

Mr Yakov Levy
Paramount Planning Ltd
105 Eade Road
London
N4 1TJ

Application Ref: **2017/2054/P**
Please ask for: **John Diver**
Telephone: 020 7974 **6368**

20 July 2017

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Full Planning Permission Granted

Address:

1st Floor Flat
17 Dartmouth Park Road
London
NW5 1SU

Proposal: Erection of decking, railing and a planter to form rear terrace at first floor level above existing flat roof (part retrospective)

Drawing Nos: TP9300420, DA_17_EX.01 REVB (dated May 17), DA_17_EX.02 REVB (dated May 17), DA_17_EX.03 REVB (dated May 17)

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

Condition(s) and Reason(s):

- 1 Within 3 months from the date of this permission, the existing means of enclosure to the rear roof terrace shall be removed and the depth of the terrace/decking reduced. The continued use of the roof as a terrace shall then not take place until the planters as shown on the approved drawings have been installed. The planters shall be permanently retained thereafter.



Reason: To safeguard the appearance of the premises and the character of the immediate area and to prevent unreasonable overlooking of neighbouring premises in accordance with the requirements of policies D1, D2 and A1 of the London Borough of Camden Local Plan.

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:

TP9300420, DA_17_EX.01 REVB (dated May 17), DA_17_EX.02 REVB (dated May 17), DA_17_EX.03 REVB (dated May 17)

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

- 3 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 D1 and D2 of the London Borough of Camden Local Plan.

Informative(s):

- 1 Reasons for granting permission.

Following an enforcement investigation (EN17/0129), the applicant was able to demonstrate via the submission of evidence that the use of the area of flat roof as an external terrace had been in continuous use for a period of more than 4years. Whilst the use of the terrace was therefore found to be lawful due to the passage of time, an application was invited for the approval of works to enclose this terrace.

Ensuing the submission of revisions, the proposed amended terrace would feature a reduced depth (to remain in line with the rear-projecting bay window), black metal railings to the all edges and permanently fixed planters along the side return (for the protection of privacy for adjoining occupiers). The existing decked floor would be retained. Given that the use of the terrace has been established, the revised scheme is considered to represent the most appropriate solution for enclosing the terrace in a means which would result in minimum visual disruption to the host property and surrounding area whilst ensuring that neighbouring amenity is protected. The revised scheme is considered to preserve the character and appearance of the host dwelling, local area and wider conservation area.

The proposed development would not be visible in any public views and due to the generous plot depths of properties along Dartmouth Park road and Chetwynd Road, a large separation distance would be maintained between the terrace and opposing properties (+40m). Due to the reduced sized of the terrace and the fact that it would serve one unit only, it is not considered that there would be any significant issues in terms of noise and disturbance. The proposed means of

enclosure would not result in a detrimental loss of natural light or outlook to any neighbouring resident. Although the existing overlooking relationship between the terrace and the adjacent properties has been established, the installation and retention of planters (to be conditioned for installation prior to use) will ensure that no direct views into the adjacent habitable rooms will be afforded. Any planting with matures will also act to improve this relationship. The proposed development is consequently not considered to result in any detrimental impact upon neighbouring residents.

One objection comment was received but subsequently withdrawn following the submission of revisions/evidence. The site's planning history has been taken into account when making this decision.

Special regard has been attached to the desirability of preserving the character and appearance of the conservation area, under s.16 of the Listed Buildings and Conservation Areas Act 1990 as amended by the Enterprise and Regulatory Reform Act (ERR) 2013.

As such, the proposal is in general accordance with policies D1, D2, A1 and A4 of the Camden Local Plan 2017. The proposed development also accords with the London Plan 2016 and the National Planning Policy Framework 2012.

2 ENFORCEMENT ACTION TO BE TAKEN

Please note that should the existing means of enclosure to the rear terrace not be removed or the depth of the terrace not reduced within a period of 3 months from the date of this decision, the Director of Culture and Environment will instruct the Borough Solicitor to issue an Enforcement Notice alleging a breach of planning control. The existing treatment to the terrace is considered to cause harm to the character and appearance of the building and the conservation area.

- 3 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts that 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, Judd St, Kings Cross, London NW1 2QS (tel: 020-7974 6941).

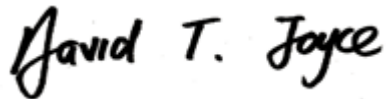
- 4 Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You are advised to consult the Council's Noise and Licensing Enforcement Team, Camden Town Hall, Judd St, Kings Cross, London NW1 2QS (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, slightly slanted style.

David Joyce
Director of Regeneration and Planning