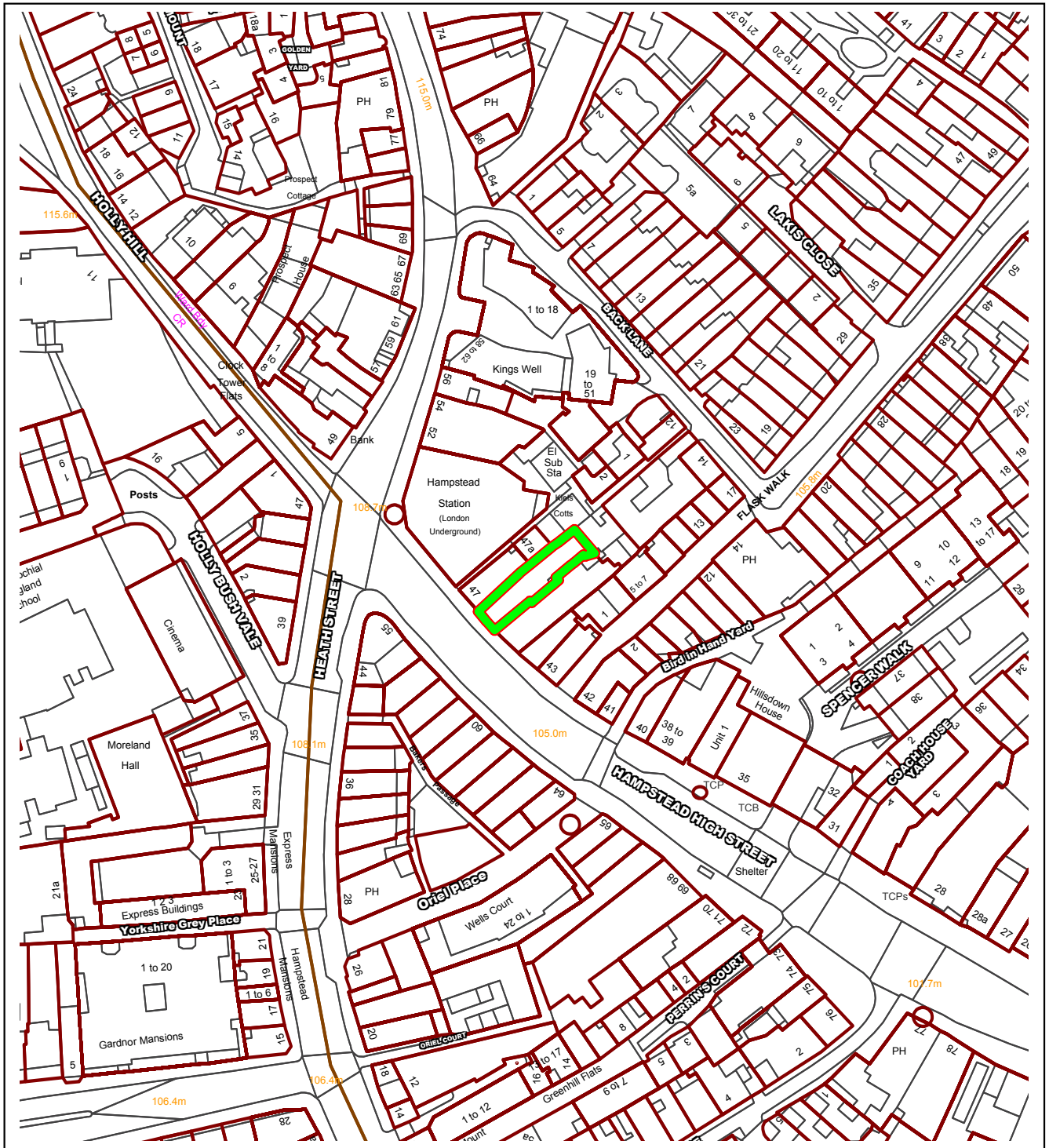


Site Map - 46A Hampstead High Street



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Site Photographs



1. Looking west towards the rear garden of no. 47 Hampstead High Street



2. Looking north-west toward 2 Kiels Cottage, across the roof of no. 46 Hampstead High Street



3. Looking west towards the bedroom window of no. 2 Kiels Cottage



4. Looking south west towards the rear elevation of 46 Hampstead High Street, with views of the existing roof



5. Looking south west towards the rear elevation of 47 Hampstead High Street



6. Looking south east towards the terrace at no. 45 Hampstead High Street

Delegated Report		Analysis sheet	Expiry Date:	A. 06/09/2016 B. 05/09/2016
		N/A	Consultation Expiry Date:	A. 31/08/2016 B. 11/08/2016
Officer		Application Number		
Anna Roe		A. 2016/2188/P B. 2016/2731/L		
Application Address		Drawing Numbers		
46A Hampstead High Street, London, NW3 1QG		Please refer to draft decision notice.		
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature	
Proposal				
A & B: Creation of roof terrace and erection of privacy screens to the rear roof area.				
Recommendation:	A. Grant full planning permission B. Grant listed building consent			
Application Type:	A. Full planning application B. Listed building consent			

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified		No. of responses	00	No. of objections	02
			No. electronic	00		
Summary of consultation responses:	<p>The owner/occupier of 2 Kiels Cottages objected to the application on the following grounds:</p> <ol style="list-style-type: none"> The proposed terrace overlooks and is a very short distance away from the window of the main bedroom of my cottage. I am concerned that noise of people on the terrace would disturb anyone sleeping in the bedroom as well as disturb the peace of a quiet area where there are a number of homes close to each other. <p><i>Officers response:</i></p> <ol style="list-style-type: none"> <i>Please refer to section 4 of this delegated report</i> <p>The owner/occupier of 46A Hampstead High Street strongly objects to this application. Officers have corresponded with no. 46A and their planning agent throughout the application process.</p> <p>Several letters/emails have been received and the content is summarised below:</p> <ol style="list-style-type: none"> The owners of no.46 use the roof extension as a terrace/for recreational activities, in contravention of a previous planning condition. This has continued for several years without intervention from the Council. The proposed roof terrace towers over the neighbour's ground floor and garden. It is proposed to erect screen, boxing and blocking light to the rear garden which is already enclosed on all sides. Anybody standing on the roof extension is able to overlook not only the neighbour's rear garden and kitchen/dining rooms, which has a glazed roof, but also the first floor bedroom causing significant and harmful loss of privacy. The movement of people across the roof to access the proposed terrace would be a significant intrusion into our privacy. The proposed trellis would be set back 8 metres from the neighbouring window which fails to accord with the 18 metre distance set out in CPG6. <p><i>Officers response:</i></p> <ol style="list-style-type: none"> <i>The Council's enforcement team have investigated this breach on several occasions; officers have visited the site and corresponded with the owner/occupier of no. 46.</i> <i>The proposed terrace would not cover the entire available roof space and is set back from the boundary with no. 46A. Given the distance</i> 					

	<p><i>between the neighbouring property and planned terrace the proposal is not considered to result in loss of light to no. 46A.</i></p> <ol style="list-style-type: none"> <i>3. Please refer to section 4 of this delegated report.</i> <i>4. This is the only means through which the applicant can access their property, therefore the proposal is unlikely to significantly increase pedestrian traffic across the roof.</i> <i>5. Paragraph 7.4 of CPG6-Amenity states that ‘to ensure privacy, there should normally be a minimum distance of 18m between the windows of habitable rooms of different units that directly face each other’. This minimum requirement will be the distance between the two closest points on each building (including balconies). There’s no requirement for the trellis to be set back 18 metres, furthermore the trellis would prevent any overlooking in accordance with the aims of the policy.</i>
<p>CAAC/Local groups comments:</p>	<p>The Heath and Hampstead Society objected to the application on the following grounds:</p> <ol style="list-style-type: none"> 1. The desire for an amenity space is understandable, but this application does not adequately demonstrate its case. The use of the proposed terrace area is very likely to impact on the amenity of No. 45 and 47 and other adjacent properties, though noise and overlooking. 2. The proposed terrace is likely to increase the unauthorised use of the existing access route between the house and proposed amenity area. 3. The argument put forward is that consent for a terrace was given to the adjacent No. 45; however this terrace overlooks its own garden and therefore does not appear to have the impact on others that this proposal does. <p><i>Officers response:</i></p> <ol style="list-style-type: none"> <i>1. Please refer to section 4 of this delegated report</i> <i>2. As above</i> <i>3. It should be noted that the terrace consent at no. 45 does not exclusively overlook its own rear garden</i>

Site Description

The application site is located at the top of Hampstead High Street (north side) proximate to the junction with Heath Street, within the Hampstead Conservation Area.

The subject property is one of a pair of Grade II Listed terraced houses (nos. 45 and 46). The houses were built in the early eighteenth century, whilst the shops built over the forecourt date from the late nineteenth century.

Planning permission was previously granted for the erection of a single storey rear extension to the ground floor restaurant, necessitating the creation of a separate access to the first and second floor residential accommodation. It should be noted the extension covers the entire rear garden. A condition was attached to this application which stipulates that no part of the roof should be used other than for maintenance purposes or access to the residential accommodation above. The applicant has however been using the roof extension as a terrace, in breach of the above condition. Complaints to the Council's Enforcement Department date back to July 2009.

Relevant History

13635R - The erection of a ground floor rear kitchen extension and ventilation duct, and the installation of a new shopfront. Conditional 06/09/1972.

8700805 - The erection of a single storey rear extension to the ground floor restaurant, alterations to provide separate access to the first and second floor residential accommodation and the installation of a new shop front. Refuse 10/12/1987.

9200141 - The erection of a rear extension and alterations including the installation of a new shop front and construction of a new separate access to the upper floors in connection with the use of No 46 Hampstead. Refuse 06/04/1992.

9200142 - The erection of a rear extension and alterations including the installation of a new shop front and construction of a separate access to the upper floors in connection with the use of No 46 Hampstead High Street as a ground floor restaurant with a maisonette above. Grant 15/10/1992.

2014/5484/P - Creation of terrace to rear of first floor level and associated alterations. Withdrawn 18/11/2015.

2015/3750/L - Creation of new roof terrace (retrospective) and erection of a fence and screens to the rear roof area. On-going.

Relevant policies

National Planning Policy Framework 2016

The London Plan 2015

Camden 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 Planning Guidance

CPG1 Design (updated 2015) – paragraphs 5.23, 5.24, 5.25, 5.26

CPG1 Amenity (updated 2011) – paragraphs 7.4, 7.5, 7.8, 7.9, 7.10, 7.11

Camden Conservation Area Statement, Hampstead (adopted October 2002)

Assessment

1.Proposal

1. Planning permission is sought for the creation of a terrace on the roof of the existing single storey rear extension and the erection of privacy screens (trellis).
2. The available roof space measures approximately 67 square metres, whilst the proposed terrace would cover approximately 23 square metres.
3. The privacy screens would measure 1.8 metres in height and comprise ivy screens, pre-grown on a galvanised wire mesh frame.
4. The applicant plans to use 1.2 metre high screens to differentiate between the access route and roof space. They have undertaken to remove all planting/beds and associated paraphernalia from the remaining roof area and access route.

2.Assessment

The principle considerations material to determining the application are as follows:

- The impact of the design on the character and appearance of the host property and wider conservation area.
- The impact of the proposal on the amenity of neighbouring occupiers

3.Design

1. Policy CS14 aims to ensure the highest design standards for developments. Policy DP24 states that the Council will require all developments to be of the highest standard of design and respect the character, setting, form and scale of neighbouring properties and the character and proportions of the existing building.
2. The privacy screens are considered to be a modest and lightweight addition, so the harm caused to the application site by the proposed high level privacy screen would be very slight.
3. The proposal is not considered harmful to the character or appearance of the host property or wider Hampstead Conservation Area as it is located on a minor façade, not visible from the wider public realm and is set back from the historic property.
4. Furthermore, by virtue of its small scale the proposal would not detract from the character and setting of the listed building.

4.Amenity

1. Policy CS5 seeks to protect the amenity of Camden's residents by ensuring the impact of development is fully considered. Policy DP26 seeks to ensure that development protects the

quality of life of occupiers and neighbouring occupiers in terms of loss of privacy and overlooking.

2. Balconies and terraces can provide valuable amenity space for flats that would otherwise have little or no private amenity space. However, they can also cause nuisance to neighbours. Potential problems include overlooking and privacy, noise, light spillage and security (CPG1 Design, paragraph 5.23).
3. In view of the scale of the proposed terrace and given the existing terrace at no. 47 Hampstead High Street and adjacent rear garden of 46A Hampstead High Street, the proposal is not judged to result in increased noise/disturbance over and above the existing situation.
4. Officers have previously refused planning permission for a larger terrace on the grounds that it would overlook the rear garden/rear windows of adjoining properties. The Council has worked with the applicant to address these concerns through the introduction of 1.8 metre high privacy screens which would be located around the edge of the proposed terrace. As a result of the screens it would require a degree of conscious effort to see into the neighbouring properties.
5. Furthermore, the size and position of the terrace has been revised, to further reduce the potential for overlooking and limit noise and disturbance.
6. As a safeguarding measure this permission would be granted subject to conditions ensuring that the screens will be erected prior to the balcony being used and maintained in good working order.

5. Conclusions

1. It is considered that the proposed development would be compatible with the host and surrounding properties and preserve the character and appearance of the wider conservation area, whilst ensuring that the living conditions of the neighbouring occupiers are not materially harmed by way of overlooking, loss of privacy or noise and general disturbance.

6. Recommendations

- A. Grant planning permission
- B. Grant listed building consent

The decision to refer an application to Planning Committee lies with the Director of Regeneration and Planning. Following the Members Briefing panel on Monday 14th of November 2016, nominated members will advise whether they consider this application should be reported to the Planning Committee. For further information, please go to www.camden.gov.uk and search for 'Members Briefing'.

Crispin Wright
ARP Architects
31 Oval Road
London
NW1 7EA

Application Ref: **2016/2188/P**
Please ask for: **Anna Roe**
Telephone: 020 7974 **1226**

4 November 2016

DRAFT

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Full Planning Permission Granted

Address:

**Flat 1st and 2nd Floor
46 Hampstead High Street
London
NW3 1QG**

DECISION

Proposal: Creation of roof terrace and erection of privacy screens to the rear roof area.

Drawing Nos: 3348 4.2; 3348 4.1; Design and Access Statement; 3348 4.3 Rev H; 3348 4.4 Rev E; 3348 4.5 Rev D.

The Council has considered your application and decided to grant permission subject to the following conditions:

Conditions and Reasons:

- 1 The development hereby permitted must be begun not later than the end of three years from the date of this permission.

Reason: In order to comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

Executive Director Supporting Communities



- 2 All new external work shall be carried out in materials that resemble, as closely as possible, in colour and texture those of the existing building, unless otherwise specified in the approved application.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policy CS14 of the London Borough of Camden Local Development Framework Core Strategy and policy DP24 and DP25 of the London Borough of Camden Local Development Framework Development Policies.

- 3 The development hereby permitted shall be carried out in accordance with the following approved plans: 3348 4.2; 3348 4.1; Design and Access Statement; 3348 4.3 Rev H; 3348 4.4 Rev E; 3348 4.5 Rev D.

Reason: For the avoidance of doubt and in the interest of proper planning.

- 4 The use of the roof as a terrace shall not commence until the screens, as shown on the approved drawings, has been constructed. The screens shall be permanently retained thereafter.

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.

- 5 The flat roof and access route shown on drawing no. 3348 4.3 Rev H 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.

- 6 The hedges/screens shall be retained and maintained in accordance with the submitted details. In the event of they cease to form a substantially solid screen by reason of death, disease or otherwise, the hedges/screens should be replaced.

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.

Informatives:

- 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).

- 2 Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You are advised to consult the Council's Compliance and Enforcement team [Regulatory Services], Camden Town Hall, Argyle Street, WC1H 8EQ (Tel. No. 020 7974 4444 or on the website <http://www.camden.gov.uk/ccm/content/contacts/council-contacts/environment/contact-the-environmental-health-team.en> or seek prior approval under Section 61 of the Act if you anticipate any difficulty in carrying out construction other than within the hours stated above.

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.

Yours faithfully

Executive Director Supporting Communities

DECISION

ARP Architects
31 Oval Road
London
NW1 7EAApplication Ref: **2016/2731/L**Please ask for: **Anna Roe**Telephone: 020 7974 **1226**

7 November 2016

DRAFT

Dear Sir/Madam

DECISION

Planning (Listed Building and Conservation Areas) Act 1990

Listed Building Consent (Demolition) Granted

Address:

**Flat 1st and 2nd Floor
46 Hampstead High Street
London
NW3 1QG****DECISION**

Proposal: Creation of roof terrace and erection of privacy screens to the rear roof area.

Drawing Nos: 3348 4.2; 3348 4.1; Design and Access Statement; 3348 4.3 Rev H; 3348 4.4 Rev E; 3348 4.5 Rev D.

The Council has considered your application and decided to grant subject to the following condition(s):

Conditions and Reasons:

- 1 The works hereby approved are only those specifically indicated on the drawings referred to above.

Reason: In order to safeguard the special architectural and historic interest of the building in accordance with the requirements of policy CS14 of the London Borough of Camden Local Development Framework Core Strategy and policy DP25 of the London Borough of Camden Local Development Framework

Executive Director Supporting Communities



Development Policies.

- 2 The works hereby permitted shall be begun not later than the end of three years from the date of this consent.

Reason: In order to comply with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Yours faithfully

Executive Director Supporting Communities

DRAFT

DECISION