

<b>Delegated Report (Refusal)</b>		<b>Analysis sheet</b>	<b>Expiry Date:</b>	22/03/2018
		N/A / attached	<b>Consultation Expiry Date:</b>	22/02/2018
<b>Officer</b>		<b>Application Number(s)</b>		
Laura Hazelton		2018/0262/P		
<b>Application Address</b>		<b>Drawing Numbers</b>		
76, Haverstock Hill London NW3 2BE		Please 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>				
Variation of condition 3 (approved plans) of planning permission ref 2016/1066/P dated 10/06/2016, as amended by application ref 2016/5784/P dated 17/08/2017, for the conversion of existing 3 bedroom dwellinghouse into 1 x 1 bed flat and 3 x 2 bed flats; mansard roof extension; erection of new part 1 storey/part 3 storey rear extension; namely, the enlargement the previously approved roof terrace at rear 3rd floor level.				
<b>Recommendation:</b>		1) Refuse planning permission and warning of enforcement action.  2) That the Head of Legal Services be instructed to issue an Enforcement Notice under Section 172 of the Town & Country Planning Act 1990 as amended and to pursue any legal action necessary to secure compliance. Additionally, officers to be authorised 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.		
<b>Application Type:</b>	Variation of Condition			

Conditions or Reasons for Refusal:	Refer to Decision Notice					
Informatives:						
<b>Consultations</b>						
Adjoining Occupiers:	No. notified	<b>00</b>	No. of responses	<b>01</b>	No. of objections	<b>01</b>
Summary of consultation responses:	<p>The application was advertised in the local press on 01/02/2018 until 22/02/2018, and 2 site notices were displayed on Haverstock Hill and Maitland Park Villas between 30/01/2018 and 20/02/2018.</p> <p>One objection was received from the owner/occupier of <b>Flat 4, 74 Haverstock Hill</b> on the following grounds:</p> <p><u>Impact on building and surrounding area</u></p> <p>The proposals do not constitute a minor amendment – they would double the size of the terrace making it clearly visible from Maitland Park Villas. The proposed variation would result in a much more significant alteration of the character and appearance of both the building and the surrounding area which is not acceptable.</p> <p><u>Safety of the proposed privacy screen</u></p> <p>At 1.8m tall and several metres long – it should require a full structural engineering solution in order to avoid potential hazards of wind impact.</p> <p><u>Overlooking between properties</u></p> <p>The current arrangement is inappropriate – the privacy screen does not cover the full length of the terrace. The only solution is to retain the currently approved design. Camden’s Planning Guidance explicitly states that “a balcony need not necessarily cover the entire available roof space.”</p> <p><i>Officer Response</i></p> <p><i>The proposals are recommended for refusal due to the harm they are considered to cause to the character and appearance of the host building and wider conservation area. It is recommended that enforcement action is taken so that the development is completed in accordance with the previous planning permission (reference 2016/5784/P).</i></p>					
CAAC/Local groups comments:	<p><b>Belsize Conservation Area Advisory Committee (CAAC)</b> objected to the application on the following grounds:</p> <ul style="list-style-type: none"> <li>• Existing permission not included for comparison purposes.</li> <li>• Adjoining properties not fully described.</li> <li>• Mansard roof unclear.</li> <li>• Object to height and design of privacy screen.</li> </ul> <p><b>Belsize Residents Association</b> objected on the following grounds:</p> <ul style="list-style-type: none"> <li>• It is objectionable to carry out the works without planning permission</li> </ul>					

and apply for the variation in order to justify it.

- Our objection to extensive glass privacy screen still stands.

*Officer Response*

*Although a height of 1.8m is necessary in order to prevent overlooking between neighbouring properties, the length of the screening is considered unacceptable and harmful to the character and appearance of the building, surrounding terrace and wider conservation area. The application is recommended for refusal on this ground.*

## Site Description

The application site consists of a 4 storey mid-terrace residential property with basement floor. The ground floor is in use as a retail unit. Planning permission was granted on 10/06/2016 (ref: 2016/1066/P) to convert the 3 bedroom dwellinghouse into 4 flats.

The application site is located on the northern side of Haverstock Hill, north west of the junction with Eton Road.

The building is not listed, but is located within the Parkhill Conservation Area and has been identified as making a positive contribution to the Conservation Area.

## Relevant History

8701221 - Change of use of ground-floor and basement from retail to office (Class A2) for an Architectural Practice. Granted 02/11/1987.

2016/1066/P - Conversion of existing 3 bedroom dwellinghouse and 49sqm of ground floor retail unit (A2 use) into 1 x 1 bedroom flat and 3 x 2 bedroom flats; erection of mansard roof extension with 2 x dormers to front elevation; demolition of existing single storey and two storey rear extensions and erection of new part one storey/part-three storey rear extension with terraces at 1st and 3rd storey with black metal balustrades. Granted subject to S106 Legal Agreement 10/06/2016.

2016/5784/P - Variation of condition 3 (approved plans) of planning permission ref 2016/1066/P (dated 10/06/2016) for the conversion of existing 3 bedroom dwellinghouse into 1 x 1 bed flat and 3 x 2 bed flats; mansard roof extension; erection of new part 1 storey/part 3 storey rear extension; namely, the creation of a roof terrace at rear third floor level. Granted subject to S106 Legal Agreement (deed of variation) 17/08/2017.

## Relevant policies

### National Planning Policy Framework 2012

### The London Plan March 2016

### Camden Local Plan 2017

Policy A1 (Managing the impact of development)

Policy D1 (Design)

Policy D2 (Heritage)

### Camden Planning Guidance

CPG1 (Design) 2015

CPG6 (Amenity) 2011

Parkhill and Upper Park conservation area appraisal and management strategy 2011

## Assessment

### 1.0 Background

1.1 Planning permission was originally granted on 10/06/2016 under reference 2016/1066/P for the following works:

*Conversion of existing 3 bedroom dwellinghouse and 49sqm of ground floor retail unit (A2 use) into 1 x 1 bedroom flat and 3 x 2 bedroom flats; erection of mansard roof extension with 2 x dormers to front elevation; demolition of existing single storey and two storey rear extensions and erection of new part one-storey/part-three storey rear extension.*

1.2 The original proposal included two terrace areas at first floor and third floor level on top of the roof of the new extension. However, these were removed from the proposal following officer advice due to the harm they were considered to cause to the privacy of surrounding residents.

1.3 A variation of condition application was subsequently approved on 17/08/2017 under reference 2016/5784/P for the following:

*Variation of condition 3 (approved plans) of planning permission ref 2016/1066/P (dated 10/06/2016) for the conversion of existing 3 bedroom dwellinghouse into 1 x 1 bed flat and 3 x 2 bed flats; mansard roof extension; erection of new part 1 storey/part 3 storey rear extension; namely, the creation of a roof terrace at rear third floor level.*

1.4 This application was considered acceptable following a reduction in size of the proposed roof terrace, and the introduction of a privacy screen to protect the privacy of the residents of no.74 Haverstock Hill.

1.5 Following this, an enforcement investigation was opened, following a complaint received on 17/10/2017 (ref: EN17/1089) that the terrace had not been built in accordance with the approved plans. The Council was informed that the terrace had been built to cover the entire footprint of the closet wing extension, and railings had been installed around the perimeter of the extension rather than in the set-back position previously approved. When questioned, the applicant informed the Council that the railings were for safety purposes during construction, and would be re-positioned to the approved location upon completion of works. The applicant has now submitted the current application to retain the railings as installed, and for the installation of a larger screen than previously approved (and now installed) along the boundary with no.74 Haverstock Hill.

### 2.0 Proposal

2.1 This application seeks permission to vary condition 3 (approved plans) of planning permission ref 2016/1066/P (dated 10/06/2016), as amended by application ref 2016/5784/P dated 17/08/2017.

2.2 This application seeks permission for the following alterations:

- Retrospective permission for the enlargement of previously approved roof terrace at rear third floor level to cover the entire footprint of the 3 storey rear extension above which it sits. The terrace would measure 19.2sqm, as opposed to the 11.1sqm previously approved.
- Retrospective permission for the extension of previously approved black metal handrail around the entire terrace.
- Extension of previously approved 1.8m high obscured glass privacy screen. The screen would measure 6.1m long along the boundary with no.74 rather than the 3.8m as previously approved

and installed.

### **3.0 Assessment**

3.1 The principle considerations in the assessment of this application are as follows:

- Design (impact on character of host building and wider conservation area); and
- Impact on the amenity of adjoining occupiers.

### **4.0 Design**

4.1 The Council's design policies are aimed at achieving the highest standard of design in all developments, including where alterations and extensions are proposed. Policy D1 of the Local Plan requires development to be of the highest architectural and urban design quality which improves the function, appearance and character of the area; and Policy D2 states that the Council will preserve, and where appropriate, enhance Camden's rich and diverse heritage assets and their settings, including conservation areas and listed buildings.

4.2 Camden's Development Policies Document is supported by CPG1 (Design) and the Parkhill and Upper Park conservation area appraisal and management strategy.

4.3 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 ("the Listed Buildings Act") is relevant in the determination of this application. Section 72(1) requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area when considering applications relating to land or buildings within that Area.

4.4 The effect of this section of the Listed Buildings Act is that there is a statutory presumption in favour of the preservation of the character and appearance of Conservation Areas. Considerable importance and weight should be attached to their preservation. A proposal which would cause harm should only be permitted where there are strong countervailing planning considerations which are sufficiently powerful to outweigh the presumption. The NPPF provides guidance on the weight that should be accorded to harm to heritage assets and in what circumstances such harm might be justified (section 12).

4.5 The principal of a roof terrace in this location has already been established by the previous planning permission reference 2016/5784/P. Therefore, the main consideration in the determination of this application is the impact of the larger terrace and the lengthening of the previously approved privacy screen to cover the whole length of the terrace.

4.6 The increase in footprint of the terrace and the repositioning of the proposed railings around the perimeter is considered to have limited impact in design terms. Although the railings would be more visible from the public realm due to their position on top of the parapet coping stone, their design, material and appearance are considered to be in keeping with the architectural details of the host building and wider terrace.

4.7 The proposed screen would run along the boundary with no.74 which also has a roof terrace at this level. It would measure 6.8m long, as opposed to the 3.8m previously approved under reference 2016/5784/P. The applicant was originally advised during the determination of application reference 2016/1066/P (which proposed a terrace with no privacy screening) that a full size terrace in this

location would not be acceptable not only for the impact on neighbouring privacy, but also due to the size of the privacy screen that would be necessary to prevent views into the rear windows and terrace of neighbouring property no.74.

4.8 A privacy screen measuring 6.8m long and 1.8m high is considered to add an unacceptable sense of additional bulk and visual clutter at this high level. When viewed from the east or west, the privacy screen would almost give the appearance of an additional storey above the closet wing. Furthermore, such a large expanse of glazing at this high level is considered out of character in this location, where the majority of neighbouring buildings are characterised by a material palette of traditional brickwork and metal railings. Furthermore, the proposals would be highly visible from the rear windows of surrounding properties as well as the wider public realm, with views from Maitland Park Villas to the rear. Consequently, the development is considered harmful to the character and appearance of the host building and wider conservation area, contrary to policies D1 and D2 of the Camden Local Plan. There are no planning considerations which are considered to sufficiently outweigh the harm caused to the character of the conservation area.

4.9 Although it is acknowledged that a glazed screen was previously approved in this location, it was the subject of negotiation with the applicant, and reduced in size and pulled back from the rear elevation in order to minimise its visual impact.

## **5.0 Neighbouring amenity**

5.1 Policy A1 seeks to protect the quality of life of occupiers and neighbours by only granting permission for development that does not cause harm to amenity. Factors to consider, and which are particularly relevant to this case, include sunlight, daylight, outlook, visual privacy and overlooking.

5.2 The proposed privacy screen would run along the length of the terrace area to prevent views into the windows and terrace to the rear of no.74. At a height of 1.8m when measured from the ground level of no.74 (which sits slightly higher than the application site), the screen would sufficiently block views between the two properties and protect neighbouring amenity.

5.3 The rear elevations of these properties are north east facing, so do not receive direct sunlight during the day. The screen is therefore unlikely to impact levels of sunlight reaching the neighbouring windows.

5.4 Notwithstanding this, the proposed privacy screen is not considered acceptable for the reasons outlined in section 4 above. Without the proposed screen in place, the enlarged terrace would afford views onto the neighbouring terrace, resulting in harm to the privacy of the occupants of no.74.

## **6.0 Conclusion**

6.1 Although the proposals are not considered to cause harm to neighbouring amenity, the proposal neither preserves nor enhances the character and appearance of the Parkhill Conservation Area. The large glazed privacy screen would be an incongruous addition to the highly visible rear elevation of the application site and wider terrace of buildings. The proposals would harm the character and appearance of the host building and would fail to preserve or enhance the character and appearance of the wider conservation area, and would therefore not meet the requirements of policies D1 and D2 of the Camden Local Plan 2017. It is therefore recommended that the application is refused for the following reason:

*The glazed privacy screen, by virtue of its size, location, material and detailed design, is considered to be an incongruous addition to the rear of the property and would have a detrimental impact on the character and appearance of the host building and the character and*

*appearance of the wider Parkhill Conservation Area, contrary to policies D1 (Design) and D2 (Heritage) of the London Borough of Camden Local Plan 2017.*

## **7.0 Recommendation**

7.1 It is recommended:

- a) that the application is refused; and
- b) that the Head of Legal Services be instructed to issue an Enforcement Notice under Section 172 of the Town and Country Planning Act 1990 (as amended) and officers be authorised in the event of noncompliance, to commence legal proceedings under Section 179 or other appropriate power and/or take direct action under Section 178 in order to secure the cessation of the breach of planning control.

6.2 The Notice shall allege the following breach of planning control:

- The unauthorised installation of railings around the perimeter of the flat roof of the three storey rear extension in order to use the entire flat roof of the three storey rear extension as a terrace.

6.3 The notice shall require within a period of 1 month of the notice taking effect:

- The complete removal of the railings installed around the perimeter of the flat roof of the three storey rear extension, and/or
- The repositioning of the railings so that they are in accordance with the layout previously approved under reference 2016/5784/P dated 17/08/2017.

6.4 The Notice shall specify the reason why the Council considers it expedient to issue the notice:

*The enlarged roof terrace, by reason of inadequate privacy screening, would result in a harmful loss of privacy to neighbouring property 74 Haverstock Hill to the detriment of their residential amenity. Thus, the proposal would be contrary to the requirements of policy A1 of the London Borough of Camden Local Plan June 2017.*