

Mr Ali Mahinfar  
IMAGE Architecture Ltd  
86 North End Road  
London  
NW11 7SY

Application Ref: **2016/6705/P**  
Please ask for: **Helaina Farthing**  
Telephone: 020 7974 **3303**

27 January 2017

Dear Sir/Madam

## **DECISION**

Town and Country Planning Act 1990 (as amended)

### **Householder Application Granted**

Address:  
**15 Spencer Rise**  
**London**  
**NW5 1AR**

Proposal:  
Erection of balustrade to create a second floor roof terrace to the rear of the existing dwelling house (Class C3).  
Drawing Nos: 1627-103 REV 01; 1627-202 REV 01.

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

Condition(s) and Reason(s):

- 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).

- 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 1627-103 REV 01; 1627-202 REV 01.

Reason:

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

Informative(s):

- 1 Reasons for granting permission.

The proposal seeks to erect a 1.1m wrought iron balustrade to formally create a roof terrace on the existing closest wing at second floor level. In this case, the roof terrace itself has been in situ for over four years, with an existing opening onto the roof terrace already established. Although the roof terrace has been in situ, the addition of the balustrade would likely increase the use of the terrace and therefore consideration as to the impact of the increased use is required.

Along Spencer Rise there are a number of roof terraces, of most relevance is the roof terrace at no. 9 Spencer Rise. The proposal would be of the same scale/size of the existing roof terrace at no. 9 Spencer Rise. Given the neighbouring context, scale of the roof terrace and the existing use, the proposed roof would not be out of character for the area.

The materials of the proposed balustrade being wrought iron are considered to be acceptable and appropriate addition, which would not harm the character and appearance of the existing building.

It is viewed that the size and positioning of the roof terrace and balustrade would not adversely harm the amenity of residential occupiers in terms of loss of outlook or privacy. The neighbouring site at no. 17 Spencer Rise has an existing second floor extension, which would restrict views of the proposed terrace and mitigate the overlooking generated and in turn not compromise the privacy of adjoining occupiers.

With regards to the directly adjoining site at no. 13 it is noted that there is a degree of overlooking generated by the roof terrace, however, this is considered in the context of the existing situation to be acceptable. Consideration has been given to the existing window on the rear elevation at second floor level of no. 13 and the views afforded into this window from the terrace. However, in this case the window accesses a stairwell and is not considered a primary habitable space. Therefore, the proposal is considered acceptable.

Finally it is acknowledged that views and overlooking into neighbouring rear gardens would increase from the formalising of the terrace. However, these views are not dissimilar to the views from the existing upper floor windows and that of the existing terrace and therefore considered to be acceptable.

The proposal is considered to preserve the character and appearance of the conservation area. Special attention has been paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area, under s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Enterprise and Regulatory Reform Act 2013.

No objections or comments have been raised in relation to the works relating to the terrace. The application site's planning history and relevant decisions were taken into account when coming to this decision.

The proposed development is in general accordance with Policies CS5 and CS14 of the London Borough of Camden Local Development Framework Core Strategy, and Policies DP24, DP25 and DP26 of the London Borough of Camden Local Development Framework Development Policies. The proposed development also accords with The London Plan 2016; and the National Planning Policy Framework 2012.

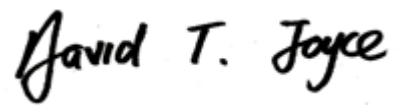
- 2 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts which cover aspects including fire and emergency escape, access and facilities for people with disabilities and sound insulation between dwellings. You are advised to consult the Council's Building Control Service, Camden Town Hall, Argyle Street WC1H 8EQ, (tel: 020-7974 6941).
- 3 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.

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 that reads "David T. Joyce". The signature is written in a cursive style with a large initial 'D' and 'J'.

David Joyce  
Executive Director Supporting Communities