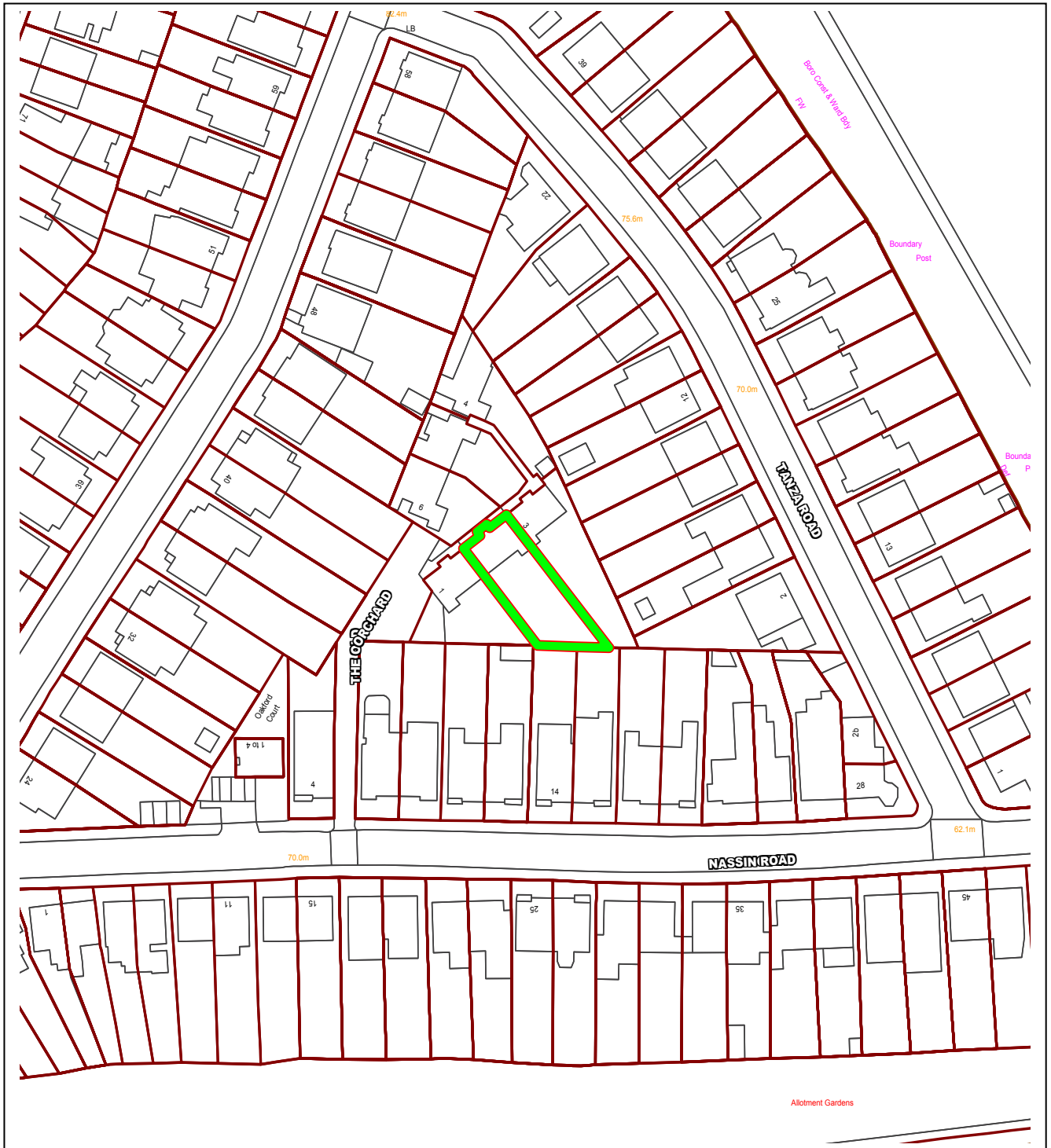


2 The Old Orchard, NW3 2TR ref. 2020/3293/P



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Photos



1. Front of house, west side towards east



2. East towards west side



3. View of whole rear elevation



4. View of where the stairs will be



5. View of rear balcony



6. & 7. Views towards rear elevation from rear side boundary with No.1.



8. View towards No.1 The Old Orchard side

No.1 The Old Orchards – Photographs sent in by objectee through Cllr Higson

View from 1 The Old Orchard next to the proposed staircase.

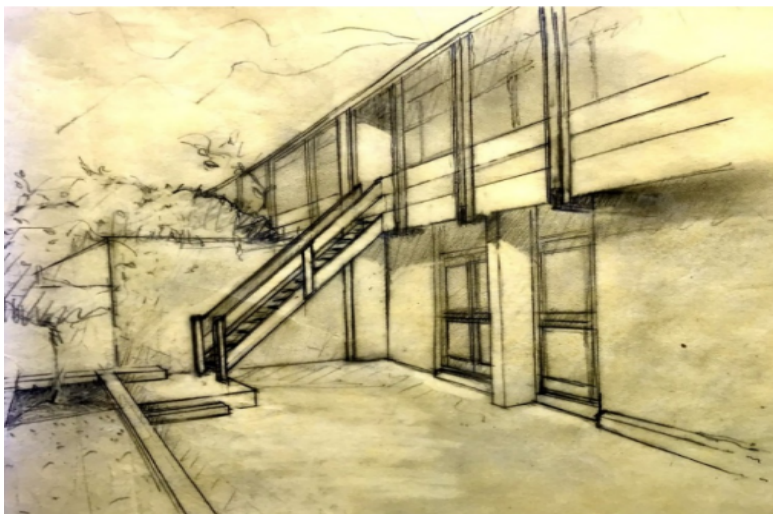
Pages: 3



1) This mark is 6 feet high from the floor, which is on the low end of 'tall'

2) The balustrade is approx 2ft 10 inches tall

The entire first floor frontage, like Houses 2 and 3, is glass. It is also open plan, extending to the right, out of view of the picture into the kitchen and living area. Due to the design of the houses, a staircase built on the boundary of the two properties, next to the brick wall seen on the left, would have a wide un-obstructed view into the first-floor kitchen and living area. This factors in a reasonable, safe first step down. Have other locations been considered like a staircase from the existing large terrace from the first floor?



Current Location proposed in 3D Sketch Design 02_1/01_PRO06_3D

This photo was taken from a lower position and further away - it was not possible to get closer with the shed in the way. The figure viewable is 5 foot tall. At a closer and higher position, the view would be more exposed. The three houses (1, 2 and 3) were designed in the same way and have the same facade.



Delegated Report		Analysis sheet	Expiry Date:	18/09/2020
(Members Briefing)		N/A / attached	Consultation Expiry Date:	11/10/20
Officer			Application Number(s)	
Jaspreet Chana			2020/3293/P	
Application Address			Drawing Numbers	
2 The Old Orchard London NW3 2TR			<i>Refer to decision notice</i>	
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature	
Proposal(s)				
External alteration to involve addition of staircase to rear elevation and addition of 1 rooflight to the front				
Recommendation:	Grant conditional planning permission			
Application Type:	Householder Application			

Conditions or Reasons for Refusal:	<i>Refer to Decision Notice</i>			
Informatives:				
Consultations				
Summary of consultation:	<p>The site notice(s) were displayed on 11/09/20 (consultation end date 05/10/20).</p> <p>The development was also advertised in the local press on the 17/09/20 (consultation end date 11/10/20).</p>			
Adjoining Occupiers:	No. of responses	02	No. of objections	01
Summary of consultation responses:	<p>1 objection was raised from No.1 The Old Orchard please see below:</p> <ul style="list-style-type: none"> • I wish to register my objection to the proposed stairs connecting the upper floor to the garden at the rear of the house. As can be seen from the designs, notably the 3D sketch 02_1/01_PRO06_3D, the staircase would provide a clear view into my kitchen and living room on the first floor, and the bedrooms on the lower floor too. • I would be very concerned by this loss of privacy. If I had to build fencing to maintain my privacy I believe it would lead to a sense of enclosure and loss of outlook. • If the council had no objection to the staircase design, I would kindly ask that it is located where it does not look into my house. • Regarding the proposed roof light, this seems to me a good idea but as our roofs are attached and the location is so close to my house, I would want to ensure that the 60 minute fire separation between the houses was still maintained. <p>A response to the above objection from the applicant of No.2 was received:</p> <ul style="list-style-type: none"> • This representation is made in response to the objection by Jason Stollenberg and his mistaken understanding that "the staircase would provide a clear view into my kitchen and living room on the first floor, and the bedrooms on the lower floor too." This is incorrect. As I have shown Jason, there is only one single step (the first step down onto the staircase) from which someone might be able to see into his property. • This possible line of sight, which would be into his kitchen, would only occur for a couple of seconds when someone was going up (not down) and only for the moment that someone crossed that single step. He is wrong to say there would be a view into his ground floor or bedrooms - there would be no such view. • We suggested a trellis that would protrude 30-50cm perpendicular to remove any possibility of sight into his kitchen. Contrary to what Jason says this could not block any light at all because of the elevation/aspect of the house. There is no other feasible position for the staircase and being unable to access the garden except through the bedrooms, as explained in the application, is a major inconvenience in the house - for obvious reasons. A staircase was added to Jason's house, no doubt for the same reasons that we wish to add one. 			

Cllr Higson has made comments on this this application on behalf of residents at No.1 The Old Orchard:

- I hope this email finds you well. I'm emailing regarding planning application 2020/3293/P for 2 The Old Orchard. I'm concerned about the proposed steps allowing a line of sight into the property next door which could be quite invasive; has the line of sight/ overlooking aspect been considered? I can't see it in any of the documents but I know that in other cases information on potential overlooking has been requested/ submitted.
- Having looked at these photos, I am concerned that at the top of the staircase there will be direct sight into the first floor of the next door property. I don't understand their point about the "solid balustrade that runs along the balcony of the entire terrace" - surely if the stairs come out from the house, then they would be able to see in? Perhaps you understand what they mean by this?
- Just to note, I know they talk about the ground floor - on that issue I would be inclined to agree that there's no additional ability to look in (although I will await your professional opinion on that).
- Following on my previous email, I have four follow up questions:
 1. Have the height and angles been calculated anywhere? The use of the word 'tall' is very vague (what does this mean?) and it's very difficult to understand the level of invasion of privacy without calculations.
 2. Has the site been visited? The neighbour is very concerned and feels that without seeing it, no one could properly assess the issue.
 3. What safety assessment has been done of the narrow first step? I understand that the design includes a drop to the first step in order to reduce overlooking, but there's concern that this could later be found to be unsafe, leading to the staircase being built out.
 4. The applicant has a terrace I understand, and so has opportunities to put the staircase elsewhere; have other positions been considered?
- Finally, the existing balcony is a long distance from the windows into the neighbouring property. The proposed location for the stairs would provide a new, wider and closer view, which isn't comparable.

Officer's response:

Please see sections 3 and 4 below.

The local planning authority are not undertaking site visits due to the pandemic and are following government guidance.

The Council's Building Control were consulted on the proposal and raised no objections.

Cllr Higson Comments:

Site Description

No.2 is a two storey terrace single family dwelling house situated on the southern side of the Old Orchard site which is a triangular site to the rear of Nassington Road, Tanza Road and Parliament Hill, accessed by a narrow road between Nos.4 and 6 Nassington Road. The building is 1 of 6 properties which were built in 1981 by the architect Ted Levy, Benjamin and Partners.

The site is located within the South Hill Park Conservation Area and is not listed.

Relevant History

Application site:

No planning history

4 The Old Orchard:

2008/2665/P - Erection of a ground and first floor side extension and enlargement of a 1st floor rear extension, new rooflights, and replacement of timber balustrade at front first floor level with a glazed balustrade, to single-dwelling house – Granted - 09/09/2008.

2011/3640/P - New external stairs and associated balustrade from ground floor level to existing first floor terrace of existing dwelling house (Class C3) – Granted – 15/09/2011.

Relevant policies

National Planning Policy Framework (2019)

London Plan 2016

Publication London Plan 2020

Camden Local Plan (2017)

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

Camden Planning Guidance:

- CPG – Design
- CPG – Amenity

South Hill Park Estate Conservation Area Statement (2001)

Assessment

1. The proposal

1.1. Planning permission is sought for:

- Addition of staircase to rear elevation; and
- Insertion of 1 rooflight to the front roofslope

2. Assessment

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

- The visual impact upon the character and appearance of the host property, streetscene, local area and South Hill Park Conservation Area
- The impact on neighbouring amenity

3. Design and Conservation

3.1. The Council's design policies are aimed at achieving the highest standard of design in all developments. The following considerations contained within policy D1 are relevant to the application: development should respect local context and character; comprise details and materials that are of high quality and complement the local character; and respond to natural features. Policy D2 'Heritage' states that in order to maintain the character of Camden's conservation areas, the Council will not permit development within conservation area that fails to preserve or enhance the character and appearance of that conservation area.

3.2. A new staircase is proposed to be added to the rear elevation of No.2 The Old Orchard to access the kitchen from the rear garden as a secondary means of escape/access. The current layout of the property is such that the living room and kitchen is on the upper ground floor and can only be accessed by going through the bedrooms on the lower floor. The staircase would be an open tread timber staircase with the railing and cladding appearing similar to the existing balcony on the upper ground floor. The staircase would be set on a new step and landing and with a direct flight of stairs projecting up over 3.8m with no platform at the highest step, the staircase would also be set off the boundary with No.1 The Old Orchard by 0.34m.

3.3. The design, appearance and materials of the proposed staircase is in keeping with the host property and would not be visually prominent from within the public realm. The staircase is considered to be modest in appearance and would have minimal intervention with the existing dwelling and would be used as a second means of access. It is noted that No.4 The Old Orchard has inserted an external staircase with a balcony. Therefore, it is considered that the proposed staircase would not harmfully impact on the group of properties it forms part of and would serve to preserve the character and appearance of the wider conservation area, as required by Camden's Local plan Policies D1 and D2.

3.4. One new rooflight is proposed to be installed into the front sloping roof, to bring natural ventilation and light to the existing utility/WC room. The rooflight is considered to be of a modest size, positioned to the side towards No.1 The Old Orchard but set (0.23m) away from the boundary between the ridge and parapet of the roof. Given its modest nature, positioning and scale it would be considered acceptable.

3.5. Objections have been received and duly taken into account prior to making this decision. The site's planning history has been taken into account when coming to this decision.

3.6. 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 Planning (Listed Buildings and Conservation Areas Act 1990) as amended by the Enterprise and Regulatory Reform Act (ERR) 2013.

3.7. Overall, the scale, design and use of materials of the proposal would be relative to that of the host building and the surrounding area and would not be considered harmful to the character appearance of the street scene nor the South Hill Park Conservation Area. The proposal would therefore be in accordance with policies D1 and D2 of the London Borough of Camden Local Plan 2017, as well as the London Plan Publication 2020 and NPPF 2019.

4. The impact on neighbouring amenity

- 4.1. The installation of a rooflight within the front roofslope of No.2 The Old Orchard is not considered to have a detrimental impact on the amenities of the neighbouring properties in regards to overlooking and outlook.
- 4.2. The proposed staircase would be placed towards the boundary with No.1 The Old Orchard. The proposed staircase would be set 0.34m away from the boundary with No.1. The proposed stairs would not be considered to materially increase or enable a significantly greater/different view of the ground floor of the neighbouring occupier in comparison to the existing view from the upper floor balcony of the host property. This is because the facade of the ground floor neighbouring occupier is setback from the front line of the balcony. It is considered that the proposed staircase (which would be primarily used as a way of moving between the upper ground floor and rear garden, rather than a space to dwell) would not result in a material increase of overlooking over the existing situation.
- 4.3. Furthermore an objection has been received from/on behalf of occupiers at No.1, with further comments in relation to overlooking into their upper floor windows from the proposed staircase. From site photographs submitted with the application and those submitted by No.1 during the course of the assessment, it is considered a line of sight may be had towards the upper ground floor of No.1 but only when going up the stairs from the first step. There is no platform to stand and view into the neighbouring property for a significant period of time. Furthermore, given the wide solid balcony frame along the terrace it is considered this would further limit views into the neighbouring property when going up the stairs. Given this and the separation to the boundary, the stairs going directly down without a platform and general modest nature of the proposal it is not considered that the proposal would not have a detrimental impact on the amenities of No.1 in regards to overlooking or privacy impacts.
- 4.4. The development is therefore considered to be in accordance with planning policies A1.

5. Conclusion

- 5.1. The proposal would be in keeping with the host building and the surrounding street scene and it would preserve the character and appearance of the South Hill Park Conservation Area.

6. Recommendation

- 6.1. 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 15th 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: 2020/3293/P
Contact: Jaspreet Chana
Tel: 020 7974 1544
Email: Jaspreet.Chana@camden.gov.uk
Date: 9 February 2021

Development Management
Regeneration and Planning
London Borough of Camden
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Judd Street
London
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Phone: 020 7974 4444

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www.camden.gov.uk

Philippe/Jessica Haag/Simor
2, The Old Orchard
London
NW3 2TR

DRAFT

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Householder Application Granted

Address:
2 The Old Orchard
London
NW3 2TR

DECISION

Proposal: External alteration to involve addition of staircase to rear elevation and addition of 1 rooflight to the front

Drawing Nos: :Site location plan, Block plan, 01_EXI01, 01_EXI02, 01_EXI03,01_EXI04, 01_EXI05, 01_PRO01, 01_PRO02, 01_PRO03, 01_PRO04, 01_PRO05, 01_PRO06, Design & Access Statement, Parking provision, Planning Statement, Tree Survey and Arboricultural Implications

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 policy 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: Site location plan, Block plan, 01_EXI01, 01_EXI02, 01_EXI03, 01_EXI04, 01_EXI05, 01_PRO01, 01_PRO02, 01_PRO03, 01_PRO04, 01_PRO05, 01_PRO06, Design & Access Statement, Parking provision, Planning Statement, Tree Survey and Arboricultural Implications.

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

DRAFT

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 This approval does not authorise the use of the public highway. Any requirement to use the public highway, such as for hoardings, temporary road closures and suspension of parking bays, will be subject to approval of relevant licence from the Council's Streetworks Authorisations & Compliance Team London Borough of Camden 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No 020 7974 4444). Licences and authorisations need to be sought in advance of proposed works. Where development is subject to a Construction Management Plan (through a requirement in a S106 agreement), no licence or authorisation will be granted until the Construction Management Plan is approved by the Council.
- 3 All works should be conducted in accordance with the Camden Minimum Requirements - a copy is available on the Council's website at <https://beta.camden.gov.uk/documents/20142/1269042/Camden+Minimum+Requirements+%281%29.pdf/bb2cd0a2-88b1-aa6d-61f9-525ca0f71319> or contact the Council's Noise and Licensing Enforcement Team, 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No. 020 7974 4444)

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 must secure the approval of the Council's Noise and Licensing Enforcement Team prior to undertaking such activities outside these hours.

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

DRAFT

DECISION