

Delegated Report (Members Briefing)		Analysis sheet		Expiry Date:	14/12/21
				Consultation Expiry Date:	21/11/21
Officer			Application Number(s)		
Ewan Campbell			2021/1761/P		
Application Address			Drawing Numbers		
Flat 1 Rochester Road London NW1 9JJ			Please refer to draft decision notice		
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature		
Proposal(s)					
Roof extension at 3 rd floor level to provide additional living space for existing 2 nd floor flat; new enclosed staircase enclosure from level 2 to level 3; creation of outdoor amenity space to serve enlarged flat at level 3.					
Recommendation(s):		Refuse Planning Permission			
Application Type:		Full Planning Permission			
Conditions or Reasons for Refusal:		Refer to Draft Decision Notice			
Informatives:					
Consultations					
		No. of responses	00	No. of objections	00
		<i>Site Notice was put up 28/10/21 and expired on the 21/11/21</i>			
Site Description					
The application site is a three storey 1960's building which is owned by the adjacent church. At ground level there is a hall associated with the church, and the upper floors are in residential use.					
The site is directly adjacent to the Grade II listed St Andrews Cathedral. The property is also located within Rochester Conservation Area and Bartholomew Estate Conservation Areas with the CA boundary cutting through the northern edge of the building. The site is also within the Kentish Town					

Neighbourhood Plan area.

Relevant History

Relevant planning records at the application site:

N/A

National Planning Policy Framework 2021

The London Plan 2021

Camden Local Plan 2017

Policy A1 Managing the impact of development

Policy D1 Design

Policy D2 Heritage

Kentish Town Neighbourhood Plan

Policy D3

Rochester Conservation Area Management Appraisal

Bartholomew Estate Conservation Area Management Appraisal

Camden Planning Guidance (CPG)

CPG Design (January 2021)

CPG Amenity (January 2021)

Assessment

1 PROPOSAL

1.1 Planning permission is sought for a roof extension at 3rd floor level to provide additional living space for the existing 2nd floor flat; a new enclosed staircase enclosure from level 2 to level 3; and a new outdoor amenity area to serve the enlarged flat.

1.2 The extension would measure 3.0m tall and would have a footprint of 72.6sqm. It would accommodate 4 bedrooms, a bathroom and storage space. An outdoor terrace would also be created on the southern side, which would measure 24.3sqm.

2 ASSESSMENT

2.1 The material considerations for this application are as follows:

- Heritage & Design
- Amenity

2.2 Heritage & Design

2.2.1 St Andrew's Church (former St Barnabus Church), immediately to the west of the application site, is grade II listed. The Council has a statutory duty to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses.

2.2.2 The application site is located mainly within the Rochester Conservation Area with the oversailing section of the North elevation in the Bartholomew Estate Conservation Area. The Council has a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation areas.

2.2.3 Local Plan policies D1 (Design) and D2 (Heritage) are aimed at achieving the highest standard of 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; and Policy D2 states that the Council will preserve, and where appropriate, enhance Camden's rich and diverse heritage assets and their settings, including conservation areas and listed buildings.

2.2.4 Policy D3 of the Kentish Town Neighbourhood Plan states that all development shall be of a high quality of design, which complements and enhances the distinct local character and identity of the area. It further states that development should positively interact with the street and streetscape in which it is located, maintain the positive contributions to character of existing buildings and structures, and extensions should be in character and proportion with the context and setting

2.2.5 The application site is located mainly within Rochester Conservation Area (CA), with its northern edge in Bartholomew Estate CA. It is identified as a neutral contributor to the character and appearance of the conservation area and the more important view of the site is looking south into the Rochester CA from Bartholomew Road. The distinct quality of Rochester Conservation Area is that it largely retains its homogenous mid-19th century architectural character. For this reason, most of the buildings make a positive contribution to the character and appearance of the conservation area.

2.2.6 The prevailing character of Bartholomew Estate CA is residential, with integrated corner shops, public houses and health centres. Due to the Midland railway there are also light industrial uses that border around it. The area has a rich variety of properties, ranging from substantial five storey properties to smaller three storey residences. One of the prevailing characteristics is the front building lines being set back and the relationship between built and unbuilt space.

2.2.7 The proposed roof extension fills the roof space right up to the border and building line with an additional external staircase close to the church.

2.2.8 The relationship of the building to the church, and the importance of this relationship to the Rochester CA and Listed church, means the proposal is unacceptable in principle. The proposals impact negatively on two conservation areas – Rochester and Bartholomew – as the building has two street frontages, each of which are in the two affected conservation areas, and the building is adjacent to a grade II listed 19th century church which has landmark qualities deriving from its steep pitched roofs.

2.2.9 The host building dates from the post-war period and has little architectural merit having already been insensitively altered. It principally is of two storeys with a set-back third storey (plant room), and is somewhat jarring in appearance due to its boxy form when seen in the context of the church and the adjacent terraced 19th century houses. Furthermore, the building is visible in long views, such as from the public gardens in Rochester Square, as well as along Bartholomew Road in the north which has a comparatively open character on its southern side with immediate views of the application site with the church beyond.

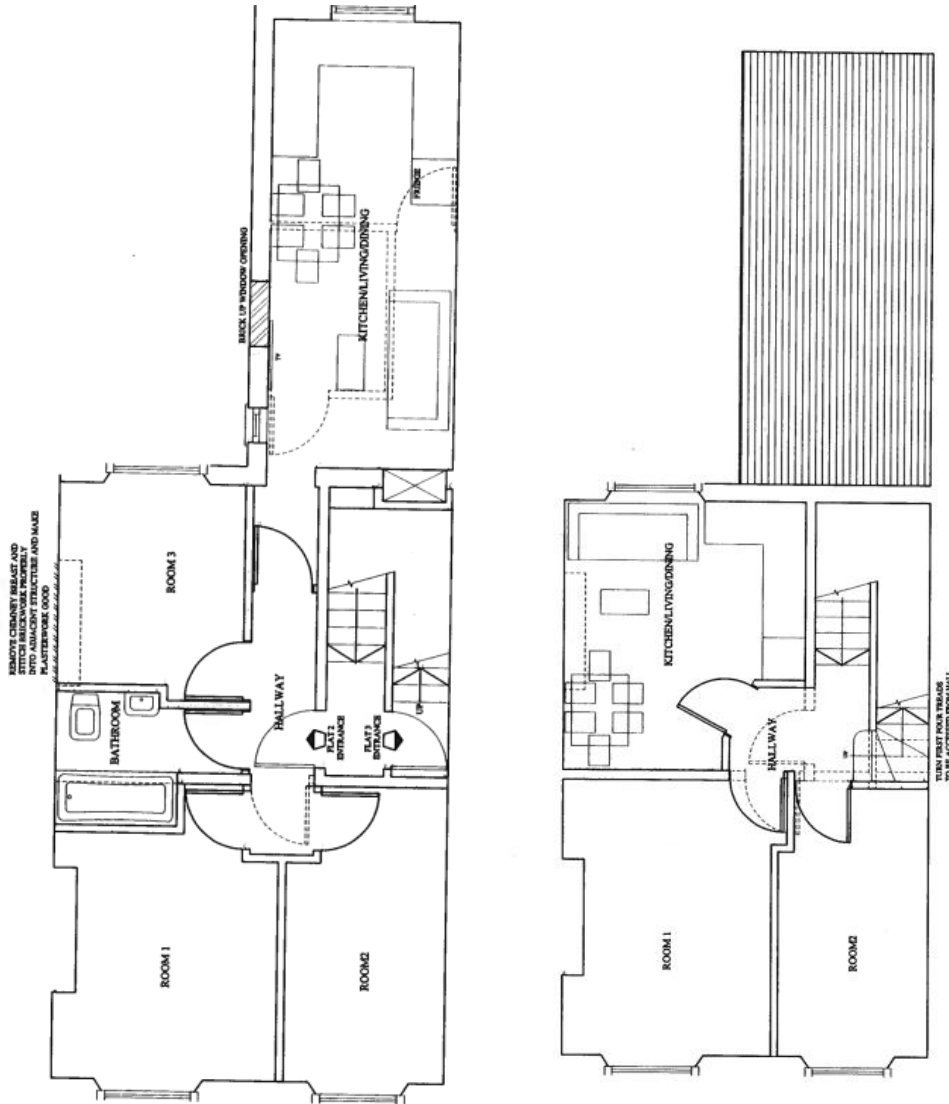
2.2.10 The additional bulk and height of a further storey would render the upper section insubordinate to the principal lower section of the building comprising the ground and first floors. The existing arrangement and design, whilst not positively contributing to the area, is sympathetic in terms of the building height on Rochester Road and is still somewhat subordinate to the Grade II listed church, both in views looking south west as it sits in the foreground of the church, and in views south east where it sits in the backdrop of the church. In contrast, the proposed design renders the building top-heavy, causing harm to the setting of the grade II listed church and having a negative impact on the character and appearance of the two affected conservation areas. It will impact on Bartholomew Conservation Area as the proposals involve a sheer upward extension seen immediately from the street which will stretch to being almost full-width on both the second and third floors. The harm is furthered by the detailed design which from the drawings appears to be a panelled system with small square windows which bear little resemblance and make little reference to the façade treatment of the existing second floor treatment. The harm is also pronounced as a view into the Rochester CA seeing the building in context with the church. The setting of the church would be compromised as the building would loom in the foreground and backdrop of the church in views along Bartholomew Road, diminishing the significance of the roof form and silhouette of the church.

2.2.11 The proposals are considered to cause less than substantial harm to the setting of the listed building and the character and appearance of the Rochester and Bartholomew Estate Conservation Areas. Paragraph 202 of the National Planning Policy Framework (NPPF) guides that, 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. In this case, the application notes that the proposed extension to the existing 2nd floor flat would allow Father Kristian Akselberg and his six-member family to continue living on site so that he can serve the needs of the church and the local community. However, no commentary is provided on other solutions that have been considered, such as combining existing flats at the site, or finding alternative accommodation locally for example. The benefits of Father Akselberg being able to live on site would be notable but temporary (i.e. for the duration of his service at the church), whereas the impact on designated heritage assets would be permanent. Whilst the service to the community would provide some community benefit, on balance, the public benefits arising from the proposal are not considered to sufficiently outweigh the harm that would be caused to designated heritage assets (the listed building and conservation areas). The application is therefore recommended for refusal on this basis subject to other considerations set out below.

2.3 Amenity

2.3.1 Policy A1 of the Local Plan seeks to protect the quality of life of occupiers and neighbours. The factors to consider include: visual privacy, outlook; sunlight, daylight and overshadowing; artificial lighting levels; noise and vibration; odour, fumes and dust; and impacts of the construction phase, including the use of Construction Management Plans.

2.3.2 For the occupants at 45, Rochester Road the windows would be approximately 4.5m from the edge of the proposed roof terrace. This means that the occupants of the proposed extension and terrace would be able to view directly into the rear windows on the first and second floors. This contributes to a loss of a privacy and increases the overlooking. Plans held by the Council (for recent planning application reference 2018/5299/P) illustrate that the windows in question benefit bedrooms and living room areas and therefore the proposal will impact habitable rooms. A screenshot of the plans is provided below:



2.3.3 Furthermore without details of screening, which are not on the plans, it is likely that the new roof terrace would look over all of the rear gardens of Rochester Road. A condition to secure screening could be requested however, the amount of screening required to ensure the amenities are protected would be considerable and would negatively contribute to the character of the building. It would also be considerably prominent on top of the building and be seen from Bartholomew Road (see picture below) and the Conservation Area. This would negatively detract from the character of the Conservation Area and means that glazing could not be secured by condition.



2.3.4 Because of the views and scale of the terrace this would not reflect the existing arrangement and change the relationship between the occupants in this building and the occupants of Rochester Road. The perceived overlooking would increase significantly and the loss of privacy would be prevalent certainly for the occupants closer to the building. Therefore the proposal fails to comply with policy A1 of the 2017 Camden Local Plan and the Amenity CPG. The application is recommended for refusal on this basis, subject to other considerations set out below.

2.4 Conclusion and balance

2.4.1 The benefits of the scheme would serve a particular religious community, with religion or belief being a protected characteristic under the Public Sector Equality Duty (PSED) as set out in the Equality Act 2010. The impact of a refusal of planning permission is likely to be felt more acutely by members of this particular group. The PSED's three aims require the council to have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
- Advance equality of opportunity between people who share a protected characteristic and those who do not.
- Foster good relations between people who share a protected characteristic and those who do not.

2.4.2 The Act explains that in having due regard for advancing equality particular attention should be paid to:

- Removing or minimising disadvantages suffered by people due to their protected characteristics.
- Taking steps to meet the needs of people from protected groups where these are different from the needs of other people.
- Encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

2.4.3 Permitting the application could have the effect of advancing the equality of opportunity between members of the Greek Orthodox religious community and those who do not share the characteristic, as well as foster good relations. In particular it would help to meet the needs of members of that community. However, this must be balanced against the planning harm which are also exercised in the public interest, and significant weight is attached to the heritage harm. The impact on Father Kristian Akselberg

and others in the community sharing those protected characteristics could also be reduced by exploring other options of accommodation. Overall, the impact on those with protected characteristics would not outweigh the other considerations and refusal is still recommended based on the harm identified.

3 **RECOMMENDATION**

3.1 Refuse Full Planning consent for the following reasons:

The proposed roof extension and staircase enclosure, by virtue of its design, siting, bulk and massing, would result in an incongruous and dominant addition to the existing building, which would cause harm to the setting of the adjacent grade II listed building and the character and appearance of the Rochester and Bartholomew Estate Conservation Areas, contrary to the aims of Policies D1 (Design) and D2 (Heritage) of The Camden Local Plan 2017 and Policy D3 of the Kentish Town Neighbourhood Plan 2016.

- The proposed roof extension and terrace, by virtue of their design, size and location, would result in overlooking and loss of privacy to No. 45 Rochester Road as well as the properties along Rochester Road to the detriment of their residential amenity, contrary to Policy A1 (Managing the impact of development) of The Camden Local Plan 2017.