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PLANNING STATEMENT

Proposal: Use of part of existing roof as a roof terrace in conjunction with the existing flat at 3rd and 4th floor levels at 85 Jamestown Road NW1 7DB involving the erection of a 1.65 metre high obscure glazed privacy screen, 3.38 metres in length plus, the installation of matching mild painted steel railings 3.12 metres in length and height of 0.9 metres to section off the terrace from the remaining roof.

Site Address: 85 Jamestown Road NW1 7DB

1.0 Introduction

- 1.1 This application seeks planning permission for use of part of existing roof as a roof terrace in conjunction with the existing top floor flat at 3rd and 4th floor levels. The proposal would involve sectioning off part of the roof to the adjacent four storey high infill extension, fronting Jamestown Road, which can be accessed from the fourth floor part of the top floor flat.
- 1.2 The total extent of the existing roof area of the four storey high infill extension is approximately 14.0sqm and the amount to be partitioned off for use as a terrace is approximately 8.4sqm. Access to the roof would be via the adjacent existing door opening the mansard on top of the original main building and the four sides of the terrace would be marked by the following building elements:

North side (fronting onto Jamestown Road) – The existing mild steel black painted railing which runs along the whole length of the roof.
There would be no change at all on this side;

East side (facing towards the adjacent properties along Jamestown Road) – A new length (approximately 3.12m) of mild steel black painted railing to match the existing ones on the north and south sides; It would form the division between the new terrace and remaining flat roof to the adjacent infill extension.

South side (facing towards the Oval Road properties) – At present there is 5.61m long metal railing running along the edge on this side of the roof. A new 1.65 metre high obscure glazed screen would run alongside part of the length of the railing. It would be 3.38 in length and its purpose is to provide a privacy screen so as to eliminate the possibility of overlooking from the terrace to any of the adjacent residential properties along Oval Road. The screen itself extends by 500mm beyond the metal railings at the end of the terrace area (east side) so as to prevent any overlooking around the end of the screen.

West side (adjacent to the existing mansard incorporating an existing doorway opening). Access to the terrace would be from this opening.

2.0 Planning Background

- 2.1 The relevant planning background to this application is the appeal decision allowing the:-

‘Installation of double doors leading to a flat roof from the upper floor of the flat. Installation of a Juliet balcony outside the double doors. Installation of mild steel railings around the edge of the flat roof.’

- 2.2 Two conditions were attached to the appeal decision and these were:-

- 1) The flat roof area shall not be used as a balcony, terrace or other amenity area.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 348-100-E, 348-113-P, 348-114-P, 348-115-B, 348-116-B, 348-207-P, 348-210-P, 348-302-P and 348-113-P.

- 2.3 The appeal decision was issued on 31st October 2019 (Planning Inspectorate Ref: APP/X5210/W/19/3224577). A copy of the appeal decision is attached as Appendix 1 to this statement.

- 2.4 A copy of the plans forming part of the appeal decision is submitted as part of this application to show what has been approved and the variation sought is in relation to the appeal plans. For clarification the plan numbers and description of the appeal plans and those proposed under cover of this application are set out in below.

The full set of plans accompanying the Juliet Balcony appeal

348-100-E – Site Plan
348-207-P – Proposed Front Elevation (From Jamestown Road)
348-113-P – Proposed Top Floor Plan
348-114-P – Proposed Roof Plan
348-302-P - Proposed Section A-A]
348-210-P – Proposed Front Elevation and Section BB
348-115-B – Proposed Top Floor Plan
348-116-B – Proposed Roof Plan
348-302-P - Proposed Section A-A]

The proposed set of plans for this application

348-100-E – Site Plan
348-210-P RevA – Proposed Front Elevation and Section BB
348-115-B RevA – Proposed Top Floor Plan
348-116-B RevA – Proposed Roof Plan
348-302-P Rev A- Proposed Section A-A]

3.0 Planning Assessment

Privacy

- 3.1 The prime reason for imposing planning appeal condition No.1 was the concern expressed by the Planning Inspector of potential overlooking from the roof, if used as a terrace, towards the rear of the properties into the adjacent garden areas (paras 13 to 16 of the appeal decision letter)..
- 3.2 The Juliet balcony as proposed would have prevented easy access onto the roof area and the Planning Inspector was satisfied in the proposal to have this installed. However an alternative solution to address the issue of overlooking can be the installation of the 1.65m high glazed screen extending from the mansard for a length of 3.38m along the southern edge of the roof as now proposed. The height of the screen at 1.65m would be at average eye height and consequently prevent any casual or natural overlooking. The screen would be obscure glazed and a planning condition to this effect would be considered acceptable.
- 3.3 With the installation of the screen, as proposed, it will not be possible to look out towards the south and over the windows and garden areas to the adjacent Oval Road properties. No issues of overlooking arise in relation to views eastwards above the roofs of houses fronting Jamestown Road or northwards across the street.

Visual Impact

- 3.4 The installation of the glazed screen at 1.65m high for a length of 3.38m as proposed means that no part of the screen structure will be visible from the public domain. The roof to the infill extension is only visible from Jamestown Road and from this perspective the existing mild black painted mild steel

railings along the edge of the roof will restrict the view of the new matching metal railing, set at a right angle, on the east side marking the division between the new terrace and remaining roof. The existing view of the roof to the infill extension from any part of Jamestown Road will therefore remain unchanged.

- 3.5 Furthermore, with the terrace being located above the adjacent properties along Jamestown Road and Oval Road, the new glazed screen will not be readily visible from the windows or garden to those properties.
- 3.6 In relation to the host building the new screen would not be positioned in a prominent or conspicuous location. To this extent the screen would not detract from either the general setting of No.85 Jamestown Road as a locally listed building or in relation to the general area as a whole which includes the adjacent Regents Canal and Primrose Hill Conservation Area.

Daylight/Sunlight

- 3.7 The erection of the new screen by virtue of its location and size will have no effect whatsoever in terms of daylight and sunlight reaching the windows and gardens of the adjacent properties along Jamestown Road and Oval Road.

Noise

- 3.8 The roof terrace area is relatively small at 8.5sqm and its use is unlikely to cause any unacceptable noise or general disturbance to the detriment of the occupiers of neighbouring residential properties either along Jamestown Road or Oval Road.

Compliance with Policy

- 3.9 With regard to the adopted Camden Local Plan (2017) it is considered that the proposal for the terrace will comply with the relevant planning policies as follows

Policy A1 Managing the impact of development

Privacy/Daylight/Sunlight/Noise

The provision of the terrace will comply with the relevant policy objective of Policy A1 regarding the amenity of communities, occupiers and neighbours being protected. There will;

- be no loss of privacy or outlook - A1(e);
- be no loss of sunlight or daylight and no overshadowing issues – A1(f);
- no generation of any unacceptable noise arising from the use of the terrace – A1(j);

Policy D1 Design

Visual Impact

The creation of the terrace with the installation of the new matching mild steel railing and obscure glazed privacy screen will;

- reflect minor additions at roof level which will not be visible and therefore will not undermine the local context and character of the locally listed building or the area in general – D1(a);
- not detract from the prevailing character and appearance of the adjacent Regents Park and Primrose Hill Conservation Area – D1(b);
- have a high quality finish that will complement the host building and the local character of the area as a whole – D1(e);

Policy D2 Heritage

Locally Listed Building/Regents Park and Primrose Conservation Area

The addition of railings and obscure glazed screen to the roof of the new infill extension will not by virtue of their size and location have any detrimental effect on either the host building as a designated locally listed building or have any impact whatsoever in relation to the adjacent Regents Park and Primrose Hill Conservation Area. The proposal will not undermine therefore the broad objectives of Policy D2 in preserving or enhancing the Council's heritage assets and their settings that includes conservation areas and locally listed heritage assets.

4.0 Conclusion

- 4.1 The proposal is for the use of part of existing roof as a roof terrace in conjunction with the existing top floor flat at 3rd and 4th floor levels. It would involve sectioning off part of the roof to the adjacent four storey high infill extension, fronting Jamestown Road, which can be accessed from the fourth floor part of the top floor flat.
- 4.2 The terrace would cover an area of 8.4sqm and the erection of a 1.6 metre high obscure glazed screen would ensure that no overlooking or loss of privacy issues would arise in conjunction with the adjacent residential properties on Oval Road. There would be no overlooking or loss of privacy issues arising at all with regard to the adjacent properties along Jamestown Road.
- 4.3 Furthermore the size of the terrace area at 8.4sqm, it is unlikely that any unacceptable level noise or general disturbance would be generated to the detriment of the occupiers of adjacent and nearby residential properties on Jamestown Road and Oval Road.

- 4.4 In terms of visual impact the location of both additional set of matching mild steel painted railings and obscure glazed screen would not detract from the setting of the locally listed host building or the area as a whole which includes the adjacent Regents Park and Primrose Hill Conservation Area. In particular it is to be noted that the 1.65 metre would not visible at all from street level and barely visible from any of the adjacent residential properties.
- 4.5 For these reasons the proposed use of part of the roof as a terrace would not be in conflict with the relevant planning policies of the adopted Camden Local Plan (2017).
- 4.6 The Council is respectfully requested therefore to support this application.



Appeal Decision

Site visit made on 29 May 2019

by N Smith BA (hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31st October 2019

Appeal Ref: APP/X5210/W/19/3224577

Flat 3rd and 4th Floor, Jamestown Road, London, NW1 7DB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Jamestown Road LLP against the decision of London Borough of Camden.
 - The application Ref 2018/1486/P, dated 20 March 2018, was refused by notice dated 28 September 2018.
 - The development proposed is installation of double doors leading to a flat roof from the upper floor of the flat. Installation of a Juliet balcony outside the double doors. Installation of mild steel railings around the edge of the flat roof.
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Decision

1. The appeal is allowed, and planning permission is granted for installation of double doors leading to a flat roof from the upper floor of the flat. Installation of a Juliet balcony outside the double doors. Installation of mild steel railings around the edge of the flat roof at Flat 3rd and 4th Floor, Jamestown Road, London, NW1 7DB in accordance with the terms of the application, Ref 2018/1486/P, dated 20 March 2018, and the plans submitted with it, subject to the following conditions:
 - 1) The flat roof area shall not be used as a balcony, terrace or other amenity area.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 348-100-E, 348-113-P, 348-114-P, 348-115-B, 348-116-B, 348-207-P, 348-210-P, 348-302-P and 348-113-P.

Procedural Matters

2. The description of development as set out on the planning application includes a reference to all of the works other than the Juliet balcony having been completed. I saw on my visit that this was the case but have excluded it from the description of development so that it describes the works, rather than whether they are completed or not.

Main Issues

3. The main issues are whether the effect of the development on the character and appearance of the area, including heritage assets would be acceptable; and whether the effect of the development on living conditions at neighbouring properties, with regard to privacy, would be acceptable.

Reasons

Character and appearance

4. The appeal site contains a four-storey building plus a mansard roof at the junction between Jamestown Road and Oval Road. It is proposed to retain a set of patio style doors at third floor level which lead out on to a section of the building with a flat roof and railings that have been installed around that flat roof. It also proposed to install a Juliet balcony in front of the patio doors.
5. The appeal site is locally listed and is within the setting of the Regents Canal and Primrose Hill Conservation Area and Gibley House, which is a Grade II listed building.
6. The metal balustrade and patio doors are completed. I was able to see on my visit that given their location at upper floor level, they are not particularly prominent and do not detract from the overall form, design or character of the extended building. The patio doors in particular are not very visible, given their siting on the building. They appeared to me to constitute fairly standard features within an urban environment and I noted other examples of balustrades near to the appeal site.
7. The metal balustrades appeared to me to be of a high quality in terms of their material and design. Whilst the patio doors are made from aluminium, rather than wood, they have quite a slender profile and again, appeared to me to represent high quality design. The Juliet balcony was not in place at the time of my visit. It would also be made from black painted metal and would not appear incongruous in the context of the appeal site in my view, given its form and relatively discreet location. The extension to the building, which appears complete has a more modern form than the original part of the site, which I consider reduces the importance of the style and materials that form the appeal proposal matching entirely the materials and design of original features.
8. The Council has directed me to a previous appeal decision relating to the site, where the Inspector then found merit in the use of 'traditional materials'. That Inspector will have been considering the evidence before them then, where traditional materials were proposed. I do not think that means that alternative materials (in this case, metal) cannot also be found acceptable. In this case, I find that they would be.
9. Overall, I consider that the appeal proposals are proportionate and appropriate and that they would not result in harm to the character of the building (which is locally listed), or indeed to the setting of the nearby heritage assets.
10. The statutory duties in Sections 66(1) and 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character of a heritage asset is a matter of considerable importance and weight. In this case, I have found that the development would cause no harm to the setting of the nearby listed building and that it would preserve the character and appearance of the Conservation Area.
11. I have also had regard to paragraph 197 of the Framework given the status of the site as a locally listed building, but for the same reasons, have found that no harm would be caused to the non-designated heritage asset.

12. Accordingly, I find that the effect of the proposal on the character and appearance of the area, and on designated and undesignated heritage assets would be acceptable and in accordance with policies D1, D2 and A1 of the Camden Local Plan 2017 (the LP) which seek amongst other requirements to secure a high quality of design and to ensure that heritage assets are protected. The Council also makes reference to a conflict with the London Plan, but does not specify a policy.

Privacy

13. I walked out on to the flat roof when undertaking my visit and I share the concern of the Council that were that area to be used as an amenity space, harm would likely be caused to existing neighbours by way of overlooking into nearby garden areas.
14. The Appellant contends that the flat roof would not be used as an amenity space and would only be used for maintenance and I take that at face value. The introduction of the Juliet balcony would make access to the flat roof difficult and the Appellant has indicated that they would be comfortable with a condition preventing the flat roof being used as an amenity area, which I have imposed.
15. In that context, I am satisfied that the effect of the proposal on living conditions of existing neighbours would be acceptable, and in accordance with policy A1 of the LP, which amongst other requirements, seeks to protect living conditions of neighbours.

Conditions

16. Alongside a condition requiring the development to be carried out in accordance with the approved plans, I have attached a condition that would prevent the flat roof from being used as a balcony or terrace by occupiers of the flat. This condition was suggested by the Council and the Appellant has raised no objection to it. I consider that condition to be necessary to prevent the overlooking into neighbouring windows and outdoor spaces that would take place in the event that the flat roof was used for recreation.
17. Given that the development has commenced, I have not attached a standard time limit condition.

Conclusions

18. For the reasons that I have described, I consider that the appeal should be allowed and planning permission granted.

N Smith

INSPECTOR