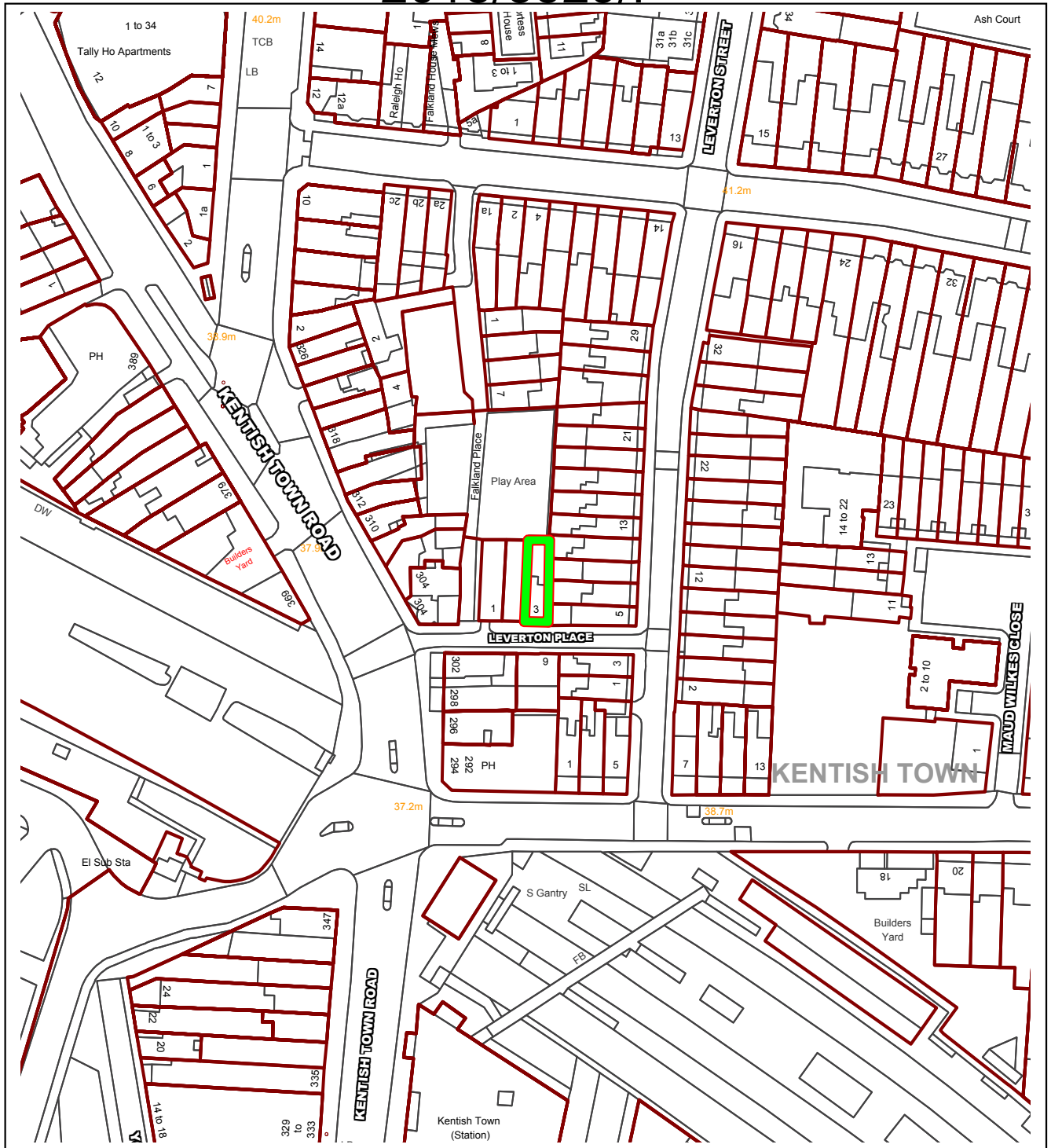


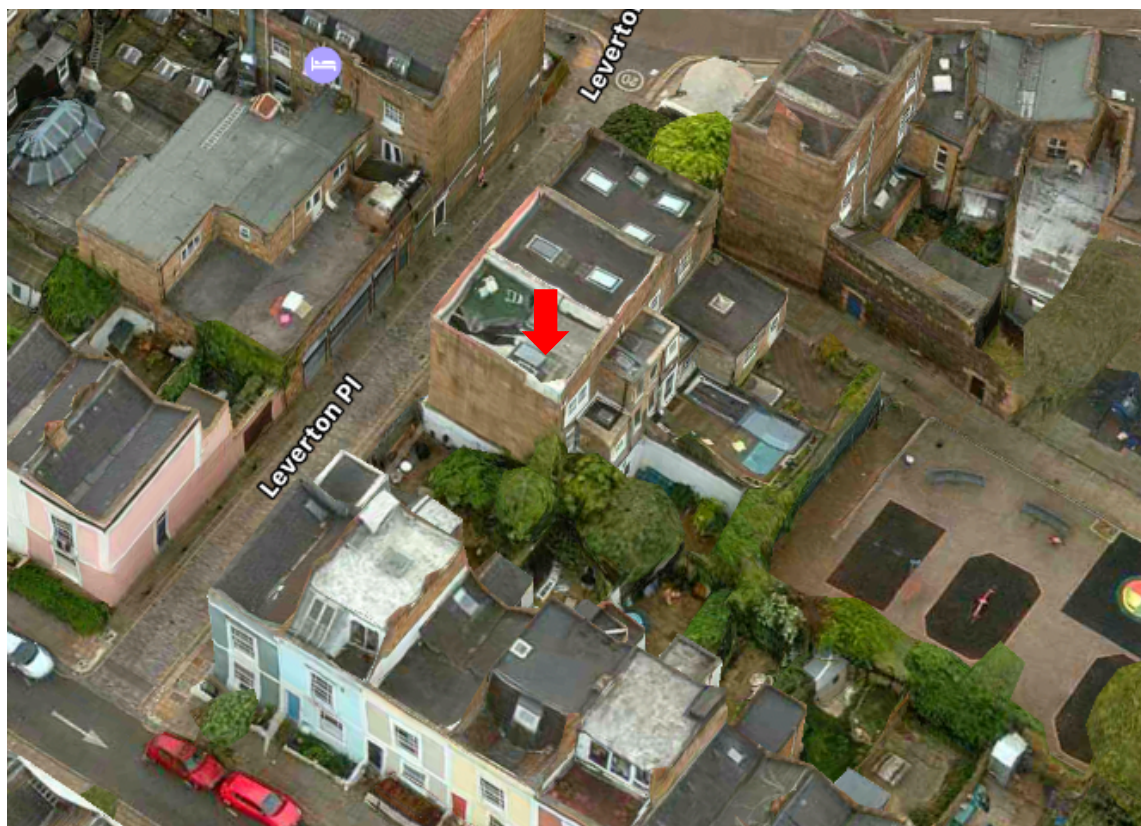
3 Leverton Place, NW5 2PL 2018/3529/P



This material has been reproduced from Ordnance Survey digital map data with the permission of the controller of Her Majesty's Stationery Office, © Crown Copyright.



1. Aerial view, prior to the partial implementation of ground floor extension granted under app ref no. 2016/1088/P



2. Aerial view, prior to the partial implementation of ground floor extension granted under app ref no. 2016/1088/P



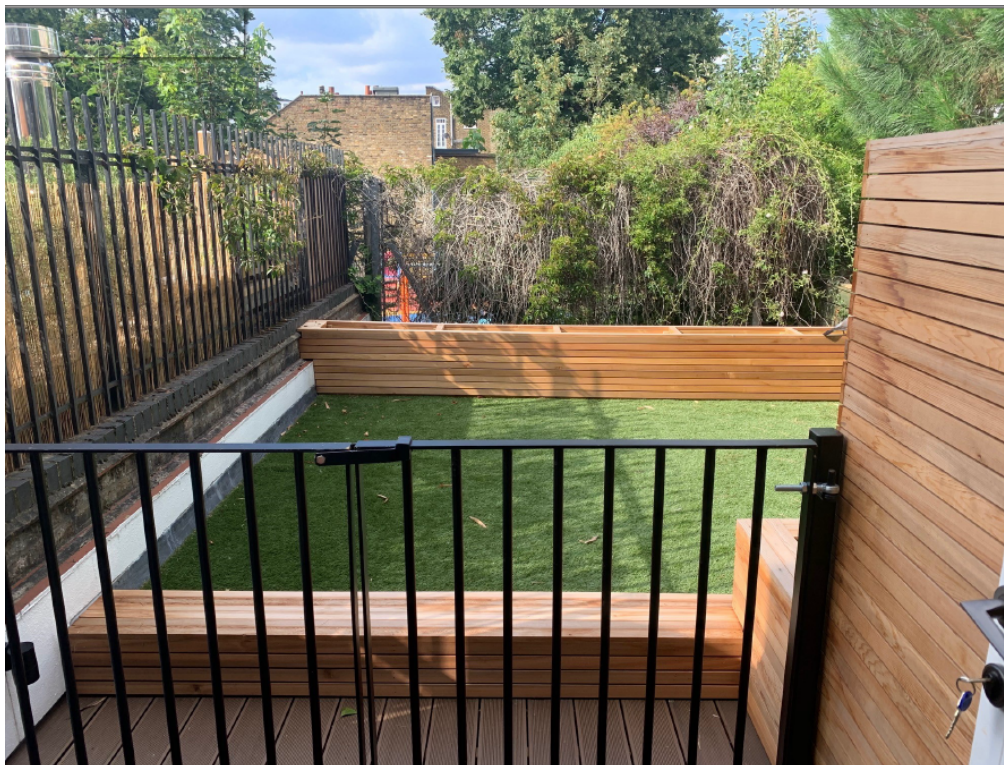
3. Rear elevation of the application building at first floor, prior to partial implementation of permission ref 2018/3529/P



4. View towards no. 11 Leverton Street from the end of the roof of the ground floor extension, prior to unlawful rear planters being installed.



5. Rear planters to be removed as per parent application ref. 2018/3529/P dated 27/11/2018



6. Gate (as constructed) to be replaced with railings (as approved).

Astro-turf (as constructed) to be replaced with green roof (as approved).

Note: timber parapet which is subject of this application is in foreground in front of gates.

Note: Rear planters to be removed.

Delegated Report (Members Briefing)		Analysis sheet		Expiry Date:	06/01/2020
		N/A		Consultation Expiry Date:	N/A
Officer			Application Number(s)		
Nora-Andreea Constantinescu			2019/4325/P		
Application Address			Drawing Numbers		
3 Leverton Place London NW5 2PL			See draft decision notice		
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature		
Proposal(s)					
Alterations to reduce area of green roof and add parapet to ground floor extension granted planning permission under application 2018/3529/P dated 27/11/2018 for Installation of railings and privacy screens on the flat roof of ground floor rear extension to create a terrace, and installation of green roof on the remaining flat roof, all to single family dwellinghouse.					
Recommendation(s):		Granted and Warning of Enforcement Action			
Application Type:		Non-Material Amendments			

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No Site notice No Press notice	Not require for NMA applications	No. of responses	3	No. of objections	3
Summary of consultation responses:	<p>The owner/occupier of No's 9, 11 and 13 Leverton Street have objected to the application on the following grounds:</p> <ol style="list-style-type: none">1. The maintenance of the planters behind the railing would result in intrusive overlooking.2. The railings at the end of the terrace need to be permanently fixed and this should be ensured by condition.3. The green astroturf, and planters at the rear of the roof installed by are part of the enforcement investigation, and they result in harmful overlooking to neighbouring occupiers at nos. 9, 11, 13 Leverton Street. The green roof should be installed and planters removed.4. The overbuild of the decking area would allow further greater overlooking.5. The proposed changes are material, as they would allow harmful overlooking and they depart from the initial permission granted. <p>Officer response:</p> <ol style="list-style-type: none">1. The planters are not part of the current proposal, as per revised drawings. .2. The proposed drawings show railings to enclose the terrace.3. Enforcement investigation has progressed and the current application is in response to this. The applicant will be notified by this decision that they have to install the green roof and railings within 4 months of the date of this decision.4. The installation of the railings would restrict the remainder of the roof from being used as terraced and this would be supported by condition 5 which prohibits the use of the roof for amenity purposes. It is accepted that the installation of the green roof in this location would be unfeasible due to the existing roof parapet and roof layout.5. The proposed changes are per revised drawings are considered non-material. <p>Please refer to section 4 for design and amenity matters and section 5 for enforcement commentary.</p>					
Kentish Town Conservation Area	No comments received					

Site Description

The application site is located on the northern side of Leverton Place, in between the junctions with Leverton Street to the east and Kentish Town Road to the west. The application building is a three storey single family dwellinghouse, and forms the east end of a terrace row of 3 residential properties.

On the eastern side of the application site is a row of 10 Grade II listed terraced properties at 5-23 Leverton Street. To the rear, the site adjoins a playground at Falkland Place.

The application property, together with the adjacent ones at Nos. 1 and 2 Leverton Place, are located within Kentish Town Conservation Area and are considered to make a positive contribution to it. The site is also within the Kentish Town Neighbourhood Forum Plan area.

The application property benefits from a top roof terrace which provides amenity space.

Relevant History

EN19/0626 – 3 Leverton Place – Development not in accordance with granted permission – **Ongoing Enforcement Investigation logged on 26/06/2019**

2018/3529/P – 3 Leverton Place - Installation of railings and privacy screens on the flat roof of ground floor rear extension to create a terrace, and installation of green roof on the remaining flat roof, all to single family dwellinghouse. – **Granted (Members Briefing) 27/11/2018**

2017/3353/P – 3 Leverton Place – Installation of balustrade and privacy screens on the flat roof of ground floor rear extension to provide terrace, to single family dwelling (Class C3). – **Refused 11/10/2017 – Appeal Dismissed 24/05/2018**

Reasons for refusal:

1. The proposed roof terrace including privacy screens and balustrades, by reason of their location, scale, projection and design would have a detrimental impact on the character and appearance of the host building, the wider terrace, setting of the adjacent listed buildings at Nos. 9, 11, 13 Leverton Street, and the Kentish Town conservation area, contrary to policies D1 (Design) and D2 (Heritage) of Camden Local Plan 2017.

2. The proposed roof terrace and privacy screens, by reason their location, scale, projection and design would result in a loss of amenity by causing harmful sense of enclosure to the occupiers of at Nos. 9 and 11 Leverton Street, contrary to policy A1 (Managing the impact of Development) of Camden Local Plan 2017.

3. The information provided by the applicant fails to demonstrate that the impact of the proposed privacy screens on the amenity of the adjoining premises at No. 11, in terms of daylight and sunlight would be acceptable and therefore the proposal is considered to be contrary to policy A1 (Managing the impact of Development) of Camden Local Plan 2017.

4. The proposed roof terrace by reason of its location, scale, projection and design, would allow actual and perceived levels of overlooking, harming the amenity of the occupiers at No. 13 Leverton Street, contrary to policy A1 (Managing the impact of Development) of Camden Local Plan 2017.

2017/0362/P – 3 Leverton Place - Non Material Amendments to works under planning permission 2016/1088/P dated 11/05/2016 for a rear ground floor extension, rear first floor infill and second floor part width extensions and changes to rear elevation fenestration details; namely alterations to the rear elevation first floor window. – **Granted 09/02/2017**

2016/1088/P - 3 Leverton Place - Erection of rear ground floor extension. Erection of rear first floor infill and second floor part width extensions. Changes to rear elevation fenestration details. – **Granted 11/05/2016**

The first submission of this proposal included a roof terrace on top of the ground floor extension. Officers advised that this would be unacceptable and subsequently this was removed from the proposed plans. The permission was granted for a ground floor extension with green roof as per the approved plans. Details of the green roof were not required by condition and the green roof was never installed.

Relevant policies

An application for a non-material minor amendment (NMA) is determined in the context of the development as approved under the host planning permission. The local planning authority must be satisfied that the amendment sought is non-material in order to grant an application under section 96A of the Town and Country Planning Act 1990.

The NMA assessment is in line with Camden Local Plan 2017 policies, under which the original scheme was granted permission.

Camden Local Plan 2017 policies

A1 Managing the impact of development
D1 Design
D2 Heritage
A3 Biodiversity
CC1 Climate change mitigation
CC2 Adapting to climate change
CC3 Water and flooding

Camden Planning Guidance 2018-2019

CPG Design
CPG Altering and Extending your Home
CPG Amenity
CPG Energy efficiency and Adaptation

Kentish Town Conservation Area Appraisal and Management Strategy (2011)

Kentish Town Neighbourhood Plan (2015)

Policy D3: Innovative building design

1. Proposal

- 1.1 Planning permission was granted on 27/11/2018 for *“Installation of railings and privacy screens on the flat roof of ground floor rear extension to create a terrace, and installation of green roof on the remaining flat roof, all to single family dwellinghouse”* under application reference number 2018/3529/P.
- 1.2 The applicant has since completed a terrace and green roof, however elements of the completed scheme have not been completed in accordance with the approval. In response to an enforcement investigation, this application seeks to regularise the as-built arrangements by seeking a non-material amendment to the approved scheme.
- 1.3 The non-material amendments which are sought are:
- Timber parapet which sits atop the ground floor extension around the lightwell adjacent to the host building and which also borders the area of decking behind the railings; with a height of 0.4m, length of 4.4m, width 0.2m.
 - Replace an area of green roof with a decking area of 1.6sqm, located behind the terrace railings.

2. Enforcement

- 2.1 In addition to the above, the following elements have not been implemented in accordance with the approved plans and would be re-instated in accordance with the approved drawings:
- Gates fitted to roof level terrace to be replaced by railings (as approved)
 - Astro-turf to be replaced by living green roof (as approved)
 - Wooden planters at the rear of the roof to be removed.

3. Considerations

- 3.1 The main consideration in relation to the current NMA application is to determine if the proposed amendments are non-material in the context of the original scheme and do not raise any new issues or alter the substance of the approved development, in terms of:
- Design and Heritage
 - Sustainability
 - Impact on neighbouring amenity

4. Assessment

Design and Heritage

- 4.1 The roof of the ground floor extension has been built with a parapet along the end of the lightwell adjacent to the host building. The applicant has clad the parapet in timber, raising it to 0.4m above the flat roof level. Given its location and position on the roof of the ground floor extension, the parapet would be mainly visible only from the applicant's property and from the adjacent property at no. 2 Leverton Place. As part of parent planning application, the terrace is bordered on the eastern side by a timber privacy screen of 1.7m in height. The parapet has been built from the same material and colour as the privacy screen and

therefore it appears appropriate in this instance. Overall the parapet as installed is considered to fit in with the existing development at the rear of the property and would not materially alter the appearance of the approved development.

4.2 With the exception of the small area of approved terrace (3.34sqm) the whole roof area of the ground floor extension was approved as a living green roof. The introduction of the timber-clad parapet has resulted in a small area of 1.6sqm which sits between the terrace railings and the rest of the green roof. As such, due to practical reasons, it is considered unfeasible to install a separate green roof in the small area of 1.6sqm. Furthermore it would not be practical or straight forward to remove the parapet. Therefore, this application seeks to replace the 1.6sqm of approved green roof with decking. This would be consistent with the flooring material to the terrace and would not result in a significant change to the appearance of the building, as approved. It is considered to preserve the appearance of the rear elevation, and given its small scale it is considered to be a non-material change to the approved development.

Sustainability

4.3 It is considered that the loss of an area of 1.6sqm of green roof would not significantly undermine the sustainable benefits of the remaining 15.28sqm of green roof across the site and as a result is not material to delivering those benefits.

Amenity

4.4 In terms of impact on the neighbouring amenity, the proposed parapets are not considered to cause any additional harm to the adjacent neighbouring occupiers at nos. 9, 11, 13 Leverton Street, nor to the ones at no. 2 Leverton Place, due to their small projection and location.

4.5 The railings that enclose the terrace would prevent the use of the decked area and the green roof from being used for amenity purposes. Condition 5 on the host main planning permission prohibits the use of the green roof from being used as roof terrace at any time. The condition would be modified slightly to reflect the revised layout hereby approved and to relate to the whole roof area highlighted with green line, which includes the area of new decking, to not be used as a terrace at any time - See Image 1.

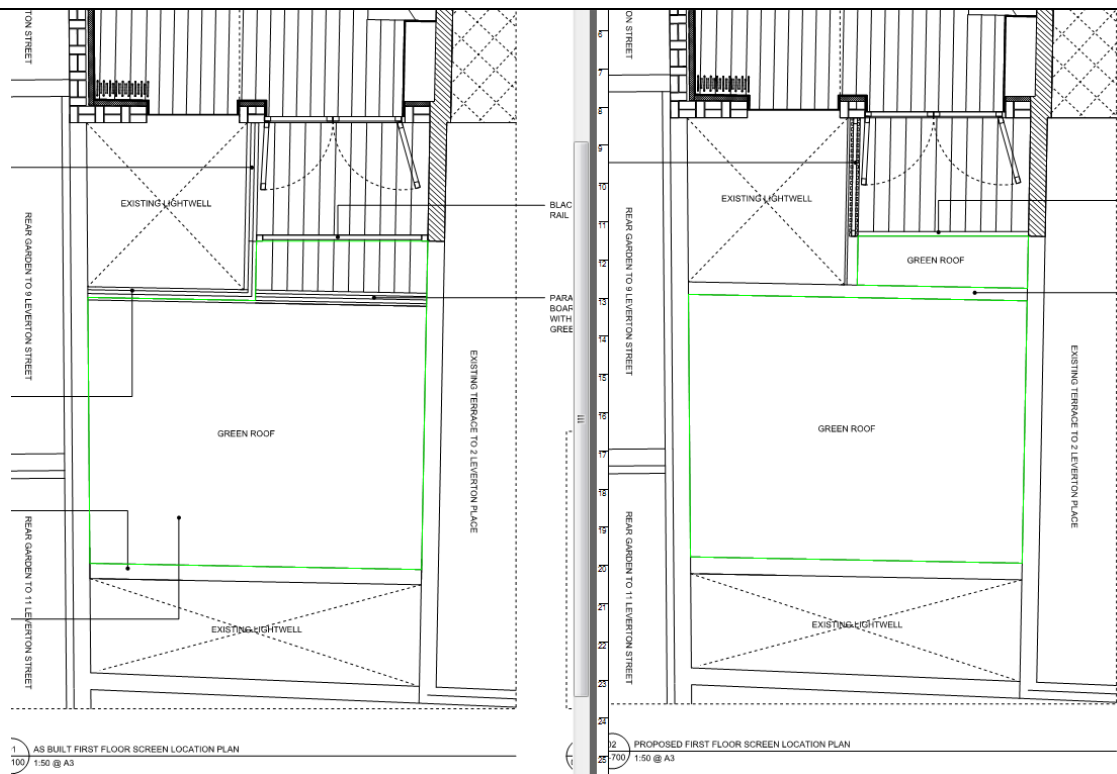


Image 1 – shows the green line around the new area of decking preventing this to be used as a terrace in line with Condition 5.

4.6 The full impact of the proposed development has already been assessed by virtue of the previous approval granted under permission 2018/3529/P dated 27/11/2018. The proposed amendments are therefore considered to be non-material in the context of the original scheme and do not raise any new issues or alter the substance of the approved development.

5. Enforcement

5.1 An informative would be added to the decision notice to identify that the following elements of the development would be subject to enforcement action if not implemented within four months from the date of this decision.

- Gates fitted to roof level terrace to be replaced by the approved railings
- Astro-turf fitted to roof to be replaced by approved living green roof
- Wooden planters at the rear of the roof to be removed.

5.2 The applicant installed wooden planters at the rear of the roof of the ground floor extension, bordering the rear lightwell. The planters were not part of planning permission and they would introduce a material change to the approved development, due to their projection, location and the potential need to cross the roof for regular maintenance purposes, with consequent harm to the living roof and harm to the neighbouring amenity. This element has been removed from the drawings and the planters would be removed from the roof or enforcement action will be taken.

6. Recommendation

6.1 Grant Non-Material Minor Amendment. Warn applicant of enforcement action if adherence to

approved drawings is not implemented within 4 months of the decision date.

The decision to refer an application to Planning Committee lies with the Director of Regeneration and Planning. Following the Members Briefing panel on Monday 3rd February 2020, 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 and search for 'Members Briefing'.

Mr Tom Matheou
Bidwells
25 Old Burlington Street
London
W1S 3AN
United Kingdom

Application Ref: **2019/4325/P**
Please ask for: **Nora-Andreea
Constantinescu**
Telephone: 020 7974 **5758**

30 January 2020

DRAFT

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Grant of Non-Material Amendments to planning permission

Address:
**3 Leverton Place
London
NW5 2PL**

DECISION

Proposal: Alterations to reduce area of green roof and add parapet to ground floor extension granted planning permission under application 2018/3529/P dated 27/11/2018 for Installation of railings and privacy screens on the flat roof of ground floor rear extension to create a terrace, and installation of green roof on the remaining flat roof, all to single family dwellinghouse.

Drawing Nos: 15 01 100 Rev E; 15 02 11 Rev D; 15 02 101 Rev D.

The Council has considered your application and confirms that the proposals are acceptable as non-material amendments to the planning permission set out above.

Informatives:

- 1 For the purpose of this decision, condition 3 of planning permission dated 27/11/2018 shall be replaced with the following condition:

REPLACEMENT CONDITION 3

Executive Director Supporting Communities



The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

Location plan; 15 01 100 Rev E; 15 02 100 Rev D; 15 02 101 Rev D; NMA 15 01 100 Rev P5; NMA 15 01 101 Rev P5; NMA 15 01 102 Rev P5; NMA 15 01 103 Rev P5; 15 02 100 Rev C4; 15 08 802 Rev D; Planning Statement; Concrete or plywood deck/BAUDER XF118 Wild Flower Blanket Finish details; Supply & fit Bauder total green roof system quotation by Itech Roofworks Ltd; General Maintenance Information - Bauder Biodiverse Systems XF118 KS Plus; Technical Data Sheet dated 06/02/2012 Bauder Xero Flor XF118; email from Nathaniel Mosley dated 19/11/2018 confirming green roof maintenance.

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

- 2 For the purpose of this decision, condition 5 of planning permission dated 27/11/2018 shall be replaced with the following condition:

REPLACEMENT CONDITION 5

The roof areas, as highlighted with a green line on the proposed first floor plan dwg no. 15 01 100 Rev E, shall not be used as a roof terrace at any time and shall only be accessed for maintenance purposes.

Reason: In order to prevent unreasonable overlooking of neighbouring premises in accordance with the requirements of policy A1 of London Borough of Camden Local Plan 2017.

- 3 You are advised that this decision relates only to alterations as specified in the Officer report and shall only be read in the context of the substantive permission granted on 27/11/2018 under planning application reference number 2018/3529/P and is bound by all the conditions attached to that permission.
- 4 You must implement the amendments hereby approved as well as the following, within four months from the date of this decision:
 - a) Gates fitted to roof level terrace enclosure shall be replaced by approved railings;
 - b) Astro-turf fitted to roof shall be replaced by approved living green roof;
 - c) Wooden planters at the rear of the roof shall be removed.

If not implemented within four months, the Council will progress with enforcement action.

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 2019.

Yours faithfully

Director of Regeneration and Planning

It's easy to make, pay for, track and comment on planning applications on line. Just go to www.camden.gov.uk/planning.

DRAFT

DECISION