

Delegated Report		Analysis sheet		Expiry Date:	07/02/2019
		N/A / attached		Consultation Expiry Date:	13/01/2019
Officer			Application Number(s)		
Sofie Fieldsend			2018/5507/P		
Application Address			Drawing Numbers		
42 Willow Road London NW3 1TS			See decision notice		
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature		
Proposal(s)					
Erection of rear spiral staircase from upper ground level to lower ground. Replacement of ground floor rear window with door. Alterations to side boundary wall.					
Recommendation(s):		Refuse planning permission			
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	02
			No. electronic	00	No. of comments	02
Summary of consultation responses:	<p>A site notice was displayed on the 20/12/2018 and the consultation period expired on the 13/01/2019. A press notice was advertised on 20/12/2018 and expired on 13/01/2019.</p> <p>2 objections and 2 comments were received from garden flat 42 Willow Road, 12 Gayton Crescent, 18 Gayton Crescent and 37 Gayton Road during this consultation period.</p> <p>Their responses can be summarised as follows:</p> <ol style="list-style-type: none">1. Detract from host property and Conservation Area, would be highly visible from Gayton Crescent and Willow Road and would be the only structure on the rear of these properties2. Obtrusive appearance and would cause harm to amenity in terms of loss of outlook, light and enjoyment to the garden flat.3. Loss of privacy and outlook to No.12 Gayton Crescent4. Reduced useable communal garden space5. No significant material change to the previously withdrawn application ref. 2017/3695/P.6. Additional noise to the garden flat from chosen material and maintenance concerns. Results in safety concerns by bumping into structure. Upper flat already has access through the side gate <p>Officer response:</p> <ol style="list-style-type: none">1. See sections 3.1-3.52. See section 43. See section 3.64. See section 3.55. The previously withdrawn application involved a larger balcony, but the principle of a staircase with associated balcony/platform remains unacceptable in principle for its harm to the character and appearance of the host property, terrace and wider Hampstead Conservation Area. This current proposal is considered to address previous amenity concerns raised in the withdrawn application.6. These are not considered to be material planning considerations for a small scale proposal in this location					

CAAC and other community groups	<p>Hampstead CAAC and the Hampstead Neighbourhood forum were consulted and no response was received.</p>
Councillor Stark	<p>Councillor Stark objected on the following grounds:</p> <p>As previously, I remain concerned with this planning application and its effect on the appearance of the rear elevation of this pretty period property and terrace. It will clearly be seen from Gayton Crescent. The balcony will be an eyesore especially if it is not maintained. The noise and disturbance from people on the balcony and on the spiral staircase will also affect the residents of the other flat. It should also be noted that as people leave the spiral staircase they will be directly in front of the neighbour's window. This is a further concern. It is unclear whether the balcony extending out above the neighbour's window will reduce light into the neighbour's flat so this remains a risk. There is also potentially a safety issue with objects falling down/being thrown down from the balcony/spiral staircase.</p> <p>I understand that the door from Gayton Crescent into the garden is left open and so the staircase may represent a security risk.</p> <p>For these reasons I am of the view that the planning application should be rejected.</p> <p>Officer response: Addressed in section 4 (amenity). Regarding concerns about the side door being left open and with items falling from the upper floor there is not anything in the planning policy to prohibit the proposal on safety grounds and the proposal is for private domestic use.</p>

Site Description

The site is a three storey end terrace property with basement level which has been converted into two flats. The garden flat occupies the basement level and other flat occupies the remaining upper floors. It is located on the corner of Willow Road and Gayton Road. The site is located within the Hampstead Conservation Area and while the building is not listed, it is recognised as making a positive contribution to the character of the conservation area. It is also within the Hampstead Neighbourhood Plan area.

Relevant History

Application site

2017/3695/P – Erection of spiral staircase and rear balcony from upper ground level. Removal of existing sash window to be replaced with double doors. – **Withdrawn 05/09/2017**

8500603– Change of use including works of conversion to form a self-contained flat and an upper maisonette as shown on drawings No.WR3A and WR4.– **Granted 03/07/1985**

Relevant policies

National Planning Policy Framework (2018)

London Plan (2016)

Draft London Plan (2017)

Camden's Local Plan (2017)

Policy A1 – Managing the impact of development

Policy D1 – Design

Policy D2 – Heritage

Supplementary Guidance

CPG 1 – Design (2015 updated 2018)

CPG 6 – Amenity (2011 updated 2018)

CPG Amenity (2018)

Hampstead Conservation Area appraisal and management strategy (2001)

Hampstead Neighbourhood Plan (2018)

Policy DH1: Design

Policy DH2: Conservation Areas and Listed Buildings

Assessment

1.0 Proposal

- 1.1 Planning permission is sought for the erection of a rear spiral staircase from upper ground level to lower ground. Replacement of ground floor rear window with door. Alterations to side boundary wall.
- 1.2 The proposed rear staircase platform would project 0.8m beyond the existing rear elevation, with a width of 1.5m. The spiral staircase will have a diameter of 1.5m and will be constructed of black wrought iron.
- 1.3 Part of the side boundary wall on Gayton Road will be raised to match the existing height of the wall and the existing side entrance door will be moved to improve access.

2.0 Assessment

- 2.1 The main considerations in relation to this proposal are:
- The visual impact upon the character and appearance of the host property, streetscene and Hampstead conservation area (Design and Character)
 - Impact on the amenity of adjoining occupiers

3.0 Design and Appearance

Policy background

3.1 Policy D1 of Camden's Local Plan outlines that the Council will require all developments to be of the highest standard of design and will expect developments to consider character, setting, context and the form and scale of neighbouring buildings and the character and proportion of the existing building. In addition it should integrate well with the surrounding streets and contribute positively to the street frontage. Policy D2 states that Council will only permit development within conservation areas that preserves and enhances the character and appearance of the area. Camden Planning Guidance (CPG1) states that "design should positively enhance the character of existing buildings on site and other building immediately adjacent and in the surrounding area".

3.2 In terms of terraces, CPG1 states that terraces should form an integral element in the design of elevations and should complement the elevation upon which it is to be located. It further adds that detailed design to reduce its impact on the existing elevation should be considered.

3.3 Policy DH1 of the Hampstead Neighbourhood Plan states that development proposals that fail to respect and enhance the character of the area and the way it functions will not be supported. Policy DH2 states that new development should take advantage of opportunities to enhance the Conservation Areas by protecting and, where appropriate, restoring original architectural features, including walls, windows, doors, etc., that would make a positive contribution to the Conservation Areas. In addition development proposals must seek to protect and/or enhance buildings (or other elements) which make a positive contribution to the conservation area.

3.4 It is noted that none of the other properties along this row of terraces are subject to a balcony and the proposed platform and staircase would fail to appear as a subordinate additions to the host property, would appear at odds with the rest of the row of terrace properties and it would also does not relate to the prevailing pattern of development. The spiral staircase would be uncharacteristic

within the streetscene and for a property of this type to have a rear external staircase. The proposal would manifest the internal divisions of the building and detract from the historic character of the building. The proposed staircase would fail in terms of its siting, scale and design would fail to relate to the rear elevation of the host property.

3.5 The host property is located on a prominent, open, corner site at the junction of Willow Road and Gayton Crescent. This proposed projection would appear as an incongruous addition which would be highly visible from the street and from properties along Gayton Crescent. The impacts caused upon these views are considered to remain harmful to the character and appearance of the conservation area. Although, the platform element is smaller in scale than the previously withdrawn application, it does not overcome that the principle of the staircase is unacceptable.

3.6 Concerns were raised about the proposal resulting in the loss of usable garden space. The existing garden measures 51sqm and the spiral staircase has a footprint of 1.77sqm and would only result in the loss of 3.47% of useable garden space.

3.7 The existing rear window at ground will be replaced with a timber door. It will match the width, with a similar design proposed and retain the existing lintel. Although the design does not detract from the host property, the principle of having access at this level through the spiral staircase is not supported for its associated impact on the character and appearance in this highly visible location. A Juliette balcony would not be acceptable either.

3.8 It is noted that part of the existing side boundary wall has already been rebuilt historically using new brick. The Hampstead Conservation Area statement identifies the side brick wall to No.42 Willow Road as having 'interesting curved coping bricks'. While there is no objection to increasing the height of part of the wall or the relocation of the side entrance door, if the development was acceptable details of the new wall would be secured by condition to ensure that this detail was not lost. However, it is considered that this bulky and obstructive balcony and staircase would detract from this notable feature mentioned in the area statement.

3.9. Overall, it is considered that the proposed staircase would fail to represent high quality design and would cause a significant impact upon the character and appearance of the host property, row of terrace properties as well as the local area. The development is therefore considered contrary to policies D1 and D2 of Camden's local plan, policies DH1 and DH2 of the Hampstead Neighbourhood Plan (2018) and the Hampstead conservation area statement.

4.0 Amenity

4.1 Local Plan Policy A1 seeks to ensure that the amenity of neighbours is protected including visual privacy, outlook, sunlight, daylight and overshadowing.

4.2 CPG Amenity states that development should be designed in order to ensure that "the proximity, size or cumulative effect of any structures do not have an overbearing and/or dominating effect that is detrimental to the enjoyment of their properties by adjoining residential occupiers" and that where development is considered to have a detrimental impact upon levels of daylight, sunlight or overshadowing into neighbouring properties, the submission of further evidence of this impact may be required.

4.3 The rear garden is shared by the lower ground floor flat and the upper maisonette which occupies the remaining three floors. The maisonette currently accesses this space via a shared side gate located on Gayton Crescent, the proposal would provide this unit with direct access from their property.

4.4 Concerns have been raised about loss of light, outlook, noise and disturbance to the garden flat of the site. The main source of light and outlook to lower ground floor flat is a set of double glass doors facing onto the garden, the proposed staircase platform would extend out over these doors and the proposed staircase would be positioned to the side of the doors adjacent to the side boundary wall.

4.5 Although the staircase will result in some loss of light, given its siting and detailed design it is not considered to result in a detrimental loss of light to an extent that would warrant a reason for refusal. As the staircase is not located directly in front of the garden flat's patio doors, it is not considered to adversely impact on this property's outlook or create a sense of enclosure to this occupier.

4.6 In terms of potential noise and disturbance, the upper flat already has shared access to the garden space through the side entrance and given the small scale of the platform 1.2sqm the applicant will not be able to sit out on it. The proposal is not considered to add significantly to noise and disturbance.

4.7 No.12 Gayton Crescent raised concerns that the creation of the balcony would impact on their privacy. This property would be located over 30m away from the proposal on the opposite side of the road. CPG Amenity outlines that in order to ensure that privacy is protected a minimum distance of 18m between properties that face directly onto each other is recommended. This property is located more than 18m away from the proposal and therefore it not considered that their amenity would not be significantly impacted to warrant a reason for refusal. As stated above, the small size of the platform means it could not be used as a balcony.

4.8. Overall, it is considered that the proposed development would not lead to a detrimental impact upon the lower ground floor unit within the host property by virtue of loss of light, outlook, sense of enclosure or excessive noise and disturbance.

5.0 Conclusion

5.1 The proposed rear staircase by reason of its size, scale, bulk and design would appear as a visually obtrusive and prominent addition given the corner siting of the property and it would fail to respect and preserve the original design and proportions of this row of terraces, all to the detriment of the character of the building and the wider conservation area.

5.2 To conclude the proposed spiral staircase is contrary to CPG1 and policies D1 and D2 of Camden's Local Plan and policies DH1 and DH2 of the Hampstead Neighbourhood Plan (2018).

6.0 Recommendation

6.1 Refuse planning permission.