

Delegated Report		Analysis sheet		Expiry Date:		11/03/2020			
		N/A / attached		Consultation Expiry Date:		16/02/2020			
Officer				Application Number					
Sofie Fieldsend				i) 2019/6143/P ii) 2019/6144/P					
Application Address				Drawing Numbers					
7 and 8 Oak Hill Park Mews London NW3 7LH				See decision notice					
PO 3/4		Area Team Signature		C&UD		Authorised Officer Signature			
Proposal									
i) Installation of accessible sliding box roof lights, plant room, planters and balustrades at roof level. Erection of front and side extensions and associated alterations to building fenestration.									
ii) Installation of accessible sliding box roof lights, plant room and balustrades at roof level. Erection of front and side extensions and associated alterations to building fenestration.									
Recommendation:		Refuse Planning Permission							
Application Type:		Full Application							
Conditions or Reasons for Refusal:		Refer to Draft Decision Notice							
Informatives:									
Consultations									
Adjoining Occupiers:		No. of responses		00		No. of objections		00	
Summary of consultation responses:		Site notices were displayed near the site from the 23/01/2020 (consultation expiry 16/02/2020). The development was also advertised in the local press from the 23/01/2020 (consultation expiry 16/02/2020). No responses were received.							
Hampstead CAAC/ Hampstead Neighbourhood forum:		Hampstead CAAC and Hampstead Neighborhood forum were notified, no objections have been received.							

Site Description

The application site relates to a semi-detached pair of three storey mews dwelling-houses located on Oak Hill Park Mews within Hampstead Conservation Area. These are not considered positive contributors in the Conservation Area. The properties are also within the Hampstead Neighbourhood Plan Area. The site is located off the junction of Oak Hill Park which was developed around 1850 with an informal layout of Italianate villas, which were in the main replaced in 1960 by group of flats, between 7 and 3 stories.

There are long views of the subject site from Number 1 Oak Hill Park, which is one of the two remaining original villas in Oak Hill Park. To the east lie numbers 87, 91 and 93 Frognaal. Similarly designed mews buildings are sited in Tercelet Terrace which is situated south of the application site and can be viewed from Oak Hill Park and Frognaal.

The properties are both subject to an Article 4 Directive (adopted 01 September 2010) which has acted to remove various permitted development rights including works for enlargements, improvements or other alteration to the principal or side elevations. This directive was adopted in order to prevent unregulated harmful works taking place and to ensure that historic / characteristic features are maintained and preserved.

Relevant History

7 Oak Hill Park Mews

2003/2095/P - Construction of a roof level terrace, including the erection of a stair enclosure and balustrade – **Refused 29/03/2004**

Reasons for refusal:

- 1) The proposed balustrade and stair enclosure, by reason of their location and form, would create an incongruous addition to a prominent roofline, to the detriment of the form of the property and the character and appearance of the Conservation Area. This would be contrary to policies EN1, EN13, EN19, EN21, EN24 and EN31 of the London Borough of Camden Unitary Development Plan 2000.
- 2) The proposed roof terrace, by reason of its location on the main roof of the property, would result in an unacceptable degree of overlooking to the adjoining property at no.1 Oak Hill Park Mews, to the detriment of residential amenity, contrary to policies EN1 and EN19 of the London Borough of Camden Unitary Development Plan 2000.

2015/6854/P- Use of existing flat roof at third floor level as a terrace, in association with existing dwelling house (Class C3). – **Certificate of lawfulness granted 14/03/2016**

8 Oak Hill Park Mews

2015/6853/P - Use of existing flat roof at third floor level as a terrace, in association with existing dwelling house (Class C3). – **Certificate of lawfulness granted 14/03/2016**

2014/7160/P -Creation of front and side extensions and associated alterations to building fenestration – **Granted 13/05/2015**

2016/2156/P - Removal of condition 4 of application granted 08/09/2035 (ref: 201/3569/P) for installation of accessible roof lights and new plant room at roof level. – **Granted 21/06/2016**

7 and 8 Oak Hill Park Mews

2011/4671/P - Erection of extensions at second floor level to front and rear, erection of roof extension with rear roof terrace including balustrading all in connection with existing dwelling houses (Class C3). – **Refused 16/11/2011**

Reasons for refusal:

- 1) The proposed extensions at second and third floors, by virtue of their bulk, mass and detailed design would be prominent additions to the building and would have an adverse impact on the composition and appearance of the host building, the neighbouring Mews buildings and the wider 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.
- 2) The applicant has failed to demonstrate, by way of a daylight and sunlight study prepared by a suitably qualified professional, that the impact of the development on access to daylight and sunlight within the adjacent properties at 87-93 Frognal would not result in an unacceptable impact on the quality of amenity enjoyed by those properties, contrary to policy CS5 (Managing the impact of growth and development) of the London Borough of Camden Local Development Framework Core Strategy and DP26 (Managing the impact of development on occupiers and neighbours) of the London Borough of Camden Local Development Framework Development Policies.

2012/4929/P - Erection of extensions at second floor level, erection of additional roof extension with roof terrace including balustrading all in connection with existing dwelling houses (Class C3). **Refused 14/11/2012. Appeal dismissed 05/11/2013**

Reasons for refusal:

- 1) The proposed extensions at second and third floors, by virtue of their bulk, mass and detailed design would be prominent additions to the building and would have an adverse impact on the composition and appearance of the host building, neighbouring buildings and the wider conservation area, contrary to policies CS5 (Managing the impact of growth and development), 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.
- 2) The applicant has failed to demonstrate that the impact of the development on access to daylight and sunlight within the adjacent properties at 87-93 Frognal would not result in an unacceptable impact on the quality of amenity enjoyed by those properties, contrary to policy CS5 (Managing the impact of growth and development) of the London Borough of Camden Local Development Framework Core Strategy and DP26 (Managing the impact of development on occupiers and neighbours) of the London Borough of Camden Local Development Framework Development Policies.

2014/1824/PRE - Erection of extensions at second floor level, erection of additional roof extension with glazed balustrade. – Advice issued 07/07/2014

2015/3569/P – Installation of accessible roof lights and new plant room at roof level. – **Granted 08/09/2015**

2017/3844/P– Installation of accessible sliding box roof lights and new plant room at roof level. Erection of front and side extensions and associated alterations to building fenestration.– **Granted 21/09/2017**

2019/1501/PRE – Installation of glass balustrades at roof level (in connection with approval 2017/3844/P). - **Advice Issued 17/07/2019**

Relevant policies

National Planning Policy Framework 2019

London Plan 2016

Intend to publish London Plan 2019

Camden Local Plan 2017

Policy A1 Managing the impact of development

Policy D1 Design

Policy D2 Heritage

Supplementary Planning Policies

CPG Altering and extending your home (2019)

- Chapters 1, 2, 4

CPG Design

CPG Amenity (2018)

- Chapters 1 and 2

Hampstead Conservation Area Statement (2001)

Hampstead Conservation Area Design Guide (2010)

Hampstead Neighbourhood Plan (2018)

- Policy DH1: Design
- Policy DH2: Conservation Areas and Listed Buildings

Assessment

1. Background

1.1 In 2004 under planning ref. 2003/2095/P planning permission was refused for the erection of a roof terrace, stair enclosure and balustrade to No.7 Oak Hill Park Mews. The balustrade was set on the edge of the roof and occupied the entire roof slope. The proposed balustrade was estimated to be 1.1m high. The proposed balustrade and stair enclosure, by reason of their location and form, was considered to create an incongruous addition to a prominent roofline, to the detriment of the form of the property and the character and appearance of the Conservation Area.

1.2 In 2014 pre-app advice was issued for a roof terrace with glazed balustrades and the previous officer gave the following advice:

‘The Council’s view on the proposed terrace and glazed balustrade along the perimeter of both houses at third floor level would be objected to. This is due to the increase in height and uncharacteristic nature within a conservation area’

‘At No. 7 & 8 Oak Hill Park Mews the balustrade is proposed at roof level and would be prominent in the street scene and would impact on the integrity of the existing building appearing as an afterthought rather than part of the integrated design of the buildings. It is not considered that glazing at high level, given its reflective qualities, would appear lightweight. As such, this element of the proposal is not considered to be acceptable.’

1.3 In 2016, both No.7 and No.8 were each granted a certificate of lawfulness (Ref’s. 2015/6853/P and 2015/6854/P) for ‘Use of existing flat roof at third floor level as a terrace’. However, this certificate acknowledged that the existing roof space is not enclosed and there are no railings or decking at third floor level. It was issued as no external alterations were proposed so it could not materially affect the external appearance of the building and was not considered to fall within the "meaning of development" requiring planning permission as defined by the Town and Country Planning Act 1990.

1.4 In 2019 follow pre-application advice was issued, which reiterated previous advice that the installation of the balustrades was unacceptable in principle. The Council’s viewpoint has remained unchanged and remained consistent since the applicant first applied for them in 2004.

2. Proposal

Permission is sought for:

- i) Installation of accessible sliding box roof lights, plant room, planters and balustrades at roof level. Erection of front and side extensions and associated alterations to building fenestration.
- ii) Installation of accessible sliding box roof lights, plant room and balustrades at roof level. Erection of front and side extensions and associated alterations to building fenestration.

3. Assessment

3.1. The main consideration for the purposes of this application are:

- the impact of the proposed alterations to the character and appearance of the host building, group of buildings, street scene and wider conservation area; and
- Impacts upon the residential amenity of neighbouring residents

3.2. It is noted that planning permission ref. 2017/3844/P (which is still valid until 21/9/2020) granted permission for the "Installation of accessible sliding box roof lights and new plant room at roof level. Erection of front and side extensions and associated alterations to building fenestration". The consent is still in date and these elements of the proposal remain acceptable in terms of their design and amenity. This report will therefore solely assess the principle of the balustrades (and planters) which are the only new elements of this development.

Impact on design and heritage

Policy:

3.3. The Council's design policies are aimed at achieving the highest standard of design in all developments, including where alterations and extensions are proposed. Policy D1 of Camden's Local Plan outlines that the Council will require all developments to be of the highest standard of design and will expect developments to consider character, setting, context and the form and scale of neighbouring buildings and the character and proportion of the existing building. In addition it should integrate well with the surrounding streets and contribute positively to the street frontage. Policy D2 states that Council will only permit development within conservation areas that preserves and enhances the character and appearance of the area. CPG Altering and extending your home states that "design should positively enhance the character of existing buildings on site and other buildings immediately adjacent and in the surrounding area".

3.4. CPG Altering and extending your home, paragraph 4.13 states that:

'A terrace area provided at roof level should be set back behind the slope of a pitched roof in accordance with Figure 6, or behind a parapet on a flat roof. A roof terrace should normally comply with the following criteria:

- 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.
- A terrace will only normally be acceptable on the rear of properties.
- It is normally inappropriate to set back a mansard roof to provide a terrace.
- It should not result in the parapet height being altered, or, in the case of valley/butterfly roofs, the infilling of the rear valley parapet by brickwork or railings.
- Any handrails required should be well set back behind the line of the roof slope, and be invisible from the ground. Glazed balustrades around balconies or roof terraces are unlikely to be acceptable on traditional buildings because they can appear unduly prominent
- It should not result in overlooking of habitable rooms of adjacent properties.'

3.5. Hampstead Conservation Area statement on roof alterations states:

'In an area of such variety the roofscape changes from street to street. Great care therefore has to

be taken to note the appropriate context for proposals as insensitive alterations can harm the character of the roofscape with poor materials, intrusive dormers, inappropriate windows. In many instances there is no further possibility of alterations.'

'Care should be given to locating gardens [terraces] so that they do not have a detrimental impact on the street scene, surrounding buildings or on the architectural quality of the building.'

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

Assessment

- 3.7. The proposed balustrades of application ref. 2019/6144/P would be set back between 0.5m -1m from the edges of the roof, be constructed of clear glass and stand at 1.1m high. It would have a footprint of 74sqm.
- 3.8. The proposed balustrades of application ref 2019/6143/P would be set back 0.47m from the edges of the roof and stand at 1.1m high. It would have a footprint of 88sqm. This balustrade will be constructed of vertical steel uprights and handrail with stainless steel cable vertical infill. A planter is proposed between the balustrades and the edge of the roof. The planter will stand at 0.4m high and project 15-20cm above the parapet wall. The detailed design of the balustrade is difficult to make out in the elevation drawings provided as they are shown with planting in front obscuring their design.

Impact on the conservation area:

- 3.9. The conservation area statement acknowledges that Hampstead has a variety of building types, ages and styles but development should be considerate to its context. The proposal does not integrate well with the host properties and appears as an incongruous addition that has not taken into consideration the context of the buildings, streetscene or conservation area. The Council's Conservation Officer has reviewed this proposal and does not consider that the balustrades would preserve or enhance the Hampstead Conservation Area. The proposal is also considered to be contrary the guidance in the conversation area statement and the neighbourhood plan. The design, scale, visibility and materials are discussed below.
- 3.10. Paragraph 196 of the NPPF states that "Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use."
- 3.11. It is acknowledged that the proposal would result in no public benefits as a result of the scheme. The only minor private benefit would be the improvement of the dwellings to accommodate an additional amenity space. However, it does not outweigh the harm to the character and appearance of the conservation area. The proposal is thereby considered to constitute less than substantial harm to this conservation area and settings of the nearby listed buildings, with no demonstrable public benefits derived from the scheme which would outweigh such harm. The proposal is therefore considered to be contrary to Section 16 of the NPPF which seeks to preserve and enhance heritage assets.

3.12. Considerable importance and weight has also been attached to the desirability of preserving the nearby listed buildings, their settings and features of special architectural or historic interest, and the conservation area, under s.66 and s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Enterprise and Regulatory Reform Act (ERR) 2013.

Design, scale, visibility and materials:

- 3.13. The applicant has acknowledged that the balustrade would be visible from the public realm and neighbouring streets. The photos in their design and access statement highlight that the building's roof are prominent in multiple neighbouring views confirming that any addition along the edges would be visually prominent. The site, given its location, open character and varying land levels within the surrounding streets makes both properties highly visible in both long and short views.
- 3.14. As raised in the previous pre-apps balustrades would impact on the integrity of the existing building appearing as an afterthought rather than part of the integrated design of the building's architecture.
- 3.15. Although glass balustrades have been granted at lower levels in historic planning applications, the Council have maintained the viewpoint that glass balustrades obscure or clear would be an inappropriate addition at roof level given its prominent location and the photos provided in the design and access statement further support that these would be visible in long and short views from the street. It is not considered that glazing at high level (planning ref. 2019/6144/P), given its reflective qualities, would appear lightweight. In particular the use of obscure glass would make the balustrade appear as a solid and dense addition.
- 3.16. The balustrade constructed of vertical steel uprights and handrail with stainless steel cable vertical infill and a planter proposed between the balustrades and the edge of the roof would be even more prominent and appear as a bulky, jarring and incongruous addition at roof level. The use of planting screening on the elevations hides their true appearance and no details have been given about the type of planting or how it will be maintained. It is considered that without this information it is not possible to determine if the planting is sustainable and will not just be seasonable which would result in exposing the balustrade beneath.
- 3.17. The applicant has implied that they do not consider the balustrades to result in an overall increase in height given the approved plant rooms on the roof being higher. The plant rooms approved under a previous application are set in the middle of the roof away from the edges of the roof and occupy a small footprint on the building whereas the balustrades would be much closer to the roof edges and appear as a solid addition which would be read as an extension. The obscure glazing further adds to its solid appearance. Therefore it is considered that it does result in an increase in the overall height/prominence of the building. It is not considered that the proposal respects the character and appearance of the conservation area and the development would result in an insensitive addition in a prominent location.
- 3.18. Both of the proposed balustrades do not comply with CPG Altering and extending your home, as they are not sufficiently set back behind the edge of the roof slope, and will be highly visible from the ground. Although the proposal with planters would be more dominant and visible of the two options, it is considered that both proposals would create incongruous and highly visible additions.
- 3.19. It is noted that the appeal inspector for planning ref. 2012/4929/P which was dismissed acknowledged that:
- “In context the height of the resultant building would be significantly taller than neighbouring development at 87-93 Frognall, No. 1 Oak Hill Park, and other dwellings within Oak Hill Park Mews.”

“There are open views of the building from Oak Hill Park which show the building in context with its neighbours, and also from outside No. 5 Tercelet Terrace. The resultant building would become a dominant feature in the area and would be overbearing on the setting of neighbouring properties. It would not sit comfortably within this context. The building would also be visible from windows of neighbouring properties. Consequently, the appeal proposal would be harmful to the residents’ appreciation of the character and appearance of the area in which they live.”

Although the inspector’s proposal was for an additional storey it is considered that the siting, height and detailed design of the proposed balustrades would constitute a similar appearance to an additional storey.

Impact on amenity

- 3.20. Local Plan Policy A1 seeks to ensure that the amenity of neighbours is protected including visual privacy, outlook, sunlight, daylight and overshadowing. CPG Amenity supports this policy and outlines that roof terraces should be carefully sited and designed to reduce potential overlooking of habitable rooms or gardens of neighbouring residential buildings.
- 3.21. It is noted that both properties benefit from a certificate of lawfulness confirming the roof as a terrace under refs 2015/6853/P and 2015/6854/P, however, as previously mentioned this certificate acknowledged that the existing roof space is not enclosed and there are no railings or decking at third floor level. It was issued as no external alterations were proposed so it could not materially affect the external appearance of the building and was not considered to fall within the "meaning of development" requiring planning permission as defined by the Town and Country Planning Act 1990. The certificate does not assess the amenity impacts of the development or that of an existing terrace with railings built without planning permission that had been in place for over 3 years.
- 3.22. It is also noted that the certificates relate to the existing building rather than the new proposed side extensions which extend the size of the proposed terrace. The proposals would result in an 88sqm (2019/6143/P) and 74sqm (2019/6144/P) roof terrace respectively. The footprints of the terrace could accommodate large groups of people which may lead to noise and disturbance.
- 3.23. The Amenity CPG suggests that there should be a minimum of 18m separation between buildings in order to protect privacy. The edge of the roof would be a minimum of 6.4m-7.5m from the nearest windows of the neighbouring properties on Frognal and about 7.6m from the windows on No.1 Oak Hill Park. From the site visit it was apparent that the roof terrace would result in overlooking and loss of privacy to No.'s 87, 89, 91 and 93 Frognal and No.1 Oak Hill Park Mews which face onto the application site. Given the very small separation distances the use of the terrace as facilitated by the balustrades would inevitably lead to increased overlooking of neighbouring dwellings, which would harm the living conditions of neighbouring occupiers.

Conclusion

- 3.24. The proposed balustrade (and planters) by reason of its siting, detailed design and form, would create an incongruous addition to a prominent roofline, to the detriment of the form of the property and the character and appearance of the Conservation Area contrary to policies D1 (Design) and D2 (Heritage) of the Camden Local Plan 2017 and policies DH1 (Design) and DH2 (Conservation Areas and Listed Buildings) of the Hampstead Neighbourhood Plan 2018
- 3.25. The proposed terrace, by reason of its location and proximity to the windows of the neighbouring properties at No.'s 87, 89, 91 and 93 Frognal and No.1 Oak Hill Park Mews, would result in a harmful loss of privacy to, contrary to policy A1 (Managing the impact of development) of the London Borough of Camden Local Plan 2017.

Recommendation: Refuse Planning Permission