

Delegated Report		Analysis sheet	Expiry Date:	17/02/2020
		N/A	Consultation Expiry Date:	02/03/2020
Officer			Application Number(s)	
Ben Farrant			2019/6397/P	
Application Address			Drawing Numbers	
34 Ingham Road London NW6 1DE			See draft decision notice	
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature	
Proposal(s)				
Formation of roof terrace with associated balustrade above two storey rear outrigger.				
Recommendation(s):	Refused			
Application Type:	Householder			

Conditions or Reasons for Refusal:	Refuse Permission			
Informatives:				
Consultations				
Adjoining Occupiers:	No. of responses	03	No. of objections	03
Summary of consultation responses:	<p>A site notice was displayed between 07/02/2020 and 02/03/2020.</p> <p>3 objections were received from the owner/occupier(s) of: Flat 2, 36 Ingham Road; Flat 1, 7 Weech Road; and 12 Weech Road. These are summarised as follows:</p> <ul style="list-style-type: none">• Previous consent for roof terrace (ref: 2016/5069/P) was refused and dismissed at appeal. Despite refusal it was still built, and subject to enforcement action (ref: EN17/1086).• The proposed terrace is built up, making it higher than any on the north side of Ingham Road.• The proposal would result in harmful levels of overlooking.• There are few terraces within the area, with 40 properties on Ingham Road and four terraces highlighted by the applicant. Nos. 16 and 18 are stepped down, no.28 has railings abutting windows (not a terrace) and no.36 is very small and only at first floor level.• Six terraces are referenced by the applicant on Weech Road (out of 25 units): two are at first floor (not second floor as claimed by the applicant), one has railings abutting windows (not a terrace), and the remaining three are of a reduced scale.• At appeal, the Planning Inspector stated “2nd floor roof terraces are relatively uncommon in the visible setting of this site” (para. 7).• Boundary planting is insufficient to provide screening. Existing trees may need to be removed due to poor health/condition.• Whilst CPG1 identifies the importance of amenity space, the property has a rear garden at present.• The terrace would add further visual dominance to the roof.• Roof terraces are not in the immediate area; this would set a precedent for neighbouring properties.• The proposal would directly look into a nearby bedroom window, and completely overlook neighbouring gardens.• Privacy screens would not be appropriate in this instance as they would cast a shadow to neighbouring properties. <p><u>Officer Response:</u> Noted.</p>			

Site Description

The subject site comprises a two storey mid-terrace dwellinghouse with original two storey stepped outrigger to the rear, situated on the northern side of Ingham Road. The property benefits from a rear dormer extension with 'pod' style roof extension above approximately half of the original outrigger.

The property is not a Listed Building and the site does not fall within a conservation area.

Relevant History

34 Ingham Road

Planning history:

2017/6848/P - Installation of rear dormer roof extension and 'pod' roof extension above part of two storey rear addition (Retrospective) – **Refused 26/09/2018 – Appeal allowed 14/11/2018 (Ref: APP/X5210/D/18/3207725)**

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 27/04/2017 (Ref: APP/X5210/D/17/3170357)**

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**

2014/5311/P – Proposed rear dormer to replace existing and rooflights to front roofslope - **Certificate of lawfulness (proposed) granted 30/09/2014**

2009/3915/P – Erection of a single storey side and rear extension to residential dwelling (Class C3) - **Planning permission granted 06/10/2009**

2009/1968/P – Erection of a single storey rear extension to dwellinghouse. Certificate of lawfulness (proposed) - **Refused 17/07/2009**

Enforcement history:

17/1086 – Formation of rear dormer and 'pod' roof extension

17/1285 – Formation of rear terrace from access door from 'pod' roof extension

32 Ingham Road (Neighbouring property)

2014/7565/P – Erection of a single storey rear infill extension and changes to the windows at first floor and second floor level on the rear elevation - **Planning permission granted 16/02/2015**

PSX0204672 – Certificate of Lawfulness for Proposed Development to convert the loft into habitable space, including the erection of a full width rear dormer and the installation of 4 roof lights on the front slope of the roof - **Certificate of lawfulness (proposed) granted 16/06/2003**

36A Ingham Road (Neighbouring property)

2016/6886/P – Extend rear dormer, create second floor terrace, enlarge window & door opening to existing first floor balcony, replace existing casement windows with double hung sash windows – **Planning Permission granted 17/02/2017**

Relevant policies

National Planning Policy Framework 2019

The London Plan March 2016

Intend to Publish London Plan 2019

The Camden Local Plan 2017

A1 - Managing the impact of development

D1 - Design

Camden Planning Guidance

CPG Altering and extending your home (2019)

CPG Amenity (2018)

CPG Design (2019)

Fortune Green and West Hampstead Neighbourhood Plan 2015

Policy 2 (Design and Character)

Assessment

1.0 Proposal

- 1.1 It is proposed to build above the existing mono-pitched outrigger roof to form a flat surface above the existing ridge height. A black painted metal balustrade would surround the perimeter. This would form external amenity space at second floor level, accessed via the existing rear door from the 'pod' roof extension.

2.0 Assessment

- 2.1 There are two main elements for consideration in the determination of this scheme:
- Design and Appearance
 - Impact on Amenity

3.0 Design and Appearance

- 3.1 CPG Altering and Extending your Home (2019) contains specific guidance on roof terraces, stating that they should be designed in such a way as to complement the elevation upon which they are to be located.
- 3.2 CPG Design (2019) states that proposed development should consider, amongst other factors, the context of the development and its surrounding area, and the design of the building itself.
- 3.3 Policy 2 (Design and Character) of the Fortune Green and West Hampstead Neighbourhood Plan (2015) insists on high quality design which complements and enhances the distinct local character and identity of Fortune Green and West Hampstead. Furthermore, paragraph A14 states that "*roof extensions and loft conversions should fit in with existing rooflines and be in keeping with existing development*".
- 3.4 Policy D1 (Design) of Camden Borough Council's Local Plan (2017) states that development should respect local context and character.
- 3.5 Planning permission was previously sought for "*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*" (ref: 2016/5069). This was refused on 15/09/2016, and dismissed at appeal (ref:

APP/X5210/D/17/3170357 dated 27/04/2017). The reason for refusal was based on design grounds, stating:

- 3.6 *"The proposed development by virtue of its detailed design, size and location would appear as an incongruous addition that would have an adverse impact on the character and appearance of the host building, the terrace of which it forms a part, and the surrounding area. The proposal is therefore contrary to policy CS14 (Promoting high quality places and conserving our heritage) of the London Borough of Camden Local Development Framework Core Strategy; and policy DP24 (Securing high quality design) of the London Borough of Camden Local Development Framework Development Policies, and policy 2 (Design and character) of the Fortune Green & West Hampstead Neighbourhood Plan."*
- 3.7 Whilst the Officer's report (ref: 2016/5069/P) raised concerns regarding the unsympathetic nature of the built up flat roof and the loss of the original roof form, the Inspector's report accepted the loss of the original pitched roof to the outrigger and replacement with the flat roof surface. He agreed with the Council that the existing fenestration to the bathroom could be completed under the permitted development rights of the property, and so raised no objections to these elements of the proposal.
- 3.8 The Inspector states *"second floor roof terraces are relatively uncommon in the visible setting of the appeal site"* (para. 7). In relation to the design of the proposal he stated:
- 3.9 *"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."*
- 3.10 The Inspector concluded 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)"*.
- 3.11 Given the use of timber privacy screens, no objections were made on the previous application (by the Council, nor the Inspector) with regards to overlooking. The reason for refusal (and dismissal of appeal) solely regarded design.
- 3.12 In response, the current proposal has removed the privacy screens, and instead proposes metal balustrades to the side elevations. As noted by the Inspector, black painted metal railings are a common feature within the area.
- 3.13 It is acknowledged that the balustrade would not be set in from the edges of the roof to reduce its visibility/prominence (in compliance with CPG Altering and Extending your Home), and it would increase the bulk of the outrigger/roof additions to some degree. However, by reason of its traditional material, scale and simple form, the balustrade itself would not constitute a visually obtrusive addition to the property. It is considered, on balance, that the proposal would not result in undue harm to the character and appearance of the property or surrounding area. As such, in design terms, in the absence of a privacy screen, the proposal could be considered acceptable on balance.

4.0 Impact on Amenity

- 4.1 Policy A1 of the Camden Local Plan seeks to protect the quality of life of neighbouring occupiers. The factors to consider include: visual privacy and outlook; sunlight, daylight and overshadowing; artificial light levels; noise and vibration.

- 4.2 Given its residential nature the proposal is unlikely to result in undue harm to neighbours in terms of noise impacts. Similarly given that the only physical alteration would be the installation of the flat roof and metal balustrade, it would not result in undue harm to daylight/sunlight, overshadowing or artificial light levels to neighbouring properties. As such, the amenity impact on neighbours is limited to overlooking.
- 4.3 CPG Altering and Extending your Home states that terraces have the potential to cause a nuisance to neighbours, and that proposals should not result in overlooking of habitable rooms of adjacent properties.
- 4.4 Para. 2.2 of CPG Amenity (2018) states:
- 4.5 *“Interior and exterior spaces that are overlooked lack privacy, which can affect the quality of life of occupants. The Council will therefore expect development to be designed to protect the privacy of the occupants of both new and existing dwellings to a reasonable degree. Therefore, new buildings, extensions, roof terraces, balconies and the location of new windows should be carefully designed to avoid overlooking. The extent of overlooking will be assessed on a case-by-case basis.”*
- 4.6 Para. 2.3 continues:
- 4.7 *“The places most sensitive to overlooking are typically habitable rooms and gardens at the rear of residential buildings. For the purposes of this guidance, habitable rooms are considered to be residential living rooms; bedrooms and kitchens. The area of garden nearest to the window of a habitable room is most sensitive to overlooking.”*
- 4.8 The agent has expressed that due to the distances and angles of any views, neighbouring properties would not be unduly harmed. However, the proposed roof terrace would extend to the end of the outrigger at full width, without a privacy screen to the side elevations (in order to address design concerns referenced above). This would allow views directly into neighbouring windows, namely the upper floors of nos.32 and 36 Ingham Road. The proposal would additionally result in overlooking to neighbouring gardens, including the areas of garden nearest the windows of habitable rooms which are described as the most sensitive areas to overlooking within CPG Amenity. The windows impacted would be living area windows as defined within CPG Amenity, and undue harm would be inflicted upon the occupiers of these properties.
- 4.9 The proposed roof terrace, in the absence of a privacy screen would allow direct overlooking to nearby gardens and in to neighbouring habitable rooms. The proposal would result in undue harm to the residential amenities of neighbouring occupiers contrary to guidance contained within CPG Amenity. The proposal would constitute an unacceptable loss of privacy to neighbouring occupiers, contrary to policy A1 of the Camden Local Plan, and refusal is warranted on this basis.
- 4.10 A Planning Statement (by Verve Planning, dated December 2019) was submitted with the application outlining (amongst other matters) example roof terraces within the area. It should be noted that whilst these may provide some clarification on the neighbouring context, each case is determined on its own planning merits, and these would not represent a ‘precedent’ for approval. The proposal in this instance is considered to be unacceptable by reason of its unduly harmful overlooking towards neighbouring properties.

Recommendation

Refuse planning permission