
Project

**34 Ingham Road
London NW6**

Planning Statement

Date

December 2019



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Appendices

Appendix 1

Appeal decision notice for 34 Ingham Road - LPA ref
2016/5069/P and PINS ref APP/X5210/D/17/3170357

Appendix 2

Photographs of surrounding roof terraces

1. Introduction

- 1.1. This application is submitted to LB Camden (the council) on behalf of Will Jeffery (the applicant) for the following proposal:

‘Creation of a roof terrace above two storey outrigger enclosed by balustrade’.

- 1.2. This statement explains how the proposal addresses the comments raised by the inspector in connection with a previous appeal for a similar scheme and complies with planning policy.

- 1.3. The remainder of the statement is structured as follows:

- Section 2 sets out the background to the application;
- Section 3 summarises the relevant policy context;
- Section 4 provides the planning assessment; and
- Section 5 draws together the conclusions.

2. Background

Application site

- 2.1. This mid terrace house was built in the late 1800s on the northern side of Ingham Road. It has a rear courtyard garden. The property is not in a conservation area and it is not listed.
- 2.2. A current photograph of the rear of the application property is included below.



Planning history

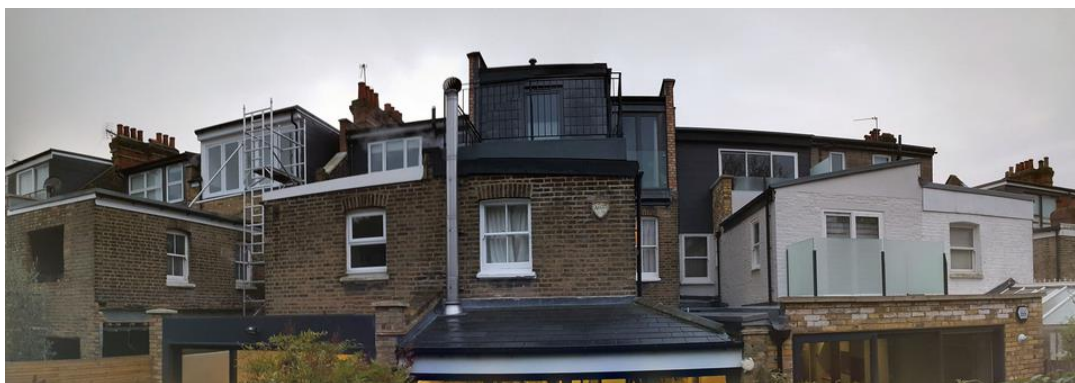
- 2.3. The house originally comprised accommodation on the ground and first floors, including a two storey stepped outrigger to the rear. It has been extended over time to suit the owners' needs, whilst respecting the character of the host building and surrounding area, as well as respecting neighbours' amenity.
- 2.4. A summary of the more recent planning history is as follows:
- 2009/1968/P – Erection of a single storey rear extension to dwellinghouse. Certificate of lawfulness (proposed) - Refused 17/07/2009;
 - 2009/3915/P – Erection of a single storey side and rear extension to residential dwelling (Class C3) - Planning permission granted 06/10/2009. The scheme has been built out;
 - 2014/5311/P – Proposed rear dormer to replace existing and rooflights to front roofslope - Certificate of lawfulness (proposed) granted 30/09/2014. The scheme was not built out;

- 2015/7260/P – Erection of rear dormer roof extension and "pod" roof extension above part of two storey rear addition - Certificate of lawfulness (proposed) granted 04/05/2016;
- 2016/5069/P - Alterations to the rear elevation at second floor level, including the creation of a roof terrace above two storey outrigger enclosed by new balustrade and privacy screens, and replacement of existing rear dormer window with a door – Refused 02/02/2017 – Appeal dismissed on 27 April 2017 (PINS ref: APP/X5210/D/17/3170357); and
- 2017/6848/P - Installation of rear dormer roof extension and 'pod' roof extension above part of two storey rear addition (Retrospective as already built out). Refused 10/05/2018. Appeal allowed on 14 November 2018 (PINS ref APP/X5210/D/18/3207725).

2.5. The appeal decision relating to the roof terrace (LPA ref 2016/5069/P and PINS ref APP/X5210/D/17/3170357) is included at **Appendix 1**. The appeal was dismissed due to the proposed timber privacy screens (that had not been erected at the time of the appeal) detracting from the character and appearance of the host building and its surroundings. The other elements that had already been erected at that time (i.e. a flat surface to form the roof terrace and black metal balustrades) have since been removed.

2.6. The photos **right and overleaf** taken in 2017 show the flat surface and balustrading before it was removed following the appeal decision. (NB - the timber privacy screens had not been erected at that time and it is the appearance of those sod screens that caused the Inspector concern).





Current proposal

- 2.7. The current proposal is for '*Creation of a roof terrace above two storey outrigger enclosed by balustrade*'.
- 2.8. In effect it is seeking permission to erect the flat surface and black metal balustrading (as per the photo **above and on previous page**).

3. Planning Policy Context

- 3.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 explains that determination of applications should be made in accordance with the development plan unless material considerations indicate otherwise.

Development Plan

- 3.2. Of relevance to this application, the development plan documents comprise the London Plan 2016 (Jan 2017 fix), the Camden Local Plan (July 2017) and the Fortune Green and West Hampstead Neighbourhood Plan (September 2015).
- 3.3. The following Local Plan policies are relevant:
- A1 - Managing the impact of development; and
 - D1 – Design.

- 3.4. In terms of the Neighbourhood Plan, the following policies are relevant:
- Policy 2 (Design and Character)

Material Considerations

- 3.5. Camden Planning Guidance is a material consideration, including:
- Altering and Extending Your Home (March 2019);
 - Amenity (March 2018).
- 3.6. The National Planning Policy Framework (NPPF 2019) is also a material consideration.
- 3.7. The **following** Section of this Statement assesses the appeal scheme against the above policies and guidance. It concludes that the scheme complies with the Development Plan and planning permission should be granted.

4. Assessment of Scheme

Design, character and appearance

4.1. The appeal decision relating to the previous roof terrace (LPA ref 2016/5069/P and PINS ref APP/X5210/D/17/3170357) is a useful starting point, bearing in mind the current application is seeking permission to erect the flat surface and black metal balustrading as before.

4.2. The Inspector considered that the main issue in the appeal was the effect of the proposal on the character and appearance of the host building and its surroundings. It should be noted that that scheme included 1.8 metre high slatted wood privacy screens to either side of the terrace.

4.3. In comparison, the current application proposes 1.1m high black painted metal balustrading to all three sides (as shown in the photograph to the right, taken while the balustrading was temporarily in situ, before it was removed following the appeal decision). The dark colour ensures that the balustrading recedes back into the rear elevation.

4.4. In paragraph 5 of the appeal decision, the Inspector stated that:

'The 1.1 metre balustrade, painted black, would be similar to others in the vicinity, and is also accepted. I have no reason to disagree with the Council on these aspects.'

4.5. Paragraph 7 goes on to note that

'black metal balustrades used for safety enclosure are a traditional method that is both in keeping with the houses and relatively inconspicuous from the back of nearby properties'.

4.6. Therefore, the principle of the balustrading currently proposed should also be accepted.

4.7. The Inspector focussed his attention on the flat roof and the privacy screens. Turning to the flat roof element, the Inspector notes in paragraph 6 of his decision letter that:

'The raising of the outer edge of the remaining roof slope of the outrigger to form a flat surface would result in a further loss of the original form of the rear of the property. However, many outriggers to the rear of Ingham Road already have flat roofs. Given that the property has been subject to major changes, and has not been identified as being a heritage asset or in a conservation area, I consider that this further relatively minor alteration would not be unduly out of keeping with the house or its surroundings.'



- 4.8. Therefore, the principle of the flat roof currently proposed should also be accepted.
- 4.9. The appeal scheme incorporated 1.8 m high slatted wood panelling privacy screens the full depth of the terrace. The inspector considered that:

'the visual impact would be considerably greater than the use of balustrades along the sides, and the height of timber work would appear discordant in relation to the more traditional materials deployed on both the existing rear elevation of the host house and elsewhere in the vicinity. The position of the terrace on the outer part of the outrigger would also give it a high degree of prominence from the back of other properties nearby. In addition, the incongruous nature and elevated height of the panelling would be seen through a gap in frontage development along Fortune Green Road, to the west.'

- 4.10. The current application does not incorporate these privacy screens therefore the previous objection regarding visual impact and prominence falls away.

Residential amenity

- 4.11. The proposal would improve the living conditions of the occupiers by providing additional outdoor space.
- 4.12. In terms of neighbouring residents, it would also not adversely affect their amenity in terms of noise or overlooking. It should be remembered that the main outdoor living and entertaining space for this house is in the rear garden. The proposed roof terrace is a secondary amenity space and would be used less frequently and by fewer people.
- 4.13. It is not considered that side privacy screens are necessary on this roof terrace, as explained below. The visual impact of screens would also be unacceptable, as confirmed by the Inspector in the appeal against the previous roof terrace (LPA ref 2016/5069/P and PINS ref APP/X5210/D/17/3170357).
- 4.14. Any sideways views from the proposed roof terrace into neighbouring gardens, roof terraces or windows would be very restricted due to distances involved, the different configuration of properties and the oblique angles.
- 4.15. The combination of separation distances and boundary planting mean that there would be no loss of privacy to neighbours to the rear on Weech Road.

Examples of other roof terraces

- 4.16. Many properties on Ingham Road, Weech Road and Fortune Green Road have roof terraces. The proximity of roof terraces to other properties is accepted in a high density urban area.

- 4.17. Photographs in **Appendix 2** show the rear of many properties near to the application site. They illustrate the very mixed character and appearance of these properties and the variety of roof terraces. Several of the roof terraces are very similar in appearance (i.e. black metal railings etc) to the application proposal. None have purpose-built side privacy screens.
- 4.18. The photographs show rear facing terraces at the following properties:
- 16, 18, 28, 36 Ingham Road (north side – ie same side of road as application site);
 - 7, 11, 13 and 27 Ingham Road (south side);
 - 2, 3, 4, 6, 11 and 12 Weech Road (south side – backing on to Ingham Road north side properties, including application site);
 - 68, 88, 90 and 94 Fortune Green Road (backing on to Ingham Road south side rear gardens); and
 - 114 and 116 Fortune Green Road (backing on to Ingham Road north side rear gardens).
- 4.19. It is also worth noting an appeal decision dated 7 June 2016 for nearby 47 Burrard Road (LPA ref 2015/5585/P and PINS ref APP/X5210/W/16/3145069). The Inspector did not consider that any overlooking would be so significant as to constitute material harm to residential privacy. He also observed (in paragraph 5 of the appeal decision) that 'Such arrangements are particularly prominent amongst the dwellings to the rear along Ingham Road where terraces formalised by perimeter railings are commonplace'.

Compliance with Local Plan

- 4.20. The proposal would be a high standard of design that respects local context and character, the qualities of the host building and residential amenity and accords with policy at all levels.
- 4.21. Policy D1 Design - The policy states that 'The Council will seek to secure high quality design in development'. It goes on to list 15 requirements (a-o). This Statement considers them individually below. The current proposal complies with policy D1, as follows:
- a) The local context and character is very mixed. The platform and the balustrading respect local context and character, as confirmed by the Inspector;
 - b) This bullet is not relevant as the site is not within or adjacent to heritage assets;
 - c) The development is sustainable in design and construction, incorporating best practice in resource management and climate change mitigation and adaptation;
 - d) The development is of sustainable and durable construction;
 - e) The details and materials are of high quality and 'complement' the local character;

- f) This bullet is not relevant as it concerns streets, open spaces, movement and street frontages;
- g) This bullet is not relevant as it concerns inclusiveness and accessibility for all and is aimed more at public buildings;
- h) The provision of additional outside space in a built up area will contribute to better health;
- i) This bullet is not relevant as it concerns security, crime and antisocial behaviour;
- j) This bullet is not relevant as it concerns natural features, gardens and other open space;
- k) This bullet is not relevant as it concerns hard and soft landscape design and public art;
- l) The development provides useable outdoor amenity space and will add significantly to the occupiers' quality of life;
- m) The development does not exceed the highest part of the roof and it preserves strategic and local views;
- n) The development results in a high standard of accommodation; and
- o) This bullet is not relevant as it concerns building services equipment.

4.22. The above assessment against the requirements a – o concludes that the scheme complies with policy D1 of the Local Plan.

4.23. Turning to Policy A1 'Managing the impact of development', the policy states that the council will seek to protect the quality of life of occupiers and neighbours and that they will grant permission for development unless this causes unacceptable harm to amenity.

4.24. In accordance with part a) the proposal will ensure the amenity of occupiers and neighbours is protected. Parts b and c are not relevant. Part d concerns mitigation measures and none are considered necessary, as explained above.

4.25. The proposal also complies with the relevant factors (e - n) listed under policy A1, as follows:

- e) Visual privacy, outlook - any views from the proposed roof terrace into neighbouring properties would be very restricted, thus maintaining neighbours' privacy, as explained in more detail above. The lightweight structures would ensure there would be no adverse impacts on their outlook either;
- f) Sunlight, daylight and overshadowing - the timber platform and metal balustrading would have no impact;
- g) Artificial lighting levels – no external lighting is proposed;
- h) Transport impacts - not relevant;
- i) Construction phase - the installation of the timber platform and metal balustrading is a simple and quick process with a negligible impact on neighbours;
- j) Noise and vibration levels – the use of the terrace is for domestic purposes and would be low key;
- k) odour, fumes and dust – the use of the terrace is for domestic use only;

- l) Microclimate - not relevant;
- m) Contaminated land - not relevant; and
- n) Impact upon water and wastewater infrastructure - not relevant.

Compliance with Neighbourhood Plan

- 4.26. The proposal would also comply with Policy 2 of the Fortune Green & West Hampstead Neighbourhood Plan (2015), that requires all development to be of a high quality design which complements and enhances the distinct local character and identity of the neighbourhood.
- 4.27. Neighbourhood Plan policy 2 - Design and Character - 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'. It goes on to list 10 ways that this shall be achieved by. The current proposal complies with the relevant bullets, as follows:
- i. The first bullet is not relevant as it relates to the interface with the street and streetscape. The terrace is on the rear of the building, away from the street;
 - ii. The design of the terrace maintains the positive contribution to the character of the existing buildings and structures;
 - iii. The third bullet is not relevant, as it relates to creating a positive relationship between buildings and street level activity. Again, the terrace is on the rear, away from the street;
 - iv. The form, function and structure are acceptable in this location and do not harm the mixed surroundings;
 - v. The dark colour of the platform and balustrading reflects the existing materials of the host property and the neighbouring properties and ensures the terrace recedes back into the building;
 - vi. The sixth bullet is not relevant as it relates to tall buildings;
 - vii. The seventh bullet is not relevant as it relates to extensions and infill development;
 - viii. The eighth bullet is not relevant as it relates to public realm;
 - ix. The ninth bullet is not relevant as Ingham Road is not within an identified local view; and
 - x. The final bullet is not relevant as it refers to Building for Life 12.

Compliance with CPG

- 4.28. The proposed roof terrace complies with Camden Planning Guidance 'Altering and extending your home' in terms of design and amenity (overlooking, overshadowing, noise and light spillage).
- 4.29. It is important to note that paragraph 4.1 of the CPG states that terraces are likely to be acceptable where there are a variety of additions or alterations to roofs which create an

established pattern and where further development of a similar form would not cause additional harm. This is the case at the application property as there are a variety of terraces in the immediate area.

- 4.30. In accordance with CPG 'Amenity', the roof terrace is designed to reduce potential overlooking of neighbours and from neighbours.

Compliance with the NPPF

- 4.31. Finally, the proposal complies with the policies in the NPPF, in particular paragraph 127 in the 'Achieving well-designed places' section.

5. Conclusions

5.1. To conclude:

- The proposed roof terrace is acceptable from a design, character and appearance perspective, as agreed by planning inspectors relating to previous appeals on the application site and surroundings;
- Due to separation distances and the configuration of neighbouring properties, there would be no unacceptable impact on neighbour amenity (such as overlooking, loss of privacy, noise or odour). Consequently, privacy screens are not necessary; and
- A number of other properties in the vicinity of the appeal site have projecting roof terraces (as shown in appended photographs), and none have privacy screens.

5.2. The application complies with:

- Policies D1 and A1 of the Local Plan;
- Policy 2 of the Fortune Green and West Hampstead Neighbourhood Plan;
- Camden Planning Guidance; and
- The NPPF

5.3. In accordance with paragraph 11 of the NPPF, the scheme accords with the development plan and, as comprehensively set out in Section 4, the application should be **approved**.



Appeal Decision

Site visit made on 4 April 2017

by Graham M Garnham BA BPhil MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 27 April 2017

Appeal Ref: APP/X5210/D/17/3170357

34 Ingham Road, London, NW6 1DE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Will Jeffery against the decision of London Borough of Camden Council.
 - The application Ref 2016/5069/P, dated 15 September 2016, was refused by notice dated 2 February 2017.
 - The development proposed is erection of a 1.1 m high black painted metal balustrade above the existing two-storey rear addition to create a roof terrace.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The Council's decision notice describes the proposal as: "alterations to the rear elevation at second floor level, including the creation of a roof terrace above the two storey outrigger enclosed by new balustrade and privacy screens, and replacement of existing rear dormer window with a door". I consider that this is an accurate and fuller description, which includes both the main points of contention (the roof terrace and the privacy screens). I have considered the appeal accordingly.

Main Issue

3. I consider that this is the effect of the proposal on the character and appearance of the host building and its surroundings.

Reasons

4. The appeal property is within a stepped terrace of paired, two storey houses, many of which also have accommodation within the roofspace. At the rear is an original two storey addition (described by the Council as an outrigger). Above this, and occupying its full width and about half its depth, is a "pod" dormer. The Council says this was built as permitted development. The main rear roof slope is very largely occupied by a flat-roofed dormer, built out to the back wall of the house. The remaining section of pitched roof on the outrigger is to be raised into a flat surface to form a roof terrace, which would
-

- be accessed through a door at the end of the “pod” dormer. The terrace would have privacy screens to either side and a balustrade at the end.
5. The Council does not object to the replacement door on the grounds that it could be installed as permitted development. The 1.1 metre balustrade, painted black, would be similar to others in the vicinity, and is also accepted. I have no reason to disagree with the Council on these aspects. I focus my attention on the matters in dispute, the flat roof and the privacy screens.
 6. The raising of the outer edge of the remaining roof slope of the outrigger to form a flat surface would result in a further loss of the original form of the rear of the property. However, many outriggers to the rear of Ingham Road already have flat roofs. Given that the property has been subject to major changes, and has not been identified as being a heritage asset or in a conservation area, I consider that this further relatively minor alteration would not be unduly out of keeping with the house or its surroundings.
 7. The appellant has referred to a number of other roof terraces in the area. These include some at second floor level to the rear of the south side of Ingham Road which, however, I was unable to see from the public realm. I was able to see one further along the road, on the appeal side, from the rear of the appeal property. There are also balconies set into the rear roof slopes of some houses to the rear, on Weech Road. I draw two findings from these observations. Firstly, second floor roof terraces are relatively uncommon in the visible setting of the appeal site. Secondly, the black metal balustrades used for safety enclosure are a traditional method that is both in keeping with the houses and relatively inconspicuous from the back of nearby properties.
 8. In contrast to these other means of enclosure, the sides of the roof terrace at no.34 would be 1.8 metre high slatted wood panelling, to the full depth of the terrace. The visual impact would be considerably greater than the use of balustrades along the sides, and the height of timber work would appear discordant in relation to the more traditional materials deployed on both the existing rear elevation of the host house and elsewhere in the vicinity. The position of the terrace on the outer part of the outrigger would also give it a high degree of prominence from the back of other properties nearby. In addition, the incongruous nature and elevated height of the panelling would be seen through a gap in frontage development along Fortune Green Road, to the west.
 9. The appellant has provided information about several other cases of rear roof terraces. This includes an appeal decision at 47 Burrard Road, which lies behind the far side of Ingham Road from the appeal site (dated 7 June 2016, ref APP/X5210/W/16/3145069). That Inspector observed that “roof ... terraces formalised by perimeter railings are commonplace” to the rear of the south side of Ingham Road. I was unable to see this for myself, but I did not observe a similar situation to the rear of the appeal terrace. In addition, none of the other examples referred to appear to replicate the appeal proposal in certain critical aspects – namely, the use of high timber panelling at the far end of a two storey outrigger. Hence I find little support for the appeal proposal from these other cases. I have also been unable to corroborate the appellant’s assertion that “six rear roof terraces, almost identical to that which forms the basis of this appeal, exist along the same street”.

10. I have had regard to the fact that the Council does not object to the proposal on the grounds of neighbours' loss of privacy. Section 5 of the Camden Planning Guidance on *Design* [CPG1] (2015), identifies that balconies and terraces can provide valuable amenity space. However, this is explicitly for flats that would otherwise have little or no private exterior space – while the appeal property is a family house with a rear garden. CPG1 also says that balconies and terraces should be an integral element in the design of elevations, which I consider would not be the case with this appeal.
11. I conclude overall and on balance that the proposal would significantly detract from the character and appearance of the host building and its surroundings, with respect to the proposed timber panelling (privacy screens). This would be contrary to Policy CS14 of the Camden Core Strategy (2010) and Policy DP24 in the Camden Development Policies (2010). Among other things, these policies seek high design standards that respect local context and character and the qualities of an existing building. The proposal would also fall short with regard to Policy 2 of the Fortune Green & West Hampstead Neighbourhood Plan (2015). This requires all development to be of a high quality design which complements and enhances the distinct local character and identity of the neighbourhood. More detailed guidance in CPG1 would also not be satisfied, for example the aim of complementing the design of the host elevation and using materials to match existing.
12. Thus planning permission should be withheld and I dismiss the appeal.

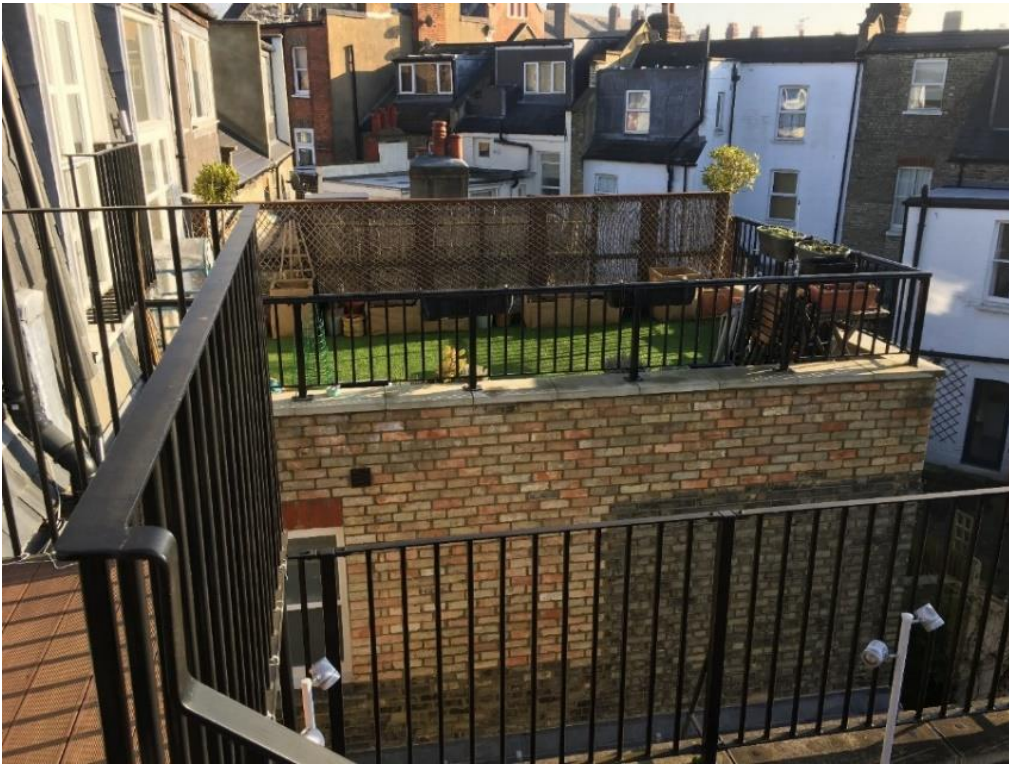
G Garnham

INSPECTOR

Appendix 2

Photos of existing balconies close to the application site

Rear of 7 Ingham Road



Rear of 16 & 18 Ingham Road



Rear of 28 Ingham Road (top left) NB - Application property on far right



Rear of 36 Ingham Road (fully glazed screens) NB - Application property is in centre



Rear of 2, 3, 4 & 6 Weech Road (backing on to Ingham Road – north side - rear gardens)

No 4 No 3 and No 2 Weech Road



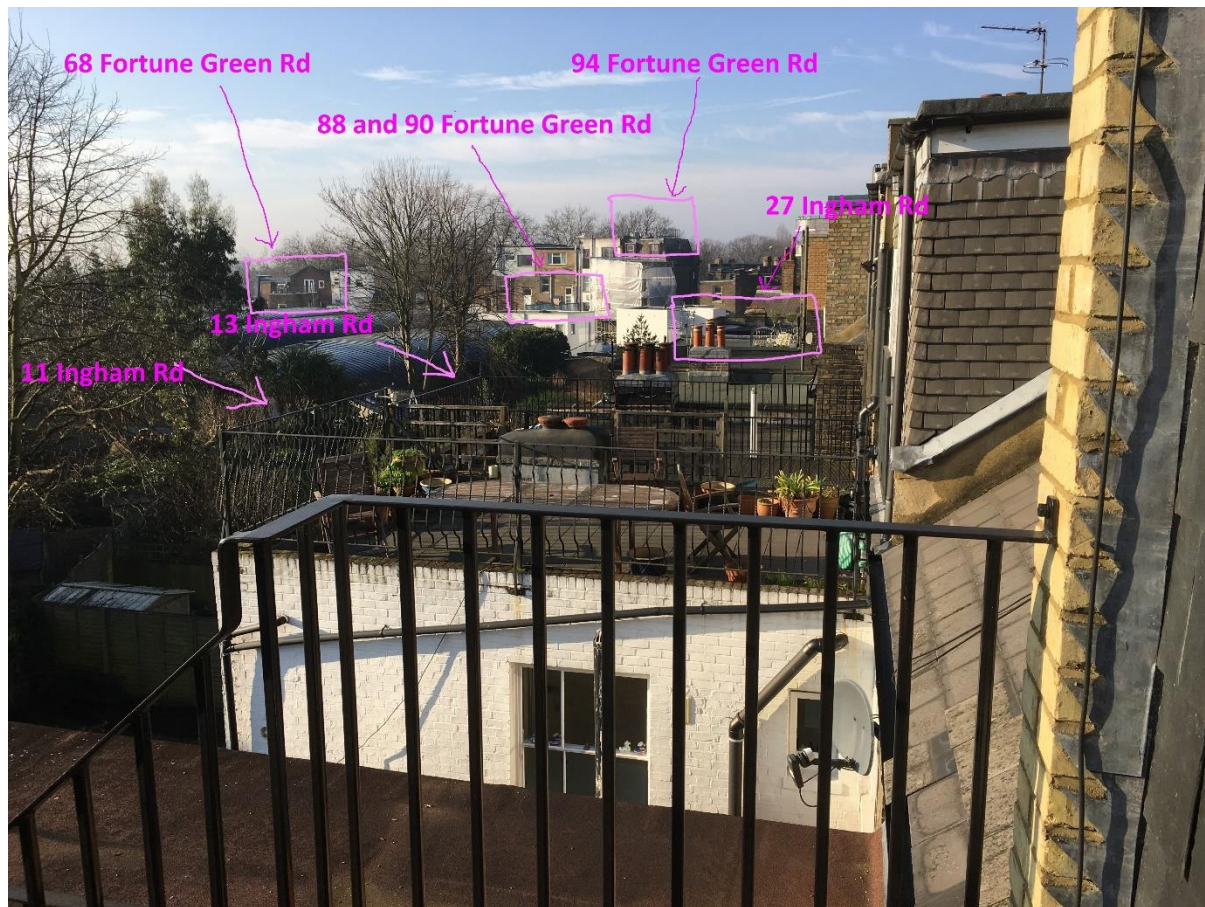
No 6 Weech Road



No 11 and No 12 Weech Road



Rear of Fortune Green Road and Ingham Road properties



Rear of 68 Fortune Green Road (backs on to Ingham Road - south side - rear gardens)



Rear of 90 Fortune Green Road (backs on to Ingham Road - south side - rear gardens)



Rear of 114 & 116 Fortune Green Road (backing on to Ingham Road – north side - rear gardens)



Rear of 114 & 116 Fortune Green Road (backing on to Ingham Road – north side - rear gardens)



