

<b>Delegated Report</b>		<b>Analysis sheet</b>		<b>Expiry Date:</b>	01/01/2019
		N/A		<b>Consultation Expiry Date:</b>	18/11/2018
<b>Officer</b>			<b>Application Number</b>		
Obote Hope			2018/3482/P		
<b>Application Address</b>			<b>Drawing Numbers</b>		
Flat 6, 6 Regents Park Road London NW1 7TX			Refer to draft decision		
<b>PO 3/4</b>	<b>Area Team Signature</b>	<b>C&amp;UD</b>	<b>Authorised Officer Signature</b>		
<b>Proposal</b>					
Variation of condition 3 (approved plans) of planning permission ref 2015/5330/P dated 05/02/2016 for the erection of roof extension with 2 x rooflights and installation of 4 additional vertical rear rooflights to the rear elevation associated with the creation of a mezzanine floor. Namely, alterations to the north fenestration and installation of an Automated Opening Vent to the north elevation. (Retrospective).					
<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			

<b>Conditions or Reasons for Refusal:</b>	<b>Refer to Draft Decision Notice</b>					
<b>Informatives:</b>						
<b>Consultations</b>						
<b>Adjoining Occupiers:</b>	No. notified	<b>00</b>	No. of responses	<b>03</b>	No. of objections	<b>03</b>
			No. electronic	<b>03</b>		
<b>Summary of consultation responses:</b>	<p>Press notice was displayed in the Ham &amp; High on 15.11.2018</p> <p>Site Notice was displayed between 14.11.2018 and 08.12.2018</p> <p>Letters/emails of objections were submitted from, or on behalf of the owners/occupiers of flat 5, 6 Regent's Park Road and their objections/comments are summarised as follows:</p> <ol style="list-style-type: none"> <li>1. The size and scale of the automatic opening vent greatly alters the roof;</li> <li>2. The proposal takes away light and sky view;</li> </ol>					
<b>CAAC/Local groups comments:</b>	<p>An email objection was received on behalf of the Primrose Hill CAAC. Their objection comments are summarised as follows:</p> <ol style="list-style-type: none"> <li>(1) Automated Opening Vent which stands very significantly higher above the roof slope than the conservation rooflights originally consented;</li> <li>(2) It is visible from Regent's Park Road (our photo 1) and from Gloucester Avenue (our photo 2 compare applicant's drawn north elevation;</li> <li>(3) AOV disrupts and clutters the roofline, and;</li> <li>(4) there is a presumption against granting consent for roof extensions where they would change the shape and form of the roof in a way detrimental to the character and appearance of the conservation area;</li> </ol>					
<b>Site Description</b>						
<p>The application site is a three storey, mid-terrace property with semi-basement level on the northern side of Regent's Park Road. The site is located in the Primrose Hill Conservation Area and forms part of a symmetrically designed group of three terrace properties (nos 4-8). The building contains six residential flats.</p> <p>The terrace properties have decorative stucco detailing on their front elevations and adjoin to a Grade II listed block of flats dated 1954-6 by Erno Goldfinger (no 10). The property is part of a uniformed group within the Primrose Hill Conservation Area and is considered to make a positive contribution to the conservation area's character and appearance.</p>						
<b>Relevant History</b>						
<p>The planning history for the application site can be summarised as follows:</p> <p>2017/0973/P: Variation of condition 3 (approved plans) of planning permission 2015/5330/P dated 17/02/16 (for erection of roof extension with 2 x rooflights and installation of 4 additional vertical rear rooflights to the rear elevation associated with the creation of a mezzanine floor), namely, replacement of brick water tank housing with steel water tank on valley roof and alterations to the roof extension fenestration on the north elevation. Granted on 20/06/2017.</p> <p>2016/1013/P: Planning permission for erection of roof extension. Granted on 25/04/2016.</p> <p>2015/5330/P: Planning permission for erection of roof extension with 2 x rooflights and installation of 4 additional vertical rear rooflights to the rear elevation associated with the creation of a mezzanine floor. Granted on 17/02/2016 .</p> <p>2011/5750/P: Planning permission for the erection of monopitched roof extension with two rooflights in</p>						

connection with existing flat (Class C3). Refused on 20/04/2012

Reason for refusal:

The proposed roof extension, by reason of its design, form, bulk and location in a roofscape which is largely unimpaired by later additions, would result in harm to the character and appearance of the building, the terrace of which it forms part and this part of the Primrose Hill Conservation Area, contrary to policy CS14 (Promoting high quality places and conserving our heritage) 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.

Appeal dismissed on 17.10.2012 the Planning Inspector considered:

***'By virtue of its design the proposal would fail to preserve or enhance the character or appearance of the Primrose Hill Conservation Area. Whilst less than substantial, the harm to the significance of this designated heritage asset would still be material. However, I have no evidence to suggest that this harm would be outweighed by any public benefits including securing the optimum viable use of the building. The proposal is therefore contrary to Camden Core Strategy (2010) Policy CS14 which seeks to preserve Camden's heritage assets and their settings, the Primrose Hill Conservation Area Statement (2001) and the aims and objectives of the National Planning Policy Framework with regard to the protection of designated heritage assets. The proposal also conflicts with Camden Development Policies Document (2010) Policies DP24 and DP25 which require development to respect the character and proportions of buildings where alterations are proposed, and preserve and enhance the character and appearance of conservation areas'.***

2010/6592/P: Planning permission for the erection of rear mansard roof extension with rooflights and dormer windows and new roof terrace to the rear centre slope of butterfly roof for additional accommodation space to top floor rear flat (Class C3). Refused on 23/05/2011.

Reason for refusal:

***'The proposed mansard roof extension, by reason of its location, detailed design, size and bulk, would appear as an incongruous and obtrusive addition to the existing roof which would unbalance the architectural composition of the terrace and would harm the appearance and character of the building and the Primrose Hill Conservation Area, 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'.***

## 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 (paragraphs 7.1-7.3 and 7.9)

D2 - Heritage (paragraphs 7.22, 7.44, 7.46-7.48, 7.54)

#### Camden Planning Guidance

CPG Design (adopted March 2019)

CPG Energy efficiency and adaptation (adopted March 2019)

CPG Amenity (adopted March 2018)

### Primrose Hill Conservation Area Statement (2000) (Paragraphs PH1, PH19 and PH20)

## Assessment

### 1. The proposal

- 1.1. Retrospective permission is sought for an Automated Opening Vent (AOV), enlarged window and door openings at rear roof level. The installed Automated Opening Vent projects from the main roof by 400mm and measures 1800 mm in width x 800mm and would allow an openable size of 680mm x 1400mm.
- 1.2. The submitted email correspondence indicates that works were carried out in 2018 with the Building Control Completion Certificate issued on the 11 July 2018. The works also include the replacement of the existing sliding door with double doors to the rear (south) elevation.
- 1.3. The applicant has suggested that the automated opening vent is required to remove the smoke in the event of a fire, to ensure safe evacuation.

### 2. Background

- 2.1. Planning permission was granted in 2015 for the erection of roof extension with 2 x rooflights and installation of 4 additional vertical rear rooflights to the rear elevation associated with the creation of a mezzanine floor. The proposal was varied under s73 planning permission in 2017 (2017/0973/P) dated 20.06.2017 for replacement of the brick water tank housing with steel water tank on valley roof and alterations to the roof extension fenestration on the south elevation.
- 2.2. The revisions being proposed to the roof slope would materially impact the appearance of the building given its finishing height and scale which departs from the approved scheme.

### 3. Assessment

- 3.1. The principal considerations material to the determination of this application are as follows:
  - The visual impact upon the character and appearance of the host property, streetscene and the Primrose Hill Conservation Area (Design and Conservation)
  - The impacts on the residential amenities of neighbouring occupiers (Residential Amenity)

### 4. Design and Conservation

- 4.1. The Council's design policies are aimed at achieving the highest standard of design in all developments. The following considerations contained within policy D1 are relevant to the application and new development should respect local context and character; comprise of details and materials that are of high quality, complement the local character; and integrates well with the surrounding streets. Policy D2 'Heritage' expects new development to not only conserve, but also

takes opportunities to enhance, or better reveal the significance of heritage assets and their settings. Thus, the Council will not permit development within conservation area that fails to preserve or enhance the character and appearance of that conservation area.

- 4.2. The applicant installed the Automatic Opening Vent in July 2018 on top of the approved roof extension as a result of the open plan layout of the maisonette below in order to remove the smoke in the event of a fire. The applicant has submitted an email from the building control officer in 2018 that says that AOV is *“required to satisfy the life safety requirements of the occupants due to the open plan layout of the maisonette flat a fire Engineered solution is required.”* The applicant considers that AOV is not visible anywhere except flat 5.
- 4.3. The rear of the application building (south) is visible from the rear of surrounding properties on St Mark’s Crescent and Gloucester Avenue and at street level from Regents Park Road. The AOV projects above the roof by 400mm and is visible above the mansard roof. Given the high visibility of the Automated Opening Vent within this part of the conservation area, it has an adverse impact in terms of design and appearance on the host building and wider conservation area.
- 4.4. The host building forms part of a distinguished terrace that remains relatively unaltered and the building is recognised as making a positive contribution to the Primrose Hill Conservation Area. The AOV provides an Alien feature projecting above the mansard and represents a discordant feature and would fail to preserve or enhance the local area character and appearance. The installation of the AOV harms the appearance of the host building, noted as making a positive contribution to the Conservation Area and does not preserve or enhance the character or appearance of the Primrose Hill Conservation Area. The proposals are contrary to Policies D1 and D2 of the Local Plan 2017.
- 4.5. The Council’s Building Control team have been consulted and consider that the AOV is not imperative and the matter could be overcome by changes to the internal layout that would make the property less open planned.
- 4.6. The AOV does not integrate well with the surrounding roofscape and would have a detrimental impact on host building and wider conservation area. Considerable importance and weight has been attached to the harm and 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.
- 4.7. There are no objections to the replacement aluminium doors. The change in the doors is acceptable in design and appearance terms.

## **5. Residential Amenity**

- 5.1. Local Plan Policy A1 seeks to ensure that the amenities of existing and future occupiers are not unduly impacted upon. New development should not have a detrimental impact in terms of privacy, outlook, sense of enclosure, loss of daylight/sunlight, noise and vibration. Concerns have been raised about loss of outlook and light for the occupiers of flat 5 however given its projection of 400mm it would not have an adverse impact in terms of amenity.

## **6. Recommendation**

- 6.1 That the Borough Solicitor be instructed to issue an Enforcement Notice under Section 172 of the Town and Country Planning Act 1990 as amended to remove the Automated Opening Vent to the rear roof slope. Officers will be authorised in the event of non-compliance, 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 breaches of planning control:**

Installation of Automated Opening Vent to the rear roof slope.

**6.3 WHAT ARE YOU REQUIRED TO DO:**

1. Removal of the Automated Opening Vent; and
2. Make good any resulting damage.

**6.4 Period of Compliance:**

12 months

**6.5 REASONS WHY THE COUNCIL CONSIDER IT EXPEDIENT TO ISSUE THE NOTICE:**

The Automated Opening Vent, by virtue of its projection from the roof and location, in relation to the host building, would detract from the character and appearance of the host property and the surrounding Primrose Hill Conservation Area. As such, the proposal is contrary to policies D1 and D2 of the London Borough of Camden Local Plan.