

Delegated Report		Analysis sheet	Expiry Date:	07/04/2020
		N/A / attached	Consultation Expiry Date:	15/03/2020
Officer			Application Number(s)	
Laura Hazelton			2020/0687/P	
Application Address			Drawing Numbers	
17 Edis Street London NW1 8LE			Please refer to decision notice	
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature	
Proposal(s)				
Variation of condition 1 (approved drawings) and removal of condition 2 (louvre screens) of planning permission reference 2019/1896/P dated 27/06/2019 (amendment of 2016/7041/P dated 21/04/2017) for the 'erection of mansard roof extension and single storey rear infill extension; replacement of 4 x rear sash windows with matching windows; lowering of ground floor level by 15cm; installation of new French doors and bricking up of existing door within front lightwell; removal of metal staircase and replacement with a platform lift'; namely, the removal of louvre screens from rear infill extension roof.				
Recommendations:		<p>i) Refuse planning permission and enforcement action to be taken.</p> <p>ii) That the Borough Solicitor be instructed to issue a Breach of condition notice under Section 187 A of the Town and Country Planning Act 1990 as amended requiring compliance with condition 2 of planning permission reference 2019/1896/P dated 27/06/2019 to secure the installation of louvre screens (or other means of restricting outlook and lightspill as agreed by the Local Planning Authority) to the existing rear infill extension, and officers be authorised in the event of non-compliance, to commence legal proceedings under Section 187 A(8) and (9) or other appropriate power and/or take direct action under Section 178 in order to secure the cessation of the breach of planning control.</p>		
Application Type:		Variation or Removal of Condition(s)		

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:	<p>The application was advertised in the local press on 20/02/2020 and site notices were displayed on 19/02/2020.</p> <p>No responses were received from neighbouring residents.</p>			
CAAC comments:	<p>One objection was received from The Primrose Hill Conservation Area Advisory Committee (CAAC):</p> <p>We note, in the light of the applicant's agent's letter, that we advised on application 2016/7041/P (to which they refer) "If the application were revised, including reducing the height of the side wall, and setting the infill addition within the footprint of the existing rear addition, any consent should be subject to ensuring effective measures against light pollution from any glass roof".</p> <p>The agent refers to overlooking, but this was not the issue for the CAAC when we advised in 2017, and it is not the issue for us now. We are concerned with the problem of light pollution in the especially narrow space between the houses in Edis Street and Princess Road.</p> <p>We advise that the Council was right to require measures against light pollution in 2017, and circumstances do not justify a change now. Effective measures against light pollution in this location as required by the condition are justified and reasonable.</p>			

Site Description

The application site is a three storey mid-terrace property on the east side of Edis Street. The property is constructed in London stock brick with decorative stucco features to the front elevation. The property is located within the Primrose Hill Conservation Area. Although the building is not listed, it is identified as making a positive contribution to the character and appearance of the conservation area.

The site is located within an Article 4 Direction area restricting permitted development rights for extensions and alterations.

The building is in use as a single dwellinghouse, and is located in a predominantly residential area.

Relevant History

2019/1896/P - Variation of condition 3 (approved drawings) of planning permission granted on 21/04/2017 (ref: 2016/7041/P) for the erection of mansard roof extension and single storey rear infill extension; replacement of 4 x rear sash windows with matching windows; lowering of ground floor level by 15cm; installation of new French doors and bricking up of existing door within front lightwell; removal of metal staircase and replacement with a platform lift; namely, changes to infill extension including height of party wall, removal of 100mm set back, change from metal cladding to London stock brick, and changes to fenestration. **Planning permission granted 27/06/2019.**

2019/3694/P - Installation of external chimney flue to roof of single storey rear extension (retrospective application including reduction in height of installed flue). **Granted 16/10/2019.**

2016/7041/P - Erection of mansard roof extension and single storey rear infill extension; replacement of 4 x rear sash windows with matching windows; lowering of ground floor level by 15cm; installation of new French doors and bricking up of existing door within front lightwell; removal of metal staircase and replacement with a platform lift. **Planning permission granted subject to S106 legal agreement 21/04/2017.**

Relevant policies

National Planning Policy Framework 2019

The London Plan 2016

Intend to Publish London Plan 2019

London Borough of Camden Local Plan 2017

A1 (Managing the impact of development)

Camden Supplementary Planning Guidance

CPG Altering and extending your home 2019

CPG Amenity 2018

Primrose Hill Conservation Area Statement 2000

Assessment

1.0 Proposal and background

- 1.1 Planning permission was previously granted on 21/04/2017 (ref: 2016/7041/P) at the application site for the *'Erection of a mansard roof extension and single storey rear infill extension; replacement of 4 x rear sash windows with matching windows; lowering of ground floor level by 15cm; installation of new French doors and bricking up of existing door within front lightwell; removal of metal staircase and replacement with a platform lift'*.
- 1.2 Constructions works were completed not in accordance with the approved drawings. Namely:
- a ground floor internal chimney flue was installed which projected externally above the party wall with no.16;
 - decrease in height of party wall by 500mm;
 - removal of 100mm building line set back to extension;
 - change in material from metal cladding to London stock brick;
 - changes to the fenestration design; and
 - proposed louvre screens to rear extension roof not installed as required by condition 5 of planning permission ref: 2016/7041/P (and condition 2 of planning permission ref: 2019/1896/P).
- 1.3 Part (a) was regularised by retrospective planning application reference 2019/3694/P granted on 16/10/2019. Parts (b) – (e) were regularised by a retrospective minor material amendment application reference 2019/1896/P granted 27/06/2019.
- 1.4 The current application relates to part (f) and seeks to vary of condition 1 (approved drawings) and remove condition 2 of planning application reference 2019/1896/P. Condition 2 required the installation of louvre screens to the rear extension roof:

'Louvre screens shall be installed below the glazed roof in accordance with the approved drawings within two months from the date of this decision. The louvres shall be permanently retained thereafter.'

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

2.0 Assessment

- 2.1 The principal planning consideration in the determination of this application is the impact on neighbouring amenity in terms of privacy and light disturbance.

3.0 Amenity

- 3.1 Policy A1 of the Local Plan seeks to protect the amenity of Camden's residents by ensuring the impact of development is fully considered and would not harm the amenity of neighbouring residents. This includes privacy, outlook, noise, daylight and sunlight.
- 3.2 The originally submitted planning drawings for application reference 2016/7041/P were amended to include the proposed louvre screens after concerns were raised by the planning officer and neighbouring occupants that the large amount of glazing would result in excessive light spill and overlooking. Planning permission was granted on the condition that the rear extension could not be used until the louvre screens had been installed. Paragraph 4.4 of the officer's report assesses this element of the proposals and notes:

'The proposals include a glazed roof to the single storey extension. Louvres are proposed to be

installed to prevent overlooking and light spill. Furthermore, the boundary wall would be raised from 2.15m to 3m, 40cm higher than the proposed extension which would also help to prevent lightspill and overlooking of no.16. A condition would be secured requiring the louvres to be installed prior to occupation of the proposed extension.'

- 3.3 In support of the application, a cover letter has been provided which describes the council's policies and guidance (namely Policy A1 – Amenity, and the 'Altering and extending your home CPG). The applicant makes the argument that the mitigation measures suggested by policy A1 to overcome overlooking / loss of privacy or lightspill should only be required if necessary and that they should not be a "matter of blanket application". The applicant goes on to explain that they do not consider loss of privacy or lightspill to result from the as-built rear extension and as such, louvre windows are not required. They argue that it is not possible to overlook neighbouring properties beyond that inherent in the use of the rear garden and that views are restricted by the garden walls. It is also argued that the roof provides only sky views. In terms of lightspill, it is argued that there are existing conservatories at nos. 57, 59 and 61 Princess Street and therefore, the glass roof at the application site is not unusual in this context.
- 3.4 Contrary to the applicant's assertion that there would be no overlooking or lightspill from the extension as constructed, this is not considered to be the case. The area of glazing is large, measuring approximately 6.2sqm and located directly adjacent to the rear elevation and side boundary wall. There are clear views out of and in to the extension from the windows and terrace to the rear of adjacent property no. 16 Edis Street. Although the property owner has previously said they do not consider this to be an issue, the Council must also consider the impacts on the privacy of future occupants and the level of overlooking into the rear extension is considered to be harmful. It is relevant to also note that the finished height of the boundary wall was 500mm lower than approved, and as such, does not provide the same level of protection from lightspill and overlooking than would have been the case were the development to be constructed in accordance with the originally approved plans.
- 3.5 Officers do not agree with the applicant's argument that the use of the extension would be any different to normal garden use. The internal space would be significantly more heavily used throughout all year long, and would be illuminated during the winter months when gardens are more likely to be unlit.
- 3.6 In terms of lightspill, the Council has no powers to control the use of the space, internal light fittings and fixtures or brightness of internal lighting. Given the size of the glazed roof and the very close proximity to windows to the rear of the neighbouring property, the potential for harmful lightspill and disturbance to neighbouring amenity is significant.
- 3.7 As such, it is still considered that screening is required in this location, be that louvres, obscure glazing or one-way glazing, and that the proposed development would be contrary of policy A1 of the Camden Local Plan.

4.0 Recommendation

Recommendation 1: Refuse planning permission and enforcement action to be taken.

Recommendation 2: That the Borough Solicitor be instructed to issue a Breach of condition notice under Section 187 A of the Town and Country Planning Act 1990 as amended requiring compliance with condition 2 of planning permission reference 2019/1896/P dated 27/06/2019 to secure the installation of louvre screens (or other means of restricting outlook and lightspill as agreed by the Local Planning Authority) to the existing rear infill extension, and officers be authorised in the event of non-compliance, to commence legal proceedings under Section 187 A(8) and (9) or other appropriate power and/or take direct action under Section 178 in order to secure the cessation of the breach of planning control.

The Notice shall allege the following breach of planning control:

Breach of condition following the completion of works, namely, the failure to install louvre screens as required by condition 2 of planning permission reference 2019/1896/P granted 27/06/2019.

WHAT YOU ARE REQUIRED TO DO:

1. Install louvre screens (or other means of restricting outlook and lightspill as agreed by the Local Planning Authority) to the existing rear infill extension in accordance with the requirements of condition 2 of planning permission reference 2019/1896/P granted 27/06/2019.

PERIOD OF COMPLIANCE:

3 months

REASONS WHY THE COUNCIL CONSIDER IT EXPEDIENT TO ISSUE THE NOTICE

1. It appears to the council that the above breach of planning control has occurred within the last 4 years.
2. The development, by reason of excessive lightspill and loss of privacy arising from use of the existing rear extension results in unacceptable harm to the amenity of neighbouring residents and occupants of the site, contrary to policy A1 of the Camden Local Plan 2017.