

Delegated Report		Analysis sheet	Expiry Date:	03/08/2020
(Refusal)		N/A / attached	Consultation Expiry Date:	09/08/2020
Officer			Application Number(s)	
Obote Hope			2020/2564/P	
Application Address			Drawing Numbers	
9 Fitzroy Mews London W1T 6DJ			Refer to decision notice	
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature	
Proposal(s)				
Installation of sliding box rooflight, metal balustrade and 1.7m high obscured glazing for the use of the flat roof as a proposed terrace.				
Recommendation(s):	Refused			
Application Type:	Full planning permission			

Conditions or Reasons for Refusal:	Refer to Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	00	No. of responses	05	No. of objections	05
Summary of consultation responses:	<p>A site notice displayed from 10th of July to 09th August 2020 and press notice published on 10th July to 03rd August 2020.</p> <p>The owner/occupier of 24 Fitzroy Square object to the proposals on the following grounds:</p> <ul style="list-style-type: none"> • The proposed terrace would impact with loss of privacy and contribute to noise disturbance <p>The owner/occupier of 25E Fitzroy Square object to the proposals on the following grounds:</p> <ul style="list-style-type: none"> • Loss of privacy to the bedroom of 25E Fitzroy Square and; • Noise pollution; <p>The owner/occupier of 25b Fitzroy Square object to the proposals on the following grounds:</p> <ul style="list-style-type: none"> • The proposal would have an impact on the Grade II* Fitzroy Square Listed terrace; • Impact with noise and overlooking. <p>The owner/occupier of Flat 8 Cleveland Court 86-90 Cleveland Street object to the proposals on the following grounds:</p> <ul style="list-style-type: none"> • Noise impact <p>The owner/occupier of 22 Fitzroy Square object to the proposals on the following grounds:</p> <ul style="list-style-type: none"> • Loss of privacy and; • The lasting detrimental impact on the rear of the Grade II listed houses in Fitzroy Square and the immediate conservation area; 					
CAAC/Local groups* comments: <small>*Please Specify</small>	No designated CAAC					

Site Description

The host building 3-storey mid-terrace buildings located on the west side of Fitzroy Mews with direct views from the passage with Cleveland Street. The properties along the Mews are former offices (Class B1) currently in live works unit (sui-generis). The site is within the Fitzroy Square Conservation Area with the properties to the rear of the site are Grade II* listed buildings.

Although not listed, the property has been identified as making a positive contribution to the character and appearance of the Fitzroy Square Conservation Area in which it is located. The view to the south is terminated by the rear elevation of No's 78 and 80 Grafton Way.

Relevant History

2007/2000/P – Planning permission for the change of use including works of conversion from two offices (Class B1) with ancillary garages to two live/work units (sui generis), incorporating the installation of new garage doors. **Granted** on 07/01/2008

8500032 – Planning permission for alterations and extension of 9 Fitzroy Square for office purposes including the demolition of the existing rear extensions. Redevelopment of 15 Grafton Mews by the erection of a basement, ground, first, second and mansard. **Granted** on 02/10/1985.

Other relevant sites

No 1-5, 7 and 10 Fitzroy Mews

2006/0308/P – Planning permission for the change of use including works of conversion from 6x Class B1 units to 4x single family dwelling houses (Class C3) and 6x live/work units (sui generis), plus provision of integral garages to nos. 4, 5, 7 & 10 and associated front elevational changes to ground floors. **Granted** planning permission subject to s106 agreement dated **12/05/2006**.

Condition 6

The roof terraces shown on the drawings hereby approved are not included within the approved development.

Reason: The use of the roof terraces would be likely to result in a loss of visual privacy and lead to a disturbance for the occupiers of nearby residential premises located on Fitzroy Square, contrary to the requirements of policies EN1 and EN19 of the London Borough of Camden Unitary development Plan 2000, and policy SD6 of the Revised Deposit Draft, as amended by the Proposed Modifications agreed by the Council's executive on 11th January 2006.

No 11 Fitzroy Mews

2011/4080/P – Planning permission for the change of use from live/work unit (Sui Generis) to dwelling house (Class C3). **Granted** on 07/11/2011.

Relevant policies

National Planning Policy Framework, 2019

The London Plan 2016

London Plan (Intend to Publish) 2019

Camden Local Plan 2017

A1 (Managing the impact of development)

D1 (Design)

D2 (Heritage)

Camden Supplementary Planning Guidance

Amenity (2018)

Fitzroy Square Conservation Area Appraisal and Management Strategy 2010

Assessment

1.0) Proposal

- 1.1) Planning permission is sought for the installation of sliding box rooflight, metal railings with glass screening associated with the use of flat roof of the main dwelling as a terrace.
- 1.2) The proposed terrace measures approximately 6.3m in width and 5.8m in depth, the sliding box rooflight would measure 1.2m in height x 1.2m in width, combined with 1.7m high glazed balustrade to the front and side (east and south) elevations and metal railings approximately 1.0m high are proposed around the proposed terrace.

2.0) Material Planning Considerations

- The principal material planning considerations are the design of the railings and balustrade and the impact on the host building, neighbouring properties and the character and appearance of the Conservation Area and;
- The impact on neighbour amenity.

3.0) Design and impact on the character and appearance of the Conservation Area

Background

- 3.1) The Council's design policies are aimed at achieving a high standard of design in all developments and preserving the architectural quality of buildings. With particular reference to this proposal, the following points contained within Policy D1 and D2 are relevant. A development should:
- respect its site and setting;
 - preserve the architectural integrity of the building;
 - consider the character, context and the form and scale of neighbouring buildings;
 - improve the attractiveness of an area and not harm its amenity or appearance.
- 3.2) The Council's policies for developments in a Conservation Area are aimed at preserving or enhancing the special character and appearance of the area.

Local context

- 3.3) The existing flat roof is visible from the oblique views from Cleveland Street. The properties are relatively uniform and are characterised by its external expression of the concrete frame with light painted brick spandrel panels and black painted metal features under a parapet concealing a flat concrete roof. Windows and doors are made of painted timber including the timber clad oriel windows, with the exception of railings on the flat roof at no. 11 Fitzroy Mews. This is an exception to the prevailing pattern of development. Thus, proposal is not considered as precedent.
- 3.4) Moreover, the terrace at no. 10 Fitzroy Mews is almost sixteen years old, in terms of the roof terrace at no. 11 Fitzroy Mews, this seems to be installed at least 14 years ago and condition 6 of planning permission 2006/0308/P stipulates that the consent does not include the roof terrace. Notwithstanding the above, both terraces were constructed prior to the introduction of comprehensive planning control. The property is prominent within local views with glimpse from the passage way from Cleveland Street.
- 3.5) The proposed railings, sliding box rooflight and the glazed privacy screening would harm the appearance of the listed buildings as they would increase the bulk and height of the rear additions around the front (east) and side (south) elevations. This would result in undue prominence of the

new roof terraces. They would be clearly visible from surrounding buildings 20 to 32 Fitzroy Square (Grade II*) as well as 80 to 78 Grafton Way Grade II Listed Buildings and it is considered that they would fail to preserve or enhance the setting of the listed buildings.

- 3.6)** Whilst there are 2 examples of roof alterations within the row of terrace, these developments are the exception rather than the prevailing pattern of development within the terrace. The proposal would introduce a glazed balustrade and metal railings that are unduly prominent and would be an incongruous feature at roof level that is out of character with the pattern of development along the row of which the property forms a part of. This would be contrary to paragraph 5.18 of CPG which requires terraces to form an integral element in the design of elevations.
- 3.7)** The flat roof would be enclosed with railings and a glazed screen and the proposed roof terrace would be accessed by replacing the rooflight above the existing stair with 'box style sliding roof light'; the Fitzroy Square Conservation Area Appraisal and Management Strategy draws attention to inappropriate roof level extensions/alterations - particularly where these interrupt the consistency of a uniform terrace or having a negative impact that cumulatively and individually detract from the character and appearance of the area. The document states that new developments should be constructed from materials appropriate to the building and should not be visually prominent. In this instance, the proposed railing combined with the 1.7m glazed screening would be prominent in the local views and would have a negative impact on host building that would erode the character and appearance of these Mews dwellings.
- 3.8)** The terrace will inevitably accumulate various objects related to its use as a domestic amenity space which will lead to further visual clutter, making the terrace even more prominent. In terms of the detailed design, the box style sliding rooflight is considered unacceptable given it would also be prominent alteration that would lead to undue harm to the appearance, the composition of the building and building group which it forms part of. Notwithstanding the above, glass screening is often resisted as a privacy screen material especially at above ground level, due to the material being inappropriate at this level.
- 3.9)** It is duly noted that there are examples of roof terraces in close proximity, including 10 and 11 Fitzroy Mews as contained in the supporting Design and Access Statement. However, the presence of the unauthorised roof terrace adjacent reinforces how unsympathetic this proposal actually and given the overall floor area combined with the setting and scale of the terrace proposed would set a dangerous precedent for future development. Whilst, each application must be judged on its own merits and unique circumstances. It is also noted that any existing harm within the prevailing pattern of development does not justify further harm.

Proposed scheme

- 3.10)** The proposed terrace would have an area of approximately 36sqm and the railings would follow the line of the parapet, given the size of the terrace being enclosed and the position of the railings close to the edge of the building the glazed . The proposal would appear unduly intrusive in the street scene. Thus, the proposed railings would fail to preserve or enhance the special character of the Fitzroy Square Conservation Area. Moreover, the proposal would undermine the architectural quality of the host building both in terms of additional perceived bulk and by virtue of the extensive floor area of the flat roof.
- 3.11)** The uniformity of the this group of properties would be lost by the introduction of this roof alterations that would be visible from the listed building properties from 20 to 32 Fitzroy Square, 78 and no. 80 Grafton Way, the proposal would be detrimental to the character of the units as a whole. Hence, the proposal is considered to be harmful to the appearance of the host building, the neighbouring properties of with it forms and the surrounding important listed buildings.
- 3.12)** The proposed railings combined with the glazed screening would be incongruous additions given the size and prominence of the terrace and its dominant location on the flat roof at third floor level. The railings would be clearly visible in long views within the mews, be a highly prominent and obtrusive addition. The installation of the proposed railings with glazed screening measuring 1.7m in height would result in additional visual clutter, the perceived additional bulk that would have a harmful impact on the neighbouring properties.

4.0) Impact on amenity

- 4.1)** 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, overlooking, outlook and implications on daylight and sunlight. CPG - Amenity provides specific guidance with regards to privacy, overlooking and outlook.
- 4.2)** The proposed terrace would be located less than 11m from the nearest windows of 27 and 28 Fitzroy Square to the rear upper ground floor with unobstructed views directly into this habitable room from the proposed terrace. CPG advises that a minimum of 18m is required between the windows of habitable rooms in existing properties directly facing the proposed development. The proposed roof terrace would also cause harm to the existing flat roofs on the neighbouring property in terms of overlooking.
- 4.3)** To the rear of the site, as the Glazed screen is not supported on design grounds, the lack of a screen would result in significant overlooking and harm to the local amenity of the neighbouring rear properties. Thus, the proposal would significantly harm the living conditions of the above occupiers contrary to Policy A1 of the London Borough of Camden Local Plan 2017, the Camden Planning Guidance, Amenity (March 2018) and Camden Planning Guidance, Altering and Extending Your Home (March 2019) which collectively seek to protect the quality of life of occupiers and neighbours.
- 4.4)** 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 glazed screen 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.
- 4.5)** Recommendation:
- 4.5)** Refuse planning permission