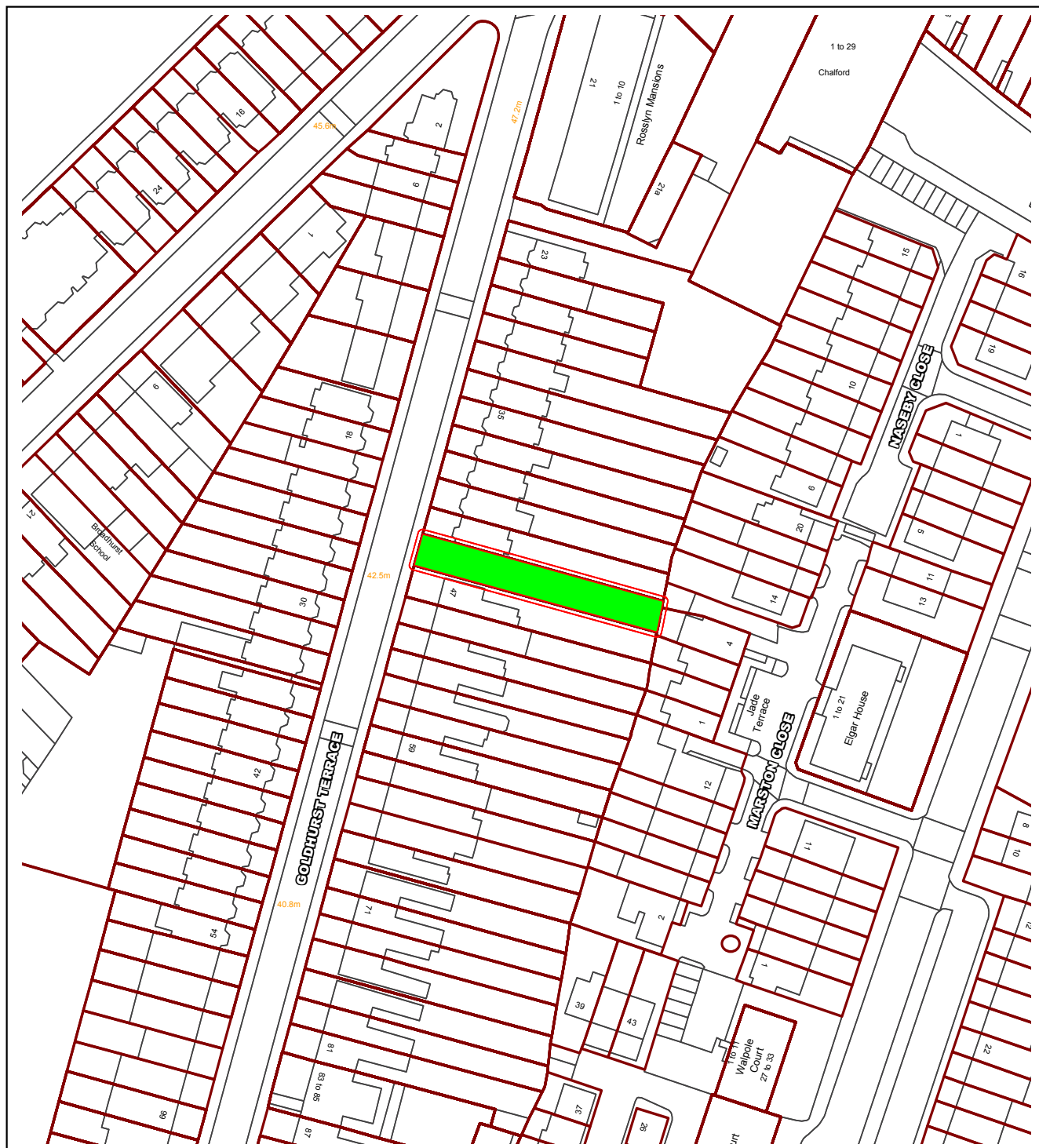


# First Floor Flat, 45 Goldhurst Terrace (2018/4168/P)



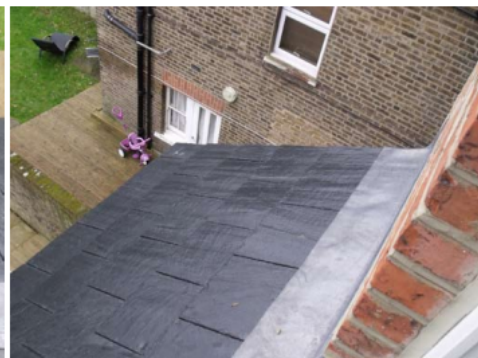
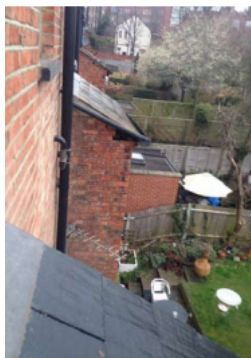
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Aerial view of the rear of the terrace.



Internal Views



Photos looking from the rear.

<b>Delegated Report</b>		<b>Analysis sheet</b>		<b>Expiry Date:</b>		<b>24/10/2018</b>	
(Members Briefing)		N/A / attached		<b>Consultation Expiry Date:</b>		17/11/2018	
<b>Officer</b>				<b>Application Number(s)</b>			
Obote Hope				2018/4168/P			
<b>Application Address</b>				<b>Drawing Numbers</b>			
1st Floor Flat 45 Goldhurst Terrace London NW6 3HB				See draft 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>							
Installation of a Juliet balcony to the rear elevation at 1 <sup>st</sup> floor level.							
<b>Recommendation(s):</b>		Grant conditional planning permission					
<b>Application Type:</b>		Full Planning Permission					

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice			
Informatives:				
Consultations				
Adjoining Occupiers:	No. of responses	03	No. of objections	03
Summary of consultation responses:	<p>Site notice displayed 24/10/2018 to 17/11/2018 Press notice published 25/10/2018 to 18/10/2018</p> <p>3 objections have been received from neighbouring residents at Marsden Close and Goldhurst Terrace, as follows:</p> <ul style="list-style-type: none"><li>• The idea of the first floor roof being used as a terrace that it will infringe in the garden users privacy, the privacy of first and lower ground floor in the adjacent buildings as well as increase the level of noise;</li><li>• As a resident of the lower ground floor, the erection of the extension has already affected the level of light in our seating room (the room facing the garden) and the addition of planters etc, will only make this even more so. I wish all the complaints regarding this planning request could be saved for future application so that we do not have to keep on writing to ask for it to be denied;</li><li>• It is out of keeping with the other properties on Goldhurst Terrace and no other similar properties have been allowed to use the roof in this way as it causes light and privacy issues for the tenants in neighbouring properties.</li></ul> <p><b>Officer comments</b></p> <ul style="list-style-type: none"><li>• <i>The proposed Juliet balcony would not project any further than the upper ground floor bay window, which has a setback of approximately 0.5m from where the balcony would be installed. The balcony would cover a relatively small area approximately 2.1m<sup>2</sup> and it is not anticipated that the proposal would have an unduly detrimental impact in terms of noise given its dimensions.</i></li><li>• <i>The proposal would not have an impact with the property at lower-ground floor level there is no changes being proposed to extend the extension at upper ground floor level;</i></li><li>• <i>The Juliet balcony was approved in 2015, when it was considered to be in accordance with planning policy; there is no material changes in the current planning guidance used to determine this planning application and the new Local Plan policies are not materially different from LDF ones in their objectives and wording.</i></li></ul>			



**CAAC/Local groups comments:**

N/A

### Site Description

The subject property is located on the eastern side of Goldhurst Terrace and is an end of terrace, four storey property which has been subdivided into four flats. The site is within the South Hampstead Conservation Area, considered a positive contributor to the area and is not a listed building.

The area surrounding No 45 comprises mainly 19th century dwellings, four to five storeys in height with original detailing.

### Relevant History

**2016/2958/P:** Retrospective application to retain works to loft conversion (including rear roof dormer and terrace and enlarged side elevation dormer), single storey rear extension and fenestration works including double access doors at upper ground floor rear elevation. **Refused** on 05/10/2016.

#### Reason for refusal:

*"The as built side and rear dormer and terrace roof level, by reason of their design and bulk and introduction of visual clutter at roof level, would harm the character and appearance of the host building, the unsympathetic sloped roof and double access doors due to their design harm the host building, contrary to policy 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".*

*"The removal of the flat roof and installation of double access doors at first floor has the potential to cause amenity issues for neighbouring properties due to overlooking and loss of privacy, contrary to policy CS5 (Managing the impact of growth and development) of Camden Local Development Framework Core Strategy and policy DP26 (Managing the impact of development on occupiers and neighbours) of the London Borough of Camden Local Development Framework Development Policies".*

#### Appeal Decision A (APP/X5210/C/16/3159484) and B (APP/X5210/W/16/3159490)

*'I conclude on this issue that the side and rear dormers and roof terrace, by reason of their design, bulk and introduction of visual clutter at roof level, harm the character and appearance of the host building, the roofscapes in the terrace and as a result the CA. Replacement of the double sash windows, removal of the clay tiled roof and creation of balcony to the rear elevation has resulted in a development unsympathetic to the architectural qualities of the rear elevations of the host and surrounding properties. To retain these elements would be contrary to aims of DP Policies DP24 and DP25 as described and CS Policy CS14 in that it would fail to relate to the established character of the property and its neighbours, or to preserve or enhance this part of the CA'*

**2015/5564/P:** Planning Permission for erection of single storey rear extension at lower ground floor. Erection of side and rear roof dormers. Installation of Juliette balcony at first floor rear elevation, installation of 2 conservation style rooflights to front roofslope and installation of windows in side elevation at lower ground, ground, first and second floors.. **Granted** on 27/11/2015.

## Relevant policies

### National Planning Policy Framework (2018)

### The London Plan March (2016)

### The Camden Local Plan (2017)

A1 - Managing the impact of development

D1 - Design

D2 – Heritage

### Camden Planning Guidance

CPG1 Design (July 2015 updated March 2018)

CPG Amenity ((July 2015 updated March 2018)

### South Hampstead Conservation Area and Management Appraisal (2011)

## Assessment

### 1.0 Proposal:

1.1 Planning permission is sought for the installation of Juliet balcony to the rear elevation at first floor level.

1.2 The key considerations are as follows:

- Background;
- Design and Appearance;
- Amenity

### 1.3 Background

1.4 Planning permission was granted in 2015 (planning reference 2015/5564/P) for the erection of a single storey rear extension at lower ground floor. The proposal also include dworks for the erection of side and rear roof dormers, the installation of Juliet balcony at first floor rear elevation, installation of 2 conservation style roof lights to front roof slope and installation of windows in side elevation at lower ground, ground, first and second floors. The proposal for the installation of the Juliet balcony with metal railings to the rear elevation at first floor level was revised to omit the glazed balustrade following officers' comment.

1.5 The proposal was not built in accordance with the approved plans and a retrospective planning application was submitted to retain works for the loft conversion (including rear roof dormer and terrace and enlarged side elevation dormer), the single storey rear extension and fenestration works including double access doors at upper ground floor rear elevation. The proposal was refused permission, and the later appeal was dismissed (3159484 and 3159490).

1.6 The Planning inspector stated that whilst the approved rear first floor opening with Juliet balcony would be taller than the proposal that was approved, the increase in height has enabled by the unauthorised removal of the roof above the upper ground floor bay has resulted in a small balcony area being created. Although this area is shallow, taken together with the removal of the traditional

clay tiles to the rear bay and replacement of the sloping roof with a flat roof, the addition is markedly unsympathetic to the traditional forms of the bays found in adjacent rear elevations.

## **2.0 Design and Appearance**

2.1 Local Plan Policies D1 (Design) and D2 (Heritage) are aimed at achieving the highest standard of design in all developments. Policy D1 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.

2.2 The South Hampstead Conservation Area statement advises that recessed roof terraces may be allowed to the rear roof slope in line with CPG. However, raising the roof ridge and / or changing the roof pitch to the front, side or rear slopes is unlikely to be acceptable. There are no changes proposed to the roof slope of the existing ground floor bay window. As such, the tiles would be retained and no changes are proposed to the sloping roof, which also address the previous concerns that were raised by the planning inspector.

2.3 The proposed Juliet balcony would measure approximately 1.0 in depth and 2.1m in width and cover approximately 2.1sqm. The proposed balcony would measure approximately 1.1m in height and is considered subordinate in scale and location to the host building. Whilst, the proposal would result in the loss of the first floor window the element of the proposal has already been implemented and no objection was raised for the loss of the windows in 2015 (2015/5564/P). The door would be of a similar height and would retain the existing Lintel above.

2.4 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 Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Enterprise and Regulatory Reform Act 2013.

## **3.0 Residential Amenity**

3.1 Policy A1 seeks to protect the amenity of Camden's residents by ensuring the impact of development is fully considered. It seeks to ensure that development protects the quality of life of occupiers and neighbours by only granting permission for development that would not harm the amenity of neighbouring residents. This includes privacy, overlooking, outlook and implications on daylight and sunlight. CPG - Amenity provides specific guidance with regards to privacy, overlooking and outlook.

3.2 There is an existing side window to the flank elevation at first floor level, which serves the first floor kitchen of no 47 Goldhurst Terrace. The nearest window to the rear of 1 – 4 Marston Close would be approximately 44m away. As such, there would not be a significant impact with regards to loss of privacy and overlooking and the proposed works are appropriately set back from no. 43 Goldhurst Terrace which does not feature a side facing window. There is existing mutual levels of overlooking from the neighbouring properties in the terrace due to the existing window arrangement to the rear and the proposed terrace would not have a significant impact with overlooking to warrant a refusal in this instance. Particularly, due to the set back of the proposed terrace by approximately 0.5m from ground floor bay window. As such, the proposal is not considered to cause undue harm to neighbouring amenity in terms of loss of privacy and overlooking.

#### **4.0 Recommendation**

Grant planning permission subject to conditions.

**The decision to refer an application to Planning Committee lies with the Director of Regeneration and Planning. Following the Members Briefing panel on Monday 10th December 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'.**



Application ref: 2018/4168/P  
Contact: Obote Hope  
Tel: 020 7974 2555  
Date: 3 December 2018

**Development Management**  
Regeneration and Planning  
London Borough of Camden  
Town Hall  
Judd Street  
London  
WC1H 9JE

Phone: 020 7974 4444

[planning@camden.gov.uk](mailto:planning@camden.gov.uk)  
[www.camden.gov.uk](http://www.camden.gov.uk)

Judd Architecture Ltd.  
10 Tonbridge Road  
Barming Maidstone  
ME16 9NH

# DRAFT

Dear Sir/Madam

## DECISION

Town and Country Planning Act 1990 (as amended)

### Full Planning Permission Granted

Address:

**1st Floor Flat**  
**45 Goldhurst Terrace**  
**London**  
**NW6 3HB**

# DECISION

Proposal:

The installation of metal balustrade and planters associated with a Juliet balcony to the rear at 1st floor level.

Drawing Nos: 1803 REVA, EX01, EX02, PR100, PR101, PR102 and Design and Access Statement commissioned by Judd Architect LTD.

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).

- 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 1803 REVA, EX01, EX02, PR100, PR101, PR102 and Design and Access Statement commissioned by Judd Architect LTD.

Reason:

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

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 paragraph 38 of the National Planning Policy Framework 2018.

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