

Application No:	Consultees Name:	Consultees Addr:	Received:	Comment:	Response:
2017/2437/P	Brian	26 Constantine Road London NW3 2NG	15/06/2017 10:36:49	OBJ	We would like to object strongly to the proposed roof terrace forming part of this proposal. We are concerned that we will suffer a substantial loss of privacy from overlooking by users of the terrace, as well as potential noise nuisance.

The proposed roof terrace will allow its users direct line of sight into the two rear bedroom windows of no.26, from an elevated position only metres away, rendering the occupants of the bedrooms fully visible at close range. This will seriously, negatively impact the use of these rooms.

The proposed terrace will also allow its users to look directly into the ground floor of the kitchen breakfast room of the property, which will affect the privacy of the residents of no.26.

The terrace will also mean that the rear garden of no.26 will be wholly overlooked by its occupants. The rear gardens of this terrace of houses are small and enclosed to the rear by a 5m high boundary wall. The rear garden of no.26 is approx. 7m x 5m. The proposed terrace will allow the entire garden to be overlooked, leaving no area of the garden free from direct view. This is clearly evident from photograph no.10 on page 17 of the application's Design and Access Statement (DAS). These are small courtyard gardens which are afforded privacy through very limited overlooking facilitated by the high rear wall, and the absence of terraces. The private walled rear garden of no.26 provides tremendous amenity to the property, to permit a terrace to be constructed to overlook it would diminish that amenity to the point of potentially rendering the garden unusable whilst any terrace was being occupied. The terrace would be akin to a watch tower over a prison yard.

The DAS suggests that:

"due to the very high historic wall enclosing the site, external space is highly restricted to a small yard, and is dark and shady all year round", and recommends that the existing flat roof being used as a terrace "should be encouraged in such a dense, urban setting, given the lack of amenity space associated with a family dwelling of this type."

These points are inaccurate in a number of respects: The gardens of this terrace are south-facing and receive direct sunlight all day until approximately 4pm when the sun moves to the west and the flank wall of no. 22 Constantine Road casts the gardens into shade, with the garden of no.24 passing into shade sooner due to its own two-storey extension. In fact the gardens are actually very bright and sunny, this despite the 5m high rear boundary wall and generally enclosed environment. The garden of no.24 was originally the largest of the rear gardens of the entire terrace of houses because of the line followed by the rear boundary wall. This amenity was given up when the property was extended with a two-storey rear extension in the 1980s. The extension provides a 4th bedroom and an extended kitchen/breakfast room to the property. To suggest that a "family dwelling of this type" should have more outside space overlooks the fact that the property did originally have more outside space, before a decision was taken in the 1980s to enlarge the property at the expense of the

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garden. This was a decision based upon the opportunity cost of internal space over outside space and would have been apparent to anyone purchasing the property. The amenity value of no.24 lies in its enlarged internal living accommodation, whereas the amenity value of no.26 lies in its small, secluded garden however the internal living area is as original, providing only 3 bedrooms. To diminish the amenity of no.26 by granting additional amenity to no. 24 with a terrace to re-provide outside living area, formerly given up to provide additional living accommodation, would seem inequitable.

It is also worth pointing out that the DAS reports that the 5m high rear boundary wall "completely screens the houses from the few houses in Byron Mews". The wall does currently screen the houses in Byron Mews from Constantine Road, as well as provide a noise barrier, however any new terrace, as well as the proposed dormer, will be above the top level of the wall and therefore clearly visible to the residents of Byron Mews, of which at least 8 houses and 6 flats may potentially be affected.

We are concerned that the proposed terrace may potentially create a noise nuisance. The size of the terrace will allow a number of persons to occupy it simultaneously thereby creating the potential for elevated levels of sound at unsociable hours. This concern is deepened by the classification of the room via which the terrace would be accessed as a utility room, which means that the room would not have the normal restrictions on its use that a bedroom might, such as limited access through for others to use the terrace. Any late evening or early morning use of the terrace would cause disturbance to the occupants of the bedrooms of no.26 Constantine Road, as well as others. We are concerned that the terrace forming part of this application was not previously discussed with us, given its obvious potential impact. We were advised informally that a dormer was under consideration and that plans would be shared with us, which unfortunately was not the case. The lack of consideration shown suggests perhaps that the use of any terrace, if granted, requires use restrictions to avoid potential conflict over its misuse.

Should any proposal to screen the terrace to restrict overlooking and address any potential noise issues be considered, the structure required to do this would almost create an additional storey on the rear of the property. The rear gardens, whilst small and enclosed by walling, do have sight of the sky and receive light. Adding an additional storey to the adjacent two-storey flat roof will reduce the light that our property receives to its bedrooms, living areas and the rear garden. It will also create a very tall, dominant structure on the rear terrace elevation of Constantine Road which will be completely at odds with the existing pattern of architecture, and therefore appear incongruous and ill-considered.

Due to the reasons outlined above we would respectfully suggest that the terrace element of the application be rejected.

Whilst we have no objections to the property being extended into the roof some points made in the DAS require consideration:

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-The suggestion on page 7 of the DAS states that the junction of no. 22 and 24 Constantine Road creates "an awkward and unnatural collision" overlooks that fact that this is a common detail on the rows of terraces on Constantine Road and Agincourt Road due to the changing ground levels. The proposal does not correct this "collision", it merely moves it down a house.

- Photograph no. 5 should read 22 Constantine Road, not 26.

- Photograph no. 7 should read 22 Constantine Road, not 26

- Photograph no. 8 should read 22 Constantine Road, not 26

-The proposal would require the increase in the height of the parapet wall of nos. 24 and 26.

`The detailing of the wall and existing chimney requires particular attention to retain the architectural integrity of the existing structure.

If there are any questions please feel free to contact us to discuss.

Regards

Brian Harvey
