

Delegated Report		Analysis sheet	Expiry Date:	22/12/2017
		N/A	Consultation Expiry Date:	23/11/2017
Officer		Application Number(s)		
Tessa Craig		2017/5483/P		
Application Address		Drawing Numbers		
Flat 1, 39 Primrose Gardens London NW3 4UL		See decision notice.		
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature	
Proposal(s)				
Variation of condition 3 (approved plans) and condition 4 (flat roofs not to be used as terraces) of planning permission 2016/3192/P dated 06/09/2016 (for Conversion from 5 self-contained flats to 4 residential units; erection of single-storey extension at rear lower ground floor level and rear bay window at upper ground floor level new staircase access with balustrades from rear upper ground floor level to rear garden; new roof terraces at rear 1st floor level and main roof level namely to allow for a ground floor rear elevation terrace and access stair to ground level.				
Recommendation:		Refuse Variation and Removal of Conditions		
Application Type:		Variation or Removal of Conditions		

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice			
Informatives:				
Consultations				
Adjoining Occupiers:	No. of responses	04	No. of objections	01
	No. electronic	04		
Summary of consultation responses:	<p>A press notice was advertised on 02/11/2017 and a site notice was displayed 01/11/2017-22/11/2017. Consultation responses were received from:</p> <p>39 Lyndhurst Road and Flat 3, 39 Primrose Gardens stating no objection; 20 Lyndhurst Road supporting the proposal; and</p> <p>41 Primrose Gardens <i>objecting</i> to the proposal due to:</p> <ul style="list-style-type: none"> • Overlooking into neighbours from roof terrace • Overbearing visual impact from roof terrace 			
CAAC/Local groups* comments: *Please Specify	No response received.			

Site Description

The property is a lower ground plus 4-storey terraced house located on the west side of Primrose Gardens, east of Belsize Park Gardens. This application relates to the lower ground and ground floor flat that benefits from the rear garden space and has an access stair over the flat roof of the ground floor rear extension and staircase leading down the middle of the extension to the rear garden. There is also access at lower ground floor directly into the garden. The house is converted into 5 self-contained flats. It is located in Belsize Conservation Area; and it is not listed.

Relevant History

6th September 2016 ref. 2016/3192/P- PP Granted- Conversion from 5 self-contained flats to 4 residential units (1x 3 bed maisonette and 3x 2 bed flats); erection of single-storey extension at rear lower ground floor level and rear bay window at upper ground floor level; replacement timber framed sash windows; new staircase access with balustrades from rear upper ground floor level to rear garden; new roof terraces at rear 1st floor level and main roof level with associated balustrades.

15th July 2016 ref. 2016/2397/P – PP Granted - Conversion from 5x self-contained flats to 3 flats: (2x3 bed and 1x2bed) erection of single-storey extension at rear lower ground floor level, reinstatement of rear bay-window at ground floor level and installation of timber framed sash windows to the rear and the erection of a terrace at first floor level to the rear and a terrace at roof level;

May 1971 – PP Granted - Conversion of 39 Primrose Gardens into five self-contained flats; ref. G8/9/18/10688.

May 1971 – PP Granted - The construction of new dormer windows at 39 Primrose Gardens; ref. G8/9/18/10687.

Relevant policies

National Planning Policy Framework (2012)

London Plan (2016)

Camden Local Plan 2017

D1 Design

D2 Heritage

A1 Managing the impact of development

Belsize Conservation Area Statement (2003)

Camden Planning Guidance

CPG 1- Design: Chapters 1, 2, 3, 4 & 5

CPG 6- Amenity: Chapters 1, 4, 6, 7 & 9

Assessment

1. Proposal

- 1.1. Planning permission is sought to vary the approved plans (Condition 3) of permission 2016/3192/P granted in September 2016, namely to allow access to the full rear flat roof area at ground floor level, amend the design of the rear access stair and install metal balustrading. Permission 2016/3192/P also included a condition (Condition 4) that the flat roof area should not be used as a terrace; therefore this condition is also sought to be removed from the revised decision notice.
- 1.2. To facilitate the use of the flat roof, a revised metal balustrade would be installed around the perimeter of the roof and as part of the changes, the access stair into the rear garden from ground floor shall be relocated and installed with a revised design on the south east side of the property.
- 1.3. The proposed roof terrace area would be 10.8sqm with 900mm high metal railings around the perimeter (2.7m deep and 5.6m wide) and a curved staircase on the south east side to access the garden at lower ground level. The existing access from ground level to lower ground already includes double doors at ground floor and no changes are proposed to these doors or the bay windows each side of the door.

2. Assessment

- 2.1. The main material planning considerations are considered to be:
 - i) the impact of the proposal on the amenity of neighbouring properties;
 - ii) the impact of the proposal on the character of the host building and conservation area.

Residential Amenity

- 2.2. Policy A1 (Managing the impact of development) of the Camden Local Plan seeks to ensure amenity of neighbours is protected. Among the factors to be considered are privacy, natural light and outlook. Policy A1 advises the Council will not grant permission for development that causes unacceptable harm to residential amenity.
- 2.3. CPG6 Amenity states: "Development should be designed to protect the privacy of both new and existing dwellings to a reasonable degree. Spaces that are overlooked lack privacy. Therefore, new buildings, extensions, roof terraces, balconies and the location of new windows should be carefully designed to avoid overlooking. The degree of overlooking depends on the distance and the horizontal and vertical angles of view. The most sensitive

areas to overlooking are:

- Living rooms;
- Bedrooms;
- Kitchens; and
- The part of a garden nearest to the house.

2.4. The previous permission (2016/3192/P) included a condition that the flat roof should not be used as a terrace to avoid the opportunity for overlooking and loss of privacy for neighbouring occupiers. A site visit was conducted on the 10th November 2017. It was evident from standing on the existing access way on the flat roof area that views would be possible from the terrace into the adjacent properties either side (37 and 41 Primrose Gardens) if it were allowed to occupy the whole of the rear flat roof. This is in fact clearly evidenced by the photograph included on page 6 of the submitted design and access statement. Allowing the terrace to cover the entire flat roof area would result in occupants being able to stand approximately 1.2m from the neighbouring windows either side at the same level and look into primary habitable rooms. Due to the depth of the proposed terrace, users stood at it's outer corners would have unrestricted views backwards into a considerable proportion of these adjacent rooms. Furthermore, users of the new terrace would also have unrestricted views directly down upon the adjacent garden spaces and lower windows to the neighbouring properties (with these garden areas specifically described as being most sensitive in CPG6). The resulting relationship formed would have a clear and demonstrable harmful impact upon the residential amenities of these neighbouring properties in terms of a loss of privacy and sense of overlooking. The revised proposal is therefore considered to be unacceptable in terms of impact on privacy for neighbours.

2.5. Whilst it is acknowledged that the use of a privacy screen on either side of the terrace may act to mitigate against overlooking issues, this would be required to be a minimum height of 1.8m high for the full depth of the terrace and opaque. Screens of this height and depth would add bulk at high level and severely impact upon the outlook, sense of enclosure to adjacent garden spaces and potentially levels of natural light to adjoining properties. In this instance the addition of a condition to provide privacy screening would therefore not address the concern in terms of harm caused to residential amenity. Furthermore, the property already includes a large rear garden available for amenity space, therefore it is not considered that a terrace is required for the occupant to have adequate open space for amenity/living conditions.

2.6. A search of the Council planning records and aerial maps does not reveal any permissions or the existence of roof terraces along this side of Primrose Gardens, therefore there is no prevailing character of roof terraces. The exception is the modest metal terrace and access stair at 41 to the north of the site next door; however there do not appear to be any planning records for this terrace and therefore the terrace is likely to be historic and possibly built without planning permission but is now exempt from enforcement due to the passing of time. It is therefore not considered that there has been any precedent of recent planning decisions which might overcome the above assessment.

2.7. The revised proposal to have the terrace cover the entire flat roof area is considered harmful in terms of the impact on amenity for neighbours and is considered contrary to Policy A1. It is therefore recommended that the variation and removal of conditions 3 and 4 be refused. The development.

Design and Conservation

2.8. Policy D1 Design seeks to secure high quality design in development by respecting local context and character, preserving or enhancing the historic environment and comprising details and materials that are of high quality and complement local character. Policy D2 states that the Council will preserve and where appropriate enhance heritage assets including

conservation areas.

2.9. The Belsize Conservation Area statement advises the formation of roof gardens can provide open space, however care should be taken not to harm the architectural quality of the building, railings should be in materials appropriate to the building and consideration should be given to overlooking and impact on long views.

2.10. CPG1 Design guidance advises:

“Balconies and terraces can provide valuable amenity space for flats that would otherwise have little or no private exterior space. However, they can also cause nuisance to neighbours. Potential problems include overlooking and privacy, daylight, noise, light spillage and security.

Balconies and terraces should form an integral element in the design of elevations. 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:

- 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;
- habitable rooms or nearby gardens, without reducing daylight; and
- sunlight or outlook; and
- need to avoid creating climbing opportunities for burglars”.

2.11. Given the property already includes an access stair in the middle of the roof leading down to the rear garden and that the double access doors are currently in-situ, it is not considered the revised design including a curved access stair and 900mm railings around the perimeter, would be harmful in terms of design and conservation. The proposed detailing of the railings is sympathetic to the main building and the revised location of the stair to the side, would be less disruptive to the rear elevation. Detailing of the railings on the curved stair is not shown in the submitted plans, however if the proposal were otherwise acceptable, this could be provided as a condition of consent. The proposal is considered acceptable with regards to the revised design.

2.12. As discussed in the previous section, the application of a condition for screening would not overcome the raised concerns in terms of residential amenity. It is also worth noting that the Council would object to the addition of such screening on the basis of design and conservation. Any screening would block characteristic long views of the rear elevation of the host building and terrace which it forms a part of, appear incongruous and would harm the rear elevation of the property and the character of the conservation area.

3. Recommendation

3.1. Refuse variation of Condition 3 (approved plans) and removal of Condition 4 (flat roof not to be used as a terrace).