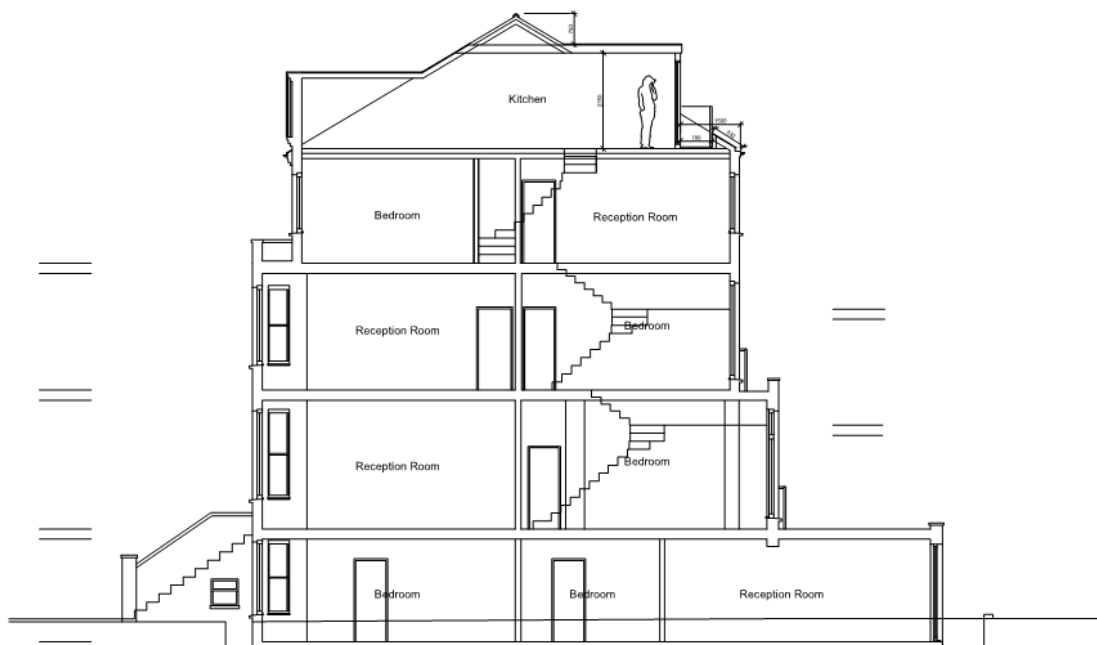
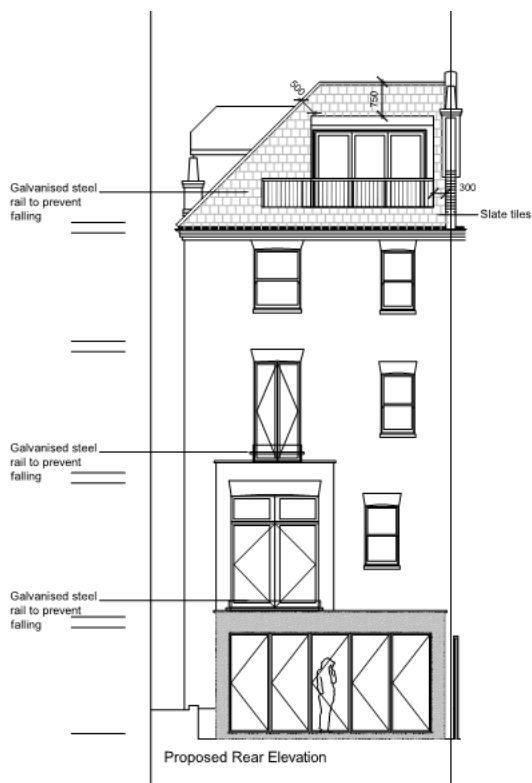
As-built Rear Dormer



Approved Rear Elevation and Section



As-built Rear Elevation and Section



2.0 Assessment

2.1 The main considerations in relation to the illegal works are the design and its impact on the host building and conservation area and the impact of the development on neighbours in terms of amenity.

Design

2.2 The Council's design policies seek to achieve the highest standard of design in all developments.

Policy DP24 are states that 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 guidance recommends alterations take into account the character and design of the property and surroundings, windows, doors and materials should complement the existing building, and rear extensions should be secondary to the main building.
- 2.4 The South Hampstead Conservation Area statement advises care should be taken to ensure attractive garden settings of host buildings is not compromised by overly large extensions and hard landscaping. New dormers should be subordinate to the existing building and not become over-dominant.
- 2.5 The as built side elevation roof dormer is overly large, inappropriately designed and does not relate to the lower floor windows, nor does it reflect the conservation area and is overly visible from the streetscene making it harmful to the conservation area. The side dormer has the appearance of a 'shed-like' structure being added at roof level and is in no way sympathetic to or subordinate to the roofslope as required by design guidance.
- 2.6 The as built rear roof dormer dominates the rear roof slope and includes an excessive roof terrace. The rear dormer and terrace fails to comply with the design guidance (it is not 500mm from all roof edges and nor is the terrace set within the roofslope- the railings protrude).The dormer and roof terrace is unsympathetic to the host property and is considered harmful to the conservation area. The applicant has suggested similar dormers nearby set a precedent for the dormer that has been built at the subject site, however nearby dormers are historic and either did not gain planning permission or were built prior to the current policies and guidance.
- 2.7 Installation of double doors at the ground floor rear elevation is considered inappropriate and unsympathetic to the property and has resulted in the loss of traditional sash-style windows. The presence of access doors in the rear elevation also means there is potential for the roof to be used as terraces particularly as the ground floor projection has had the roof flattened out. This is further addressed in the amenity section below.

Amenity

- 2.8 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."
- 2.9 CPG6 Amenity states: "Development should be designed to protect the privacy of both new and existing dwellings to a reasonable degree. Spaces that are overlooked lack privacy. Therefore, new buildings, extensions, roof terraces, balconies and the location of new windows 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.”

2.10 Whilst the only terrace which has been established is the terrace within the rear roof dormer, the installation of double doors to the rear elevation and the flat roof of the ground floor projection means there is potential for the establishment of roof terraces. This is considered unacceptable in amenity terms given the potential for overlooking and loss of privacy to neighbours. There are no concerns regarding amenity in terms of the rest of the as built development.

3.0 Recommendation

3.1 1) Refuse planning permission.

2) Authorise enforcement action.

That the Head of Legal Services be instructed to issue an Enforcement Notice under Section 172 of the Town & Country Planning Act 1990 as amended for the rear closet wing dormer and roof terrace, and to pursue any legal action necessary to secure compliance and officers be authorised in the event of non-compliance, to prosecute under section 179 or appropriate power and/or take direct action under 178 in order to secure the cessation of the breach of planning control.

The Notice shall allege the following breach of planning control:

The erection of a side and rear roof dormer and roof terrace with balustrade, the removal of a sloped roof on the ground floor projection and the installation of double access doors at first floor.

The Notice shall require within a period of 6 calendar months of the Notice taking effect:

1) Rebuild the side and rear elevation dormers and remove the roof terrace in accordance with the approved plans of planning permission 2015/5564/P (including the railings) and reinstate the rear sloped roof of the ground floor projection, and make good any damage to the original building.

REASONS WHY THE COUNCIL CONSIDER IT EXPEDIENT TO ISSUE THE NOTICE.

1. The breach of planning control has occurred within the last 4 years.
2. The as built side and rear dormer and terrace roof level, by reason of their design and bulk and introduction of visual clutter at roof level, would harm the character and appearance of the host building, the unsympathetic sloped roof and double access doors due to their design harm the host building, 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.
3. The removal of the flat roof and installation of double access doors at first floor has the potential to cause amenity issues for neighbouring properties due to overlooking and loss of privacy, contrary to policy CS5 (Managing the impact of growth and development) of 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.