

Delegated Report		Analysis sheet	Expiry Date:	23/05/2018
		N/A / attached	Consultation Expiry Date:	24/05/2018
Officer			Application Number(s)	
Stuart Clapham			2018/1564/P	
Application Address			Drawing Numbers	
Newmount 11 Lyndhurst Terrace London NW3 5QA			See decision notice	
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature	
Proposal(s)				
Replacement of existing fourth-floor structure with a larger roof extension and additional roof terraces to provide 1 x self-contained flat.				
Recommendation(s):		Refused		
Application Type:		Full Planning Permission		

Conditions or Reasons for Refusal:	Refer to Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	00	No. of responses	04	No. of objections	04
Summary of consultation responses:	<p>Site notices were placed between 02/05/2018 and 23/05/2018. Press notices were placed between 03/05/2018 and 24/05/2018.</p> <p>Four objections were received, from the occupiers of flats 4,6,8 and 9 Newmount on the grounds of:</p> <ol style="list-style-type: none"> 1. Increase in the building height 2. Design is not in keeping with the design of the building 3. Impact on the structural stability of the building 4. Absence of adequate fire escape 5. Refuse collection arrangements 6. Absence of assessment on impact to Conservation Area in the Design and Access Statement (para 128 of NPPF) 7. The proposal would add additional bulk to the roof line and a proliferation of metal balustrades at the edge of the roof. 8. The application would exacerbate the impact of an unsightly and tall building on the street-scene. 9. Increased noise and overlooking as a result of increased intensity of use of the existing roof. <p>Officer response</p> <ol style="list-style-type: none"> 1. See Assessment points 1.5-1.7 below 2. See Assessment points 1.8-1.10 below 3. Structural issues would be secured with other legislation including building regulations. 4. This would be secured through other legislation including building regulations 5. See point 1.12 6. Paragraph 128 of the NPPF relates specifically to heritage assets. 7. See Assessment points 1.5-1.7 below 8. See Assessment points 1.5-1.7 below 9. See Assessment points 3.2-3.3 below 					
CAAC/Local groups comments:	<p>The Heath and Hampstead Society objects to the application on the grounds of:</p> <ol style="list-style-type: none"> 1. Impact on overlooking and loss of privacy 2. Poor architectural design which would be visible from many viewpoints. <p>Officer response</p> <ol style="list-style-type: none"> 1. See Assessment point 3.2 2. See Assessment section 1. 					

Site Description

The site is the fourth storey roof space of Newmount, a four-storey apartment block located on Lyndhurst Terrace. The building is sited in the Fitzjohns and Netherhall Conservation Area, to which it is noted as a negative contributor to the character and appearance. The block was built in the 1960's and is described in the Conservation Area Statement as "unsympathetic in terms of design, scale and detail". It is further described as having a "monolithic built form, uncharacteristic skyline, unsympathetic materials, with a lack of details".

The fourth storey roof space is currently occupied by plant equipment, specifically related to the lift and a water tank, alongside a 4.1m (L) x 4.6m (W) x 3.2m (H) sun room and roof terrace facing the rear elevation and pertaining to the third floor flat.

Relevant History

Application site

2012/0539/P Amendment to planning permission dated 02/11/2010 (ref. 2010/4661/P) for extension at roof level to provide additional habitable accommodation to the third floor flat including front and rear roof terraces, namely to allow erection of further extension at roof level and installation of balustrade to dwelling flat (Class C3). **Full planning permission refused 29/03/2012**

Reason For Refusal

The proposed roof extension, by reason of its height, bulk, materials and detailed design, would create an unduly visually prominent and discordant feature, which would harm the character and appearance of the host building and wider Fitzjohn's Netherhall Conservation Area, contrary to policies CS14 (Promoting high quality places and conserving our heritage) of the London Borough of Camden Local Development Framework Core Strategy; and policies DP24 (Securing high quality design) and DP25 (Conserving Camden's heritage) of the London Borough of Camden Local Development Framework Development Policies.

2010/4661/P Renewal of planning permission granted on 08/04/2008 (2007/6354/P) for extension at roof level to provide additional habitable accommodation to the third floor flat including front and rear roof terraces as an amendment to planning permission dated 5/11/2005 (ref. 2004/3974/P) for demolition of existing sunroom at fourth floor/roof level and replacement by the construction of two new sunrooms as an extension to the existing 3rd floor flat plus extended roof terrace and associated balustrading. **Renewal of Full Planning Permission granted 02/11/2010**

2007/6354/P Extension at roof level to provide additional habitable accommodation to the third floor flat including front and rear roof terraces as an amendment to planning permission dated 5/11/2005 (ref. 2004/3974/P) for demolition of existing sunroom at fourth floor/roof level and replacement by the construction of two new sunrooms as an extension to the existing 3rd floor flat plus extended roof terrace and associated balustrading. **Full planning permission granted 09/04/2008**

Officer comment: *While this did propose a similar massing to the newly proposed dwelling, it was entirely glazed and for ancillary accommodation to the third floor flat, making it more lightweight in design and less intrusive in overlooking to lower floor.*

2004/3974/P Demolition of existing sunroom at fourth floor/roof level, and replacement by the construction of two new sunrooms, as an extension to the existing third floor flat, plus extended roof terrace and associated balustrading. **Full planning permission granted 05/11/2004.**

14943 Erection of a conservatory at "Newmount", 11 Lyndhurst Terrace, N.W.3. and a staircase in connection therewith. **Full planning permission granted 30/04/1773**

Neighbouring properties

15 Lyndhurst Terrace

2017/2471/P Replacement two storey residential dwelling with basement, following demolition of existing dwelling; associated works. ***Full planning permission refused 11/10/2017***

2015/6278/P Demolition of existing house to provide a new dwelling. ***Full planning permission refused 11/02/2016***

Relevant policies

National Planning Policy Framework 2012

London Plan 2016

London Borough of Camden Local Plan 2017

Policy D1 – Design

Policy D2 - Heritage

Policy H6 – Housing choice and mix

Policy H7 – Large and small homes

Policy A1 – Managing the impact of development

Policy T1 – Prioritising walking, cycling and public transport

Policy T2 – Parking and car free development

Supplementary Planning Guidance

Camden Planning Guidance (CPG)

CPG 1 Design (July 2015 updated March 2018)

CPG – Amenity (March 2018)

CPG – Housing (Interim) (March 2018)

CPG 7 Transport (September 2011)

Fitzjohns and Netherhall Conservation Area Statement 2001

Assessment

The relevant planning considerations here are design and heritage; housing and quality of accommodation; neighbour amenity; and transport impacts.

1.0 Design and heritage

Policy

1.1 The Council's design policies are aimed at achieving the highest standard of design in all developments. Policy D1 requires extensions to consider the character, setting, context and the form and scale of neighbouring buildings; the quality of materials to be used; and the character and proportions of the existing building. Policy D2 additionally states that the Council will only permit development within conservation areas that preserves or enhances the character and appearance of the area.

Assessment

1.2 The application seeks permission for the demolition of the existing rooftop sun room and plant equipment, and its replacement with a structure measuring 11.8m x 8.0m and a height of 3.2m, containing one two-bedroom flat. Additional roof terraces would be created to the front and south of the block, with balustrades set 0.6m back from the roof edge. The structure would be constructed of black facing bricks to match the lower storeys of the host building, with powder coated aluminium fenestration also intended to match lower floors.

1.3 The structure would replace the existing sun room which has uPVC framed glazing (facing the rear elevation), and plant rooms which are housed in a timber-clad structure to the centre of the roof.

Massing

1.4 The current structure is currently extensively visible from public views from Spring Path, Fitzjohn's Avenue and Lyndhurst Terrace, and in private views from upper floors of neighbouring properties (particularly in the winter months when views are less obscured by trees). While it is acknowledged that the existing roof structures are of poor design and have a negative impact on the character and appearance of the Conservation Area, it is also noted that they are visibly lightweight structures serving a clear ancillary purpose.

1.5 It is also noted that the host building is already at least one storey higher than the eaves of its neighbours, and the scale of the building is considered part of its reason for detracting from the character and appearance of the conservation area.

1.6 Through expanding the width, depth and overall height of the roof structures, and the addition of new balustrades, the application would increase the bulk and visual prominence of the fourth floor of the building from existing views and also make the structure visible from new views.

1.7 Additionally, the replacement of lightweight ancillary rooftop structures with a full new storey of accommodation with design reference to the below floors would lead the building to be read as a five-storey residential block rather than a four-storey one. This would exacerbate the extent to which the overall building detracts from the character and appearance of the Conservation Area in terms of its scale.

Detail design

1.8 While the design of the host building does detract from the character of the conservation area, it does have its own architectural integrity, with a clear pattern of massing,

fenestration symmetry and architectural detailing. It also has differentiated massing between the third floor and lower floors, providing a clear building termination.

1.9 The conversion of a modest ancillary space to a full additional floor of residential accommodation would result in an additional storey above the existing termination. While maintaining some matching materials and details, this would remain clearly a modern and incongruous addition to the original building.

1.10 The impact of this would be exacerbated given that the new storey be most visible from the rear elevation (visible in long views from Fitzjohn's Avenue and Spring Path), on which the proposed new structure has very little symmetry and architectural alignment with the lower floors in terms of massing, fenestration design and balustrade placement.

1.11 It is therefore considered that the proposed siting, massing and detail design would harm the architectural integrity of the built form of the host building, be overbearing in scale and exacerbate the extent to which the extension detracts from the character and appearance of the Conservation Area.

1.12 It is noted that the proposal does not include provision for refuse storage. While this would be contrary to policy CC5, this would not constitute a reason for refusal in itself given that it is anticipated this can be incorporated into the refuse storage arrangement for the overall residential block.

2.0 Housing

2.1 Local Plan Policy H7 states that the Council will seek to ensure that all housing development, including conversion of existing homes and non-residential properties: a. contributes to meeting the priorities set out in the Dwelling Size Priorities Table; and b. includes a mix of large and small homes. The below table outlines the Council's dwelling site priorities.

Table 1: Dwelling Size Priorities

	1-bedroom (or studio)	2-bedroom	3-bedroom	4-bedroom (or more)
Social-affordable rented	lower	high	high	medium
Intermediate affordable	high	medium	lower	lower
Market	lower	high	high	lower

2.2 Policy H6 states that the Council will encourage design of all housing to provide functional, adaptable and accessible spaces, and will b. expect all self-contained homes to meet the nationally described space standard. Additional requirements related to the quality of residential accommodation are outlined under Local Plan Policy D1 (explanatory paragraph 7.32).

Assessment

2.3 The application seeks permission for a two-bedroom market rate house. This would be considered of a higher priority and would therefore be acceptable under policy H6.

2.4 With 78sq. m. of living accommodation, large bedrooms and functional separation between living, cooking, eating and sleeping functions, the proposed dwelling would comfortably meet the nationally defined space standards for a two-bedroom, four person dwelling and would also include extensive outdoor amenity space. The fourth floor flat would lose 18 sq. m. of living accommodation but would still exceed the nationally described space standards and retain outdoor space. Both the new and existing dwelling would retain sufficient levels

of daylight, sunlight and a quality outlook. As such, the proposed new dwelling would be acceptable under policies H7 and accommodation quality requirements outlined under policy D1.

3.0 Neighbour amenity

- 3.1 Local Plan Policy A1 seeks to protect the quality of life of occupiers and neighbours by ensuring that development does not cause unacceptable harm to neighbour amenity. Key considerations here include impacts on sunlight/daylight, overlooking and privacy, noise and artificial light pollution.
- 3.2 The development would lead to the addition of outlooks at the first floor to the north, south and east. The impacts on privacy from this would however be limited. From the terraces on the front elevation, the outlook would be over a residential street, and from the north and south (side) elevations would be at a level higher than the neighbouring buildings. As such outlooks to habitable rooms and inner gardens of nearby buildings would be at an acceptable distance.
- 3.3 There would however be an unacceptable harm to the privacy afforded to the third floor flat. The rear terrace of the new dwelling would overlook the terrace and bedroom of the flat below, while the front terrace of the new dwelling would overlook the terrace below with some views into the living room. Given the very short distance of this overlooking (as little as 3m), it is considered that the proposed roof terraces would result in unacceptable harm to the amenity of the residential occupiers of the third floor flat.
- 3.4 Considering the prior existence of roof structures, it is considered that the additional massing would be of no greater detriment than the existing arrangement in terms of sunlight and daylight to neighbouring properties. As a small scale residential development, it is not anticipated that the creation of a new dwelling would lead to unacceptable levels of noise or artificial light pollution.

4.0 Transport impacts

Policy

- 4.1 Local Plan Policy T1 seeks to promote sustainable transport in the borough. The policy states that the Council will seek to ensure that development provides for accessible, secure cycle parking facilities exceeding the minimum standards outlined within the London Plan.
- 4.2 Policy T2 states that the Council will limit the availability of parking and require all new developments in the borough to be car-free. To this end, the council will not issue on-street or on-site parking permits in connection with new developments and use legal agreements to ensure that future occupants are aware that they are not entitled to on-street parking permits.

Assessment

- 4.3 No details have been provided of the location of secure cycle parking provision which would be required in order to comply with policy T1. This would not be considered a reason for refusal considering that provision of these details prior to use of the new dwelling could be included as a planning condition, subject to adequate space being available at the ground floor level.
- 4.4 The proposed development would result in an increased population density and thus would potentially generate additional vehicle traffic. The application would therefore not be acceptable without a planning obligation restricting the provision of on-site parking spaces and on-street parking permits.

5.0 Conclusion

- 5.1 The proposed roof extension, by reason of its height, bulk, materials and detailed design, would create an unduly visually prominent and discordant feature, which would harm the character and appearance of the host building and wider Fitzjohn's Netherhall Conservation Area, contrary to policies D1 (Design) and D2 (Heritage) of the London Borough of Camden Local Plan 2017.
- 5.2 The proposed southern roof terrace, by reason of its siting and proximity results in harmful overlooking to the occupiers at third floor level below, contrary to policy A1 (Managing the impact of development) of the London Borough of Camden Local Plan 2017.
- 5.3 The proposed development, in the absence of a legal agreement securing the development as 'car-free', would be likely to contribute unacceptably to parking congestion in the surrounding area and promote the use of non-sustainable modes of transport, contrary to policies T1 (Prioritising walking, cycling and public transport), T2 (Parking and Car Parking) and A1 (Managing the impact of development) and DM1 (Delivery and monitoring) of the London Borough of Camden Local Plan 2017.

6.0 Recommendation

- 6.1 Refuse planning permission