

Delegated Report		Analysis sheet		Expiry Date:	25/11/2020
		N/A		Consultation Expiry Date:	26/10/2020
Officer			Application Number(s)		
Josh Lawlor			2021/2505/P		
Application Address			Drawing Numbers		
Flat C 69 Gascony Avenue London NW6 4ND			See decision notice		
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature		
Proposal(s)					
Proposed roof terrace at 2 nd floor involving the installation of aluminium bi-fold doors, steps, timber privacy screen and back metal handrail.					
Recommendation(s):		Refuse Planning Permission			
Application Type:		Full Planning Permission			

Conditions or Reasons for Refusal:	Refer to Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	00	No. of responses	00	No. of objections	00
Summary of consultation responses:	<p>Two site notices were displayed in front of the site on Gascony Avenue and near 91 Messina Avenue. The site notices were displayed from 23/06/2021 (expiring 17/07/2020).</p> <p>No comments or objections were received.</p>					
Local Amenity Groups	NA					

Site Description

The application site is a mid-terrace 3 storey building that is located on the north side of Gascony Avenue. The building is in use as three self-contained flats (Class C3), the application relates to the top floor flat over second and third floor. The roof includes an existing rear dormer with a Juliet balcony and adjacent window. There is a three storey rear outrigger with a flat roof just below the main roof eaves line.

The surrounding area is characterised by dwellings of similar style and character. The application site is not within a conservation area and the building is not listed.

Relevant History

Application site

2020/3537/P Alterations to rear elevations and roof levels to enable use of 2nd floor flat roof as a terrace. **Refused 27/01/2021**

Reasons for refusal:

- 1. The proposed development, by reason of its location, bulk and design would harm the character and appearance of the host building and the terrace, contrary to policy D1 of the Camden Local Plan 2017.*
- 2. The proposed external terrace, by virtue of its proximity to neighbouring habitable windows, would create opportunities for overlooking and thereby harm the privacy of neighbours, contrary to policy A1 of the Camden Local Plan 2017.*

2016/6956/P Installation of 4 rooflights within front roofslope and 5 rooflights within the rear roofslope. **Granted 24/02/2017**

2017/6211/P Erection of rear dormer including Juliet balcony and five rooflights on front roofslope. **Granted 06/02/2018**

No.65

2013/0819/P Installation of new staircase and balustrade to provide access to a roof terrace on the roof of the two storey rear extension, replacement of existing window with door and increase to height of parapet wall in association with the existing self-contained flat (Class C3) **Refused 15/04/2013**

2013/5528/P Installation of rear dormer, fire escape stair from ground to third floor level on the rear elevation and rooflights in the front roof slope all in association with conversion of the building from single family dwelling to 2 x 1 bedroom and 1 x 3 bedroom flats (Class C3). **Refused 26/11/2013**

2017/4583/P Formation of terrace above existing rear outrigger with associated 1.8m privacy screen **Withdrawn 26/09/2017**

No. 83

2017/3496/P Erection of rear dormer window with Juliet balcony and installation of 3x rooflights to front roofslope **Granted 10/08/2017.**

Enforcement investigation: EN21/0025 Installation of rear terrace, works not in accordance with approved plans. Investigation ongoing

No. 75C

PWX0302144 - The erection of a rear dormer window, with the insertion of 1 x rooflights within the front and rear roof pitches, for additional habitable accommodation to the top floor flat.
Granted 16/06/2003

Relevant policies

The National Planning Policy Framework 2021

London Plan 2021

Camden Local Plan 2017

- Policy D1 Design
- Policy A1 Managing the Impact of Development

Camden Planning Guidance (CPG)

[Design](#) - January 2021

[Home improvements](#) - January 2021

[Amenity](#) - January 2021

Assessment

1. Proposal and Background

- 1.1. The application flat has recently installed a rear roof dormer with juliette balcony which was granted under Ref. 2017/6211/P dated 06/02/2018. This approval did not permit the use of the rear closet wing as a terrace and the plans state that this roof shall only be accessed for maintenance purposes.
- 1.2. Planning permission was recently refused on 27/01/2021 for a similar proposal to the current application under Ref. 2020/3537/P for alterations to rear elevations and roof levels to enable the use of the 2nd floor flat roof as a terrace. The reasons for refusal relate to the harm caused to the character and appearance of the host building and neighbouring amenity (see history section above for full wording).
- 1.3. Planning permission is sought for alterations to accommodate the use of the 2nd floor flat roof as a terrace. The new amenity space would be accessed via steps from the loft room. The proposals involve:
 - Installing three new bi-fold doors and stairs leading down from the dormer to the terrace;
 - The installation of a 1.1m metal balustrade which would be set 500mm away from the rear and side parapet; and
 - The installation of a 1.8m privacy screen to the boundary with 67 Gascony Avenue, between the chimney and the dormer wall.



Proposed Rear Elevation

Figure 1: Proposed rear elevation

2. Assessment

2.1. The principal planning considerations are:

- The impact on the character and appearance of the host building and the wider area.
- The impact on neighbouring residential amenity

3. Design

- 3.1. Local Plan policy D1 outlines that the Council will seek to secure high quality design in all development and ensure development responds to local context. It also explains that the Council will resist development that would cause harm to the appearance of the area.
- 3.2. CPG Home Improvements states that roof dormers should be designed sensitively so they do not dominate the roof plane. Dormers should sit within the middle of the roof slope so that the overall structure of the existing roof form is maintained. The guidance states that a separation is usually required between the dormer and the ridge as well as from the party walls and eaves in order to maintain an adequate separation.
- 3.3. CPG Home Improvements also provides guidance for balconies and terraces, stating on page 55 that terraces should be '*subordinate to the roof being altered, and the roof form overall. The guidance states that terraces should 'preserve the roof form and complement the elevation upon which they are to be located.'*
- 3.4. The Design and Access Statement submitted in support of the application lists a number of amendments made to the current proposals which are intended to overcome the recently refused application (Ref. 2020/3537/P):

- The raised terrace has been removed;
- The steps would be inset into the roof pitch;
- Set back the handrail 500mm from the rear and side parapet;
- A privacy screen would be installed behind the existing chimney, which is over 1.8m from the finished terrace level

- 3.5. The revisions listed above would reduce the level of harm to the building when compared with the previous proposal, however do not overcome the key design reasons for refusal.
- 3.6. The Design and Access Statement, notes that the steps would be '*inset into the roof pitch and therefore below the eaves line*'. It is not clear how this would mitigate the harm previously identified as the stairs would still need to rise above the eaves line to provide access from the bi-fold doors/loft level. This would have the effect of merging the dormer with the rear closet wing. The dormer would no longer be read as a separate and subordinate extension to the host building as the separation from the eaves would be lost. The balustrading, whilst set back would still add visual clutter than would remove the clear separation between the closet wing and the dormer. The dormer would no longer relate to the elevation below as it would essentially sit level/merge with the rear closet wing. The visual impact would be to add excessive bulk and clutter to the rear elevation, undermining the composition of the rear elevation.
- 3.7. The terrace would dominate the roof of the closet wing and not complement the rear elevation. The formation of the terrace would involve the installation of visual clutter. Indeed the seating and planters would all serve to create a cluttered and incongruous appearance which would detract from the host building. To overcome overlooking from the terrace to the dormer windows of 67 Gascony Avenue a 1.8m privacy screen would be installed between the chimney and the dormer wall. This would be visible in oblique views from neighbouring properties on Gascony Avenue and would add additional bulk and visual clutter which would contribute to the harmful appearance of the development. This development, whilst not being visible from the street would be visible in private views. Irrespective of visibility from the public realm, the architectural integrity of the building should be preserved and retained.
- 3.8. Whilst not located within a conservation area, the building has some architectural and historic merit. Indeed the rear of this particular terrace remains relatively unaltered and retains much of its architectural integrity. The application property and neighbouring property have rear closet wings with no alterations at roof level.
- 3.9. The proposal would harm the character of the roofscape along the terrace. It is noted that the Council has not granted permission for similar roof terraces on Gascony Avenue and similar applications have been refused at No 65 (see planning history). It is also noted that three nearby properties appear to have built terraces without permission. One site is subject to enforcement investigations (see planning history). The terraces at no.75C Gascony Avenue and 78 Messina Avenue have been in place for more than four years and therefore likely to be exempt from enforcement action. These three terraces were constructed without planning permission and demonstrate the harm that this form of development causes to the original character of a building. These examples cannot be considered as justification for a similar form of harmful development.

4. Amenity

- 4.1. Policy A1 of the Local Plan states the Council will seek to ensure that the amenity of neighbours is protected from development. The factors the Council will consider are impact on daylight/sunlight, noise, overlooking, outlook, and artificial light levels (light spillage). To ensure privacy, CPG Amenity (2021) suggests a minimum distance of 18m between the windows of

habitable rooms in existing properties directly facing the proposed development.

- 4.2. The proposed screen would prevent direct overlooking to the dormer windows at 67 Gascony Avenue. The privacy screen would prevent users of the terraces having direct views backwards towards the neighbouring rear dormer window from a distance of approximately 5m. However as discussed above this would add unwanted visual clutter to the building and cannot be supported in design terms.
- 4.3. There is already a degree of mutual overlooking between the rear windows of properties on Gascony Avenue and those on Messina Avenue. Based on the location plan submitted with the application the distance between the rear closet wing of the host building and the rear windows of no.72 Messina Avenue is only 8.4m. The terrace would project further beyond the rear elevation of the building and therefore enable a more direct line of sight into the windows, terraces and rear gardens of nos. 70, 72 and 74. Whilst it could be argued that there is already a degree of overlooking between the properties and also from the rear garden, it is considered that the terrace would afford more opportunity for views directly into the neighbouring windows, thereby enabling clearer views than exist at present. This would result in the loss of privacy as the perception of being overlooked would increase. The overall effect of the proposal would lead to an unacceptable level of overlooking, contrary to policy A1, and this forms an additional reason for refusal. .

5. Conclusion

- 5.1. In conclusion, the proposed development is considered unacceptable due to the harm caused to the appearance of the host building and the amenity of neighbouring residents by way of a loss of privacy and overlooking. There are no benefits arising from the proposals that would offset these harms. As such, it is recommended the application is refused for the following reasons:
- The proposed development, by reason of its location, bulk and design would harm the character and appearance of the host building and the terrace, contrary to policy D1 of the Camden Local Plan 2017.
 - The proposed external terrace, by virtue of its proximity to neighbouring habitable windows, would create opportunities for overlooking and thereby harm the privacy of neighbours, contrary to policy A1 of the Camden Local Plan 2017.