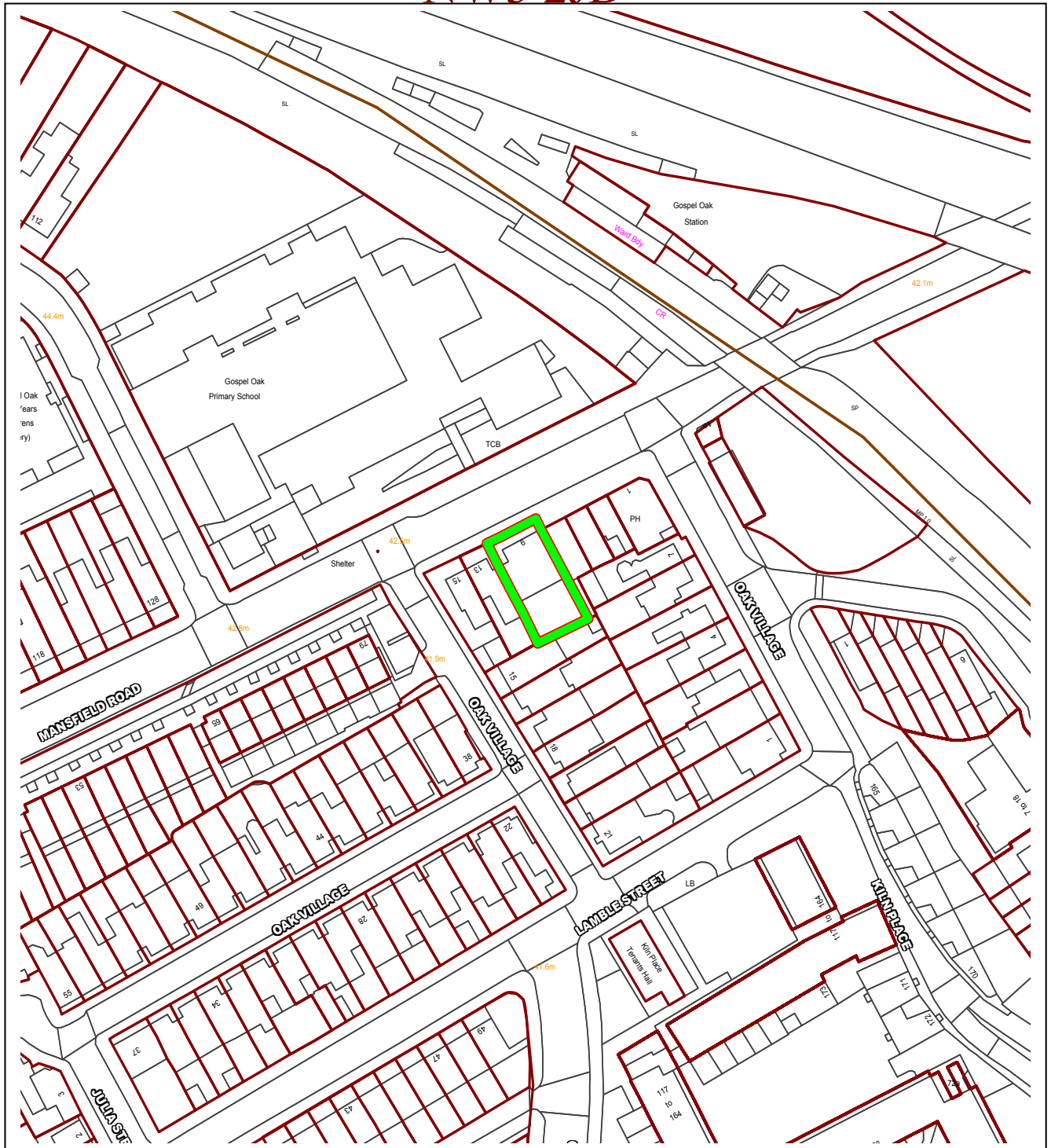


2020/5230/P 9-11 Mansfield Road London NW3 2JD



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Site photos

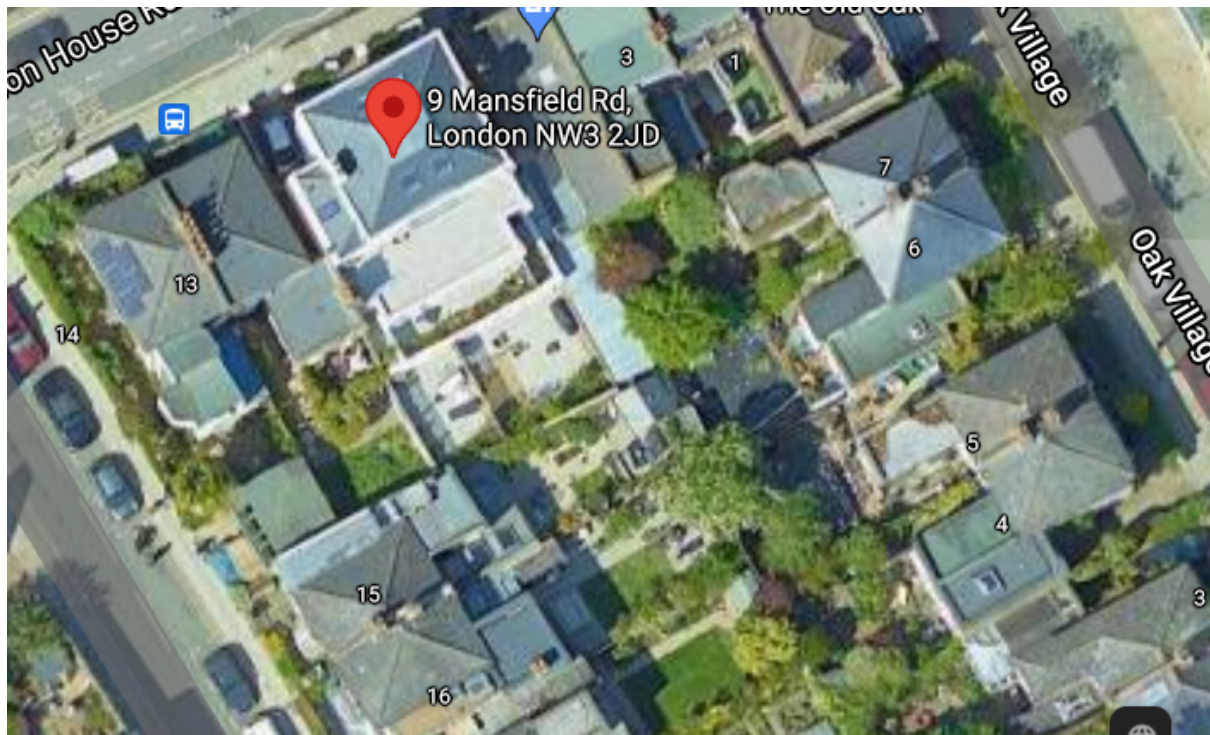


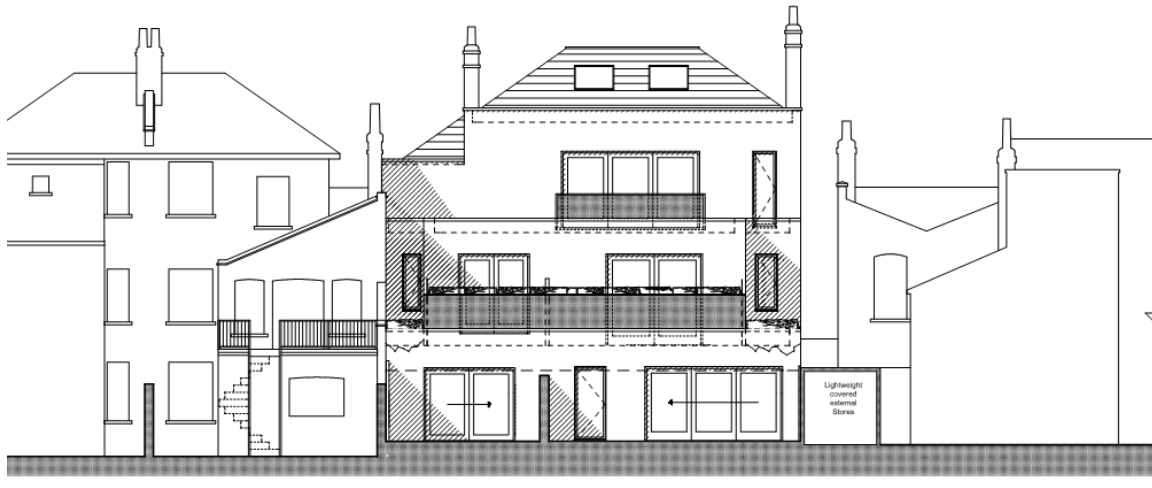
Image 1. Aerial view of the site and neighbouring properties



Image 2. Existing view looking south

Image 3. Approved and proposed south elevation

Approved

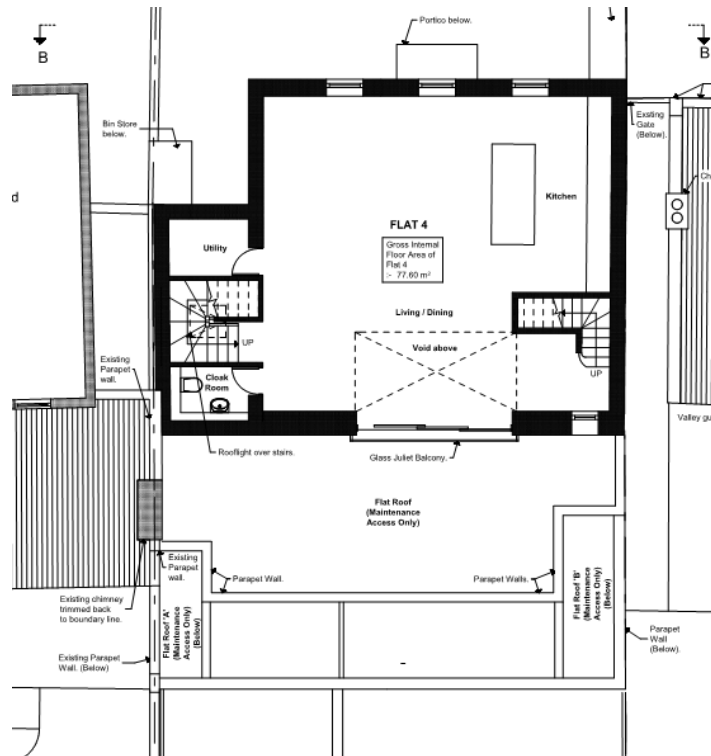


Proposed

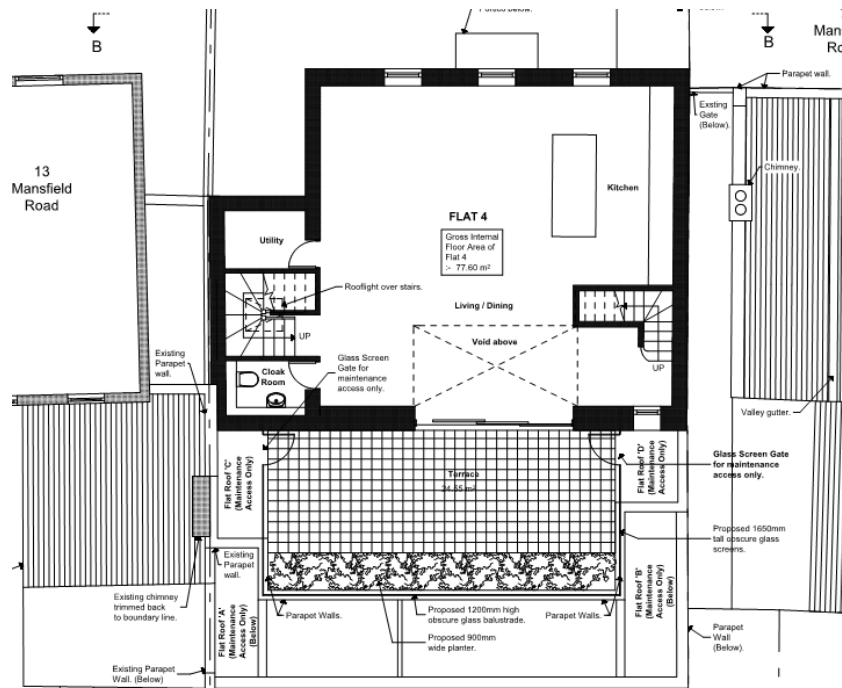


Image 5. Approved and proposed second floor plan

Approved



Proposed



Delegated Report (Members Briefing)		Analysis sheet		Expiry Date:		07/01/2021	
		N/A		Consultation Expiry Date:		16/01/2021	
Officer				Application Number(s)			
Obote Hope				2020/5230/P			
Application Address				Drawing Numbers			
9 Mansfield Road London NW3 2JD				Please refer to draft decision notice			
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature				
Proposal(s)							
Variation of condition 3 (approved plans) of planning permission 2013/7934/P dated 27/10/2014 for the erection of a part 2-part 3-storey building, as amended by planning permission 2018/1872/P dated 01/05/2020 allowed under appeal reference APP/X5210/W/19/3236736 for (extending the height of the roof and depth of the side (west) parapet wall; replacement of the roof lights; replacement of the glazed roof slope to the side (west) elevations; installation of new roof light, re-location of the bin stores to the front (side) elevations; and alterations fenestration to the front and rear elevation, retrospective) Namely, use of part of second floor flat roof to the south as a terrace area including installation of glazed balustrade and planter screening.							
Recommendation(s):		Grant conditional planning permission subject to s106 legal agreement					
Application Type:		Full Planning Permission					
Conditions or Reasons for Refusal:		Refer to Draft Decision Notice					
Informatives:							
Consultations							
Adjoining Occupiers:		No. of responses	02	No. of objections	02		
Summary of consultation responses:		<p>Site notice: displayed from 23/12/2020 - 16/01/2021</p> <p>Two objections were received from neighbouring residents, including the occupiers at 7 and 16 Oak Village and their objections are summarised as follows:</p> <ol style="list-style-type: none"> 1. The proposal will increase overlooking of properties; 2. A condition was attached to the appeal decision in regards to the second floor roof not being used as a terrace area; 3. The inappropriate scale and design; <p><u>Officer response</u></p> <p>1. The amenity impact of the proposal is discussed in paragraph 2.3 of</p>					

	<p><i>the assessment below;</i></p> <ol style="list-style-type: none"> 2. <i>Officers note that the plans approved under appeal ref APP/X5210/W/19/3236736 did not include a roof terrace area on the 2nd floor flat roof to the rear, which was labelled maintenance access only. Condition 6 was therefore added to make clear that this roof could not be used as a roof terrace. However, the current application now seeks permission to add a terrace area at this level and has been assessed on its own merits against the Council's adopted policies. An assessment of the terrace's impact on the character and appearance of the host property and neighbouring amenity is included in the report below.</i> 3. <i>Please see the design section from paragraph 2.2 below.</i>
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Local Groups	<p>The Elaine Grove and Oak Village Residents Association objected to the application on the following grounds.</p> <ol style="list-style-type: none"> 1. Would result in an overbearing sense of dominance and intrusion to adjacent properties and light pollution. <p><u>Officer response</u></p> <ol style="list-style-type: none"> 1. See sections 2.2 (Design) and 2.3 (Amenity) below.
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Site Description

The site comprises a part two/part three storey building that consist of four self-contained flats. Located on the south side of Mansfield Road. The area around the proposed site has a mixed character, and includes terraced houses, a small parade of commercial uses, a primary school opposite and the Gospel Oak train station located a short distance to the north east. The application building is not listed or located within a conservation area.

Relevant History

2018/1872/P – Planning permission for Variation of condition 3 (approved plans) of planning permission 2013/7934/P dated 27/10/2014 for the erection of a part 2 storey, part 3 storey building with rear roof terrace at 1st floor level, to accommodate 3 x 2 bed and 1 x 1 bed flats, following the demolition of existing house. Namely, extending the height of the roof and depth of the side (west) parapet wall; replacement of the roof lights; replacement of the glazed roof slope to the side (west) elevations; installation of new roof light, re-location of the bin stores to the front (side) elevations; and alterations fenestration to the front and rear elevation. (Retrospective). **Allowed on appeal (APP/X5210/W/19/3236736) 01/05/2020.**

2012/3271/P – Planning permission for the erection of 2 three-storey dwellinghouses following the demolition of existing house (Class C3). Granted on the 14/03/2013.

2013/2970/P – Planning permission for the erection of a part two storey, part three storey plus basement building to accommodate 4 flats, comprising 3 x 2 bed units and 1 x 4 bed unit following the demolition of existing house (Class C3). Refuse on 12/02/2014

This was refused on the following grounds:

- 1) The submitted basement impact assessment fails to demonstrate that the proposed basement excavation would not cause harm to the built and natural environment and local amenity and does not result in flooding or ground instability.

- 2) The proposed development, by virtue of the provision of a self-contained basement level flat within an identified area with the risk of surface water flow and flooding, would provide substandard accommodation which would be harmful to the residential amenity of future occupiers.
- 3) The proposed development, in the absence of a legal agreement securing a design stage and post-construction sustainability review achieving at least a minimum Level 4 of the Code for Sustainable Homes for the residential units proposed, would fail to be sustainable in its use of resources.
- 4) The proposed development, in the absence of a legal agreement securing the submission and implementation of a Construction Management Plan, would be likely to contribute unacceptably to traffic disruption and road safety hazards and be detrimental to the amenities of the area generally.
- 2013/7934/P – Planning permission for the erection of a part 2 storey, part 3 storey building with rear roof terrace at 1st floor level, to accommodate 3 x 2 bed and 1 x 1 bed flats, following the demolition of existing house. Granted permission on 27/10/2014.
- 2014/1495/P – Planning permission for the erection of a part two storey, part three storey plus basement building to accommodate 4 x 2 bedroom flats, following the demolition of existing house (Class C3). (re-consultation following new ownership certificate submitted). Granted planning permission on the 31/03/2015.
- 2015/2647/P – Non material amendment for alterations to northern front elevation fenestration and lightwells, to erection of a part two storey, part three storey plus basement building approved under planning permission 2014/1495/P dated 31/03/2015. Granted permission on 22/05/2015.
- 29/10/1969- Permission for the formation of a means of vehicular access to the highway at 9 Mansfield Road (Ref: CTP/E10/7/A/7722).
- 07/02/1884- Permission granted for the erection of a single storey conservatory at the rear (Ref: 8400014)
- 9-11 Mansfield Road:
08/05/12- Permission refused for the erection of 2x three storey dwellings following the demolition of existing dwelling house (Class C3). (Ref: 2011/6317/P)
- 17/05/12- Certificate of lawfulness refused for proposed development for excavation of basement in connection with existing dwelling (Ref: 2012/1663/P).

Relevant policies

National Planning Policy Framework 2019

The London Plan 2021

Camden Local Plan 2017

A1 Managing the impact of development

D1 Design

D2 Heritage

Camden Planning Guidance 2018/2019

CPG Design

CPG Amenity

Assessment

1 PROPOSAL

1.1 Planning permission is sought for the use of the existing flat roof area to the south of the building, at second floor level, as an amenity terrace for occupants of the second floor maisonette. The proposed terrace would occupy a similar width as the first floor terrace and would include the installation of a glazed balustrade with green screening.

Revisions

1.3 During the course of the application the applicant has submitted amended plans which show a reduction in the size of the proposed terrace from 30.29sqm to approximately 24sqm.

1.4 The east and west sides of the proposed terrace has been revised and would only be used for maintenance purposes.

2 ASSESSMENT

2.1 The material considerations for this application are as follows:

- Design and Appearance;
- Amenity of neighbouring residential occupants

2.2 Design and conservation

2.2.1 Policy D1 requires development to be of the highest architectural and urban design quality, which improves the function, appearance and character of the area; and CPG Home Improvements states that the Council will ensure that new developments are sensitively and appropriately designed for their context, new balconies should preserve the roof form and complement the elevation upon which they are to be located.

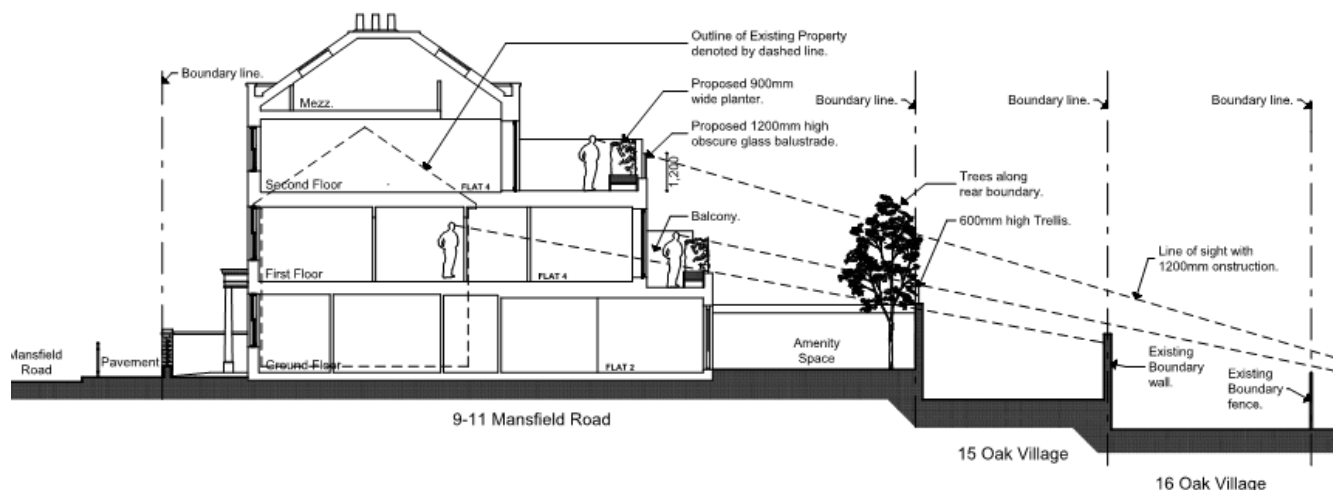
2.2.2 The proposed roof terrace would provide private outdoor amenity space for the second floor maisonette which does not currently benefit from any private outdoor space like the flats below. The proposed roof terrace, as revised, would match the design and appearance of the balustrade treatment of the rear roof terrace at first floor level and would include obscure glazed privacy screens as well as planters which would help to soften the appearance of the terrace. As such, the terrace is considered to represent a minor alteration to the appearance of the host property and no objection is raised to the proposals in design terms.

2.3 Amenity of neighbouring residential occupants

2.3.1 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.

2.3.2 Officers note the concerns raised from neighbouring residents with regard to the impact the proposed roof terrace will have on the privacy of the nearby residential properties on Oak Village. However, the applicant has submitted amended plans which show a reduction in the size of the terrace initially proposed by 6.24sqm. Moreover, a condition is attached to ensure that the east and west sections of the terrace labelled as "C and D" are only accessed for maintenance purposes. These alterations, whilst reducing the footprint of the terrace, would also ensure people using the terrace are restricted from accessing the eastern and western sides of the flat roof area which are closest to the neighbouring properties.

2.3.3 The proposed terrace would have limited impact with views into the neighbouring garden of no's 15 and 16 Oak Village given the combination of the height of the glazed balustrade and planter screening, ensure no harmful loss of privacy or increased overlooking would occur as a result of the development.



2.3.4 In regards to light pollution no new additional lighting is proposed. As such, it's not anticipated that the proposed terrace would exacerbate current levels of light pollution.

3 Recommendation

3.1 Grant planning permission subject to a s106 legal agreement

DISCLAIMER

The decision to refer an application to Planning Committee lies with the Director of Regeneration and Planning. Following the Members Briefing panel on Monday 24th May 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: 2020/5230/P
Contact:
Tel: 020 7974
Date: 17 May 2021

Development Management
Regeneration and Planning
London Borough of Camden
Town Hall
Judd Street
London
WC1H 9JE

Phone: 020 7974 4444

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

Donald Shearer Architects
Unit 4, Scholars' House
Shottery Brook Office Park
Timothy's Bridge Rd
Stratford-upon-Avon
CV37 9NR

Dear Sir/Madam

DRAFT
FOR INFORMATION ONLY - THIS IS NOT A FORMAL DECISION
Town and Country Planning Act 1990 (as amended)

DECISION SUBJECT TO A SECTION 106 LEGAL AGREEMENT

Address:
9-11 Mansfield Road
London
NW3 2JD

Proposal:

DECISION
Variation of condition 3 (approved plans) of planning permission 2013/7934/P dated 27/10/2014 for the erection of a part 2-part 3-storey building, as amended by planning permission 2018/1872/P dated 01/05/2020 allowed under appeal reference APP/X5210/W/19/3236736 for (extending the height of the roof and depth of the side (west) parapet wall; replacement of the roof lights; replacement of the glazed roof slope to the side (west) elevations; installation of new roof light, re-location of the bin stores to the front (side) elevations; and alterations fenestration to the front and rear elevation, retrospective) Namely, use of part of second floor flat roof to the south as a terrace area including installation of glazed balustrade and planter screening.

Superseded drawings:

1110-BA-112 C; 1110-BA-113 C; 1110-BA-114 B; 1110-BA-115 B; 1110-BA- 116 B; 1110-BA-117 B; 1110-BA-119 B, 120 B; 1110-BA- 121 B; 1110-BA-122 B; 1110-BA- 124 B, 1110-BA-125 B; 1110-BA- 127 B; 1110-BA-128 B; 1110-BA- 129 B.

Proposed drawings:

1110-BA-112 REVE; 1110-BA-113 REVE; 1110-BA-114 REVE; 1110-BA-115 REVE; 1110-BA-116 REVE; 1110-BA-117 REVE; 1110-BA-119 REVE; 1110-BA-120 REVE; 1110-BA-121 REVE; 1110-BA-122 REVE; 1110-BA-124 REVE; 1110-BA-125 REVE; 1110-BA-127 REVE; 1110-BA-128 REVE; 1110-BA-129 REVE.

The Council has considered your application and decided to grant permission subject to the conditions and informatives (if applicable) listed below **AND** subject to the successful conclusion of a Section 106 Legal Agreement.

The matter has been referred to the Council's Legal Department and you will be contacted shortly. If you wish to discuss the matter please contact **Aidan Brookes** in the Legal Department on **020 7 974 1947**.

Once the Legal Agreement has been concluded, the formal decision letter will be sent to you.

Condition(s) and Reason(s):

1 Approved plans:

The development hereby permitted shall be carried out in accordance with the following approved plans: 1110-BA-112 REVE; 1110-BA-113 REVE; 1110-BA-114 REVE; 1110-BA-115 REVE; 1110-BA-116 REVE; 1110-BA-117 REVE; 1110-BA-119 REVE; 1110-BA-120 REVE; 1110-BA-121 REVE; 1110-BA-122 REVE; 1110-BA-124 REVE; 1110-BA-125 REVE; 1110-BA-127 REVE; 1110-BA-128 REVE; 1110-BA-129 REVE and Design and Access Statement prepared by Donald Shearer Chartered Architecture dated 11th November 2020; Code for sustainable Holmes by BRE Global dated 14th April 2014 and Lifetime Homes Statement prepared by Donald Shearer Chartered Architecture 11th December 2013.

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

2 The details of secure and covered cycle storage area for 7 cycles as shown on the drawings hereby approved shall be provided in its entirety and permanently retained thereafter.

Reason: To ensure the development provides adequate cycle parking facilities in accordance with the requirements of policy T1 of the London Borough of Camden Local Plan 2017.

3 The proposed bins within the site as shown approved drawings shall be provided in its entirety and permanently retained thereafter.

Reason: To ensure the development provides adequate cycle parking facilities in accordance with the requirements of policies A1 and D1 of the London Borough of Camden Local Plan 2017.

4 The privacy screens, planters and glass balustrade to be fitted to the proposed second floor terrace shall be implemented and thereafter maintained in accordance with the approved details.

Reason: In order to protect the amenity of residents in accordance with policies A1 (Managing the impact of development) and A4 (Noise and vibration) of the Local Plan 2017.

- 5 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 as amended by the (No. 2) (England) Order 2008 or any Order revoking and re-enacting that Order, no No lights, meter boxes, flues, vents or pipes, and no telecommunications equipment, alarm boxes, television aerials or satellite dishes shall be fixed or installed on the external face of the buildings without the prior approval in writing of the local planning authority.

Reason: To safeguard the visual amenities of the area and to prevent over development of the site by controlling proposed extensions and alterations in order to ensure compliance with the requirements of policies G1, D1, and A1 of London Borough of Camden Local Plan 2017.

- 6 The planting on the 1st floor rear balconies shall be in accordance with plan nos 1110-BA-114 D and 1110-BA-128 E shall be permanently maintained and retained.

Reason: In order to protect the amenity of residents in accordance with policies A1 (Managing the impact of development) and A4 (Noise and vibration) of the Local Plan 2017.

- 7 The flat roofs marked 'A and B' at 1st floor level shown on plan no 1110-BA-114 D and the flat roof marked 'C and D' at 2nd floor level shown on plan no 1110-BA-115 E shall not be used as roof terraces and shall be used for maintenance purposes only.

Reason: In order to protect the amenity of residents in accordance with policies A1 (Managing the impact of development) and A4 (Noise and vibration) of the Local Plan 2017.

- 8 The use of the roof as a terrace shall not commence until the screen and planting as shown on the approved drawings, has been implemented. The privacy screen and planters shall be permanently retained and maintained thereafter.

Reason: In order to prevent unreasonable overlooking of neighbouring premises in accordance with the requirements of policies A1 and D1 of the London Borough of Camden Local Plan 2017.

Informative(s):

- 1 Your proposals may be subject to control under the Party Wall etc Act 1996 which covers party wall matters, boundary walls and excavations near neighbouring buildings. You are advised to consult a suitably qualified and experienced Building Engineer.
- 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, 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 (search for 'Camden Minimum Requirements' at www.camden.gov.uk) 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.

- 4 Your attention is drawn to the fact that there is a separate legal agreement with the Council which relates to the development for which this permission is granted. Information/drawings relating to the discharge of matters covered by the Heads of Terms of the legal agreement should be marked for the attention of the Planning Obligations Officer, Sites Team, Camden Town Hall, Argyle Street, WC1H 8EQ.

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.

Yours faithfully

Supporting Communities Directorate