

## **Proposed balcony at the rear of Flat 3, 154 Iverson Road, London NW6 2HH**

### **Appellant's FULL STATEMENT OF CASE**

18 October 2016

#### **Background:**

No 154 is a four storey Victorian terraced house on the north side of Iverson Road, one of many near-identical properties in the street. It is not listed and does not lie in a conservation area. Like the majority of properties in the road, 154 has been converted into flats. Flat 3 is at the top of the house and occupies the second and third (attic) floors.

The front elevation of the terrace remains architecturally consistent and includes some attractive detailing, most notably a large arched dormer placed centrally between the chimney stacks that define each of the properties. The arched dormer detail was originally repeated on the rear elevation but this has been lost on the majority of the houses although 154 is an exception.

The rear outriggers on nearly all of the properties have been greatly extended and modified over the years. We believe the rear outrigger at 154 was raised at some time, probably in the 1970s, and a flat roofed WC added at the junction with the main terrace at half-landing level. This WC is part of flat 3 and its roof has been used as a balcony since before the applicant bought the property (more than 5 years). Access to the balcony is very ad hoc, through a small window, and the exiting timber balustrade is not ideal.

I am a retired architect and a friend of the family and have acted as Agent for the application and the appeal. The application included simple sketches as it was believed that this was a straight forward, non-contentious scheme.

#### **Proposals:**

Proposals are set out in the planning application and accompanying drawings - a site visit will make it abundantly clear. An additional photograph showing context has been included below.

The planning application was prompted by the applicant's plan to replace the flat roof on the rear WC, which is beginning to leak. It was thought that this offered a good opportunity to improve balcony access and provide a Building Regulations compliant handrail. Soundings with neighbours were positive.

#### **Consultation during the application process:**

There were no objections from neighbours or local amenity bodies during the formal consultation process, other than a minor point about construction hours.

The planning officer, Nora Constantinescu, visited the property on 28 June when she met with the applicant. No indication was given at all that there was a problem with the proposals. In fact the visit seemed rather positive.

I received a telephone call from the planning officer in the afternoon of 27 July and was told that the scheme would be refused in the next few days. I was surprised by the firmness of views expressed

and attempted to argue our case. I was told to send comments by email that day. A copy of my email is attached along with a copy of the officer's response, dated 29 July.

The rejection notice was issued on 8 August.

### Response to Reasons for Refusal:

**Reason 1:** "The proposed roof alteration, screen and railing.... would appear as an incongruous form of development in a roofscape largely unimpaired by such alterations and would therefore result in harm to the character and appearance of the building, the terrace.... and surrounding area...."

*Response:* I think it is erroneous to claim that the existing roofscape is 'largely unimpaired by such alterations'. The photograph below shows a number of very large dormer windows / rooftop extensions that have been consented on neighbouring properties, most notably next door at no 152. This almost full-floor extension has been built off the rear wall of the property and hence disrupts the eaves line (a 75mm plastic gutter masks the joint). This photo also shows the approximate size and shape of the proposed dormer at 154.



The existing roof form has already been significantly eroded by consented changes. The proposed dormer would be barely noticeable. While this elevation can be viewed (from a distance of 20-40m) from the rear of the new towers and residential blocks between the railway lines it can only be glimpsed from the public realm from one spot in Medley Road (this is where the photograph was taken, holding the camera above my head over a 5' garden wall).

**Reason 2:** "The proposed development would.... result in a detrimental loss of privacy to second floor windows, raised terraces and gardens at nos 152 and 156, contrary to policy...."

*Response:* I believe that it would be physically impossible to see into any windows, second floor or not, from the balcony. The balcony has been in existence for 5+ years and has not been a problem or cause for any complaint.

The balcony does overlook the very large consented terraces at no 152 and 156. It predates the application and consent for the terrace at no 156, I believe. These terraces extend 6-7m from the rear of the main building and consequently provide far greater opportunity for views into gardens and into windows of neighbouring outriggers than does the current application. These terraces are also large enough for parties, etc... which could potentially cause more nuisance than would be possible from the small balcony at 154.

### Response to Assessment contained in Delegated Report:

Using numbering from the report:

**2.1:** "Policy DP24..... states that 'roof alterations are likely to be acceptable if they are architecturally sympathetic to the age and character of the building and retain the overall integrity of the roof form'. It is noted that some of the adjoining properties with the application site have been extended previously with extensions such as dormers above the eaves or doorways to access the roofs of outriggers below eaves level. However, the proposed door is insensitively introduced through the eaves of the roofline, causing detrimental harm..... as such this is considered an unacceptable element"

*Response:* The policy is phrased in a positive rather than negative manner, in line with national guidance, assuming acceptance as the starting point for evaluation. This has been turned on its head in the officer's report, encouraging the Policy to be interpreted in a negative way.

The proposed dormer IS sympathetic to the age and character of the building and is typical of those on many Victorian terraces - far more so than the huge storey-high extensions / dormers that have been consented in the past.

The eaves do not project on the rear of the property and are only defined by an eaves board, 50mm or so from the face of the brickwork and a (now universally plastic 75mm) gutter. Projecting / prominent eaves are not a distinguishing feature of the elevation. (The arched dormers were the main distinguishing feature but many of these have been removed, with consent)

A number of other roof extensions on adjacent properties bear onto the rear wall of the terrace and disrupt the eaves line in any case - most notably that at 152. See photo and comment above.

**2.2:** "Policy 2.... insists on high quality design which compliments and enhances the character and identity of ... West Hampstead..... Roof extensions and loft conversions should fit in with existing rooflines and be in keeping with existing development...."

*Response:* Were the existing terrace completely unaltered then this Policy would have more relevance. The existing roofline has been so eroded by consented dormers and extensions at nearly every property that the original integrity has been lost. The proposed dormer is more in keeping with the age, nature and original design intent of the terrace than the majority of consented interventions. It is so small relative to other interventions that it will, in any event, be barely noticeable in the visual jumble that exists already.

**2.3:** "Regarding the balcony, para 5.24 of CPG1 requires that careful consideration should be given to detailed design.... a balcony (both railing and screening) in that location would undermine the character of the existing building...."

*Response:* The original character of the rear of the terrace has already been significantly altered by consented balconies and large terraces on the roofs of outriggers. There are a range of balustrade styles in existence, ranging from metal railings to timber garden fence panels. The proposed balustrade and privacy screen are as traditional and discrete as possible (black painted vertical metal uprights, timber panels set into a steel frame) and would not be out of keeping in the eclectic mix that already exists. It is a great improvement on the horizontal timber balustrade that exists already and which has been of no concern to date.

**2.4:** "The proposal also includes the addition of a privacy screen along the western boundary with the property at 156 (*sic... actually 152*) to remove the opportunity for overlooking. Whilst this element may, to a small degree, mitigate concerns of overlooking neighbours, this would not outweigh the harm caused by the unsympathetic appearance of the screen which would add clutter in a prominent position. As such this element is considered unacceptable"

*Response:* Had this point be raised by the officer during the application period it could have been addressed. The applicant would be happy to remove this screen if required to do so.

**3.1:** "Policy DP26.... when designing your development you should ensure proximity, size or cumulative effect of any structures do not have an overbearing and/or dominating effect that is detrimental to the enjoyment of their property by adjoining residential occupiers"

*Response:* The balcony has been in existence for a number of years and caused no problems with neighbours. It is very small 1.4 x 3.4m and is large enough for one or two people only. It is close to existing terraces and pre-dates the one at 156. Terraces at 152 and 156 are much larger (6-7m x 3-4m) and more visually dominating to neighbours, to residents in Medley Road and those in the new towers to the rear, adjacent to the railway lines.

**3.2:** "Policy 2.... states that extensions in order to achieve a high design quality need to be in character and proportion with their context and setting...."

*Response:* I am not sure that this application is deemed to be an extension as it does not increase footprint or volume. In any event, every endeavour has been made to provide high quality design - in this instance I see that to mean minimising size (we could have opted to increase the size of the existing balcony), low key design, using traditional materials and detailing in keeping with the locality.

**3.3:** "The neighbouring properties... received permission for roof terraces... The proposed balcony.... is at a higher level... causing detrimental harm.... through overlooking"

*Response:* A usable balcony existed at 154 before the terrace was consented at 156, I believe, and so overlooking was presumably then deemed to be acceptable then. The balcony at 154 is higher than its neighbours - between half and one storey higher than those at 152 and 156, I believe. It is physically much smaller, however, and so has significantly less scope to become a

nuisance than do the consented terraces. It is large enough for a deck-chair or a small breakfast table and chairs and is not suitable for parties etc...

If height is thought to be a key issue it should be noted that the new towers to the north, between the railway lines, have consented balconies / terraces at rooftop level. These will be visible on the site visit.

#### 4.0. Conclusion / Recommendation: Refusal

*Response:* We disagree with the case officer's assessment for the reasons stated. With regard to the overlooking / privacy issue:

- A balcony has been in existence and occasional use at no 154 for 5+ years and has not been the cause of any complaint or problems.
- No objections were raised by neighbours to the planning application.
- I believe that the Council's assertion that the balcony will afford direct views into second floor windows is incorrect.
- The Council has recently consented significantly larger high level terraces on adjacent properties and in nearby towers that potentially impact the privacy and enjoyment of amenity by neighbours to a far larger extent than do the current proposals.

The question of the impact that the proposed dormer has on the existing roofscape is more of a relevant issue, I believe:

- Whether the proposals are acceptable or not is a matter of judgement and the Planning Inspector is best placed to take a view that balances relevant planning policy with what actually is in evidence on ground.
- I think it is disingenuous for the Council to state that the current roofscape is "largely unimpaired by such alterations". From the photograph included above it can be seen that very large high-visual-impact dormers, extensions and terraces on the roofs of outriggers have been consented over the years which significantly alter the original roof and building form.
- The proposed dormer will breach the eaves line. I do not consider the eaves to be a significant design feature of the existing roof as the eaves are not projecting, it has no corbels, provides no shadow line, etc... and it has in any event been breached on neighbouring properties. The only difference is that that about one meter plastic guttering will, in this case, be omitted along the eaves line. If required glazing bars / transoms could be included in the door to mitigate this effect.
- The proposed dormer is very similar to many Victorian dormers and would be constructed, as stated, with traditional details. It is far more sympathetic to the character of the original roof form, as required by DP24, than the large flat-roofed storey-sized extensions that have been consented in the past.
- The rear of the terrace can hardly be seen from the public realm. Views from neighbouring properties are also important however, and I am confident that the proposed changes would be lost in the visual mix that already exists at roof level.