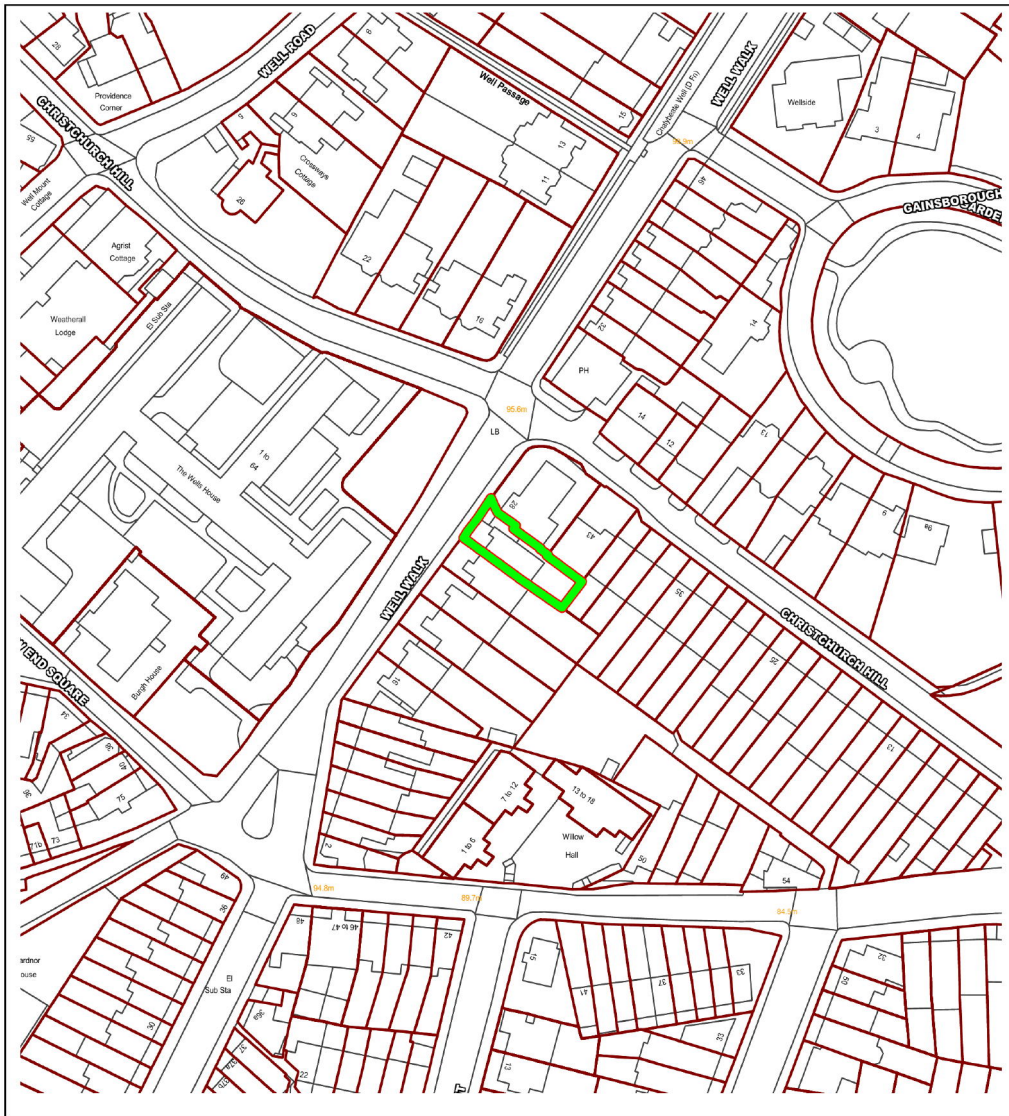


2020/3470/P - 26 Well Walk



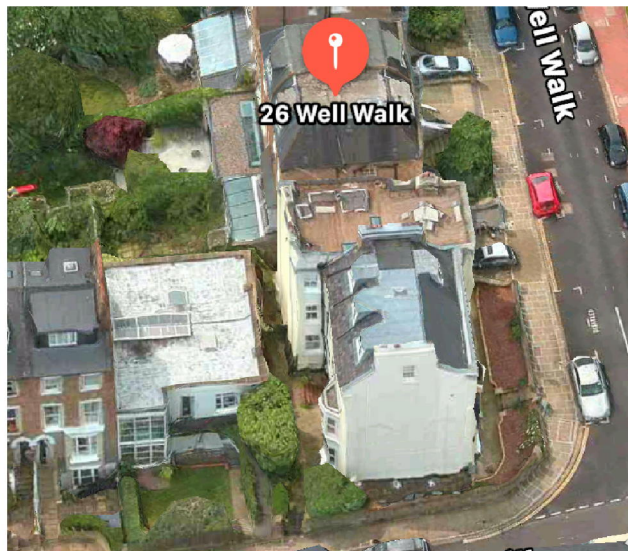
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2020/3470/P – 26 Well Walk - Site photos

1. External view of roof slope from street



2. Aerial view of neighbours terrace



3. Internal view from landing of application site – closed and open



4. Internal view from top stair and Opening mechanism

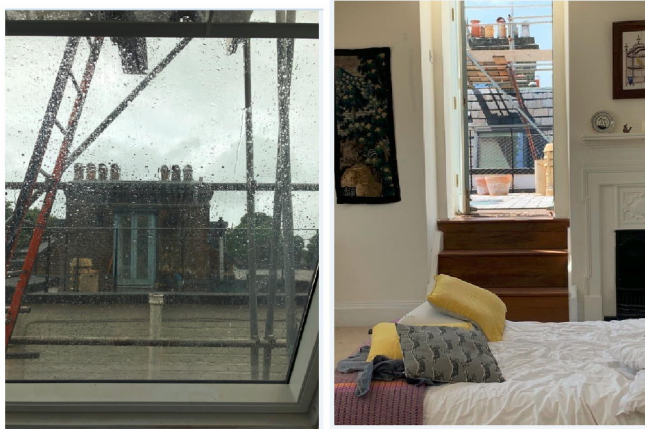


5. Close up photos from application DAS



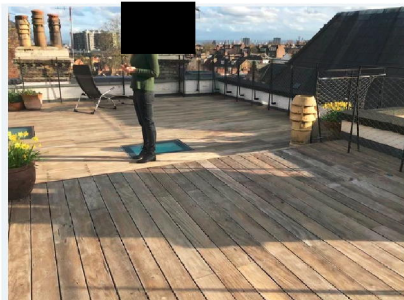
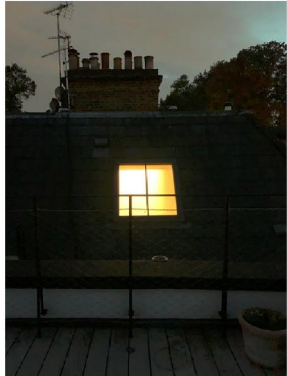
Close Up - Installed AOV and projection (80mm) from roof

6. Prior to the application of privacy film close up view of neighbours glazed door
7. View of AOV from neighbouring flat with door open.



8. Light from AOV from neighbouring terrace

9. Remaining terrace area to rear roof of number 28.



Delegated Report (Members Briefing)		Analysis sheet		Expiry Date:	01/12/2020
		N/A / attached		Consultation Expiry Date:	
Officer			Application Number(s)		
Leela Muthoora			2020/3470/P		
Application Address			Drawing Numbers		
Upper Flat 26 Well Walk London NW3 1LD			See Draft Decision		
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature		
Proposal(s)					
Installation of automatic smoke ventilation rooflight to the side roof of the upper maisonette. (Retrospective)					
Recommendation(s):		Grant planning permission			
Application Type:		Full Planning Permission			

Conditions or Reasons for Refusal:		Refer to Draft Decision Notice				
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	00	No. of responses	03	No. of objections	03
Summary of consultation responses:	<p>A site notice was displayed from 16/10/2020 and a press notice was published on 15/10/2020</p> <p>Two objections were received, from the neighbouring property at number 28 Well Walk and their architect.</p> <p>They are summarised as:</p> <ol style="list-style-type: none">1. The retrospective application prevented the neighbours from being aware of the development at the time of purchasing their flat and demonstrates a disregard of proper planning process.2. Requirement for AOV (automatic smoke vent) in domestic building queried and confirmation of AOV required.3. Appropriate location to the flat roof rather than pitched roof adjacent to roof terrace which allows overlooking of the terrace at 2m and the nearest doors at 7m.4. Dimensions too large for conservation area.5. The AOV should not be opened manually due to overlooking.6. The film added to the glazing does not prevent light spill – request for black out material.7. It has been fitted 1.2m above floor level when it should be at least 2.5m above level access. <p><i>Officers' response</i></p> <ol style="list-style-type: none">1. See section 2.12. See section 2.43. See sections 2.4-2.84. See sections 1.1 & 2.85. See section 3.56. See sections 3.4 & 3.67. See section 2.4					
Hampstead CAAC comments:	<p>Hampstead CAAC Objects to the proposal as follows:</p> <ol style="list-style-type: none">1. HCAAC Objects on principle to retrospective applications as this is defined both from the application form and neighbour's objection.2. Location in the small pitched part of the roof seems unjustified compared with a flat roof location. Applicants comment on upstand and visibility if on the flat roof do not seem valid, especially when there are similar items on no. 24.3. There should be an upper floor plan showing the vent's location relative to the room served. Otherwise the AOV should be re-sited on the flat roof away from the edge as much as possible.4. The applicant should provide a photo of the AOV and settle the point made about its operation - automatic as connected to a detector/alarm - or manual as suggested by the neighbour. Otherwise, overlooking seems proven.5. As Enforcement may present practical difficulties (OK to install from inside a roof void/room, cannot be reversed properly without external access), the Applicant must be required to link the AOV as described. It may already					

	<p>have been done - Condition proof and undertaking please.</p> <p><i>Officers' response</i></p> <ol style="list-style-type: none">1. <i>See section 2.1</i>2. <i>See sections 2.4-2.8</i>3. <i>Plan number shows this information. See section 2.4 & 3.4</i>4. <i>Photo provided photo 4 in site photos</i>5. <i>See section 2.4</i>
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Site Description

The site contains a three storey building with a mansard roof and dormer windows to the front and rear roof slope. The building is split into two flats, lower and upper. It is located within the Hampstead Conservation Area and is noted as a building that makes a positive contribution to the conservation area.

Relevant History

2008/3999/P Erection of a single storey rear extension at lower ground floor level and installation of French doors to rear upper floor level to allow access to the balcony in association with the lower ground and ground floor maisonette (Class C3). **Granted** 13/10/2008

9200756 Erection of an enlarged roof extension with dormers on the front and rear elevations and raised party wall. Refused 04-02-1993 **Appeal Allowed** 21/07/1993

E7/4/8/26370 The erection of a two-storey side addition to cover the site of the existing garage to provide two additional rooms for the lower maisonette. **Conditional Permission** 22/09/1978

(neighbours) Flat 5, 28 Well Walk

2013/2263/P Alterations at roof level including installation of metal balustrade, timber decking, timber screen around water tank and replacement of existing uPVC door with timber framed door to dwellinghouse (C3). **Granted** 18 June 2013

Relevant policies

NPPF 2019

London Plan 2016 and London Plan 2020 (Publication)

Camden Local Plan 2017

A1 - Managing the impact of growth and development

D1 - Design

D2 - Heritage

Camden Planning Guidance 2019

Design

Amenity

Hampstead Conservation Area Statement 2001

Hampstead Neighbourhood Plan 2018

DH1

DH2

Assessment

1. The proposal

1.1 The application seeks retrospective planning permission for the installation of an automatic smoke vent (AOV) which has the appearance of a rooflight installed to the side (north facing) roof slope. The dimensions are 0.40m x 0.40m x 0.08m

1.2 The main considerations are the impact of the AOV on the host property, the character and appearance of conservation area and impact on the amenity of adjacent occupiers.

2. Design

2.1 The AOV was installed summer 2020 and an application for planning permission was submitted following contact from The Council's Planning Enforcement team.

2.2 Concerns have been raised by CAAC, the neighbours and the neighbours architect with regard to the size and location of the AOV, and the necessity for an AOV system.

2.3 The external appearance of the AOV is that of a low profile rooflight within the roof slope. It would be subordinate in size and have a low profile at 80mm (see photo 5) which would not conflict with the existing architectural roof element.

2.4 It is located above the internal staircase which leads from the open plan kitchen and living area on the lower floor of the maisonette to the upper floor bedrooms. The AOV was installed as a secondary measure to mitigate the risk of smoke within the means of escape via the internal staircase from the upper maisonette, for the purposes of fire safety. The roof windows can be automatically opened via the smoke detector or break glass point and control panel.

2.5 Relocation to the flat roof was discussed with the applicant. Due to the location of internal services the location of an upstand AOV with horizontal glazing would have been inappropriate as it would not have been set back from the roof edge. This would have had increased visibility and resulted in a broken roof ridge line.

2.6 The position of the AOV was selected to reduce its external appearance and predominantly to allow for smoke extraction in the event of a fire.

2.7 Special attention has been paid to the desirability of preserving or enhancing the character or appearance of the conservation area under s.72 of the Listed Buildings and Conservation Areas Act 1990 as amended by the Enterprise and Regulatory Reform Act 2013.

2.8 Due to its position to the side roof slope in a Conservation Area, the development was discussed with a Conservation and Heritage Officer. While larger than some rooflights as it is positioned away from the principle elevation, and the angle of view is acute and so the impact on the appearance of the streetscape is limited. Where the AOV is visible from limited views within it would be read as a typical rooflight and therefore, has a minimal impact on the character

and appearance of the existing building. The current arrangement preferable to an up-stand.

2.9 As a result, it would not have a detrimental impact on the character or appearance of the host building and surrounding Hampstead Conservation Area.

3. Impact on neighbouring amenity

3.1 Concerns have been raised by CAAC, the neighbours and the neighbours architect with regard to overlooking, outlook and light spill as a result of the installation of the AOV.

3.2 The top floor flat within the adjacent building at 28 Well Walk, benefits from a roof terrace, for which the installation of balustrade and door access were approved in 2013.

3.3 While the AOV is located approximately 1.5m from the parapet of the roof edge, it is approximately 4.5m to the door opening of the neighbours flat. As the AOV would broadly match the overall size of a rooflight window, these separations are considered sufficient to minimise overlooking issues, given the frequency of the risks of overlooking this part of the roof terrace is limited to the occasions the AOV is being tested or in use.

3.4 It is considered that the information provided confirms the AOV's purpose is not intended as a window. It is positioned above the staircase between the 1st & 2nd floors, the opportunity for looking out when it is open would occur if standing on the landing between the bedrooms in the top floor level. This area is not considered to be a habitable space and the opportunity for overlooking from the site address would be limited. It is considered that this could be mitigated by obscuring the glazing.

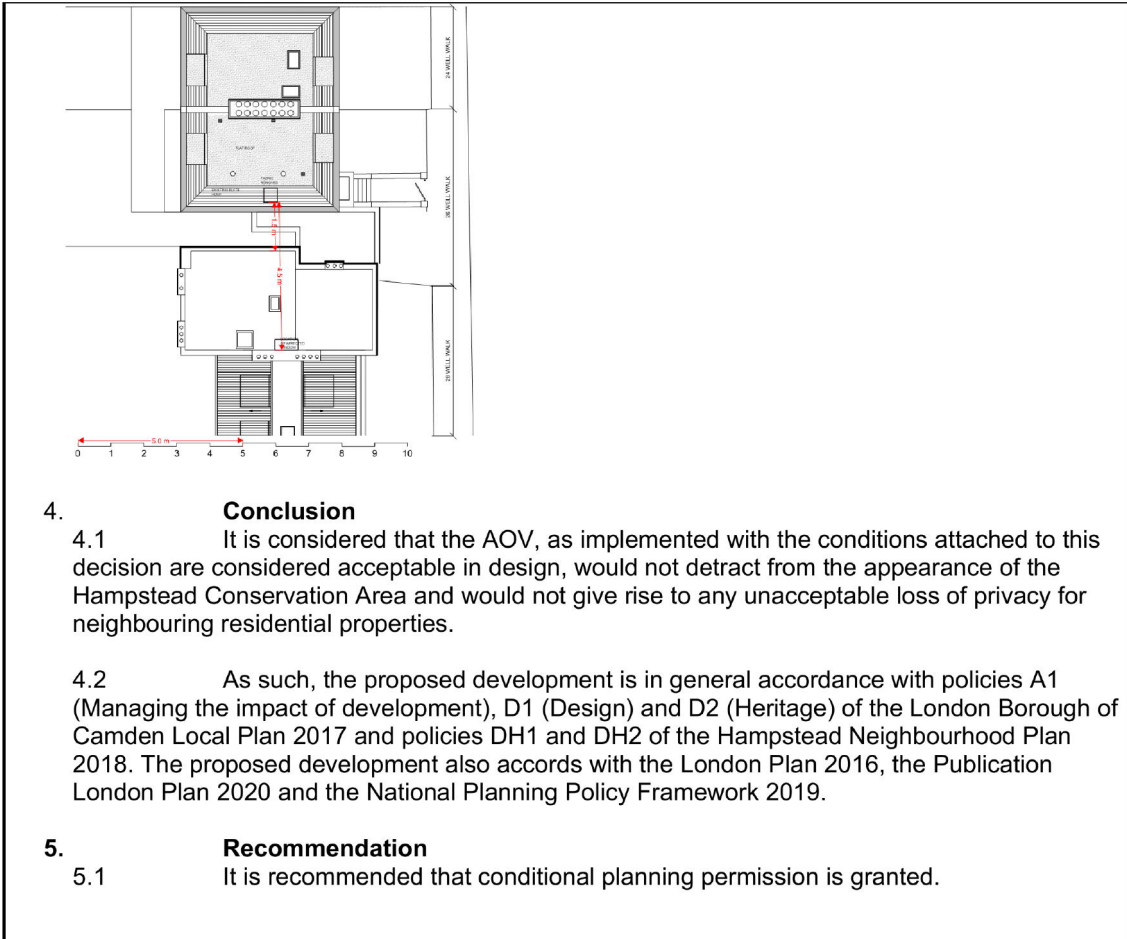
3.5 A condition to restrict opening would not be considered reasonable given the purpose of the AOV rooflight and the frequency of potential for overlooking to occur.

3.6 In response to the neighbours' objections, the applicant has agreed to a condition to be included in the decision for the glazing to be obscured with black out film (100% privacy) and for this to remain in perpetuity.

3.7 In terms of outlook from the adjacent property at number 28 Well Walk, while the AOV would be visible from the terrace, (see photos 7 & 8) it would have the appearance of a rooflight element in the roof slope. This is it is not considered detrimental to the neighbouring outlook.

3.8 The glazed door to the terrace, is raised above the internal floor level by approximately 4 steps and therefore the AOV would be visible from limited internal views.

3.9 Due to its size and location within the roof slope, and the condition to include black out film, is considered sufficient to mitigate the harm to neighbouring amenity, in terms of overlooking, light pollution, loss of privacy or outlook. The impact is not considered so great as to warrant a refusal and enforcement action on these grounds.



The decision to refer an application to Planning Committee lies with the Director of Regeneration and Planning. Following the Members Briefing panel on Monday 22nd February 2021, 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: 2020/3470/P
Contact: Leela Muthoora
Tel: 020 7974 2506
Email: Leela.Muthoora@camden.gov.uk
Date: 18 February 2021

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planning@camden.gov.uk
www.camden.gov.uk

DRAFT

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Full Planning Permission Granted

Address:
Upper Flat
26 Well Walk
London
NW3 1LD

DECISION

Proposal:
Installation of automatic smoke ventilation rooflight to the side roof of the upper maisonette.
(Retrospective)
Drawing Nos: Design & Access Statement Aug 2020, P100, P101, P102 R1, P103 rev 1, P104

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 shall be in accordance with the following approved plans Design & Access Statement Aug 2020, P100, P101, P102 R1, P103 rev 1, P104

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

- 2 The glazing of the automatic opening vent rooflight hereby permitted shall at all times be fully obscured with an opaque black out film and shall remain in perpetuity.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policy A1 of the London Borough of Camden Local Plan 2017.

Informative(s):

1

The development is in general accordance with policies A1, D1 and D2 of the London Borough of Camden Local Plan 2017 and policies DH1 and DH2 of the Hampstead Neighbourhood Plan 2018. The development also accords with the London Plan 2016, the Publication London Plan 2020 and the National Planning Policy Framework 2019.

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

Chief Planning Officer

DECISION