Delegated Rep	eport Analysis shee		et Expiry Date:		31/10/2018		
	Ν	/A		Consultation Expiry Date:	06/11/2018		
Officer			Application Nu	umber(s)			
Matthias Gentet			2018/3992/P				
Application Address		Drawing Numbers					
Flat 3 15 Kingdon Road London NW6 1PJ			Refers to draft decision notice				
PO 3/4 Area Team	Signature	C&UD	Authorised Of	ficer Signature			
Proposal(s)							
Roof extension including new hatch access, front and rear dormers and creation of a rear roof terrace with railings within lower second floor roof.							
Recommendation(s): Non-determination – Council minded to refuse Planning Permission							
Application Type: F	Full Planning Permission						

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice							
Informatives:								
Consultations								
Adjoining Occupiers:	No. notified	00	No. of responses	04	No. of objections	04		
Summary of consultation responses:	Site Notices were displayed on 14/09/2018 and expired on 08/10/2018 and Consultation Letter was issued on 16/10/2018 and expired on 06/11/2018. Summary of responses An objection from a neighbouring residents at No15 Kington Road was received, summarised as follow: Pitched roofs have durability, better drainage and less maintenance Proposed flat roofs will suffer from pooling water and leaks placing pressure on the building, exacerbating structural movements; Extending rear walls will lead to loss of natural light and create feelin on enclosure in my flat; Rear extensions not in keeping with the period character; Proposal null cause noise disturbance, will constitute fire hazard and security risk; Block's building insurance does not cover cost for correcting faulty workmanship;							

	 proportion, heightened by removal of existing features; Design devoid of architectural merit.
	<u>Officer's Response</u> : Please see paragraphs 3.1 to 3.16, 4.1 to 4.14, 5.1, 5.2 In the below report.
Fortune Green and West Hampstead Neighbourhood Forum	No response were received from the Fortune Green and West Hampstead Neighbourhood Forum .

Site Description

The site comprises a 3-storey raised ground floor with mansard red brick terrace property located on the north-west side of Kingdon Road with Dennington Park Road to the north end and Sumatra Road to the south end.

The property is not in a conservation area and is not listed. West End Green Conservation Area is approximately 70m away to the north-east of the site. The site lies within the Fortune Green and West Hampstead Neighbourhood Area.

Relevant History

Site History:

34975 – (granted on 06/10/1983) - Change of use including works of conversion into two self-contained flats and a self-contained maisonette.

Enforcement Site History:

EN010087 - Change of use from flats to hostel/hotel – Closed on 01/02/2001: Flat has not been subdivided into separate units, just extra bedrooms within flat. - No Breach Found.

Adjacent Sites History:

Kingdon Road

No10

2004/1867/P – (refused on 23/06/2004) - Enlargement of existing dormer windows within front and rear roof slopes and formation of a new roof terrace at rear roof level, including the removal of existing rooflight within rear roof slope.

Reasons for Refusal:

The proposed front dormer and rear dormer with associated roof terrace, by reason of their height, width, design and location, would be detrimental to the appearance of the building and the character of the streetscene, contrary to policies EN1, EN13, EN21, EN24 of the London Borough of Camden Unitary Development Plan 2000 and supporting design advice in Council's Supplementary Planning Guidance.

No27

8501836 – (**refused** on 21/11/1985) - Amendment to the permission dated 24th October 1985 (Ref.8501836) in respect of the formation of a wider dormer at second floor level.

Adjacent Enforcement Sites History:

Kingdon Road

No26

EN15/0365 - Work to install a roof terrace, access from the top floor flat – Case closed on 09/04/2015: No Breach Found.

Relevant policies

National Planning Policy Framework 2018

The Draft London Plan 2017

Camden Local Plan 2017

A1 – Managing the Impact of Development D1 – Design D2 – Heritage

Camden Planning Guidance 2018 (as amended) CPG1 (Design) – Chap 4 & 5 CPG - Amenity

Fortune Green & West Hampstead Neighbourhood Plan (2015) Policies 2 & 3

West End Green Conservation Area Appraisal and Management Strategy (CAAMS) (February 2011)

Assessment

1. Proposal and Background

- 1.1 Planning permission is sought for a roof extension including a new hatch access, new front and rear dormers and the creation of a rear roof terrace with railings within lower second floor roof.
- 1.2 The proposal has been assessed based on the details provided as part of the submission and the grounds of appeal. A written response to the objections received has been provided by the applicant.
- 1.3 Currently, the residential unit is a 1-bedroom self-contained flat consisting of a kitchen, bathroom and living room at 2nd floor level and a bedroom and storage at lower 2nd floor level. The roof extension to the closet wing would provide a large space to the existing lower 2nd floor bedroom. The proposed front and rear dormer would enable the creation of a new bedroom with en-suite shower and WC at 2nd floor level, and the relocation of the kitchen within the living room area.
- 1.4 The option for a revision was put forward by the applicant which would have seen the new front dormer removed from the proposal. Although its removal would have been welcome amendment to the application, this alone would not address the detrimental impact of the overall proposal which also include extensive alterations to the rear roof area on the buildings and streetscapes.
- 1.5 It must be noted that there are a number of front and rear alterations to roofs including the creation of roof terraces to neighbouring properties along Kingdon Road that have taken place over the years that do not benefit from planning permission. Despite being in place for more than 4 years and now being lawful, these cannot be used as valid examples to follow and/or to set any precedents to justify the works being considered as part of this application. This is to be further discussed in the below paragraphs 3.7, 3.8, 3.11, 3.12.

Appeal

1.6 An appeal has been submitted against non- determination of the application. Therefore the Council cannot determine the application and the Planning Inspectorate will determine the proposal following assessment of the appeal. The Council accordingly sets out as follows its assessment and what its decision would have been had an appeal not been lodged.

2. Assessment

- 2.1 The principle considerations in the determination of this application are:
 - Design and Heritage
 - Amenity

3. Design and Heritage

- 3.1 Policy D1 (Design) of the Camden Local Plan 2017 states that 'The Council will seek to secure high quality design in development. The Council will require that development respects local context and character, and the form and scale of neighbouring buildings, the character and proportions of the existing building, where alterations and extensions are proposed, the prevailing pattern, density and scale of surrounding development, the impact on existing rhythms, symmetries and uniformities in the townscape, the composition of elevations. Good design takes account of its surroundings and preserves what is distinctive and valued about the local area. Careful consideration of the characteristics of a site, features of local distinctiveness and the wider context is needed in order to achieve high quality development which integrates into its surroundings.'
- 3.2 CPG 1 (Design) also states that 'A roof alteration or addition is likely to be unacceptable in the following circumstances where there is likely to be an adverse effect on the skyline, the appearance of the building or the surrounding street scene, where complete terraces or groups of buildings have a roof line that is largely unimpaired by alterations or extensions, even when a proposal involves adding to the whole terrace or group as a coordinated design.' It goes on to state that 'Alterations to, or the addition of, roof dormers should be sensitive changes which maintain the overall structure of the existing roof form. Usually a 500mm gap is required between the dormer and the ridge or hip to maintain this separation. Full-length dormers, on both the front and rear of the property, will be discouraged to minimise the prominence of these structures. In number, form, scale and pane size, the dormer and window should relate to the façade below and the surface area of the roof.'
- 3.3 Furthermore CPG1 (Design) also states that 'The presence of unsuitably designed new or altered dormers on neighbouring properties will not serve as a precedent for further development of the same kind.'
- 3.4 Policy D2 (Heritage) of the Camden Local Plan 2017 states that 'Due to the largely dense urban nature of Camden, the character or appearance of our conservation areas can also be affected by development which is outside of conservation areas, but visible from within them. The Council will therefore not permit development in locations outside conservation areas that it considers would cause harm to the character, appearance or setting of such an area.'
- 3.5 Policy 2 of the Fortune Green & West Hampstead Neighbourhood Plan (2015) states that 'All development shall be of a high quality of design, which complements and enhances the distinct local character and identity of Fortune Green and West Hampstead such as developments which maintain the positive contributions to character of existing buildings and structures and developments which have regard to the form, function, structure and heritage of

its context - including the scale, mass, orientation, pattern and grain of surrounding buildings, streets and spaces.

Front Dormer

- 3.6 The proposed front dormer, as shown on the plans, would measure approximately 5.7m in width by 1.5m in height and with a depth of 1.8m (Flat roof) with brick 'cheeks'. The new window would consist of 4no section 2no large central sections with 1no smaller section on each side) upvc frame double glazed window full dormer width. The dormer would be set central to the front roof slope.
- 3.7 The predominant front roof slope pattern within Kingdon Road is formed of small, singular, pitch roof dormers. The replacement of an existing dormer measuring approximately 2.2m in width by 2.2m in height and 2.5m in depth (pitch roof) with a considerably wider dormer would erode the uniformity of the front dormer design found for example at No1 to No5, No13 to No17, No2 to No16 Kingdon Road. Furthermore, CPG 1 requires a 500mm gap between the dormer and the ridge or hip to maintain this separation. Measuring the gap on the proposed elevation drawings shows the gap to be only 400mm on the right hand side of the new dormer though it is 500mm on the left. This, however, seems to differ from the measurements taken from the proposed roof plan that shows the gap to be 800mm on the right hand side of the chimney stack 200mm.
- 3.8 The property forms part of a row of terraced houses which have retained most of their original historic features on the front elevation. There are some properties that have has unsympathetic alterations at roof level including No7 and No21, No22 to No26 where oversized front dormers including upvc frame windows have been installed. Having checked the planning history of neighbouring sites there are no records of planning permissions being granted for these dormers. They do appear to be historic and would be exempt from any enforcement action. The proposed front dormer – would extend across the majority the front roof slope. This would be considered overly dominant in terms of its width and height and would be out of keeping with the existing architectural character of the main building. The dormer would not relate to the fenestration pattern of the lower floors of the existing property which would further harm its character and appearance. Furthermore, although the double glazing of the proposed windows is not raising any concerns in terms of the glazing type, the use of UPVC would not be considered acceptable on the front elevation of this e traditional Victorian_host building. This is supported by CPG1 (Design) which states that 'Alterations should always take into account the character and design of the property and its surroundings. Traditional window material, replacements should also be in timber frames. uPVC windows are not acceptable both aesthetically and for environmental reasons, including their relatively short lifespan and inability to biodegrade.'
- 3.9 The proposed front dormer, by virtue of its size, height, detailed design and materials to be used would be a bulky and incongruous fixture that would dominate the front roof. The inappropriate choice of material for the new window is further adding to the unsympathetic design of the dormer and its overall detrimental impact to the front roof slope contrary to policies D1 and D2.

Rear Dormer and Roof Terrace

3.10 The roof of the property has been subject to alterations in the past that have included the lowering of the roof ridge following its replacement with a flat roof, levelled with the roof ridge of the front pitch roof dormer and the associated alterations to the roof slope of the original rear dormer that historically extended from the ridge of the original roof down to the façade of the rear dormer. These have resulted in a flat roofed rear dormer that is no longer stretching from the edge of the flat roof (main roof) down to the face of the dormer. It would also appear that the now existing dormer had been enlarged. See below view:



- 3.11 The existing closet wing extensions at the application property and the neighbouring property at No13 are identical back-to-back with pitch roofs and are predominantly unaltered There are, however, examples of unsympathetic developments whereby some of the sloped roofs have been replaced by roof extensions with flat roofs that include roof terraces . An example can be found at No7 where the original design of the entire roof is no longer
 identifiable. Instead, a rear terrace has been installed into the roof area that has resulted in the removal of the majority of the original roofslope and occupies over ¾ of the rear roofs area. The traditional sash windows have been replaced by a full width bay window with patio doors. It would also appear that the rest of the rear windows now consist of casement windows instead of the traditional sash windows still found within the rear elevations of neighbouring properties. Nevertheless, the general historic pattern of the rear roof scape of properties within this part of the street consists of single small rear dormers.
- 3.12 CPG1 (Design) states that 'Balconies and terraces can provide valuable amenity space for flats that would otherwise have little or no private exterior space. However, they can also cause nuisance to neighbours. Potential problems include overlooking and privacy, daylight, noise, light spillage and security. Balconies and terraces should form an integral element in the design of elevations. The key to whether a design is acceptable is the degree to which the balcony or terrace complements the elevation upon which it is to be located. Consideration should be given to detailed design to reduce the impact on the existing elevation.' It goes on further by stating that 'The dimensions of the roof should be sufficient to accommodate a terrace without adversely affecting the appearance of the roof or the elevation of the property.'
- 3.13 The proposed rear alterations would see the replacement of a modestly sized rear dormer with a much larger dormer window that would extend out from the eaves of the rear roofslope. The dormer would measure approximately 3.9m in width (at the top) by 2.2m in height (at the full height) with a depth of approximately 2.4m (at roof level). The new dormer would have a flat roof. The dormer would not be set up from the eaves and would appear large and bulky on the rear roofslope due to its size and location. This, together with the alterations to the roof of the closet wing would give the appearance of a new third storey at the rear that would result in the loss of the original roof form. This would be unsympathetic to the age and character of the building and would result in the loss of the integrity of the roof form. This would be considered harmful to the character and appearance of the building and would be considered unacceptable.

3.14 The roof extension of closet wing would result in the loss of the traditional pitched roof

with a flat roof to create a roof terrace at third floor level. The loss of this traditional roof slope would be considered harmful to the character and appearance of the building and would be considered unacceptable.

- 3.15 The roof terrace and its acceptability would be assessed despite the fact that the proposed alterations to the form of the closet wing roof would not be supported. The proposal would include the creation of a roof terrace at third floor level following the installation of around the parapet that would be set away from its edges by approximately 0.7m and 0.8m. Regarding the railings, paragraph 5.24 of CPG1 (Design) requires that careful consideration should be given to the detailed design to reduce the impact on the existing elevation, and form an integral element. The installation of railings at third floor level would be considered to further undermine the character of the existing building and Fortune Green and West Hampstead area and would be considered unacceptable.
- 3.16 As such, the rear dormer, roof terrace and railings to the terrace are unacceptable. The poor choice of material for the new window is further adding to the detrimental impact the overall proposal would have on the rear roof area, contrary to policies D1 and D2.

4. Amenity

- 4.1 Policy A4 (Noise and vibration) of the Camden Local Plan 2017 'Noise and vibration can have a major effect on health and amenity and quality of life. The Council will seek to ensure that noise and vibration is controlled and managed.'
- 4.2 Policy A1 (Managing the impact of development) of the Camden Local Plan 2017 states that 'The Council will seek to protect the quality of life of occupiers and neighbours. We will grant permission for development unless this causes unacceptable harm to amenity. The Council will seek to ensure that the amenity of communities, occupiers and neighbours is protected. The factors we will consider include visual privacy, outlook, sunlight, daylight and overshadowing.'
- 4.3CPG1 (Design) also states that 'Terraces should not result in overlooking of habitable rooms of adjacent properties.'
- 4.4 CPG (Amenity) states that 'Levels of daylight and sunlight within buildings are important for amenity, health and well-being, for bringing warmth into a property and to save energy by reducing the need for artificial lighting and heating. Daylight is considered to be the volume of natural light that enters a building to provide satisfactory illumination of internal accommodation between dawn and dusk. Overshadowing is an outcome of sunlight being blocked and is associated with the measurement of sunlight levels. Daylight and sunlight levels are affected by the location of a proposed development and its proximity to, and position in relation to, the windows in nearby properties. The 45 degree test is an assessment of daylight and can be applied to developments that lie perpendicular (at a right angle) to a neighbouring property. It is most suited to minor developments, such as residential extensions.'

<u>Noise</u>

- 4.5 The proposed rear roof terrace would be sitting above the existing bedroom at lower 2nd floor level. The bedroom is part of the applicant's flat. Any noise disturbance caused by the use of the terrace would be directly incurred by the applicant, which in turn would 'cushion' any potential noise with regards the neighbouring flats within the whole of the property.
- 4.6 In terms of noise, the roof terrace is considered to be acceptable and in accordance with policies A1 and A4.

Overlooking and Privacy

Rear Dormer and Roof Terrace

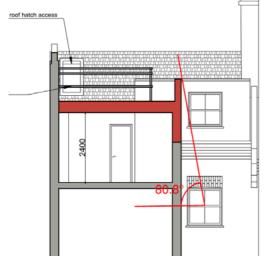
- 4.7 The proposed terrace and associated railings at third floor level on the roof of the two storey closet wing would not allow direct views into windows of any neighbouring flats. The distance between the proposed rear roof terrace and the rear windows at No19 Dennington Park Road is approximately 27m, at least 9m further than the requested 18m.
- 4.8 The enlargement of the rear dormer window would not create any further harmful overlooking into neighbouring properties than is already experienced from the existing rear dormer.
- 4.9 In terms of overlooking and privacy, the rear roof terrace and rear dormer are considered to be acceptable and in accordance with policy A1.

Front Dormer

4.10 The new front dormer would replace an existing dormer_with a larger wider dormer window that would serve a living, dining kitchen area. Although the proposed dormer would incorporate a large expanse of window openings at second floor level it would not introduce any further harmful overlooking between the application property and the building opposite at No20's opposite. The separate distance is approximately 13m and there is already a mutual relationship of overlooking between the properties that this proposal would not make any worse.

Loss of Light

4.11 Applicants are expected to use the 45-degree test and the 25-degree tests to screen their proposals to determine whether a sunlight and daylight report is required. The screening procedure in set out in Figure 1 (CPG1 Design). The 45° test has been carried out on the proposed rear elevation, the result is as follow:

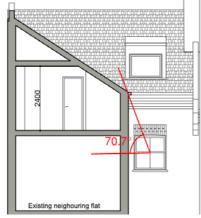


45° test from No17 rear dormer (approximate location)



The desktop assessment shows that the proposal would not pass the 45 degree test in elevation and is in excess of the recommended 45° - at 80.8°. However it must be noted that the existing closet wing would also break the 45⁰ line in elevation when taken from the second floor window of the flat below. The proposed alterations to the closet wing roof form would not be considered to result in further loss of light to the flat below and would be considered acceptable.

4.12 It is worth noting that the current proximity of the closet wing to the same rear 1st floor window would also fail the 45° test, as shown on the below shot:



At 70.7°, the existing closet wing in impacting on the level of natural light entering the below flat through the rear 1st floor window. This part of the proposal would therefore ascerbate the current issue with the loss of natural light.

4.13 The proposal to the rear of the property, by virtue of its size, scale, design and location is considered to be unacceptable, contrary to policies A1 and A4.

5. Conclusion

- 5.1 The rear dormer and rear roof terrace although unacceptable in design terms, are considered acceptable with regards to noise and privacy matters and in accordance with policies A1 and A4 of the Camden Local Plan 2017.
- 5.2 The proposed roof alterations and roof terrace by reason of their size, scale, form, detailed design and materials would appear as an incongruous form of development in a roofscape largely unimpaired by such alterations and would therefore result in harm to the character and appearance of the building, the terrace of which it forms a part and the surrounding area

contrary to policies A1 (Managing the impact of development), and D1 (Design) -of the Camden Local Plan 2017, and policy 2 (Design and Character) of the Fortune Green & West Hampstead Neighbourhood Plan 2015.

6. Grounds of Appeal

6.1 The grounds of appeal submitted are a material consideration for the Council. The grounds of appeal can be summarised as follows and addressed in later in the contents of this report. The appellant states that grounds of appeal are based on concerns expressed previously by the officer.

Introduction and Background

6.2 Paragraph 1.2: The applicant was opened to amend the application by removing the front dormer from the proposal. This, however, would not have altered the determination course of the scheme. Even without the front dormer, the application would still have been unacceptable.

Paragraph 1.3: Emails from the agent dated 17/12/2018 and 14/01/2019 were responded to on 17/12/2018 and 14/01/2019 respectively informing the agent that the officer had chased the moderating of the application in order to get it finalised. See below:

Expires 15/12/2025



Gentet, Matthias

RE: 2018/3992/P - Flat 3, 15 Kingdon Road - Extension of Time

Fo ielie@4dplanning.com

Retention Policy London Borough of Camden email retention policy (7 years)

Dear Ellie

I have already chased the moderating officer for the finalising of the decision.

She is still going through the report which also need to be signed off by a manager.

I will chase her again for an update on the progress of the refusal, and will get back to you very shortly.

Kind regards

Matthias Gentet Planning Technician

Telephone: 020 7974 5961

Gentet, Matthias RE: RE: 2018/3992/P - Flat 3, 15 Kingdon Road To elle@4dplanning.com Cc e Callum Logan Retention Policy London Borough of Camden email retention policy (7 years) Expires 12/01/2026

Dear Elie

I have chased the moderating officer this morning for the signing off of the report and finalising of the decision. This was requested prior to me going on leave and I was hoping that this would be done on my return.

Kind regards

Matthias Gentet Planning Technician

Telephone: 020 7974 5961

Amendments

6.3 Paragraph 2.1: See above response to paragraph 1.2.

Paragraph 2.2: Amendments were not rejected on the basis of being amendments. The proposed amendments would not have alter the course of the application which would still have been refused. The alterations to the front and rear roof scape are unacceptable on principle.

Proposed Development

6.4 Paragraph 3.1 (Precedents): As confirmed in the written assessment of the proposal emailed on 23/10/2018, some similar example of roof alterations are present within Kingdon Road. However, these would seem to have been carried out without the required permissions including No7 and No11.' This is further discussed in paragraphs 1.5, 3.7, 3.8, 3.11 and 3.12 above.

Planning Policies

6.5 'Development complies with the NPPF, London Plan policies and Camden Local Plan and Guidance CPG1 because it of the variations locally and the high quality proposed.': The proposal has been assessed against policies as listed in 'Relevant Policies'. Some were stated as part of the assessment email dated 23/10/2018 and included policies A1 (Managing the impact of development), D1 (Design), CPG1(Design) and CPG (Amenity). The size, design and location of the dormers (front and rear) fail to provide the required 500mm gap between the dormers and the roof ridge or hip to maintain separation. The closet wing extension would fail the 45 and 70 degree test (see paragraphs 4.11 and 4.12 above).

Opinion of Planning Officer

- 6.6 Paragraph 6.1: What is referred to as 'unknown planning records' cannot be interpreted as planning cases and/or permissions having existing but not found or lost. A large number of roof alterations have taken place without due permission. These works are classified as unauthorised. It would appear that the appeal example is not for a site within the London Borough of Camden. A copy of such appeal has not be provided.
- 6.7 Reference to unauthorised roof alterations has already been addressed in paragraphs 1.5, 3.7, 3.8, 3.11, 3.12 and 6.4 in this report (see above).
- 6.8 The size and design of the front dormer is assessed in details in paragraphs 3.6 to 3.9 in this report (see above).
- 6.9 The impact of any proposal is assessed in context with the existing streetscape whether the site address is in a conservation or not, or whether the building is listed or not. The Council will resist alterations to unaltered roof scape regardless of its status, in accordance with policy D1 (Design) which states that the Council will require that developments respects local context and character.
- 6.10 The size and design of the front dormer is assessed in details in paragraphs 3.10 to 3.16 in this report (see above).

Neighbours' Response

6.11 See 'Summary of Consultation Responses' above

7. Conditions

7.1 Should the appeal be allowed by the Planning Inspectorate, the Council requests that the following statutory conditions are added to the decision:

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 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: Design and Access Statement (July 2018); [KR] 01, 02, 03, 04, 05, 06, 07, 08, 09, 10, 11, 12, 13.

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

8. Recommendation

8.1 Non-determination – Council minded to refuse Planning Permission.