

Delegated Report		Analysis sheet		Expiry Date:	27/10/2016	
				Consultation Expiry Date:	05/10/2016	
Officer			Application Number(s)			
Helaina Farthing			2016/4805/P			
Application Address			Drawing Numbers			
Flat 3 137 Malden Road London NW5 4HS			See Decision Notice			
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature			
Proposal(s)						
Creation of a green roof and terrace at roof level of the existing flat; replacement of existing windows to the front elevation and the creation of a new rear window at 3 rd floor level (Class C3).						
Recommendation(s):		Refuse Planning permission				
Application Type:		Full Planning Permission				
Conditions or Reasons for Refusal:		Refer to Decision Notice				
Informatives:						
Consultations						
Adjoining Occupiers:		No. notified	14	No. of responses	00	No. of comments 03
Summary of consultation responses:		A site notice was displayed from 14/09/201. Consultation ended on the 05/10/2016. Three letters of support were received with regards to this application.				
CAAC/Local groups comments:		N/A				

Site Description

The application site is a three-storey, mid-terrace property with a basement and a mansard roof extension.

The property is sub-divided into flats and this application relates specifically to Flat 3, that occupies the second and third floors.

The site is not listed nor does it lie within a Conservation Area. However as part of the Strategic View Wider Setting 2010, falls within a strategic view from Parliament Hill to the Palace of Westminster

Relevant History

137 Malden Road

22nd March 1972 – PP **Granted**– Provide self-contained dwelling units together with the erection of a roof extension (Class C3); 12577/R1

Flat 4 137 Malden Road

14th March 1990 – PP **Granted** – Extension of existing kitchen including enclosure of existing terrace at rear first floor level as shown on two unnumbered drawings at Flat 4, Malden Road; 8903513.

Flat 5 137 Malden Road

20th October 2015 – PP **Refused** – Roof terrace and spiral staircase access to the rear; 2015/1461/P.

131 Malden Road

15th September 2014 – PP **Granted** - Retention of balustrade; 2014/1751/P.

Relevant policies

National and Regional Policy

National Planning Policy Framework (2012)

London Plan (2016) (Sections 7.4 Local Character and 7.6 Architecture).

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

CPG1 Design (2015; Section 2, 3, 4 and 5)

CPG2 Housing (2015; Section 4)

CPG6 Amenity (2011; Section 2,3,4,5,6 and 9)

Assessment

1.0 Proposal

1.1 Planning permission is sought for a roof terrace and balustrade with a sedum green roof; the replacement of existing aluminium windows with three timber framed windows; and the creation of a rear window at third floor level.

2.0 Assessment

2.1 The main planning considerations relate to:

- Design (principle of development and detailed design);
- The impact of the proposal on the amenity of neighbouring occupiers.

3.0 Design

3.1 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.

3.2 CPG1 design guidance advises that detailed design of proposed roof terraces should seek to ensure the roof terrace complements the elevation upon which it is located and without having an adverse impact upon the character and appearance of buildings and streetscapes

3.3 CPG1 also recommends that consideration should be given to the detailed design of the terrace to reduce the impact on the existing elevation and a careful choice of materials and colour to match the existing elevations. The proposed balustrade fails to comply with these recommendations, as it does not complement the existing elevation in terms of siting or materials. It would be visible from the street-scape and the use of the black balustrade does not overcome its incongruity in relation to the established appearance of the elevation as part of the street facing terrace of Georgian houses.

3.4 Paragraph 5.25 of CPG1 also advises that any handrails should be set back behind the line of the roofslope and invisible from the ground. Although the terrace has been setback it is considered that the roof terrace and associated balustrade would still be prominent from the street-scene and out of character with the street elevation and the surrounding area. Similarly, it would introduce clutter to the roof-scape.

3.5 The roof terrace proposed would occupy a large proportion of the existing flat roof. Furthermore, the proposed balustrade would be visible from the street-scene and from properties to the rear of the site and therefore it is considered harmful to the character of the host building and the wider townscape.

3.6 The existing roof line of the terrace is largely un-impaired with regard to development on the roof level and roof terraces. Approval was granted for the "retention of balustrade" to the top floor flat, Flat D at 131 Malden Road (reference: 2014/1751/P) following an associated Enforcement case (EN13/0766). However, this permission was retrospective and granted to an existing roof terrace. While not mentioned in the report it appears that the roof terrace was considered lawful when assessed and therefore permission was granted for a revised proposal to improve the visual appearance of an existing terrace. However the proposal at the subject of this application relates to the creation of a new terrace to the flat roof, which is a different situation. The application at No. 131 is therefore not considered to be relevant to the determination of this application.

3.7 It is considered that the proposed balustrade and associated roof terrace at the subject of this

application would unbalance the appearance of the terrace, particularly with its visible and prominent position from the street-scene at the front elevation of the property.

3.8 With regards to the proposed windows, it is considered that the proposed rear window would be acceptable both in terms of positioning and materials. The proposed timber window would generally align with the existing windows on the rear façade and would match the existing materials. In relation to the three proposed replacement windows to the front elevation, it is considered that the proposed new timber windows would be in keeping with the character of the area, in particular the adjoining neighbouring properties. Therefore, it is considered that the windows would not adversely impact on the street scene and would be an acceptable replacement.

4.0 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 for 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."

4.2 Due to the distance from the roof terrace and the nearest residential windows, the proposal would not cause any adverse overlooking directly into properties but is likely to enable overlooking into back gardens of properties located to the rear of the application site at Malden Place. However, this is considered acceptable given there is an existing degree of overlooking generated from the upper floors. The same can be said for the new rear window at third floor level. No loss of light would result from the proposed terrace. Although the roof terrace may generate noise from use, it would be residential in nature, which is not considered to represent a suitable reason for refusal.

5.0 Conclusion

5.1 The proposed terrace with associated railings, by reason of the size, location and detailed design would be particularly prominent and an incongruous addition to the roof which would harm the character and appearance of the host building, and the wider area and streetscape, 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.

6.0 Recommendation

6.1 Refuse planning permission