

Delegated Report		Analysis sheet	Expiry Date:	08/12/2017
		N/A / attached	Consultation Expiry Date:	14/12/2017
Officer			Application Number(s)	
John Diver			2017/5692/P	
Application Address			Drawing Numbers	
4 to 8 Crabtree Place 7 - 15 Whitfield Street London W1T 2AT			<i>See draft decision</i>	
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature	
Proposal				
Erection of part timber, part glazed roof extensions and the creation of roof terraces enclosed with metal balustrades and green walls to the existing flat roofs of no.5 dwellings (Class C3) and associated works				
Recommendation:	Refuse planning permission			
Application Type:	Full Planning Permission			

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice				
Informatives:					
Consultations					
Summary of consultation:	<p>Four site notices were displayed near to the site on the 22/11/2017 (consultation end date 13/12/2017).</p> <p>The development was also advertised in the local press on the 23/11/2017 (consultation end date 14/12/2017).</p>				
Adjoining Occupiers:		No. of responses	03	No. of objections	03
Summary of adjoining occupiers' consultation responses:	<p>Letters of objection were received on behalf of the owners/occupiers of 38-40 Windmill Street; 6 Colville Place and Flat 1, Oakley House, W1W. Their objection comments can be summarised as follows:</p> <ol style="list-style-type: none"> 1. The roof extensions would be both individually and cumulatively inconsistent and intrusive in design terms and therefore detrimental effect on the character and appearance of the conservation area 2. They would undermine the typical mew-style relationship with adjacent buildings 3. Scale and bulk is oversized and out of character with the CA 4. Extensions will spoil views from within the park 5. Extensions will harm the ability for quiet enjoyment of the public space 6. Extra height will dominate views to Georgian terraces 7. Existing height of the building agreed to be the maximum permissible during the previous history of determinations 8. Glazed extensions would lead to light spill / pollution 9. Noise (noise report submitted) 10. Loss of outlook 11. Removing section of green roof would have a detrimental impact upon local ecology and would be contrary to the aims and benefits from the original approval 12. Extensions hazard and detrimental to local bird life 				
Charlotte Street Association	<p>A letter of objection was received on behalf of the Charlotte Street Association. Their objection comments can be summarised as follows:</p> <ol style="list-style-type: none"> 1. Object to loss of green roof and its associated bio diversity value 2. Impact upon views from the park as the extensions will be above the deliberately low parapet/roofline of the existing terrace of houses of 4-8 Crabtree Place 3. Noise disturbances 				
Fitzrovia Neighbourhood Association	<p>A letter of objection was received on behalf of the Fitzrovia Neighbourhood Association. Their objection comments can be summarised as follows:</p> <ol style="list-style-type: none"> 1. Roof extensions are an over development of the site and would be at odds with the scale of the mews style of the existing building and the surrounding buildings. 2. The roof extension would harm the character and appearance of the conservation area 3. The proposed development would also have a negative impact on Crabtree Fields public open space by undermining the quality of the space, spoiling it for the many people who enjoy it 				

Friends of Fitzrovia Parks

A further letter of objection was also received on behalf of the Friends of Fitzrovia Parks. Their objection comments can be summarised as follows:

1. Damaging to the quality of the park, its outlook and its feeling of openness
2. Park already impacted upon by extensions to 27/29 Whitfield St

Site Description

The subject site relates to a row of no.7 mew style, 3 storey townhouses, constructed as part of a recent mixed use redevelopment of the former substation site. The site is located within the Charlotte Street Conservation Area and is immediately to the South of the protected Open Public Green Space of Crabtree Fields. Crabtree Fields is additionally Locally Listed as a park/open space. The site is within the designated Central London Zone of the Borough. The site is also immediately abuts properties to the West and South which front Charlotte Street and Windmill Lane. The majority of these properties feature commercial units at ground floor and residential accommodation above and have an average height of 4 storeys. Two of these adjoining properties (26 and 28 Charlotte Street) are GII listed.

Due to the age of the development, the Charlotte Street Conservation Area Appraisal and Management Plan (adopted 2008) makes no specific mention of the existing development. There are no Article 4 Directives which have been applied to the application site.

Relevant History

The application site has the following planning history:

2005/2742/C + 2005/2739/P: Planning and conservation area consent were refused on the 29/09/2005 for the demolition of the existing substation building and the *'redevelopment of the site by the erection of a part 4, part 5 storey building with retained basement, for uses comprising 13 self-contained residential units (Class C3), flexible non-residential institutions/community use (Class D1 and/or Class D2), offices (Class B1), and a secondary electricity substation (sui generis), and ancillary facilities'*

Reason for refusal:

- 1) The proposed development, by reason of its excessive height, bulk and massing, would be detrimental to the setting or the adjoining public open space, resulting in visual intrusion and increased sense of enclosure, contrary to Policy EN52 of the London Borough of Camden Unitary Development Plan 2000

An appeal was made against the refusal of permission. The appeal against refusal of permission/consent was determined following a hearing held on 11th April 2006 and the Planning Inspectorate issued the decision notice on 5th May 2006 allowing the appeal.

As a result of a subsequent challenge to the High Court on a point of law under Section 288 of the Town and Country Planning Act 1990 by a interested party (The Charlotte Street Association), the Treasury Solicitor took the view that there were merits to the claimant's case and proceeded to decision with the effect that the planning permission and conservation area consent allowed at appeal were quashed

2006/0242/P + 2006/0245/C: Planning and conservation area consent were refused on the 31/03/2006 for the demolition of the existing substation building and the *'redevelopment of the site by the erection of a part 2, part 3, part 5 storey building with retained basement, for uses comprising 8 self-contained residential units (Class C3), flexible medical floorspace (Class D1), office floorspace (Class B1), a secondary electricity substation (sui generis), and ancillary facilities'*

Reasons for refusal

- 1) The proposed development by reason of its excessive height, bulk and massing would be detrimental to the setting of the adjoining public open space, resulting in visual intrusion and increased sense of enclosure, contrary to policy EN52 of the London Borough of Camden Unitary Development Plan 2000
- 2) The proposed proportion of uses in the development fails to make the fullest possible residential use of a site identified as being suitable for wholly or predominantly residential use in an area of

deficiency of potential housing sites contrary to Policies H1 and HG8 of the London Borough of Camden Unitary Development Plan 2000

- 3) The proposed development fails, without adequate justification, to include any provision for affordable housing contrary to Policy HG11 of the London Borough of Camden Unitary Development Plan 2000
- 4) The proposed mix of residential unit sizes fails to incorporate a suitable range of smaller and larger units sizes to the detriment of meeting identified housing need in the Borough generally, contrary to Policy HG16 of the London Borough of Camden Unitary Development Plan 2000
- 5) The application fails to demonstrate that the design of the building complies with sustainability accreditation targets of 'very good' and that the proposed dwellings have been designed to 'Lifetime Homes' standards incorporating 10% designed as wheelchair housing (or easily adaptable) contrary to Policies EN12 (Use of resources) and HG14 (Mobility and wheelchair housing) of the London Borough of Camden Unitary Development Plan 2000
- 6) The proposal would include residential accommodation that would be likely to increase pressure on overstretched local educational facilities, could cause disruption to local residents by reason of intrusive construction works, the office element may lead to increased travel in an already congested area, the residential accommodation would lead to increased parking pressure in an area of existing high parking stress, and the proposal fails to include sufficient open space, contrary to policies RE6, EN7, EN52, TR17, DS8, TR21, and TR23 of the London Borough of Camden Unitary Development Plan 2000

2007/5162/P & 2007/5188/C: – Planning and conservation area consent was granted subject to a section 106 Legal Agreement on the 07/01/2008 for the demolition of the existing substation building and the *'Redevelopment of site comprising the erection of a part 2, 3, and 6 storey building with retained basement, for uses comprising 22 self-contained residential flats (Class C3), flexible Class B1/D1/D2 uses, a secondary electricity substation (Sui Generis) and ancillary facilities'*

2008/4667/P: - Planning permission refused on the 17/12/2008 for variations to the scheme approved under 2007/5162/P. The proposed variations had included various internal layout changes to proposed units (market/affordable) and cycle parking as well as design and elevational changes.

Reasons for refusal:

- 1) The proposed lift overrun and amendments to the north elevation by reason of height, bulk, design and appearance, would be detrimental to the character and appearance of the approved scheme and in doing so the scheme would fail to preserve or enhance the character and appearance of the conservation area contrary to policy B1 (General design principles) and B7 (Conservation Areas) of the London Borough of Camden Replacement Unitary Development Plan 2006
- 2) The proposed development fails to provide adequate on-site cycle storage facilities, contrary to Policy T3 (Pedestrians and Cycling) and Appendix 6 (Parking Standards) of the London Borough of Camden Replacement Unitary Development Plan 2006

2009/1215/P: - Planning permission granted subject to deed of variation on the 25/06/2010 for variations to the scheme approved under 2007/5162/P. The proposed variations had included internal layout alterations to residential units and mix as well as elevational/design alterations.

Following the discharge of planning conditions and section 106 legal agreement requirements, this approval was subsequently built out on site and is now in situ.

2016/4337/PRE: Pre-application advice was issued on the 04/11/2016 in relation to proposed 'erection of extensions and terraces to the roof of the existing building to provide additional residential floor space / outdoor amenity areas to 7x residential units (C3)'

Other planning history to the local area relevant to this assessment:

38-40 Windmill St: 2016/0397/P: – Planning permission was granted subject to a section 106 Legal Agreement on the 22/06/2017 for the *'Change of use of third floor offices (class B1a) and vacant first and second floors (Class B8) to create 3x three bedroom flats (Class C3)'*

Relevant policies

National Planning Policy Framework (2012)

The London Plan (2016)

Camden Local Plan (2017)

- G1 Delivery and location of growth
- A1 Managing the impact of development
- A3 Protection, enhancement and management of biodiversity
- A4 Noise and vibration
- D1 Design
- D2 Heritage
- CC1 Climate change mitigation
- CC2 Adapting to climate change
- CC3 Water and flooding

Camden Planning Guidance:

- CPG 1 – Design
 - Design excellence: sections 2.6 – 2.8, page 10
 - Context & Design: section 2.9 – 2.12, pages 11 – 12
 - Heritage Chapter 3, pages 15 - 27
 - Materials: section 4.7, page 31
 - Scale: section 4.8, page 32
 - Conservatories: section 4.8, page 35
 - Roofs, terraces and balconies: Section 5, pages 39 - 48
 - Landscape design & trees: Chapter 6, pages 49 – 59
- CPG 6 – Amenity
 - Daylight: section 6.6 page 32
 - Sunlight: section 6.16 page 34 - 35
 - Overlooking and privacy: section 7.4, page 37
 - Outlook: section 7.8 page 38
 - Construction Management Plans: Chapter 8, pages 39 – 44

Charlotte Street Conservation Area appraisal and management strategy (2008)

Fitzrovia Area Action Plan (2014)

Assessment

1. Proposal

- 1.1. Planning permission is sought for the erection of part timber, part glazed roof extensions as well as the formation of roof terraces to 5 out of a total of 7 dwellings within the terrace. The extensions would provide covered access stair as well as a roof level glazed room. Each would have a height of 2.5m (from roof level), a depth of 3.1m and an internal area to each of approx.10sqm. The extensions would be grouped in adjoining pairs to four dwellings (nos.4-7) as well as a single extension to the dwelling at the Western end of the row (no.8). The extensions would be set back from the front roof edge (fronting Crabtree fields) by 4.7m and from the rear roof edge by 2.8m.
- 1.2. External terraces would then surround the extensions, divided by privacy screens running front to back, a 'green wall' to the rear and a curved metal railing to the front edge of the terraces. The front balustrade would form a wave shape and would be 3.2m back from the front of the parapet at its furthest point and 2.2m and its closest. Each terrace would provide approximately 18sqm of external amenity space to the residents of each dwelling and would be covered with a mixture of decking and artificial grass.

2. Assessment

2.1. The principal considerations material to the determination of this application are as follows:

- The visual impact upon the character and appearance of the streetscene, local area, Conservation Area and the setting of listed buildings (Design and Conservation);
- Impact upon the openness of the adjacent public open space;
- Sustainability and biodiversity;
- The impacts caused upon the residential amenities of any neighbouring occupier (Residential Amenity)
- The implications upon local transport and highways conditions and relevant planning obligations (Transport / Planning Obligations).

3. Design and Conservation

3.1. The Council's design policies are aimed at achieving the highest standard of design in all developments. The following considerations contained within policy D1 are relevant to the application: development should respect local context and character; comprise details and materials that are of high quality and complement the local character; is sustainable in design and construction; integrates well into surrounding townscape and open spaces; and respond to natural features. Policy D2 'Heritage' states that in order to maintain the character of Camden's conservation areas, the Council will not permit development within conservation area that fails to preserve or enhance the character and appearance of that conservation area. Policy D2 similarly requires all developments to preserve the character of listed buildings within the Borough, including by resisting development that would cause harm to significance of a listed building through an effect on its setting.

Impact to the character of host terrace and Charlotte Street Conservation Area

- 3.2. In forming this assessment, the Council has a statutory requirement to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area, under s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Enterprise and Regulatory Reform Act 2013.
- 3.3. The Charlotte Street Conservation Area Appraisal and Management Plan (AMP) states that inappropriate roof level extensions - particularly where these interrupt the consistency of a uniform terrace or the prevailing scale and character of a block; are overly prominent in the street; or contain prominent roof level fencing - can have a detrimental impact either cumulatively or individually on the character and appearance of the area (para.12.3). This approach is supported by Camden's Design Guidance document (CPG1) which states that roof extensions are likely to be unacceptable where: "*Complete terraces or groups of buildings have a roof line that is largely unimpaired by alterations or extensions...; [or] The building is designed as a complete composition where its architectural style would be undermined by any addition at roof level*" (para.5.8).
- 3.4. As outlined in the Relevant History section and within previous advice, the scheme which was approved and subsequently implemented was subject to an iterative design process with various schemes being refused by virtue of (inter alia) their scale, height and resulting visual impact. Prior to determination the approved scheme had been negotiated down in terms of height. Now that it has been built out, the design of the row of dwellings is successful in that it appears lower in height than the existing buildings to the north and south of the site. Thus reflecting a mews-style relationship to the adjacent properties along Windmill Lane. The terraced dwellings have a use and form that is characteristic of the conservation area, and their scale and simple roofscape and form would reflect something of the pattern and scale of traditional mews houses.
- 3.5. Being a row of 7 modern, three storey dwellings, the terrace exhibits a homogenous and clear design composition and its front façade is currently uniform and balanced. The row also maintains a uniform shoulder height and features differing treatment (PC metal) at 2nd floor level to emphasis the intended top floor of the row. While it is noted that the proposed roof extensions would be recessed from the front edge, these extensions would still remain visible in both public and numerous private views from within the Conservation Area.
- 3.6. In these views afforded, the proposed extensions would appear at odds with the otherwise coherent design of the terrace by virtue of their bulky form as well as the cluttering of the roofscape. The extensions would sit above the intended top floor of the dwellings, which have been detailed as such, undermining their original design and composition. The extensions would also mean that the terrace fails to exhibit a mews-

like character for this same reason, further eroding the character of the row. The proposed extensions would act to disrupt the uniformity of the row by adding roof top additions to only five out of the seven dwellings in the row, unbalancing its composition. This remains contrary to the Council's design guidance and would be considered to exacerbate the visual impact caused upon the character of the terrace. Although the extension would be read against the backdrop of the properties along Windmill St in certain views, this does not mean that the addition of unsympathetic extensions would be acceptable or lessen their impact upon the host dwellings or wider conservation area.

- 3.7. In terms of materiality, timber cladding and full height glazing are not apparent at upper levels to any properties in the surrounding area (including the host properties) and as such would further the incongruous appearance of the extensions as proposed. Due to the level of glazing proposed, these extensions would read as sunrooms or conservatories in the public views afforded, an architectural approach which the Council's design guidance specifically resists at any level above ground floor level (see para.4.19 of CGP1). Considering the above, the proposed roof extensions are both individually as well as cumulatively considered to cause harm to the character and appearance of the row of dwellings. These extensions are also considered to fail to preserve the character and appearance of the Conservation Area.
- 3.8. In terms of detailing, while the roof extensions have been centred over the projecting front bay element to each dwelling, the proposed fenestration to the roof extensions fail to relate to the façade below and would remain off-kilter to the glazing division below. Combined with the considered inappropriate materiality (discussed above), this detailing is also considered to fail to relate to the host properties or local context in any meaningful way, as required by policies D1 and D2.
- 3.9. In terms of the proposed roof terraces, it should be noted that full details of the proposed 6 privacy screens to divide the private roof terraces front-to-rear (along the property party wall lines) have not been submitted. In order to protect the privacy of the users of the proposed roof extensions (which would form habitable spaces as well as merely providing access), these privacy screens would need to have a height of at least 1.8m above the roof's surface and would have depths of either 5.3m or 1.4m (due to waved form for front balustrade). Although not full detailed in submitted section or elevation drawings, these required enclosures would significantly exacerbate the visual impact of the works proposed by adding roof clutter which would project into the roofscape. Particularly in angled views towards the terrace, such as from the lawned area of Crabtree Fields, these screens would appear highly prominent and are considered to undermine the character of the row and views from within the Conservation Area and the setting of the locally listed park (Crabtree Fields).
- 3.10. By virtue of the above, the proposed roof alterations are considered to both individually as well as cumulatively cause harm to the character and appearance of the host dwellings and group of terrace properties. The hereby proposed roof alterations are considered to erode the quality of the consented scheme, to unbalance the otherwise coherent composition of the row, as well as responding poorly to the mews style quality of the existing buildings and their relationship to the surrounding townscape. The roof alterations are also considered to fail to preserve the character and appearance of the Charlotte Street Conservation Area by virtue of the aforementioned incongruous appearance, cluttering to roofscape as well as lack of contextual design.
- 3.11. It is also noted that when discussing non-designated heritage assets (i.e. the Locally Listed Crabtree Fields), policy D2 requires any potential impact upon the significance of assets to be weighed against the public benefits derived from the scheme. As, in this case, officers consider the development harmful to the setting of the adjacent locally listed park this test would be of relevance. In this instance the proposed development offers no public benefits and would only seek to enhance the level of amenity for existing residents of Crabtree Place. As such the scheme would fail against this test. Consequently, the scheme is considered contrary to policies D1 and C2 of the Camden Local Plan.

Impact to adjacent Listed buildings

- 3.12. Further to the above, the Council also has a statutory requirement to pay special regard to the desirability of preserving the setting or any features of special architectural or historic interest which it possesses to any listed buildings adjacent to the site, under s.16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Enterprise and Regulatory Reform Act (ERR) 2013

- 3.13. As aforementioned, the Crabtree Place site abuts the rear of 26 and 28 Charlotte Street to its Western boundary, both of which are Grade II Listed Buildings. The Council thus has a statutory duty to consider the potential impacts caused by the development upon the setting of these listed buildings.
- 3.14. The two adjoining, four storey, 18thC terraced houses are of considerable architectural significance within the local area; however their main architectural features are to their principle elevations which front Charlotte Street. As the closest extension proposed (to no.8) would remain 5.8m from the boundary to nos.22-26 and would be set back from the front edge of the flat roof by 4.5m, this structure as well as the necessary screening would not project beyond the rear of no.26. Due to the relative position of the rear of these properties with the perpendicular row of dwellings at Crabtree Place, as well as the set back to the roof extensions proposed, the roof alterations would not project into / interrupt views to the rear of these listed properties from public or private spaces. The proposed alterations are consequently not considered to result in visual impacts which might constitute harm to the setting of these listed buildings. The impact upon adjacent listed building is therefore not considered to warrant a reason for refusal.

Impact upon openness of adjacent public open space

- 3.15. As outlined in the site description section, the application site is immediately to the South of 'Crabtree Fields', a park designated as public open space (POS) under the Council's planning policy framework. Camden's parks and open spaces are important to the borough in terms of health, sport, recreation and play, the economy, culture, biodiversity, providing a pleasant outlook and providing breaks in the built up area. Policy A2 (Open Space) states that the Council will seek to protect and enhance Camden's parks by (inter alia); resisting development that would harm the setting of POS and by seeking to preserve and enhance the heritage value of designated open spaces.
- 3.16. Crabtree Fields acts as a popular oasis of calm in the midst of the surrounding dense development and maintains a peaceful atmosphere. Being one of the few green open spaces in the area, the park is heavily used by local residents and workers. This is acknowledged in the Charlotte Street CA statement which finds there to be a *"contrast in the vicinity of Whitfield Gardens and Crabtree Fields where there is a greater sense of openness deriving from the open spaces that have been created from car parks and bomb damaged sites in the second half of the 20th century. Crabtree Fields has been [the most] successful in creating a sense of place"* (para.6.23). Crabtree Fields is enclosed on three out of four sides, including along its Southern boundary with Crabtree Place (application site). To the other two enclosed sides (the Northern and Western edges) the park is surrounded by three storey terrace dwellings with setback roof extensions, often roof terraces. The fields comprise a series of spaces, which include: a grassed garden area; covered timber trellis area; a tree planted secluded area and a playground.
- 3.17. The proposed roof extensions would be set back from the front edge of the existing flat roof by 4.5m. Combined with the maximum height of 2.5m, officers consider that whilst these roof structures would be visible from vantage points within the POS, this would not necessarily result in a loss of openness which might cause detriment to the Fields. In those views to the roof extensions afforded, these would generally be read against the backdrop of the properties along Windmill St and due to their set back, the visual impact upon the openness of the adjacent park has been minimised.
- 3.18. Furthermore, although it is noted that the park is highly valued as a space for quiet contemplation; officers note that many existing, surrounding terraces overlook the park including at the application site where first floor front balconies are provided. Whilst the proposal would include the provision of roof terraces, these would be set back by a minimum of 2.2m from the front roof edge meaning that users of the terraces at this level would not be afforded unrestricted views down into the park. Given the established relationship with existing upper floor fenestration and terraces to surrounding properties (including within Crabtree Place), officers consider that the proposal is unlikely to affect enjoyment of this space or its openness. Consequently, the loss of openness to the Crabtree Fields is not considered to warrant a reason for refusal in this instance.

4. Sustainability and biodiversity

- 4.1. Policies CC1, CC2 and A3, set out the Council's strategic aims in terms of ensuring development include suitable provisions for sustainable design and construction, climate change adaption and reduction as well as the promotion of biodiversity. With specific regard to biodiversity, policy A3 states that the Council will

seek to maximise opportunities for biodiversity in and around developments in order to deliver a net gain in biodiversity and protect areas of nature conservation value.

Loss of green roof quantum

- 4.2. Regarding sustainable construction matters, officers note that the proposed roof alterations would include the development of an existing green roof. The proposed work, via their introduction of roof extensions as well as the creation of terraces covered with decking and artificial grass would cumulatively lead to the loss of approximately 146sqm of existing green roof provision. This would equate to a loss of approximately 40% of the existing green roof to nos.2-8 (from an existing total of 360sqm). Although the scheme would incorporate the addition of 'green walls' to the rear of each terrace, the combined area of all walls proposed has been calculated as approximately 22.5sqm. The scheme would therefore still result in a net loss equivalent to approximately 123.5sqm of the existing green roof. This loss of living roof has been the subject of a number of submitted comments.
- 4.3. Living roofs can play various important functions including creating habitats and improving biodiversity, storing or slowing down the rate of rain water run-off from a site as well as helping to reduce the risk of flooding. The officer's report for the original approval (2007/5162/P), states that "*The significant components of the sustainable design relate to the formation of extensive areas of green roof and the provision of a biomass heating system*". When reviewing alternative provisions (i.e. solar heating), the report continues to state that "*Alternative techniques [such as solar heating] cannot be utilised as it would reduce the amount of green roof proposed, itself a potential benefit to the biodiversity of the site and the adjoining [public open space]*".
- 4.4. A Sustainability Plan was secured by legal agreement as a requirement within the original approval (2007/5162/P) and under the subsequent revision / deed of variation (2009/1215/P). This Plan had required the submission of evidence that sustainability measures had been incorporated which met BREEAM ratings of at least 'Very Good', attaining at least 60% credits in each of Energy and Water and 40% in the Materials categories. The plan also required demonstration of at least Level 3 of the Code for Sustainable Buildings, with a minimum of 50% credits attained in each of Energy, Water and Materials. As outlined in the original officer's report, the extensive area of green roof provision had been a critical factor in demonstrating compliance to the required sustainability measures. It is also noted that the original application had been supported by an Ecological Appraisal report which included a 'mitigation and enhancement strategy' which outlined a raft of ecological enhancements (notably the green roof). An 'Ecology Plan' was also secured as a planning obligation requirement to secure ecological improvements as well as to ensure that the habitat to nesting birds was preserved.
- 4.5. In light of the above, officers note that the sustainability, ecological and biodiversity implications of the original scheme were the subject of significant discussion and negotiation prior to the Council supporting the proposed development. In numerous reporting for this original decision, heavy emphasis is placed upon the benefits derived from the expansive, 'extensive' living roof secured and this provision had played heavily in the overall planning balance assessment. Despite the fact that the scheme would now seek to amend these agreed provisions and would result in the net loss of approximately 123.5sqm of the existing green roof, no justification of the proposed works has been given in relation to this loss. Considering the substantial area of green roof involved, in the absence of evidence to demonstrate that the development would remain within or could readdress secured requirements in terms of sustainability, biodiversity and surface water management, the proposed development is considered to undermine the overall performance of the approved/as-built development in each of these terms, contrary to the requirements of policies A3, CC1 and CC2.

Artificial light

- 4.6. Further to the above, it is noted that the proposed development would include the provision of a substantial amount of glazing to new habitable rooms at room level facing Crabtree Fields at room level. As these habitable rooms are likely to be artificially lit during evening hours, the proposed roof extensions would result in additional light spill into the adjoining park. Considering that this park contains (inter alia) habitats for nesting birds and financial contributions were secured under the 2007 permission for the installation of bird and bat boxes within the adjacent park, officers raise concern over the impact that this might cause upon protected species (particular bats) in the absence of formal reporting. Although it is noted that the roof extensions would be set back and that the host buildings feature front facing windows, above 2nd floor level the existing green roof acts as a barrier between the park and facing illuminated windows in the evening.

Without sufficient justification in terms of the potential impacts caused by this light pollution upon the ecology of the adjacent park, officers find the proposal contrary to policy A3.

5. Residential Amenity

- 5.1. Policy A1 seeks to protect the quality of life of occupiers and neighbours by only granting permission to development that would not harm the amenity of residents. This includes factors such as outlook, implications to natural light, privacy and artificial light spill as well as impacts caused from the construction phase of development. Policy A4 seeks to ensure that residents are not adversely impacted upon by virtue of noise or vibrations.

Outlook

- 5.2. The subject site is within an extremely dense area, and is surrounded on three sides by (primarily) residential development at upper floors. As aforementioned, successive schemes for the subject site were amended in terms of their height and bulk at roof level, partly due to the overbearing visual impact / reduction of outlook formed upon the rear facing habitable room windows of the units within these adjacent properties along Windmill Street/Charlotte Street. As such, any proposed development at roof level would thus attract significant concern in terms of the impacts that this additional mass might cause upon the outlook or natural light of these neighbouring units. Considering the siting of the existing dwellings and the proposed alterations, particular concern is maintained in relation to 36-42 Windmill St as well as 22 – 26 Charlotte Street.
- 5.3. In relation to the Windmill St properties, nos.36, 37, 41 and 42 would all feature set back of at least 15m between the existing rear facing windows and the proposed extensions/green wall (max. 2.5m in height) and as such would not be unduly impacted upon as a result of the works in terms of outlook or natural light. As outlined in the history section of the report, 38 – 40 Windmill Street has recently been permitted for residential use and a site visit confirmed that work to implement this permission have since commenced on site. As such it is acknowledged that the property's rear facing windows at 1st – 3rd floor levels will serve habitable rooms once works have completed (additional to the existing residential unit at 4th floor level). Consideration is therefore required as to the impact upon the amenity of these consent units, as the extant permission is a material consideration in the assessment of the application.
- 5.4. The proposed roof extensions, combined with the green walls to the rear of the roofs would form a continuous visual barrier with heights alternating between 1.8m and 2.5m above the existing roof level for a total width of 28m. This rear-facing wall would project in front of the entire rear elevation of no.38-40 Windmill street, with only a 9.7m separation distance at 2nd floor level. Considering the internal levels illustrated in submitted sectional analysis, officers consider that this rear enclosure would cause a detrimental impact upon the outlook of future occupiers of these spaces and would result in a harm sense of enclosure to future occupants, particularly at 2nd floor level. Although it is noted that the occupiers of the 1st floor unit have their views already restricted by the rear elevation of Crabtree Place, the proposed extension would project further into what little views to the sky they maintain, exacerbating this impact. The development would therefore be considered to hamper this buildings potential to host residential accommodation, and to remain contrary to policy A1 in this regard.

Natural Light

- 5.5. The proposed roof alterations would be located North West of properties along Windmill Street, and to the North East of nos.22-24 Charlotte St. Considering the aforementioned sets backs from facing windows to these neighbouring properties as well as this orientation, the proposed works are not considered to result in a significant loss of natural light to these adjoining properties. For those same reasons, the roof extensions would also not result in any significant overshadowing to the adjacent Crabtree Fields.

Privacy

- 5.6. Due to the privacy screening proposed to the sides and rear of the proposed terraces (which would have been secured by condition if the scheme was otherwise acceptable), users of the proposed roof extensions or the terrace would not be afforded views into any habitable rooms to adjoining properties. As the Northern views over the park would be the same as those afforded from the existing front balconies, this relationship would be no worse than existing and it is noted that the roof terraces would remain below the

level of the roof terrace to the properties on the opposite side of the park. The scheme would therefore not result in any detrimental loss of privacy.

Light-spill

- 5.7. A number of submitted comments have referenced the potential for the roof extensions to lead to issues of light-spill which might impact upon neighbouring amenity. While concern was raised in the previous section regarding this matter in relation to ecology, the area of glazing that could result in the spill of natural light directly towards habitable room windows of adjoining dwellings would be those to the front, facing North. As there would remain a significant separation distance between these areas of glazing and facing windows to opposing properties (i.e. to Colville Place), this is not considered to constitute harm to the level of detriment.

Noise

- 5.8. Policy A4 states that the Council will seek to ensure that noise and vibration is controlled and managed in line with adopted thresholds for noise and vibration. Numerous submitted comments have outlined concern regarding issues of noise and disturbances created from the roof terraces proposed. This includes a letter produced by 'David Trevor-Jones Associates', a consultant in Acoustics, Noise and Vibration submitted on behalf of the owners of 38-40 Windmill Street to support their objection. This letter (hereby referred to as the 'noise report') considered the potential noise implications of the proposed terraces although no specific calculations are formed due to a lack of information. Although no calculations are forthcoming, the noise report suggested that under normal usage (i.e. for personal use by the owners or for small gatherings), users of the terrace would likely generate about 55dB at the nearest facing façade (to no.38-40 Windmill St).
- 5.9. The application was not accompanied by an Acoustic Assessment which might confirm the findings of the noise report submitted by neighbours, however, considering that each terrace would remain for the sole use of the owners of the five dwellinghouses, officers do not consider that the use of the terrace would result in significant issues of noise and disturbances. The works would not result in the addition of any plant or machinery and as aforementioned, each terrace would be for private use. It is not therefore envisaged that these spaces would be used for large scale gatherings, and even if this were to occur protection against the resulting noise nuisance would be covered under separate legislative powers (principally the Environmental Protection Act 1990). Considering the above, the proposed roof extensions and terraces are not considered to result in increased noise or vibration emissions which might result in a detrimental impact to amenity to any adjoining occupier.
- 5.10. Notwithstanding the above, although officers considered that *once constructed* the proposed development would be acceptable in terms of noise and disruption, due to the constrained site access and proximity to other residential dwellings concern is raised with regard to the subsequent impacts and disturbances caused to local residents during the construction phase of development if not properly managed. In accordance with policy A1, where development sites are accessed via narrow residential streets; or have the potential to cause significant disturbance due to their location or the anticipated length of excavation or construction period, measures required to reduce the impacts of construction works must be secured via a Construction Management Plan (CMP). This requirement will be discussed further in the following section.

6. Transport / Planning Obligations

- 6.1. Policies A1 and T4 state that where development has the potential to cause disruption during the construction phase, Construction Management Plans should be secured to demonstrate how a development will minimise impacts from the movement of goods and materials during the construction process. As outlined in section 4, in line with policies A1 and T4 were the scheme found to be otherwise acceptable a construction management plan (CMP) would have been sought via legal agreement. This CMP would have been necessary were the works supported in order to manage on-site impacts arising from construction as well as seeking to establish control over construction traffic and how this integrates with other construction traffic in the area having regard to its cumulative effect. This is particularly relevant considering the very difficult site access and the quiet and narrow nature of surrounding streets.
- 6.2. As the development would include roof alterations to dwellings on a land locked site which is set away from

any public highway, the implementation of the proposed development is likely to give rise to a number of highways as well as amenity issues during construction unless properly managed. The proposed works could also lead to damage to the footways and carriageway directly adjacent to / opposite the GF entrance from Whitfield Street as construction materials will need to be delivered through this access point and it is anticipated that Camden may need to undertake highway remedial works following completion of the proposed development

- 6.3. In order to ensure that adequate mitigation measures have been put in place to prevent undue harm while the proposed development is implemented, a Construction Management Plan (CMP), would be required as part of a Section 106 Legal Agreement in order to ensure that the works do not cause undue harm to nearby residents or impact upon nearby trees or local traffic conditions. Furthermore, in order to ensure that the adjacent footpath and highway along Whitfield Street is protected, a highways and street works contribution would also have been required as part of a Section 106 Legal Agreement
- 6.4. In the absence of a signed legal agreement including provisions for a CMP and highways contribution to be secured, the proposed development would be considered to result in harm to nearby residents and local traffic conditions contrary to policies A1 and T4.

7. Recommendation

- 7.1. Refuse planning permission