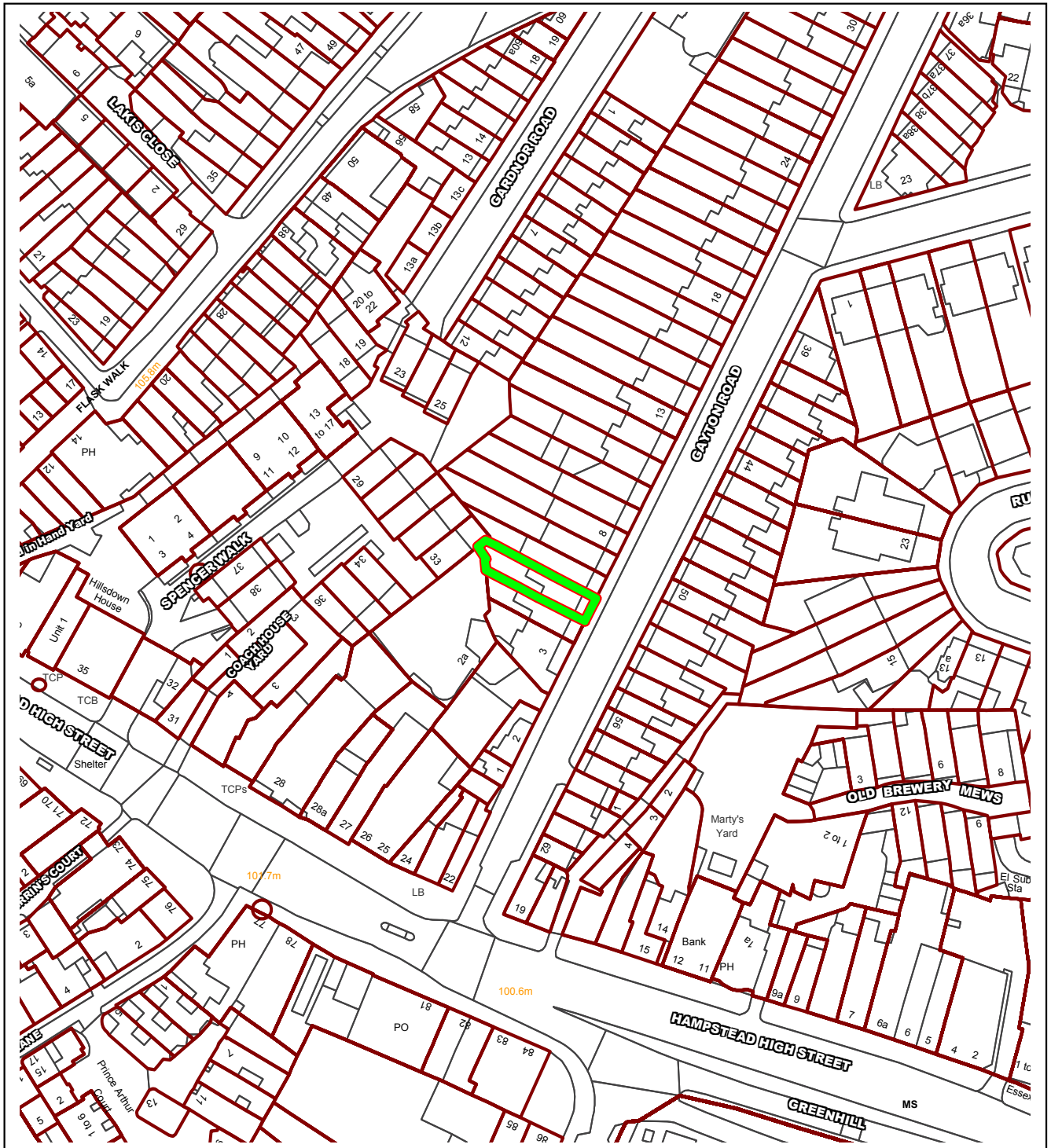


# 2017/6921/P - 5 Gayton Road



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Site photographs



Photograph 1. Existing rear dormer doors/windows and existing mesh Juliet balcony to be removed.



Photograph 2. Existing rear dormer doors/balustrade.

<b>Delegated Report</b> (Member's Briefing)		<b>Analysis sheet</b>	<b>Expiry Date:</b>	26/02/2018
		N/A / attached	<b>Consultation Expiry Date:</b>	25/01/2018
<b>Officer</b>			<b>Application Number(s)</b>	
Raymond Yeung			2017/6921/P	
<b>Application Address</b>			<b>Drawing Numbers</b>	
5 Gayton Road London NW3 1TX			Refer to Decision Notice	
<b>PO 3/4</b>	<b>Area Team Signature</b>	<b>C&amp;UD</b>	<b>Authorised Officer Signature</b>	
<b>Proposal(s)</b>				
External alterations including retention of aluminium rear dormer sliding doors, replacement of metal dormer balustrade with glazed balustrade and reinstatement of rear chimney.				
<b>Recommendation(s):</b>		Grant Conditional Planning Permission		
<b>Application Type:</b>		Full Planning Permission		

Conditions or Reasons for Refusal:	Refer to Decision Notice					
Informatives:						
<b>Consultations</b>						
Adjoining Occupiers:	No. notified		No. of responses	06	No. of objections	06
Summary of consultation responses:	<p>Site notice displayed: 29/12/17 - 19/01/18</p> <p>Press notice: 04/01/18 - 25/01/18</p> <p>Objections were received from the owners/occupiers of 6 (2 objections received – one on behalf of the owner/occupier and one from the occupier themselves), 7 and 9 Gayton Road and 33 Spencer Walk.</p> <ul style="list-style-type: none"> <li>• Planning permission was not given for this structure and so to continue to build was clearly against local authority regulations.</li> <li>• There is a history of permissions for similar applications being refused--- and so there has been no precedent for this sort of structure.</li> <li>• The railings are wholly inappropriate, invade the privacy of neighbours and the use of the terrace would have unacceptable impact on the amenity of neighbouring residents through overlooking, loss of privacy and potential noise disturbance.</li> <li>• What is the purpose for the railings if it is not intended to use the balcony</li> <li>• Appears to be a resubmission of previous application, the roof terrace infringes on my right to privacy.</li> </ul> <p><u>Officer response</u></p> <p><i>The proposed roof terrace railings and steps initially included on the submitted plans have been completely removed from the proposal. The steps and railings to the roof terrace are unlawful and are being dealt with under a separate investigation by the Council's enforcement team (see history section below). The proposed aluminium windows are discussed in the design section of this report.</i></p>					
CAAC/Local groups* comments: *Please Specify	<p><b>Heath and Hampstead Society objected:</b></p> <ul style="list-style-type: none"> <li>• Balconies at 2nd floor and above, are obtrusive, and give rise to overlooking and loss of privacy to nearby houses.</li> <li>• Architectural detail is of poor quality, and would be a different and greatly unsatisfactory character from other houses in Gayton Road. In particular, the use of aluminium details for windows and balcony balustrading, which would harm Conservation Area character.</li> </ul>					

**Gayton Residents Association:**

- Planned rooftop terrace which would cause a serious loss of amenities for neighbours, particularly overlooking and privacy.
- It is a significant concern that the owner is now requesting to re-instate the rudimentary rail which was previously around the rooftop. There will no longer be access to the rooftop, so this is obviously not required.
- External building developments in the Hampstead Conservation Area are subject to planning permission although some are undertaken without permission, either through thoughtlessness or mischief. Consistent planning decisions help neighbours who are adversely affected by non-permitted developments to have these reversed.

Officer response

*The proposed roof terrace railings and steps initially included on the submitted plans have been completely removed from the proposal. The steps and railings to the roof terrace are unlawful and are being dealt with under a separate investigation by the Council's enforcement team (see history section below). The proposed aluminium windows are discussed in the design section of this report.*

## Site Description

The application site is a terraced residential property (C3 use) located on the northern side of Gayton Road. The property is three stories with semi-basement in gault brick with a canted bay window and decorative brickwork stringcourses and cornices. A full-width rear dormer has recently been constructed which is similar in appearance to those located to the rear of both adjoining neighbours.

The property is not listed, but is situated within the Hampstead Conservation Area and is identified within the Hampstead Conservation Area Appraisal as making a positive contribution to its character and appearance.

## Relevant History

**2017/4181/P** - Erection of replacement railings to flat roof of rear projection; creation of steps from rear flat roof to French doors of dormer and creation of roof terrace; demolition of rear chimney stack; installation of aluminium sliding doors and metal balustrade to rear dormer (Retrospective). **Refused and warning of enforcement action on 18/09/2017.**

Reasons for refusal:

1. The proposals would harm the design and appearance of the host property and fail to preserve or enhance the character and appearance of the Hampstead Conservation Area. Therefore, the proposed development would be contrary to policies D1 (Design) and D2 (Heritage) of the Camden Local Plan 2017.
2. The proposed use of the flat roof of the two storey rear projection, facilitated by the proposed railings and stair access, would result in a materially harmful loss of privacy from overlooking to the adjoining neighbours at 4 and 6 Gayton Road. Therefore, the proposed development would be contrary to policy A1 (Managing the impact of development) of the Camden Local Plan 2017.

**EN17/0121** - The current enforcement case at the site relates to a new railing around the existing second floor flat roof top, an iron staircase leading from the house to the flat roof, an egress from a bathroom to the new staircase and removal of a large brick chimney which were all implemented without planning permission.

The current planning application seeks permission to reinstate the rear chimney and remove the external staircase. The roof terrace railings will be dealt with under the current enforcement investigation and do not form part of this application.

**2015/7150/P** – Erection two-storey rear conservatory extension from basement to ground floor. Erection of rear roof extension with French doors and glazed balustrade. Alteration from ground floor door to window and creation of stair between the basement and the upper floors and associated balustrade to the rear. Addition of two new windows to bay window at basement level to the front. **Granted 24/04/16.**

**2013/4437/P** – Erection of rear dormer window with glazed balustrade, in addition to replacement of windows on front and rear elevations of residential maisonette (Class C3). **Granted 20/09/2013.**

## Relevant policies

### The London Plan (2016)

### NPPF 2012

### Camden Local Plan 2017

A1 (Managing the impact of development)

D1 (Design)

D2 (Heritage)

### Camden Planning Guidance 2015/2011

CPG1 (Design) Chapter 4

CPG6 (Amenity) Chapter 7

### Hampstead Conservation Area Statement 2001

## Assessment

### 1.0 Proposal

1.1 Planning permission is sought for the retention of the aluminium framed glazed doors to the rear of the existing dormer (as installed) and the installation of a glazed Juliet balcony following the removal of the existing unauthorised metal mesh Juliet balcony. The proposed glazed balcony would match the balustrades previously approved under applications 2015/7150/P and 2013/4437/P.

#### Background

1.2 Planning permission was recently refused (ref: 2017/4181/P dated 18/09/2017) at the site for the following works:

1. Retrospective installation of steps from 2<sup>nd</sup> floor terrace leading up to the French doors of the rear dormer.
2. Retrospective installation of metal Juliet balcony.
3. Retrospective removal of rear chimney stack.
4. Retrospective installation of black mesh railings around the 2<sup>nd</sup> floor terrace.

1.3 In conjunction with seeking retrospective consent for the aluminium door frames, the current application intends to rectify the above unauthorised works by:

1. Removing the unauthorised rear steps.
2. Removing the unauthorised metal Juliet balcony and installing a glazed Juliet balcony as previously approved.
3. Reinstatement of the rear chimney stack.

#### Revisions

1.4 The drawings initially submitted sought retrospective consent for the installation of black metal railings around the second floor terrace. However, these were removed from the proposals after it was advised that they would not be acceptable in terms of their design and appearance which would detract from the character of the host building and surrounding conservation area. These are subject to a separate enforcement investigation (ref EN17/0121).

### 2.0 Assessment

2.1 The main issues in the consideration of this application are:

- Design (impact on character and appearance of host building and wider conservation area); and
- Neighbouring Amenity.

## **Design**

2.2 The Council's design policies are aimed at achieving the highest standard of design in all developments. The following considerations contained within policies D1 and D2 are relevant to the application. The Council under policy D1, will resist development of poor design that fails to take the opportunities available for improving the character and quality of an area. Policy D2 states that the Council will preserve and enhance Camden's rich and diverse heritage assets including conservation areas.

### ***Change of material of the windows and balustrading on the rear dormer***

2.3 The change from the previously approved timber framed doors to aluminium framing is considered to be acceptable. The proposed door frame would be similar in appearance, design, and frame thickness, and is considered an acceptable choice of material in this location. It is noted that this element of the proposals was previously considered acceptable in the officer's report for application reference 2017/4181/P mentioned above.

2.4 The removal of the existing black metal mesh balustrade (installed without planning permission) and the installation of a glass balustrade, is considered acceptable, and would be in accordance with plans previously approved under planning permission references 2015/7150/P and 2013/4437/P. Furthermore, the glass balustrade would have a lightweight appearance similar to the balustrade treatment of the existing dormer to the adjoining property at No 6, and would preserve the character and appearance of the host building and wider conservation area.

### ***Reinstatement of rear chimney***

2.5 As previously mentioned, the original chimney was removed without planning permission. This application proposes to erect a like-for-like replacement constructed from matching materials, which is welcomed by the Council. Detailed drawings of the proposed chimney will be secured by condition.

### ***Removal of staircase***

2.6 The removal of the unauthorised staircase is welcomed. A condition requiring the removal of the staircase within 3 months of the date of any subsequent approval has been added to the decision notice.

### ***Conclusion to design and appearance***

2.7 The removal of the unauthorised development, the installation of the glazed balcony as previously approved and the re-instatement of the chimney stack are welcomed by the Council. The installation of aluminium framed doors to the rear dormer as opposed to the timber frames previously approved is considered to represent a minor alteration that would not harm the character of the building or the wider conservation area, due to the limited private views afforded from neighbouring windows. Therefore, the proposed works are considered to be acceptable, and in accordance with policies D1 and D2 of the Camden Local Plan 2017.

2.8 Considerable importance and weight has been attached to the harm and special attention has



been paid to the desirability of preserving or enhancing the character or appearance of the conservation area, under s.72 of the Listed Buildings and Conservation Areas Act 1990 as amended by the Enterprise and Regulatory Reform Act (ERR) 2013.

## **Amenity**

2.8 Policy A1 seeks to ensure that development protects the quality of life of occupiers and neighbours by only granting permission to development that would not harm the amenity of neighbouring residents. This includes privacy, overlooking, outlook and implications on daylight and sunlight. CPG6 seeks for developments to be “designed to protect the privacy of both new and existing dwellings to a reasonable degree” and that the Council will “aim to minimise the impact of the loss of daylight caused by a development on the amenity of existing occupiers.”

2.9 The proposed alterations would not impact neighbouring amenity in terms of loss of light, outlook or privacy.

## **4.0 Recommendation**

4.1 Grant conditional planning permission

***The decision to refer an application to Planning Committee lies with the Director of Regeneration and Planning. Following the Members’ Briefing panel on Monday 19th February 2018, nominated members will advise whether they consider this application should be reported to the Planning Committee. For further information, please go to [www.camden.gov.uk](http://www.camden.gov.uk) and search for ‘Members Briefing’.***

Ms Simoni Devetzi  
Design West Planning Ltd  
15 Emerson Apartments  
Chadwell Lane  
LONDON  
N8 7RF

Application Ref: **2017/6921/P**  
Please ask for: **Raymond Yeung**  
Telephone: 020 7974 **4546**

14 February 2018

# DRAFT

Dear Sir/Madam

## DECISION

Town and Country Planning Act 1990 (as amended)

### Householder Application Granted

Address:  
**5 Gayton Road**  
**London**  
**NW3 1TX**

# DECISION

Proposal:  
External alterations including retention of aluminium rear dormer sliding doors, replacement of metal dormer balustrade with glazed balustrade and reinstatement of rear chimney.

Drawing Nos: Site location plan, P01 Loft plan Rev2, P03 Rear elevation Rev2, planning statement Rev2.

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

Condition(s) and Reason(s):

- 1 The development hereby permitted must be begun not later than the end of three years from the date of this permission.

Reason: In order to comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

Executive Director Supporting Communities



- 2 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 2017.

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

Site location plan, P01 Loft plan Rev2, P03 Rear elevation Rev2, planning statement Rev2.

Reason:

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

- 4 Before the relevant part of the work is begun, detailed drawings, or samples of materials as appropriate, in relation to the reinstatement of the rear chimney, shall be submitted to and approved in writing by the local planning authority:

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 if in CA of the London Borough of Camden Local Plan 2017.

- 5 Within 3 months of this permission the works to remove the external staircase and reinstate the rear chimney shall be completed in their entirety in accordance with the approved details of plan numbers P01Rev2 and P03Rev2.

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 2017.

Informative(s):

- 1 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).

- 2 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 search for 'environmental health' on the Camden website 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

Director of Regeneration and Planning

**DECISION**