

Delegated Report		Analysis sheet		Expiry Date:		02/06/2017	
		N/A / attached		Consultation Expiry Date:		11/05/2017	
Officer				Application Number(s)			
Raymond Yeung				2017/1926/P			
Application Address				Drawing Numbers			
8 Manstone Road LONDON NW2 3XG				Refer to decision notice.			
PO 3/4		Area Team Signature		C&UD		Authorised Officer Signature	
Proposal(s)							
Installation of 5 rooflights on the front and side roof slopes (retrospective) and erection of one rear dormer and two side dormers on roof.							
Recommendation(s):		Refuse with warning of enforcement action					
Application Type:		Full Planning Permission					
Conditions or Reasons for Refusal:		Refer to Draft Decision Notice					
Informatives:							
Consultations							
Adjoining Occupiers:		No. notified		No. of responses		No. of objections	
				00		00	
				No. electronic		00	
Summary of consultation responses:		Site notice displayed from 20/4/17 and expires 11/5/17 None received to date.					
CAAC/Local groups* comments: *Please Specify		N/A					

Site Description

The site is located on the north side of Manstone Road, approximately midway between Fordwych Road in the east and Cricklewood Broadway/Shoot Up Hill in the west. The 2 storey property currently comprises 9 residential units, composed of 2 one bedroom units and 7 studio units arranged over ground and first floor. It consists of unlawful rear and side dormers and a forecourt for car parking. The property is not listed and is not within a conservation area.

Relevant History

2017/0343/P - Installation of 5 rooflights (Retrospective) and erection of one rear and two side dormers. Granted 14/03/2017

2016/6049/P - Removal of unlawful side and rear dormers, making the roof good (where necessary), retention of 5 rooflights on the front and side roof slopes and construction of a rear dormer. Granted 12/01/2017

2016/0939/INVALID - Loft conversion to create a new top floor 2 bedroom flat, erection of 2x side dormers, 1 x rear dormer and installation of roof lights at front and both sides.- Withdrawn 28/04/2016

2015/3853/P – Certificate of Lawfulness Existing for Use of building as 9 x self-contained flats (Class C3). Granted 21/09/2015

2014/2985/P - Certificate of Lawfulness for Proposed Development for Erection of 2x side dormers and 1x rear dormer and installation of roof lights at front and both sides. Granted 12/06/2014

Relevant policies

National Planning Policy Framework 2012 (Chapters 7 and 12)

The London Plan (2016) (Policies 7.4, 7.6)

LDF Core Strategy and Development Policies

Core Strategy

CS5 (Managing the impact of growth and development)

CS14 (Promoting high quality places and conserving our heritage)

CS18 (Dealing with our waste and encouraging recycling)

Development Policies (2010 – 2025)

DP17(Walking, cycling and public transport)

DP24 (Securing high quality design)

DP26 (Managing the impact of development on occupiers and neighbours)

Camden Local Plan Submission Draft 2016

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.

It should be noted that in relation to this application there are no material differences between the Council's LDF policies adopted in 2010 and the draft Camden Local Plan due to be adopted in July

2017.

The relevant draft policies are:

D1 – (Design)

D2 – (Heritage)

A1 - (Managing the impact of development)

T1 – (Prioritising walking, cycling and public transport)

CC5- (Waste)

Camden Planning Guidance

CPG1 (Design) – 2015 (Sections: 2 Design excellence, 5 Roofs, terraces and Balconies, 10 Recycling and Waste Storage).

CPG6 (Amenity) – 2011 (Sections: 6 Daylight and sunlight, 7 Overlooking, privacy and outlook)

CPG 7 (Transport) – 2011 (Section 9: Cycling facilities)

Assessment

1. Proposal

1.1 The proposal is for the retention of 5 rooflights which have already been installed and the erection of one rear dormer (3.3m depth, 2m width and 2m height) and two side dormers (2.6m depth, 2.3m width and 1.8m height), following the removal of the existing unlawful side and rear dormers. Also proposed is the erection of stores for bins (x3) and cycles (x10) on the front forecourt.

1.2 Revision- the bin/cycle stores have been omitted from the scheme due to insufficient detail and inadequate design, which would have meant adding another 2 reasons for refusal.

2. Background

2.1 As seen in the planning history above, Certificate of Lawfulness ref 2014/2985/P was granted on 12/06/2014 for the proposed erection of 2 side dormers and 1 rear dormer and installation of roof lights at front and both sides. This may have been a mistake as subsequently application 2015/3853/P for the Certificate of Lawfulness for existing use of the building as 9 x self-contained flats (Class C3) was granted on 21/09/2015, which therefore rendered the previous approval of the dormers as not Permitted Development. However, according to the existing plans for 2015/3853/P and Google streetview dated October 2015, these approved dormers were not built.

2.2 In 2016, application ref 2016/0939/INVALID was submitted for a loft conversion to create a new top floor 2 bedroom flat, erection of 2x side dormers, 1 x rear dormer and installation of roof lights at front and both sides, but was subsequently withdrawn due to the concerns of officers. According to existing plans, the previously approved dormers were still not built.

2.3 Later in 2016, application ref 2016/6049/P was submitted and the existing plans submitted now showed the unlawful rear and side dormers, new roof tiles and rooflights; the application was for the removal of unlawful side and rear dormers, making the roof good (where necessary), retention of 5 rooflights on the front and side roof slopes, and construction of a rear dormer. Permission was granted on 12/01/2017 subject to removing the unlawful dormers within 4 months of the date of the permission.

This permission follows many negotiations which includes;

- Removing the proposal of a newly created flat in loft space and instead making it an extension

of the flat below

- Revisions to remove the existing side dormers and propose just a modest rear dormer. The initial plans were intended to regularise these unlawful dormers, which were inappropriate as they are large, dominant, of a poor design and out of scale with the host and surrounding building; their removal has formed part of the development proposal with any failure to do so likely to lead to formal enforcement action. These unlawful existing dormers do not comply with Camden Planning Guidance 1 (CPG1) with regards to set back from eaves, ridge and sides of the roof by minimum of 500mm along other criteria within this supplementary guidance and policy DP24 which promotes excellent design quality. The existing side dormers would clearly be seen from Manstone Road and would be visually detrimental to the streetscene and existing/adjoining properties

2.4 Earlier in 2017, application ref 2017/0343/P was submitted for erection of one rear and two side dormers but with a revised design for the side dormers included. This scheme was considered to be acceptable, as the revised side dormers were considered to be modest, subordinate in size to the roofscape and host building and would be located towards the rear of the house thereby offering limited viewpoints from wider public realm. These approved side dormers were considered acceptable as they were 1.6m wide and set back from the main front façade by 6.8m.

2.5 The current scheme proposes removing the current unlawful rear and side dormers, a new rear dormer, 2 new side dormers, plus retention of the 5 rooflights. The currently proposed side dormers are different from the previously approved ones by being significantly wider at 2.83m (ie. wider by 1.23m) and significantly less set back from the front by 5.1m. The rear dormer is the same as previously approved. All 3 dormers would have hipped roofs compared to the current unlawful flat topped roofs.

3. Assessment

3.1 The principle planning considerations are considered to be as follows:

- Design (Impact on the character and appearance of the host building and streetscene); and
- Impact on neighbouring amenity.

4. Design

4.1 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, the form and scale of neighbouring buildings, and the quality of materials to be used..

4.2 Camden Planning Guidance (CPG1: Design) states that a roof alteration is likely to be considered unacceptable in circumstances where there is likely to be an adverse effect on the skyline, the appearance of the building or surrounding street scene, where complete terraces or groups of buildings have a roof line that is largely unimpaired by alterations or extensions and buildings or terraces which have a roof line that is exposed to important London-wide and local views from public spaces.

4.3 According to policy DP24 "Past alterations or extensions to surrounding properties should not necessarily be regarded as a precedent for subsequent proposals". This is also reiterated in CPG1 which provides specific advice on the assessment of applications for roof level alterations or extensions. Paragraph 5.13 states that 'the presence of unsuitably designed new or altered dormers on neighbouring properties will not serve as a precedent for further development of the same kind'.

4.4 As mentioned above, the previously approved side dormers were considered acceptable in that they were a lot smaller than the current proposal; the current ones will be significantly wider by 1230mm - a 2830mm width compared to the approved 1600mm. The previously approved dormers were also set back from the main front façade by 6.8 metres, while the currently proposed ones are significantly less setback at 5.1 metres. Not only they are larger than the approved, but both side dormers are also closer to the front façade of the building which would make them appear very prominent in the streetscene. The existing unlawful dormers, as witnessed on a site visit, can be seen very clearly from the street; moreover their location on this property within a relatively central part of Manstone Road means that they have a greater harmful visual impact on the wider streetscene. As such, by virtue of their similar location, design and bulk, the proposed side dormers are considered to create harm to the character and appearance of the host building and streetscene, especially as the majority of the houses on this street are unaltered by roof extensions to the side roof slopes. As such, the proposed dormers are considered unacceptable.

4.5 The proposed rear roof dormer extension, existing rooflights, and materials themselves to match the existing property, are all considered acceptable, as they were previously approved in the latest permission ref 2017/0343/P.

Existing unlawful dormers

4.6 With regard to the existing situation, it is considered that the existing unlawful side dormers are unacceptable. The size and bulk of the side dormers are considerably large, measuring 2.1m high and 2.9m deep on both sides, 2.3m wide on the left elevation and 2m wide on the right elevation. They have the same width as the current proposed ones, but extend out further to the eaves and thus are higher altogether with flat tops and large solid lower panels. Overall the side dormers are larger than currently proposed and, as witnessed on site visit, they are incredibly prominent to the streetscene. It is thus expedient to take enforcement action to remove them.

4.7 With regards to the rear dormer, this measures 1.8 metres height, 2.6 metres depth and 1.4 metres width; it has a similar design and form to the side dormers. However, this is smaller than the side dormers and not visible within the public realm; on balance it is considered that there is minimal harm to the property and streetscene and that it would not be expedient to take enforcement action to remove it.

5. Residential development standards

5.1 The residential development standards set out in the CPG for ceiling heights state that all habitable rooms should have minimum headroom of 2.4m. The exception is habitable rooms in attics which should have a minimum room height of 2.3m over at least half of the floor area. In this case the room height is around 2.3 metres which is acceptable. The size of the one bedroom flat created on 2 floors is also acceptable and meets national space standards.

6. Cycle and bin storage

6.1 The site currently has two off-street car parking spaces within the front garden area. No changes are proposed to this arrangement. However, 10 cycle parking spaces are proposed in the form of a semi-vertical rack. There is no information on how these are locked and following the removal of a rather high front hedge which used to exist on the front boundary, the cycles would be exposed in wide view to the public. Moreover their design does not meet CPG design guidance. Three binstores are also proposed but there are no details on their design and elevations, so it is not clear whether they meet waste storage standards.

6.2 In the light of this, the cycle and bin stores are unacceptable as currently submitted; however the

applicant has agreed to omit these from the application for the time being so as to prevent the need to impose further reasons for refusal.

7. Amenity

7.1 It is considered that the proposed rear and side dormers would not have any detrimental impact on the amenity of neighbouring occupiers compared to the existing situation.

8. Conclusion

The proposed side dormer windows, by reason of their design, scale and location, would result in a prominent and bulky form of development which would have a detrimental impact upon the character and appearance of the host building and streetscene and on the integrity of a largely unaltered roofscape of the group of properties on Manstone Road, contrary to policy CS14 of the London Borough of Camden Local Development Framework Core Strategy, policy DP24 of the London Borough of Camden Local Development Framework Development Policies, and policy D1 of the Camden Local Plan Submission Draft 2016.

Recommendation (1):

Refuse planning permission for above reason.

Recommendation (2):

That the Borough Solicitor be instructed to issue an Enforcement Notice under Section 172 of the Town & Country Planning Act 1990 as amended in order to secure the removal of the existing side dormer windows, and to pursue any legal action necessary to secure compliance and officers be authorised that in the event of non-compliance, to prosecute under section 179 or appropriate power and/or take direct action under 178 in order to secure the cessation of the breach of planning control.

The Notice shall allege the following breach of planning control:

The unauthorised installation of side dormer windows without planning permission

The Notice shall require within a period of 4 calendar months of the Notice taking effect:

- 1) To totally remove the existing side dormer windows and reinstate the roof of the main building,
or
- 2) To totally remove the existing side dormer windows and make the development comply with the planning permission granted on 14/03/2017 under application reference 2017/0343/P
- 3) Make good any damage caused as a result of the above works.

REASONS WHY THE COUNCIL CONSIDER IT EXPEDIENT TO ISSUE THE NOTICE.

1. It appears the breach of planning control has occurred within the last 4 years.
2. The existing 2 side dormer windows, by reason of their design, scale and location, result in a prominent and bulky form of development which has a detrimental impact upon the character and appearance of the host building and streetscene and on the integrity of a largely unaltered roofscape of the group of properties on Manstone Road, contrary to policy CS14 of the London Borough of Camden Local Development Framework Core Strategy, policy DP24 of the London Borough of Camden Local Development Framework Development Policies, and policy D1 of the Camden Local Plan Submission Draft 2016.

