

Delegated Report		Analysis sheet		Expiry Date:		25/01/2021	
		N/A / attached		Consultation Expiry Date:		14/02/2021	
Officer				Application Number(s)			
Joshua Ogunleye				2020/5568/P			
Application Address				Drawing Numbers			
44 Pilgrim's Lane London NW3 1SN				Refer to Decision Notice			
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature				
Proposal(s)							
Erection of a first floor level 500mm raised platform to form a roof terrace with associated balustrade							
Recommendation(s):		Refuse Planning Permission					
Application Type:		Householder 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
				No. electronic	00		
Summary of consultation responses:		Site notice consultation: 15/01/2021 until 08/02/2021 Press notice consultation: 21/01/2021 until 14/02/2021 No objections were received from neighbouring properties.					
Hampstead CAAC		Submitted no comment					
Site Description							
The application relates to an end of terrace two story property on the south eastern side of Pilgrim's Lane. The host property was constructed with yellow stock bricks (currently painted white) and hosts timber sash windows with 6/6 glazing bars on its front and rear elevations. The property also comprises a single storey pre-existing rear projection. The host property is a single family dwelling							

house and benefits from a modest size rear garden.

The property forms part of a trio of similar properties along this section of pilgrim's lane.

The property is located within the Hampstead Conservation Area and is recognised as being a positive contributor. The property is also situated in the Hampstead Neighbourhood Forum area.

Relevant History

Application site

2020/2255/P– Erection of a vehicular and pedestrian access gate and resin floor finish. Granted on 16/10/2020

2019/6013/P - Minor amendments to planning permission 2019/3495/P dated 23/10/2019 (erection of 2 x dormer windows to rear and side roofslopes, installation of 2 x rooflights on the front and side roofslopes, replacement windows to front elevation and the removal of a side elevation chimney, namely to allow alterations to size and design of rear elevation windows and doors. Granted on 24/02/2020

2019/3496/P - The erection of a single storey rear infill extension at ground floor together with the installation of replacement windows and doors on the front rear and side elevations and the installation of a rear elevation metal balustrade. Granted on 04/11/2019

2019/3495/P - The erection of 2 x dormer windows to rear and side roofslopes, installation of 2 x rooflights on the front and side roofslopes, replacement windows to front elevation and the removal of a side elevation chimney. Granted on 23/10/2019

Relevant policies

National Planning Policy Framework 2021

London Plan 2021

Camden Plan 2017

A1 Managing the impact of development

D1 Design

D2 Heritage

Other Planning Policies / Guidance

CPG Home Improvement (2021)

CPG Design (2021)

CPG Amenity (2021)

Hampstead Neighbourhood Plan (2018)

DH1: Design Policy

DH2: Conservation areas and listed buildings

Hampstead Conservation Area Statement (2000)

Assessment

1.0 Background

1.1. Planning permission is sought for :

- The erection of a 500mm (high) raised platform on top of an existing single storey rear extension's roof in order to form a first floor level roof terrace.
- Installation of metal railings (h: 1.2m) at first floor level comprising a balustrade enclosure.

No revisions have taken place during the course of the application

2. Design

The National Planning Policy Framework 2021 (NPPF)

- 2.1. The NPPF requires its own exercise to be undertaken as set out in chapter 16 – Conserving and enhancing the historic environment. Paragraph 199 requires local planning authorities to identify and assess the particular significance of any heritage assets that may be affected by a proposal.
- 2.2. Paragraphs 199-208 require consideration as to the impact of a proposed development on the significance of a designated heritage asset, including an assessment and identification of any harm/the degree of harm. Paragraph 202 states:
- 'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.'*
- 2.3. Local Plan policy D1 seeks to achieve high quality design in all developments. Policy D1 requires development to be of the highest architectural and urban design quality, which improves the function, appearance and character of the area. Through Local Plan policy D2, the Council will seek to preserve and, where possible, enhance Camden's conservation areas.
- 2.4. Special regard has been attached to the desirability of preserving or enhancing 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 2013.
- 2.5. CPG Home Improvement states *'A modest balcony is more likely to receive consent than larger ones', and balconies should: 'Preserve the roof form and complement the elevation upon which they are to be located'.*
- 2.6. The proposed first floor level roof terrace would consist of a 500mm high raised platform decking erected on top of an existing ground floor rear extension. The proposed terrace area would match the existing rear extension's depth of 1.17m as well as follow its chamfered form along its eastern elevation, although it would be set back from the host property's western elevation by 3.05m. The terrace area would be enclosed by 1.2m high iron railing balustrades, which results in a cumulative height of 1.7m on top of the existing extension's flat roof area.
- 2.7. Officers consider the proposed works would introduce an unsympathetic addition on the host property's rear elevation. The proposed decking would appear as an extension of the existing extension's roof extending up, appearing overly bulky when compared to the original roof's form. The combination of the proposed decking and balustrade would result in an unbalancing effect on the otherwise tidy arrangement of the host property's rear elevation. As such the proposed rear elevation balcony would introduce an unacceptable massing at first floor level,

detrimental to the host property's character and appearance.

- 2.8. The proposed roof terrace would not be visible from the public realm. However, it would be visible from the private views of neighbouring rear garden areas, owing to its siting on top of an existing single storey extension. Officers consider the proposed terrace would appear out of character within its grouping, where the proposed decking and railing would sit in a visually prominent position across the attached trio. The proposed works would appear particularly noticeable, given that the attached properties retain their single storey rear extension with their original roof form. Therefore, officers consider the proposed addition would be visually intrusive within its setting and would neither preserve nor enhance the character appearance of the surrounding Hampstead Conservation Area.
- 2.9. In assessing this application, consideration was given to the previously approved scheme at this property' 2019/6013/P (granted on 24/02/2020) for alterations to size and design of rear elevation windows and the installation of a Juliet balcony. Officers note that the previous application was approved on the basis of its modest impact on the character and appearance of the host property. Elements on the host property's rear elevation remained visually subordinate within its setting contrary to what is being proposed in this application.
- 2.10. Overall the proposals would result in harm to the host building's appearance and character and the wider Hampstead Conservation Area. The proposal would result in less than substantial harm to the CA, which the Council considers is not outweighed by the provision of first floor level roof terrace, which provides no public benefit.

3. Amenity

- 3.1. Policy A1 states that the council will seek to protect the quality of life of occupiers and neighbours and ensure the amenities of occupiers and neighbouring is protected. Paragraph e further states that factors impacting visual privacy and outlook would be considered.
- 3.2. CPG Home Improvement states 'balconies could generate harmful noise disturbance to your neighbours when in use. The intensity of the use of a balcony depends on the size and number of people they could accommodate at one time.'
- 3.3. The proposed external space would have an area of 2.24sqm. The subject terrace would be accessible via a sliding window on the host property's rear elevation at first floor level.

Overlooking

- 3.4. The terrace would sit in close proximity to rear habitable windows and balcony of No.48-50 Pilgrim's Lane. The boundary with No.48-50 is currently screened by a tall brick fencing at ground floor level and dense high level planting. As such officers do not consider that there is significant opportunity for overlooking of the nearest neighbouring windows from the terrace.
- 3.5. Officers consider that the terrace's relatively shallow depth sufficiently mitigates the visible range in this instance as the neighbouring windows located above and below the terrace's standing level.
- 3.6. Views of the rear garden areas of properties on Pilgrim's lane and Downshire Hill would remain largely similar to views from internal windows and would mostly be screened by tall trees within the rear garden area. Therefore, officers consider the proposed development would not facilitate unacceptable overlooking impact on the rear windows of the nearest habitable rooms and to a lesser extent the surrounding rear garden area.

Daylight

- 3.7. It is not considered that the proposed development would cause undue harm to the residential amenities of nearby and neighbouring properties, by way of loss of daylight/sunlight.

Noise

- 3.8. Given its modest size and depth, it is not considered that the proposed terrace's use would give rise to significant noise impact on properties immediately adjacent to a level that would be considered unacceptable.

Recommendation (1): Refuse planning permission