

## DESIGN & PLANNING STATEMENT

7 Fairhazel Gardens

Version 03

22/10/2018

### 1.0 Planning Context

#### 1.1 Introduction

This application concerns the application for confirmation of the lawful use of the roof terrace at the rear of the first floor flat at 7 Fairhazel gardens for amenity purposes



View of the roof terrace at the Rear

#### 1.2 Location and Site.

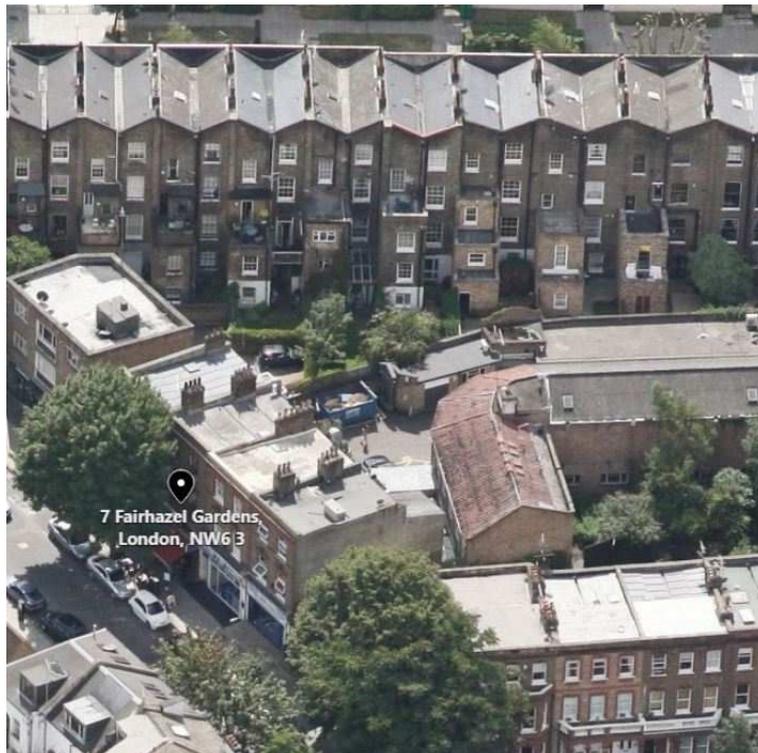
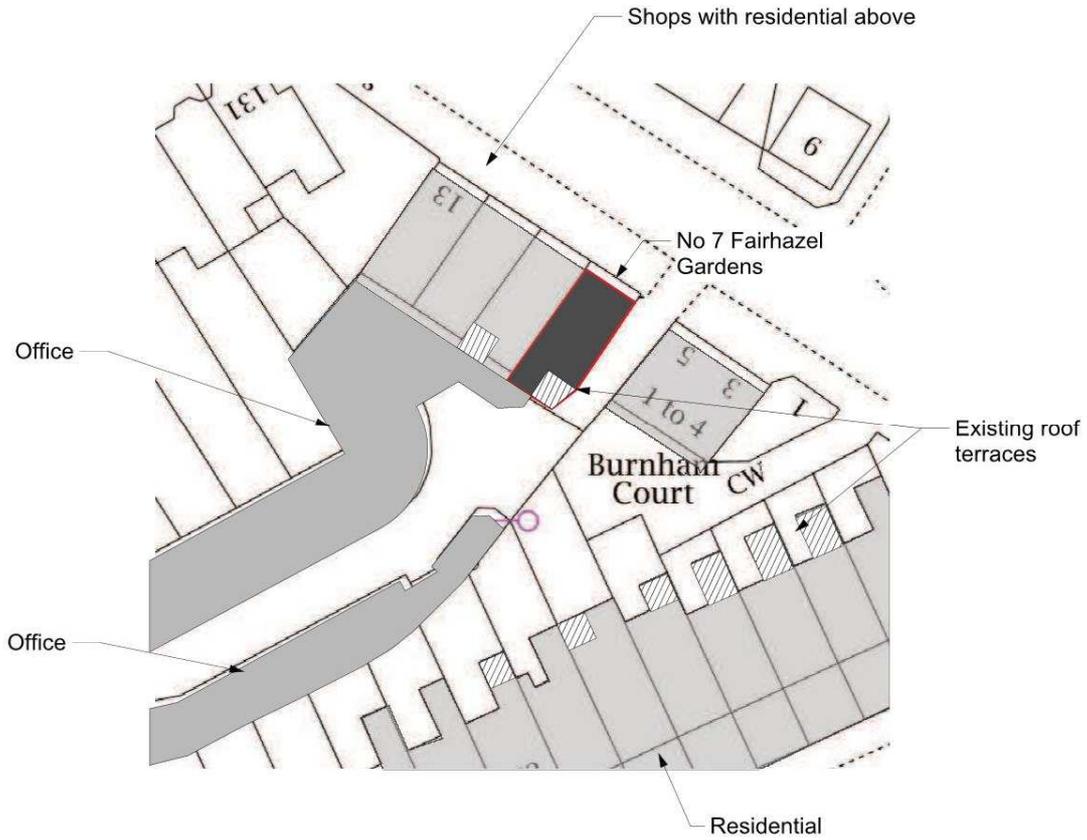
The property is located at the SE end of Fairhazel Gardens. The property is the last unit of a retail terrace at the corner with Coleridge Gardens and is situated above The Arches wine bar. The terrace is late Victorian 3 storey flat roofed construction with small two storey rear extensions on the top of which the roof terrace for No7 is located

#### 1.3 Established Use

The terrace has been in existence since before 1998 . This is established by a Surveyors report dated June 1998. This means that the terrace has been in existence for over 20 years. The client has no knowledge or record of any complaints having been made to the Local Authority or the owners relating to the use of the terrace as amenity space.

## 1.3 Neighbouring Context

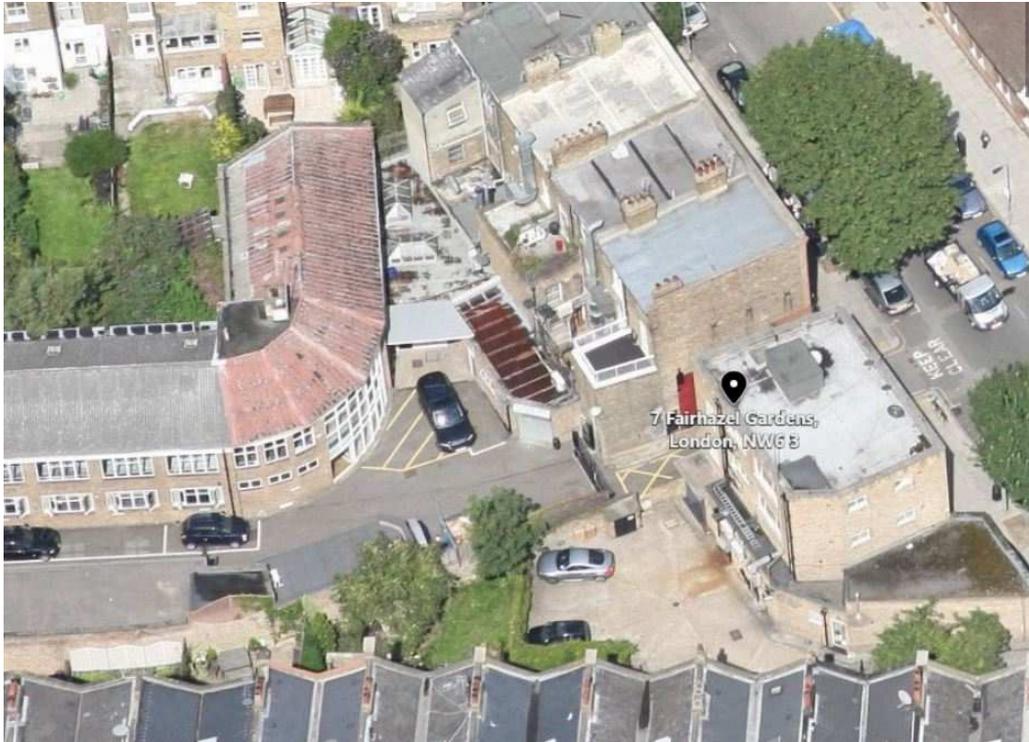
The Terrace is one of 8 adjoining or adjacent properties which have rear roof terraces . 6 of these are at the rear of the terrace on Belsize Road diagonally adjacent to the application site and have a clear and direct view of the site. The immediate neighbour at No 9 also has a terrace overlooking the No7's terrace. None of these terraces are screened to prevent overlooking of their neighbours and all but one is located at second floor level.



View looking towards Belsize Rd showing terraces  
Note: label on building is incorrectly placed and should read No 9

# A3 Associates

Directly to the rear is Coleridge House, a three storey office building with a further single storey building in the yard in which it is situated at the end of Coleridge Gardens. To the SE of the building is Burnham Court public housing. There are no balconies at the rear of this property to overlook or be overlooked by the terrace at No 7.



Older historic View looking NE showing terrace



Current view looking towards Belsize Rd

The existing roof terrace has steel railings with bamboo matting approximately 1.0m high

## 1.4 Amenity Space

The 8.0sqm of terrace provides invaluable external amenity space for the inhabitants of the flat which would otherwise have none. This is in line with new building design standards set out the London Housing Design Guide and in Camden's current Local Plan 2017 (Amenity Space policy 7.23 and Policy adherence to the London Plan Housing Design policy 7.33)



**Google Streetview 2009 showing railings around terrace.**

## 1.5 Lawful Use

As there is compelling evidence that the terrace has existed and been used for over 20years - See Appendix One. The photo above taken from Google Streetview dated September 2009 shows railings around the roof terrace. The Local Authority has not within four years taken enforcement action so the use of the terrace for amenity purposes is lawful under the provisions of s171B of the Town and Country Planning Act 1990, the so called '4 year rule'

## 2.00 Conclusion

The use of the terrace as an amenity space should be permitted because it falls under the 'four year rule' referred to in item 1.5 above. It is also in accordance with current planning policy and best practice. The rear of the premises is already overlooked by many closely adjacent roof terraces at the same level as that of No7. These terraces are not shielded from view from neighbours or prevent overlooking of adjoining and adjacent properties. These terraces must be regarded as an equivalent permitted use. The properties most closely affected are non residential other than the adjacent terrace of No 9 Fairhazel Gardens. Permission should be granted on the basis of this context ,

Appendix One:

Surveyors report of the property dated 30/06/1998

# Countrywide Surveyors

Property: 7 Fairhazel Gardens  
South Hampstead London  
NW6 3QC

Client: Ms Minshall Mr Clarke  
37a Maygrove Road  
London  
NW6 2EG

Inspected on: 30th June 1998

Inspected by: Countrywide Surveyors  
Reco House, 928 High Road,  
North Finchley, London, N12 9RW

**HOME BUYER**  
R E P O R T



NOTE: External Joinery: Reference to patio doors can only relate to the terrace doors and therefore access top the patio. Trellises in the context must mean some form of enclosure , most probably railings.

## HOMEBUYER

REPORT

## THE SURVEY

7 Fairhazel Gardens NW6 3QC

## 5

---

? 2

- External joinery
- External decoration
- Other

PLEASE READ THESE NOTES

C6 THE INTERIOR

- Roof space
- Ceilings

where?

How much?
- Floors

poor condition and requires repair. The parapet wall is also unlikely to contain a proper damp- proof course and this could lead to movement, water penetration and possible timber and masonry decay. The copings on the parapet wall appear satisfactory from ground level but we cannot confirm that they are all securely bedded.

ACTION You should arrange for a reputable builder to inspect the property and quote for any necessary remedial work prior to a legal commitment to purchase. Please see Section F1.

The property is fitted with timber windows and doors. Generally these are in satisfactory condition. A number of windows were firmly closed and will require an overhaul. However, bearing in mind decay may be affecting hidden external and internal eaves timbers, further repairs/ replacements may be necessary when annual maintenance work is carried out. We would recommend that weatherboards are fitted to the patio doors to stop weather ingress (there is evidence that there has been some minor weather penetration). The trellises on the patio appear to be in fair condition and may also need some work carried out on them.

The external decorations are beginning to deteriorate and redecoration is required. where?

As has already been indicated quite a lot of work is required on the exterior of the building.

Floor surfaces and under-floor spaces are examined so far as they are accessible (furniture, floor coverings and other contents are not moved or lifted). If a part or area normally examined was found to be not accessible, this is reported; if a problem is suspected, advice is given on what action should be taken. It is not possible to assess the internal condition of any chimney, boiler or other flues. (In some cases, when furniture and pictures are removed internal decorations may prove to be damaged or faded.)

C6 THE INTERIOR

There were no accessible roof voids.

The ceilings which are formed in a mixture of lath and plaster and plasterboard are in reasonable condition but large areas of soft and hollow-sounding plaster were found and extensive replastering will be necessary. A number of ceilings have been lined with paper which may hide defective plaster. If these finishes are replaced or disturbed during redecoration, then repairs and renewal of plaster may well be necessary. In addition, the original lath and plaster ceilings which have been papered over (often to hide defects) are now coming to the end of their serviceable life. This plasterwork over the years is susceptible to vibration, disturbance and shrinkage which can, and often does, result in loss of adhesion and sudden failure. Continual repair or replastering must be anticipated.

ACTION You should obtain quotations for replacing defective plaster prior to a legal commitment to purchase. Please see Section F1.

The floor coverings were securely fastened, which precluded a detailed examination of the floors. Some minor movement was noted but this was not found to be inconsistent with this type or age of property. There are noticeable falls to a number of floors, which in our opinion, is probably due to some of the historic movement that has taken place. However, it may be necessary to level furniture to compensate for this.

The Report Headings and Descriptions are reproduced with the permission of The Royal Institution of Chartered Surveyors which owns the copyright.

**Countrywide Surveyors**