

Delegated Report		Analysis sheet	Expiry Date:	13/08/2019
		N/A / attached	Consultation Expiry Date:	22/09/2019
Officer			Application Number(s)	
Josh Lawlor			2019/3119/P	
Application Address			Drawing Numbers	
Flat 4 70 Aberdare Gardens London NW6 3QD			See decision notice	
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature	
Proposal(s)				
Erection of timber frame to flat roof for awning / arbour (retrospective).				
Recommendation(s):	Refuse Planning Permission with Enforcement Action to be Taken			
Application Type:	Full Planning Permission			

Conditions or Reasons for Refusal:	Refer to Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:			No. of responses	02	No. of objections	02
Summary of consultation responses:	<p>One notice were displayed directly outside the site on Aberdere Gardens and a second was displayed on Fairhazel Gardens (side) dated 23/08/2019 expiring on the 16/09/2019</p> <p>Two objections were received, the objections state:</p> <ol style="list-style-type: none"> 1. <i>I write on behalf of CRASH (The Combined Residents' Associations of South Hampstead) to lodge an objection to the proposed erection of a structure on the roof of 70 Aberdare Gardens. The building is located in a prominent position on the corner of Aberdare Gardens and Fairhazel Gardens in the heart of the South Hampstead Conservation Area. The character of the building (a good example of late-Victorian/Edwardian domestic architecture) has already been damaged by the introduction of inappropriate planting on the roof and the introduction of the proposed garden structure (an "arbour") will have an adverse visual impact on the street scene, as it will be seen for a considerable distance from a number of the adjoining roads. To conclude, the proposal is detrimental to the overall character and appearance of the immediate locality.</i> 2. <i>Aberdare Gardens is part of the conservation area in this neighbourhood, I feel that the erection of this roof garden would compromise this, and so I am against this application being granted.</i> <p>Officer response to points 1 and 2 above:</p> <ol style="list-style-type: none"> 1. <i>See Design and Heritage section of this report</i> 					

Site Description

The application site is a top floor flat of a 3-storey Victorian building that has been split into 4 self-contained flats. The property is positioned on the prominent corner of Fairhazel Gardens and Aberdare Gardens and is located within South Hampstead Conservation Area and is identified as making a positive contribution to the Conservation Area. The building had a mansard style roof which has been converted to form a roof terrace.

Planning History:

2011/5650/P Alterations at roof level including installation of a roof light hatch and railings to the rear roof level in connection with use as a roof terrace for the existing second floor flat (Class C3).

Refused 24/01/2012

2007/5916/P Excavation of existing basement to provide additional habitable accommodation to the ground floor flat, including the provision of a front (Aberdare Gardens) and side (Fairhazel Gardens) light well. **Granted 18/03/2008**

2011/2155/P Erection of stair enclosure at roof level and railings to rear of roof in connection with use of main roof of building as a terrace to the second floor flat (Class C3). **Refused 11/07/2011 and Allowed at appeal 24/02/2012**

In allowing the appeal the Inspector stated:

An important difference between the previous appeal scheme and the current proposal is that the height of the roof hatch has been reduced from 2.5 meters to 1.3 meters, and it would also be less wide. The Council accepts that the reduced enclosure would not be visible from the street when the hatch was closed, but states that the open hatch would be visible from the street. Concern is also expressed regarding the aspect from the properties to the rear. However the scale of the stair enclosure has been significantly reduced from the previous proposal, to the extent that it would be almost unnoticeable from the upper floors of the properties to the rear. Although the roof hatch would be visible from the street when opened, it would not be a dominant feature and, in any event, leaving the hatch open would be an infrequent event and would be weather dependent.

Relevant policies

The National Planning Policy Framework 2019

London Plan 2016

London Plan 2019 (intend to publish)

Camden Local Plan (July 2017)

- D1 Design
- D2 Heritage
- A1 Managing the impact from development

Supplementary Guidance - Camden Planning Guidance

- CPG Altering and extending your home (March 2019)
- CPG Amenity (March 2018)

Assessment

1. Proposed Development

1.1 The proposal is for a wooden frame, which is already installed on the roof terrace. The frame of the proposed arbour-trellis is made from oiled hardwood 70mm x 70mm posts and cross-pieces. The frame measures approximately 8m x 3m in plan, and stands 2.4m above the flat part of the roof. Additional support for climbing plants are provided by 1.5mm wire rope stretched between the posts on the east and west ends, and across the top of the frame between the cross-pieces.

2. Assessment

2.1. The principal considerations material to the determination of this application are as follows:

- Design and Heritage;
- Residential amenity;

3. Design and Heritage

- 3.1. Camden Local Plan Policy D1 (Design) seeks to secure high quality design in development which respects local context and character. Policy D2 (Heritage) states that the Council will preserve and enhance Camden's heritage assets and their settings, including conservation areas. The Council will not permit development that results in harm that is less than substantial to the significance of the heritage asset unless the public benefits of the proposal significantly outweigh that harm. The council will also require that development within conservation areas preserves or, where possible enhances the character or appearance of the area.
- 3.2. While the arbour-trellis is not a roof extension as such, the Council's design guidance on roof extensions is relevant in assessing the proposal. CPG Altering and extending your home (2019) states that roof extensions are likely to be unacceptable where: *there is likely to be an adverse effect on the appearance of the building or the surrounding street scene, where complete terraces or groups of buildings have a roof line that is largely unimpaired by alterations or extension and for buildings designed as a complete composition where its architectural style would be undermined by any addition at roof level.*
- 3.3. The proposal fails on all the above criteria. The Conservation Area is characterised by similar substantial villas, in terraced or semi-detached form which are unimpaired by alterations at roof level. The roofscape contributes to the character of the area, and the Council's Conservation Area Appraisal (2011) states that the host building is part of a group which makes a positive contribution to the character and appearance of the area. The Appraisal also notes that inappropriate roof alterations should be resisted, to avoid undermining the composition of buildings within the conservation area. The arbour structure is an incongruous addition which is not suitable at roof level, as shown in figure 1 the structure is visible from the public realm.



Figure 1 View of arbour from Fairhazel Gardens

- 3.4. The Design and Access statement states that *'the terrace on the roof of 70 Aberdare Gardens already benefits from extensive planting in containers, especially around the perimeter, much of which is continuing to mature. Nevertheless, the nature of a roof garden is that exposure to wind, and lack of soil depth means that structure is required for substantial planting to resist the elements and provide the greenery of a garden rather than mere outdoor space. We intend the arbour-trellis to support substantial new plants that will substantially cover the frame itself. Please note that the proposed plans and elevations show only the wooden frame and not the proposed associated planting for the sake of clarity only.* The addition of planting would only make the structure more visually dominant and incongruous. It is highly out of character for a building particularly of this age and style to have a wooden trellis with planting installed at roof level. The structure undermines the otherwise clean roofline of the building in a number of views. The structure undermines the character and age of the building and the wider conservation area. The proposal, if approved would set an unacceptable precedent for future development.
- 3.5. The proposal harms the character and appearance of the South Hampstead Conservation Area. Para 196 of the NPPF (2019) 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'. The proposal is considered to cause 'less than substantial harm' to the character, appearance and historic interest of the conservation area as well as to the host property. There is no demonstrable public benefit created as a result of the proposal.

- 3.6. Considerable importance and weight has been attached to the harm and special attention has been paid to the desirability of preserving or enhancing the character or appearance conservation area, under s. 72 of the Listed Buildings and Conservation Areas Act 1990 as amended by the Enterprise and Regulatory Reform Act (ERR) 2013.

4. Residential Amenity

1. Policy A1 seeks to ensure that development protects the quality of life of occupiers and neighbours by only granting permission to development that would not harm the amenity of neighbouring residents. The factors the Council will consider: visual privacy, outlook; sunlight and daylight and overshadowing.
2. The roof is already in use as a terrace. The proposed structure would not give rise to adverse impacts on residential amenity in terms of overlooking, loss of light or overshadowing.

5. Recommendations

1. Refuse planning permission
2. That the Director, Culture and Environment instruct the Head of Legal Services to issue an Enforcement Notice under Section 172 of the Town & Country Planning Act 1990 as amended, requiring the removal of the timber frame structure to the main roof of the building and to pursue any legal action necessary to secure compliance. Additionally, officers to be authorised that in the event of non-compliance, to prosecute under section 179 or appropriate power and/or take direct action under 178 in order to secure the cessation of the breach of planning control.

The notice shall allege the following breaches of planning control:

1. Installation of timber frame structure to the main roof of the building:

What you are required to do:

1. Completely remove the timber frame structure to the main roof of the building.
2. Remove any result debris from the site and make good any resulting damage.

Period of compliance:

3 Months

Reasons why the Council consider it expedient to issue the notice:

The timber frame structure to the main roof of the building by reason of its design, scale and siting, is harmful to the character and appearance of the host building, the wider streetscene and the South Hampstead Conservation Area, contrary to the policies D1 and D2 of the London Borough of Camden Local Plan (2017).