

22 New End, London, NW3 1JA

Householder planning application - 2017/1011/P

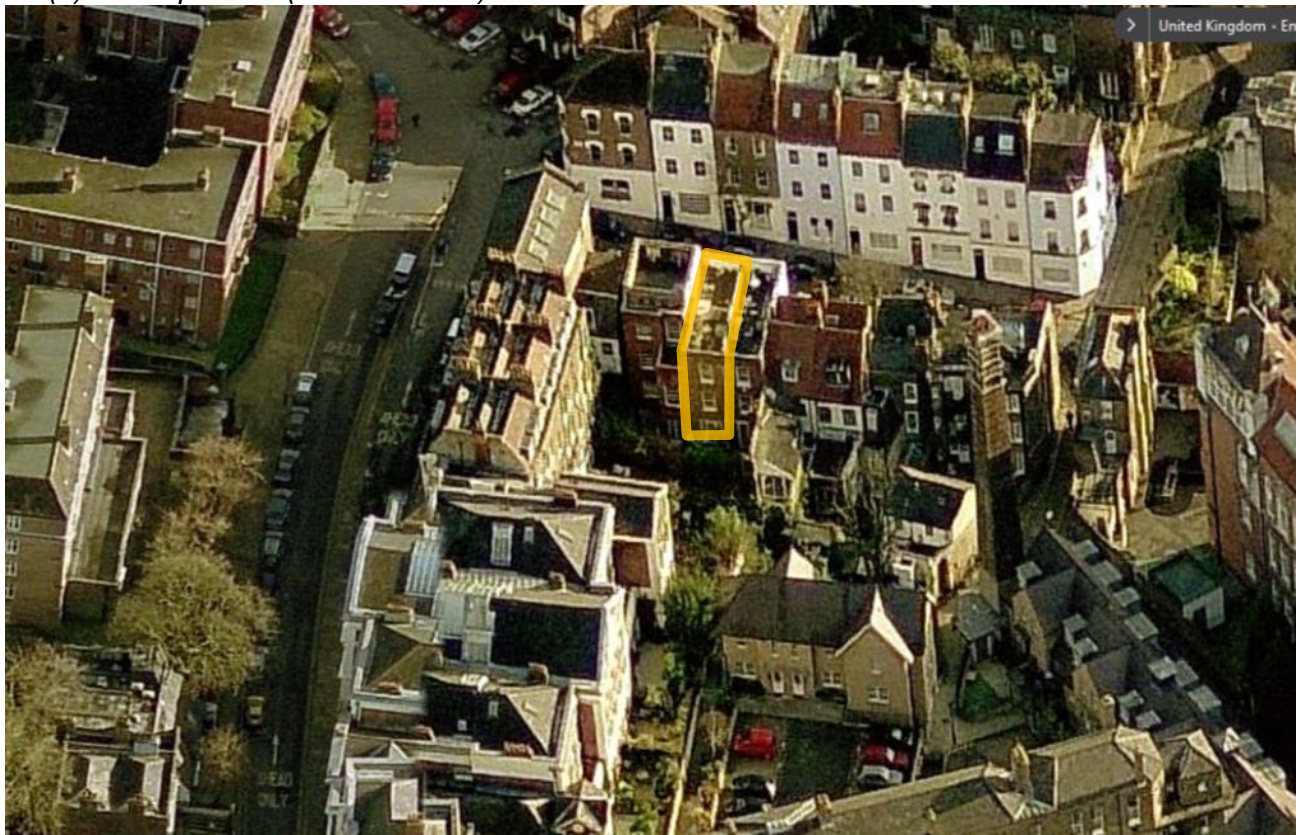


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Site Photographs:

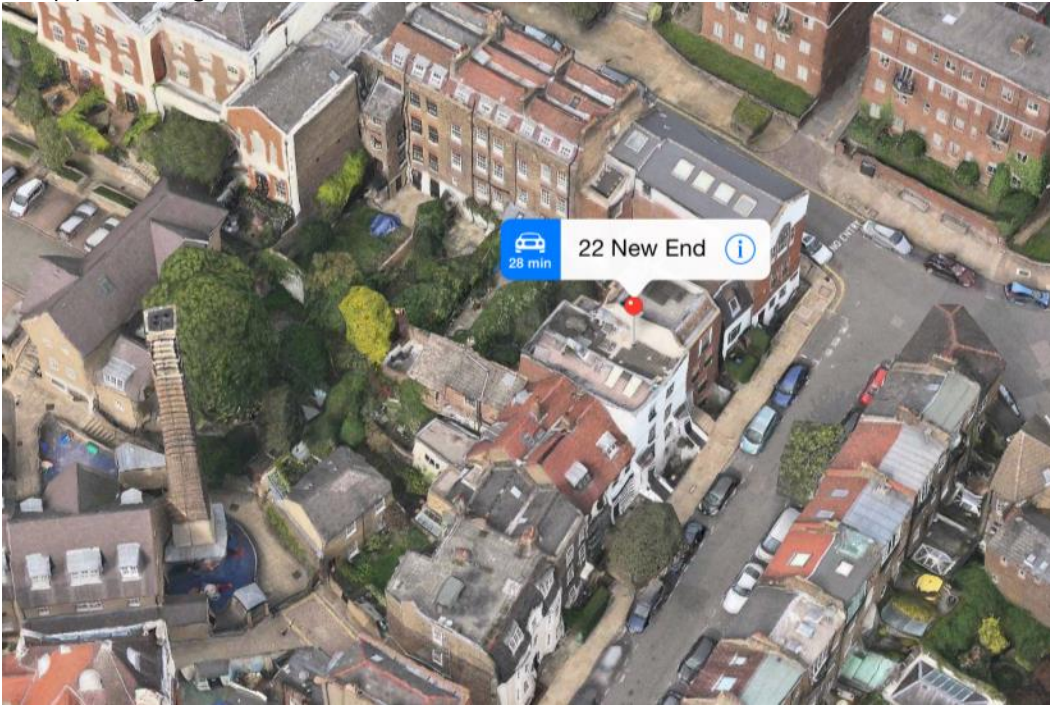
(1) Aerial photo 1 (from the West)



(2) Aerial photo 2 (from the East)



(3) 3D image of site



(4) Front elevation #1



(5) Streetscene #1 (New End)



(6) Streetscene #2 (junction of New End/Wells Road)



(7) Existing roof terrace #1
(8) Existing roof terrace #2



(9) Existing terrace rear railing



(10) Neighboring roof terrace



Delegated Report		Analysis sheet		Expiry Date:		18/05/2017	
(Members Briefing)		N/A / attached		Consultation Expiry Date:		20/04/2017	
Officer				Application Number(s)			
John Diver				2017/1011/P			
Application Address				Drawing Numbers			
22 New End London NW3 1JA				<i>See draft decision notice</i>			
PO 3/4		Area Team Signature		C&UD		Authorised Officer Signature	
Proposal(s)							
Installation of timber decking, replacement of handrails and balustrading and new roof extension/stair enclosure to provide access to existing roof terrace above dwelling (C3)							
Recommendation:		Grant planning permission					
Application Type:		Householder Application					

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice			
Informatives:				
Consultations				
Summary of consultation:	<p>Multiple site notices were displayed near to the site on the 29/03/2017 (consultation end date 19/04/2017).</p> <p>The development was also advertised in the local press on the 30/03/2017 (consultation end date 20/04/2017).</p>			
Adjoining Occupiers:	No. of responses	00	No. of objections	00
Summary of consultation responses:	No responses were received from adjoining occupiers following consultation.			
Hampstead CAAC:	No response was received from the Hampstead CAAC following consultation.			
Heath & Hampstead Society:	<p>A letter of objection was received on behalf of the Heath & Hampstead Society. Their objection comments can be summarised as follows:</p> <ol style="list-style-type: none"> 1. Use of terrace was never granted permission. Unauthorised use is clearly breach of planning and should be enforced against. The conversion of the roof into a terrace should be assessed as well. 2. Heath & Hampstead Society invariably opposes roof terraces. 3. Terrace would allow for overlooking /loss of privacy 4. Terrace would lead to noise and light pollution on a wide scale <p><u>Officer's Response:</u></p> <p>(1) Please see para.1.2</p> <p>(2) Noted. The local planning authority is however, duty bound to consider every planning application based upon its own merits.</p> <p>(3-4) Please see paras.3.11 to 3.14.</p>			

Site Description

This application relates to a three storey (plus lower ground floor), terraced dwellinghouse on the Western side of New End, NW3. The local area is partially characterised by its topography. Following a 90-degree bend at the junction with Well Road, New End features a Southerly downwards gradient towards Streatley Place meaning that the property is at a higher level than Streatley Place and a slightly lower level than the junction between New End and Well Road.

The site is within the Hampstead Conservation Area and the Hampstead Conservation Area Statement defines the building as making a positive contribution to the character of the Conservation Area. The building is not listed, and nor does it adjoin any listed buildings. Within the local area there are however a number of listed buildings including nos.10-14 New End to the West and no.30 New End to the South. There are no trees protected by Tree Preservation Orders on or adjacent to the application site.

Relevant History

The application site has the following planning history:

36295: Planning permission was granted on the 18/08/1983 for the 'Erection of a conservatory on the roof'.

2012/0581/P: A certificate of lawfulness (existing) was granted on the 15/03/2012 for the 'The retention of existing roof terrace, metal railings, access hatch and tiles at roof level to existing residential dwelling'.

Other relevant history within the local area:

2006/0455/P: Permission was granted at no. 20 New End on the 17/03/2006 for the 'Removal of existing flat roof to mansard to create a terrace at third floor level of the single-family dwellinghouse'.

2007/1063/P: Permission was granted at no. 38 New End on the 14/05/2007 for the 'Installation of rooflight with safety rails and replacement railings to existing rear roof terrace'

2013/6723/P: Permission was granted at no. 9 New End on the 17/01/2014 for the 'Erection of two storey rear infill extension at rear, formation of roof terrace, including installation of glazed balustrades and rooflight'

Relevant policies

NPPF (2012)

The London Plan 2016

LDF Core Strategy and Development Policies (2011)

LDF Core Strategy (2010)

CS1 - Distribution of Growth

CS5 – Managing the impact of growth and development

CS14 – Promoting high quality places and conserving our heritage

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 (2015)

CPG6: Amenity (2011)

Hampstead Conservation Area Statement (2001)

Emerging Policy:

Last summer, the Camden Local Plan was formally submitted to the government for public examination. The Inspector's report on the Local Plan was published on 15 May 2017 and concludes that the plan is 'sound' subject to modifications being made to the Plan. While the determination of planning applications should continue to be made in accordance with the existing development plan until formal adoption, substantial weight may now be attached to the relevant policies of the emerging plan as a material consideration following publication of the Inspector's report, subject to any relevant recommended modifications in the Inspector's report.

The following policies are considered to be relevant:

- Policy A1 Managing the impact of development
- Policy A4 Noise and vibration
- Policy D1 Design
- Policy D2 Heritage

Assessment

1. Introduction

- 1.1. Planning permission is sought for alterations to an existing roof terrace in order to improve the roof access and install new decking and railing/balustrading. The creation of formal access (at present the terrace is accessed via a ladder and roof hatch) would include the erection of a stair enclosure with a height of approximately 1.75m, width of 1.3m and a length of 4m. The stairs enclosure would be partially clad in timber and partially glazed. The proposed works would also include the installation of timber decking (with a level of approx.0.2m above the roof level) as well as the installation of a clear glazed balustrade to the Southern and front edges of the terrace and the extension of the existing metal railings along the side edge towards the rear.
- 1.2. It should be noted that the use of the flat roof of the dwelling as a terrace was shown to be lawful under certificate of lawfulness application 2012/0581/P dated 15/03/2012 (see planning history section above). Under this certificate, the applicant was able to demonstrate that the roof terrace had at the time (2012), been in situ and in use for a period of four or more years and was consequently lawful due to the passage of time in accordance with the Act (T&CPA 1990 as amended). The use of the roof of the dwelling as a terrace thus remains lawful and is not subject to further assessment under this application.

2. Revisions

- 2.1. Following a preliminary review of the scheme, the applicants were informed that the initially proposed front balustrading was considered to have caused a detrimental impact upon the character of the local area due to its visual prominence and the creation of clutter within the roofscape.
- 2.2. In response, the applicants revised the design of the front balustrading to be set back from the parapet wall within the roof by approx.0.4m and with a height of only 0.3m above the level of the front parapet. The top of the balustrading would thus remain lower than a 45-degree angle taken from the top of the front parapet wall, ensuring that it would remain full concealed from the majority of views.

3. Assessment

- 3.1. The principal considerations material to the determination of this application are as follows:
 - The visual impact upon the character and appearance of the host property, streetscene and the Hampstead Conservation Area and any nearby listed building (Design and Conservation)

- The impacts caused upon the residential amenities of any neighbouring occupier (Residential Amenity).

Design and Conservation

- 3.2. The 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. In order to ensure that the borough's listed buildings are either preserved or enhanced by developments, DP25 also states that permission will not be granted for works which might cause harm to the setting of a listed building. These policy stances are upheld by emerging Local Plan policies D1 and D2.
- 3.3. CPG1 (Design) states that terraces provided at roof level should be set back behind a parapet wall; should not adversely affect the appearance of the roof or the elevation of the property; should not alter the height of the front parapet and should be enclosed in a manner which remains invisible from the ground (para.5.25).
- 3.4. As aforementioned, the Hampstead Conservation Area Statement (2001) lists the property as making a 'positive contribution' to the character of the Conservation Area. This document states that great care should be taken to note the appropriate context for proposals involving roof alterations in an area of such variety as insensitive alterations could harm the character of the roofscape. Regarding roof terraces, the CA Statement continues to state that care should be taken to ensure that they do not have a detrimental impact on the street scene, surrounding buildings or on the architectural quality of the building and should be successfully concealed, for example behind parapet walls. The introduction of a roof terrace/garden should not result in an unreasonable amount of additional overlooking or impact on long views in particular.
- 3.5. The proposed works involve the erection of a stair enclosure towards the rear of the roof, adjacent to the party wall with no.24 New End. Although this element would be visible from a number of private views (principally from the upper floor windows of nos.10-14 and 59-63 New End); it would remain fully concealed from public view due to its low height, siting towards the middle of the flat roof as well as the aforementioned local topography. The structure would appear lightweight, being clad in 50% glazing, and would read against the existing stairs enclosure at no.24 within those private views. It is considered that this enclosure would not appear as a dominant feature within the flat roof nor lead to a detrimental impact upon the character of the property. As this feature would remain concealed from public view it is not considered that this element would result in any harm to any alteration to the character of the local area or conservation area. This feature is similarly not considered to impact upon the setting of any nearby listed building or structure.
- 3.6. Following the submission of revisions, the proposed enclosure to the terrace would involve the installation of glazed balustrading to the front and one side of the terrace. The balustrading to the front of the roof would be fixed against the inside of the original parapet wall of the property (which would remain unaltered) but would be set 0.4m into the roof. This would ensure that the section of the balustrading which would be above the level of the parapet (0.3m in total) would remain concealed from public view at street level. Although this balustrading would be visible in some private views from upper floors, it is considered that this element remains sympathetic for its context and would not cause harm to the character of the local area. It is also noted that a number of properties in the local area feature roof terraces which are visible from these same upper floor windows of surrounding properties and that the proposed balustrading would thus not appear out of keeping with these features.
- 3.7. To the rear of the terrace, the existing metal railings would be extended slightly along the side boundary with no.24. As this would involve a minor extension of an existing railing, no objection is raised to this element of the proposal. Similarly due to the fact that the proposed decking would only be visible from a very select number of private views and would not otherwise alter the character of the dwelling, no objection is raised in relation to the installation of this decking. For the above reasons it is therefore considered that the design of the roof terrace would remain in accordance with the criteria set out in CPG1 and the Hampstead Conservation Area Statement (2001).

3.8. Overall, officers are of the view that the proposed alterations would not cause a detrimental impact upon the character and appearance of the host property and would preserve the special character of the conservation area. The development is similarly not considered to harm the setting of any nearby listed building or structure. The development is therefore considered to be in accordance with policies DP24 and DP25. Considerable importance and weight has been attached to the harm and 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 Listed Buildings and Conservation Areas Act 1990 as amended by the Enterprise and Regulatory Reform Act (ERR) 2013.

Residential Amenity

3.9. 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. This policy stance is upheld by emerging Local Plan policy A1.

3.10. CPG6 (Amenity) expands upon the requirements of these policies, stating that: "Development should be designed to protect the privacy of both new and existing dwellings to a reasonable degree" and that, as spaces that are overlooked lack privacy, "new buildings, extensions, roof terraces, balconies and the location of new windows should be carefully designed to avoid overlooking".

3.11. As aforementioned, the proposed works involve alterations to an existing terrace, which has been previously demonstrated to be lawful. As such, the use of the flat roof as a terrace does not require permission and is not a matter for discussion as part of this assessment. Notwithstanding this, the proposed works would lead to a slight reduction in the overall area of the terrace and as its use would remain for the occupants of the single family dwellinghouse only. Due to its limited size and private nature, the continued use of the terrace following the works proposed would not pose a threat to surrounding occupiers in terms of noise and disturbance.

3.12. At present the existing terrace overlooks gardens to the rear of the property, however, due to distance of separation between these gardens and the roof this relationship is not considered to prejudice the enjoyment of any of these spaces. Due to the roofscape and building lines of surrounding properties, users of the existing terrace are not afforded any direct views into habitable room with a distance of less than approximately 10m. The proposed works would not result in any material change to the existing situation in terms of privacy or overlooking.

3.13. In terms of levels of light and outlook, due to the scale and siting of the proposed stairs enclosure as well as the design of the means of enclosure, it is not considered that the proposed works would result in a loss of daylight, sunlight or outlook to any adjoining neighbour.

3.14. As such, subject to the recommended conditions, the proposed development is not considered to lead to a detrimental impact upon the amenities of any neighbouring resident. The development is thus considered to be in accordance with planning policies CS5 and DP26 of the local development framework as well as policies A1 and A4 of the draft Local Plan.

4. Recommendation

4.1. Grant conditional Planning Permission

The decision to refer an application to Planning Committee lies with the Director of Regeneration and Planning. Following the Members Briefing panel on Monday 22nd May 2017, 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'.

Mr Duncan Mulholland
Clifford Tee + Gale
Spectrum House
Beehive Ring Road
Gatwick
West Sussex
RH6 0LG

Application Ref: **2017/1011/P**
Please ask for: **John Diver**
Telephone: 020 7974 **6368**

17 May 2017

DRAFT

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Householder Application Granted

Address:
22 New End
London
NW3 1JA

DECISION

Proposal:
Installation of timber decking, replacement of handrails and balustrading and new roof extension/stair enclosure to provide access to existing roof terrace above dwelling (C3)

Drawing Nos: (Prefix: B1042/) A100, A101, A102 Rev A, A103, A104 Rev A, A105 Rev A, A106, A107, A108, A109, A110 Rev A, A111.

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).

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, policies DP24 and DP25 of the London Borough of Camden Local Development Framework Development Policies and policies D1 and D2 of the Camden Local Plan Submission Draft.

- 3 The development hereby permitted shall be carried out in accordance with the following approved plans: (Prefix: B1042/) A100, A101, A102 Rev A, A103, A104 Rev A, A105 Rev A, A106, A107, A108, A109, A110 Rev A, A111

Reason:

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

Informative(s):

- 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.
- 3 The Inspector's report on the Local Plan was published on 15 May 2017 and concludes that the plan is 'sound' subject to modifications being made to the Plan. While the determination of planning applications should continue to be made in accordance with the existing development plan until formal adoption, substantial weight may now be attached to the relevant policies of the emerging plan as a material consideration following publication of the Inspector's report, subject to any relevant recommended modifications in the Inspector's report.

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

Director of Regeneration and Planning

DRAFT

DECISION