

Delegated Report Members Briefing		Analysis sheet	Expiry Date:	09/09/2014
		N/A / attached	Consultation Expiry Date:	04/9/2014
Officer			Application Number(s)	
Nanayaa Ampoma			2014/4565/P	
Application Address			Drawing Numbers	
123 Goldhurst Terrace London NW6 3EX			Please refer to Decision Notice	
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature	
Proposal(s)				
Erection of roof terraces at 2nd and 3rd floor levels to rear.				
Recommendation(s):		Approve Planning Permissions		
Application Type:		Full Planning Permission		

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	20	No. of responses	03	No. of objections	03
			No. electronic	00		
Summary of consultation responses:	<p>A Site Notice was displayed at the property for a period of 21 days between 13/08/2014 to 04/09/2014.</p> <p>Adjoining neighbours were also notified. Three objections have been received. Specifically from:</p> <ul style="list-style-type: none"> ▪ Flat 1,121Goldhurst Terrace ▪ Flat 2,121Goldhurst Terrace ▪ Flat 3,121Goldhurst Terrace <p>These comments can be summarised as follows:</p> <ul style="list-style-type: none"> ▪ Flat 1, 121 were not notified of application ▪ Works are in danger of jeopardising the structural integrity of property ▪ Builders disregard safety issues ▪ Proposal would devalue the property ▪ Building works are likely to cause noise and nuisance to neighbours ▪ Loss of privacy to flats at 121 Goldhurst Terrace ▪ No Building Regs applied for ▪ No Party Wall drawn up ▪ The property does not have permission to be used as three flats ▪ Proposed balcony would connect to existing balcony at Flat 3, 121 Goldhurst and would be unacceptable on design grounds. <p><i>Officer's response: Planning records indicate that all flats 1-3, 121 Goldhurst Terrace were notified in a letter dated 11th August. The structural safety of building works are Building Control matters. The valuation of the property and Party Wall issues are not planning matter, however an informative will be attached to any approval ensuring that the applicant is aware of the need for a Party Wall Agreement.</i></p> <p><i>An amendment has been made to the application to include privacy screens between the development and no.121 Goldhurst Terrace in answer to the objections on privacy.</i></p> <p><i>The conversion of the property into three flats does not appear to be related to any permission. This matter has been passed to the Planning Enforcement team to investigate.</i></p>					

**CAAC/Local groups*
comments:**
*Please Specify

The application site is within the South Hampstead Conservation Area. However no comments have been received from a CAAC or other local groups.

Site Description

The application site relates to a three storey residential dwelling house which was once a single property. It is not clear when the property was built, however it is believed to date back to the Victorian times. The property is finished in exposed redbrick and white painted window and door frames. The property benefits from a rear roof extension with two windows looking towards the rear of the property.

The property was given permission to be converted into two flats in the 1950's under application H6/5/20/5163. A visit to the site and documents submitted as part of the application suggests that the property is now three flats. However there appears to be no planning permissions for this change and it is not clear when this was implemented. As stated above, this matter has been passed to the Planning Enforcement team to investigate.

The site falls within the South Hampstead Conservation Area. This was previously known as the Swiss Cottage Conservation Area until February 2011 when the name was changed to reflect the change in the spatial and historic relationship with Hampstead. The property is also the subject of an Article 4 Directive placed on it in September 2010. The Directive restricts alterations to the property's front, side and in some cases, rear elevation.

Relevant History

PWX0103112 Installation of two velux windows to front and erection of roof dormers to rear in association with provision of additional bedroom space for existing self-contained flat. As shown on drawing numbers: GTPP 1/4A, 2/4A, 3/4A, 4/4A. **Grant (31/05/2001)**

P9602338R1 The erection of a single storey rear extension to the existing ground floor flat, as shown on drawing number 96/06/231 R1. **Grant (13-12-1996)**

H6/5/20/5163 The conversion of No. 123, Goldhurst Terrace, Hampstead, into a self-contained maisonette and a self-contained flat. **Grant (10/06/1955)**

Relevant policies

National Planning Policy Framework (2012)

LDF Core Strategy and Development Policies

Core Strategy (2010)

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

Supplementary Planning Policies

South Hampstead Conservation Area Statement

Assessment

Proposal

1.0 The application proposes to build:

- A balcony to the existing roof extension at 3rd floor with a privacy screen between the site and the property at no.121
- A terrace at second floor. The proposed terrace measure 4 metres in length and 3 metres wide. A two metre obscure glazed screen is proposed at the east of the site looking towards the side of the property at 121 Goldhurst Terrace.

Amendments

2.0 Under the original application, the proposal involved a much deeper terrace area of six metres with a two metre by two metre screen at second floor looking towards the east of the site. Officers expressed concerns regarding the possible loss of privacy and terrace size. As a result of these concerns, amended plans were submitted reducing the terrace area and adding a privacy screen.

2.1 It should be noted that no additional consultation was made in regard to the amended plans as these reduced the impact of the development and would therefore have created less harm.

Current Development

3.0 Under CPG1, the main areas for consideration for these forms of developments are (CPG1 p:35):

- The scale, visual prominence and general design of the development – Design;
- The effect on the established townscape and architectural style – Design;
- The effect on neighbouring properties – Amenity

Design

3.1 Policies CS14 of the Core Strategy and DP24 of the Development Policies states that the Council will require all developments including alterations and extensions to existing buildings, to be of the highest design standard in terms of the character, sitting, context, form and scale to the existing building and the general area.

3.2 Policies CS5 (Core Strategy) and DP25 (Development Policies) states that the Council will only give permission to developments in Conservation Areas if they preserve or enhance the character and appearance of the area.

3.3 Whilst the supplementary design guidance CPG 1, states that balconies and terraces should form an integral element in the design of the elevation. The key to whether a design is acceptable is the degree to which the balcony or terrace complements the elevation upon which it is to be located. Consideration should therefore be given to the following (p: 41):

- detailed design to reduce the impact on the existing elevation;
- careful choice of materials and colour to match the existing elevation;
- possible use of setbacks to minimise overlooking – a balcony need not necessarily cover the entire available roof space;
- possible use of screens or planting to prevent overlooking of habitable rooms or nearby gardens, without reducing daylight and sunlight or outlook; and
- need to avoid creating climbing opportunities for burglars.

3.4 The above guidance is applicable in the case of 123 Goldhurst Terrace.

3.5 Officers are of the opinion that whilst the original submission did not comply with the above requirements the amended scheme presents a design that is in keeping with CPG1. A visit to the site demonstrated that there are several balconies and roof terraces at neighbouring properties. Some larger than that being proposed (no.200 Goldhurst Terrace: 2012/0250/P, no. 217: 2006/3843/P, no.125: 8703133, no.10 , no.10A,no.121 2007/1141/P). Therefore neighbours to either side of the site have balconies and terraces. Therefore in terms of context, the development is not out of keeping.

3.6 The proposed balcony would sit alongside that at no.121 and be of a similar size and design. The proposed terrace relates better with the property and does not overpower the rear elevation. Therefore the application is compliant with policy and with the West Hampstead Conservation Appraisal.

Amenity

3.7 Under planning guidance CPG 6 which focuses on amenity, all developments are required to have some regard for the amenity of existing and future occupants. Policies CS5 (Core Strategy) and DP26 (Development Policies) state that the council will protect the quality of life of existing and future occupiers and neighbours by only granting permission for those developments that would not have a harmful effect on amenity. Such issues include visual privacy, overlooking, overshadowing, outlook, sunlight, daylight and artificial light levels.

3.8 The application shares a boundary with nos.121 and 125 Goldhurst Terrace. There is an existing parapet wall between the rear element of the site and the rear element of the property at 125. Therefore much of the terrace will be hidden away from this neighbour. Any loss of privacy is likely to be felt by no.121.

3.9 The existing arrangement in the area is such that many of the properties already overlook each other via existing balconies such as that at 10a and 10 Goldhurst Terrace. However to meet the existing LDF the applicant has made the amendment to include privacy screens and set the terrace back as required by supplementary guidance CPG 1 stated above. Given that these changes have been implemented, officers are of the view that significant loss of privacy matters such as direct overlooking into the side windows at 121 and direct views into the balcony at 121 Goldhurst Terrace, have been adequately addressed. The development now meets policy requirements on amenity grounds.

Neighbour objections

3.10 Much of the comments and objections from neighbours have already been discussed above. However remaining comments are detailed below:

- A. **Building works are likely to cause noise and nuisance to neighbours** – An informative will be attached to the application regarding the Environmental Health construction times to help ensure that the applicant is aware what hours works can take place.
- B. **Building control issues** – An informative will be placed on the application regarding the need for Building Control approval. However it is the responsibility of the applicant to ensure they have sought out the necessary Certificates.
- C. **Proposed balcony would connect to existing balcony at Flat 3, 121 Goldhurst and would be unacceptable on design grounds** – The application has been assessed and deemed to be acceptable on design grounds. The proposed balcony would share the boundary wall with this neighbour. However the land belongs to the applicant and they may apply to develop it in any ways they wish.

Recommendation: Approve application subject to conditions