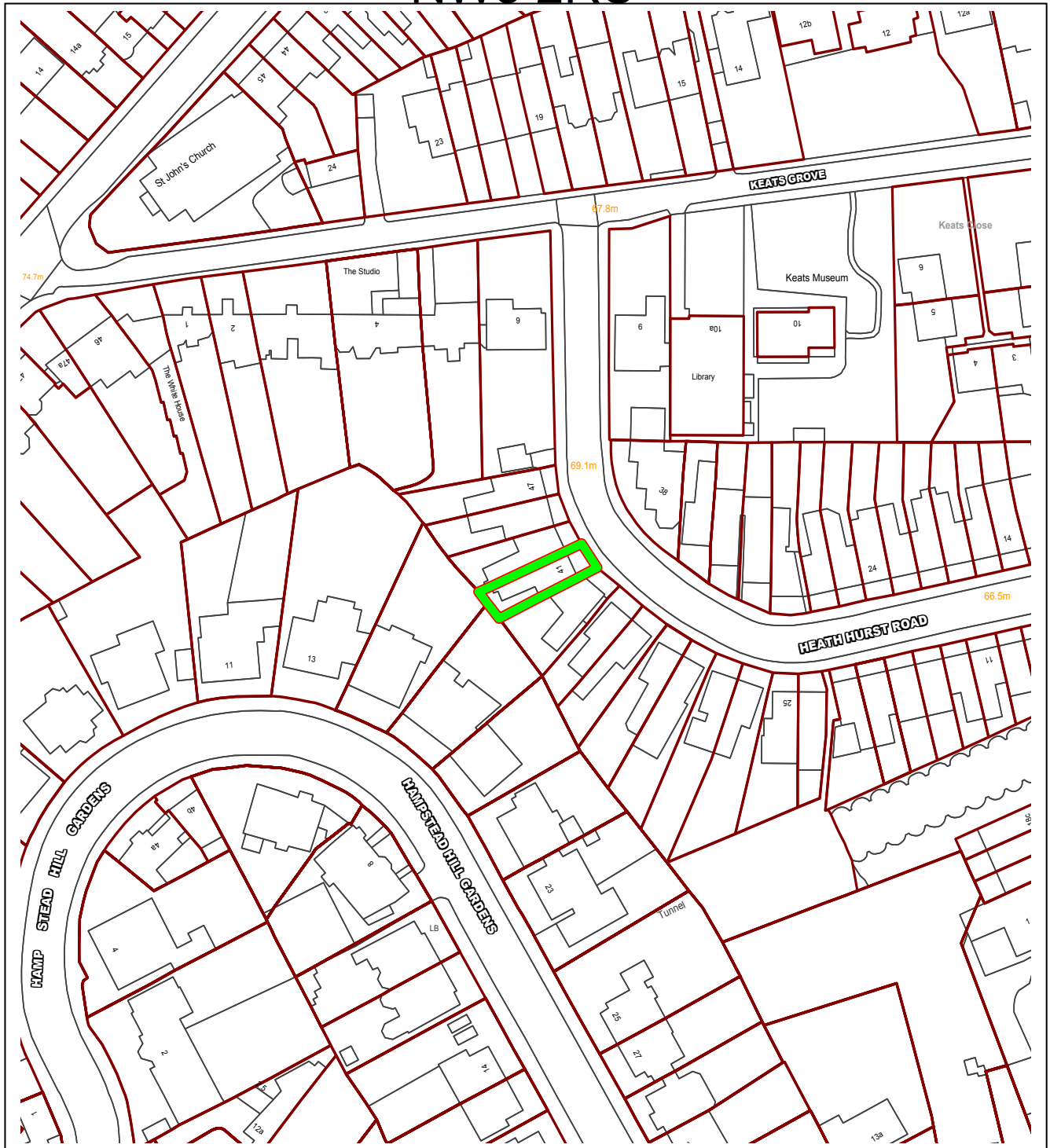


2020/1514/P- 41 Heath Hurst Road, **NW3 2RU**



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Site Photographs - 41 Heath Hurst Road, NW3 2RU



Photo 1: Aerial view of the rear elevations of No.41-47



Photo 2: Aerial side view of No.41-47



Photo 3: View from 2nd floor roof towards No.43



Photo 4: View from 2nd floor roof towards to the rear

Delegated Report (Members Briefing)		Analysis sheet	Expiry Date:	10/07/2020
		N/A	Consultation Expiry Date:	14/06/2020
Officer			Application Number(s)	
Sofie Fieldsend			2020/1514/P	
Application Address			Drawing Numbers	
41 Heath Hurst Road London NW3 2RU			See draft decision notice	
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature	
Proposal(s)				
Erection of rear roof terrace at second floor of dwelling house (C3).				
Recommendation(s):		Grant conditional planning permission		
Application Types:		Householder Planning Permission		

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice			
Informatives:				
Consultations				
Adjoining Occupiers:	No. of responses	0	No. of objections	0
Summary of consultation responses:	Site notice consultation: 20/05/2020 until 13/06/2020 Press notice consultation: 21/05/2020 until 14/06/2020 No objections/comments were received during this statutory consultation period.			
The Heath & Hampstead Society	The Heath & Hampstead Society objected on the following grounds: 1) Objected to the previous scheme. Amenity concerns: large parties causing noise, loss of privacy/overlooking to neighbouring properties and their gardens <u>Officer response:</u> 1) <i>The previous application's original terrace had a different detailed design before it was removed. For amenity see sections 2.10-2.15.</i>			

Site Description

The site is a three-storey semi-detached dwellinghouse located on the Southern side of Heath Hurst Road. The building is not listed but is noted as being a positive contributor within the surrounding Hampstead Conservation Area and sits within the Hampstead Neighbourhood Plan Area.

Relevant History

2019/3559/P - Replacement rear/side doors at ground floor and replacement side boundary wall. Replacement front boundary wall and steps. Front/rear landscaping alterations – **Granted 22/11/2019**

- This proposal originally included a roof terrace in the same location, however it was removed to reconsider the detailed design as it included a rear extension to access the terrace. The extension was unacceptable and was advised that this element should be removed. The current application addresses previous design concerns.

Neighbouring properties:

No.45

CTP/E8/10/8/4297 - Alterations to landing window on first floor to allow access to flat roof at rear and the erection of a staircase to the top roof at 45 Heath Hurst Road, Camden. – **Granted 27/10/1967**

No.47

9301327 - Erection of railings as means of enclosure of a rear second floor roof terrace - **Granted 31/03/1994**

Relevant policies

National Planning Policy Framework 2019

London Plan 2016

London Plan Intend to publish (2019)

Camden Local Plan 2017

Policy A1 Managing the impact of development

Policy D1 Design

Policy D2 Heritage

Camden Planning Guidance

CPG Amenity (2018)

CPG Design (2019)

CPG Altering and extending your home (2019)

Hampstead Conservation Area Statement (2001)

Hampstead Neighbourhood Plan (2018)

Policy DH1 Design

Policy DH2 Conservation areas and listed buildings

1. Proposal

1.1. The scheme involves the following elements:

- Erection of a rear roof terrace at 2nd floor
- Replacement of existing window with door to allow access
- Installation of 1x rooflight on the flat roof of the proposed terrace

2. Assessment

Design and heritage

- 2.1. Local Plan policy D1 seeks to achieve high quality design in all developments. Policy D1 requires development to be of the highest architectural and urban design quality, which improves the function, appearance and character of the area. Through Local Plan policy D2, the Council will seek to preserve and, where appropriate, enhance Camden's conservation areas.
- 2.2. CPG 'Altering and extended your home' recommends that proposals should be secondary to the building being extended, be built from materials that are sympathetic to the existing building wherever possible, respect and preserve the original design and proportions of the building including any existing architectural features, respect and preserve the historic pattern and established townscape of the surrounding area.
- 2.3. Policy DH1 of the Hampstead Neighbourhood Plan Development advises that proposals should demonstrate how they respect and enhance the character and local context by responding positively and sympathetically to the existing rhythm, proportion, height, scale, massing, materials and storey heights of surrounding buildings
- 2.4. It is noted that no. 41, 43, 45 and 47 form a group of similar style properties. Within this terrace, three properties No.43, 45 and 47 have built a similar scale roof terrace. No.45 and 47 were granted planning permission and No.43 appears to have built their terrace without seeking planning permission but it is likely lawful by passage of time. The proposal would reunite this group. It is also noted although a different style of house but adjoining this terrace No.'s 31, 33 and 35 Heath Hurst road have sizable rear terraces but at first floor. Therefore it is considered that the terrace would not appear out of character with the prevailing pattern of development along this terrace. A 1.7m timber planted screen is proposed along the boundary with No.43 and metal railings will enclose the remaining rear/side elevations with planters sitting within the railings along the edges.
- 2.5. The existing rear window will be replaced with a set of timber patio doors. These are of a similar style to those found on neighbouring terraces within this group and would not appearance out of keeping. The lintel feature will be retained above the fenestration. The use of traditional timber is acceptable.
- 2.6. In relation to the roof slope the proposed rooflight would be subordinate in scale.
- 2.7. The development in terms of its scale, siting, materials and detailed design would be acceptable and given its siting to the rear it would not be visible from the public realm. However, it would be visible from private vantage points, yet it is not considered to have a detrimental impact on the host property or the wider area.

- 2.8. Overall the proposal would not result in unacceptable harm to the building's appearance or character, nor that of the surrounding conservation area, in accordance with policies D1 and D2 of the Camden Local Plan and Policies DH1 and DH2 of the Hampstead Neighbourhood Plan.
- 2.9. Special regard has been attached to the desirability of preserving or enhancing the conservation area, under s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Enterprise and Regulatory Reform Act 2013.

Neighbour amenity

- 2.10. Policy A1 seeks to protect the amenity of Camden's residents by ensuring the impact of development is fully considered. It seeks to ensure that development protects the quality of life of occupiers and neighbours by only granting permission for development that would not harm the amenity of neighbouring residents. This includes privacy, outlook, daylight and sunlight.
- 2.11. CPG Amenity states that the Council will expect development to be designed to protect the privacy of the occupants of both new and existing dwellings to a reasonable degree and the extent of overlooking will be assessed on a case-by-case basis.
- 2.12. The 1.7m privacy screen along the boundary with No.43 is considered sufficient to protect this property's privacy and its installation will be conditioned. It is noted that the adjoining neighbour at No.39 is angled away from the site and with the proposed planters in place, the proposals would be unlikely to create direct overlooking into their rear windows. It is considered that the balcony would have a similar outlook to the rear to the existing balconies at this level within the terrace, therefore it would not contribute significantly to additional overlooking that would warrant a reason for refusal.
- 2.13. Concerns have been raised that the size of the terrace would lead to increased noise. With the planters the useable footprint of the terrace is 20sqm and therefore smaller than the other existing terraces in this group. It is also noted that the property already has a larger garden as well so it is not the only usable amenity space within the dwelling. Given the above it is acknowledged that there may be some increase in noise but not to the extent that would warrant a reason for refusal in this instance.
- 2.14. Given the scale, siting and detailed design of the proposal it is not considered to have an adverse impact on the amenity of the neighbouring properties in terms of loss of light, privacy, overlooking or a sense of enclosure.

3. Recommendation

Grant conditional planning permission

The decision to refer an application to Planning Committee lies with the Director of Regeneration and Planning. Following the Members Briefing panel on Monday 13th July 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'.

Application ref: 2020/1514/P
Contact: Sofie Fieldsend
Tel: 020 7974 4607
Email: Sofie.Fieldsend@camden.gov.uk
Date: 2 July 2020

Development Management
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Alan Campbell Chartered Architect
Cliff Bridge Studio
Cliff Bridge Terrace
Scarborough
YO11 2HA

DRAFT

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Householder Application Granted

Address:

**41 Heath Hurst Road
London
NW3 2RU**

Proposal:

Erection of rear roof terrace at second floor.

Drawing Nos: 1641/01A; 1641/02A; 1641/03A; 1641/04A; 1641/05A; 1641/06A and 1641/07A.

The Council has considered your application and decided to grant permission subject to the following condition(s):

Condition(s) and Reason(s):

- 1 The development hereby permitted must be begun not later than the end of three years from the date of this permission.

Reason: In order to comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 All new external work shall be carried out in materials that resemble, as closely as possible, in colour and texture those of the existing building, unless otherwise specified in the approved application.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policies D1 and D2 of the London Borough of Camden Local Plan 2017.

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

1641/01A; 1641/02A; 1641/03A; 1641/04A; 1641/05A; 1641/06A and 1641/07A.

Reason:

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

- 4 The use of the roof as a terrace shall not commence until the screen and planters, as shown on the approved drawings, has been constructed. The screen and planters shall be permanently retained thereafter.

Reason: In order to prevent unreasonable overlooking of neighbouring premises in accordance with the requirements of policies A1, D1 and D2 of the London Borough of Camden Local Plan 2017.

Informative(s):

- 1 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts that cover aspects including fire and emergency escape, access and facilities for people with disabilities and sound insulation between dwellings. You are advised to consult the Council's Building Control Service, Camden Town Hall, Judd St, Kings Cross, London NW1 2QS (tel: 020-7974 6941).
- 2 Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You are advised to consult the Council's Noise and Licensing Enforcement Team, Camden Town Hall, Judd St, Kings Cross, London NW1 2QS (Tel. No. 020 7974 4444 or search for 'environmental health' on the Camden website or seek prior approval under Section 61 of the Act if you anticipate any difficulty in carrying out construction other than within the hours stated above.
- 3 This proposal may be liable for the Mayor of London's Community Infrastructure Levy (CIL) and the Camden CIL. Both CILs are collected by Camden Council after a liable scheme has started, and could be subject to surcharges for failure to assume liability or submit a commencement notice PRIOR to commencement. We issue formal CIL liability notices setting out how much you may have to pay once a liable party has been established. CIL payments will be subject to indexation in line with construction costs index. You can visit our planning website at www.camden.gov.uk/cil for more information, including guidance on your liability, charges, how to pay and who to contact for more advice.

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.

You can find advice about your rights of appeal at:

<http://www.planningportal.gov.uk/planning/appeals/guidance/guidancecontent>

Yours faithfully

Director of Economy, Regeneration and Investment

DRAFT

DECISION