

Date: 28/04/2022
Your ref: **APP/X5210/W/22/3291816**
Our ref: 2021/3649/P
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Dear Mr Darren Cryer,

Planning Appeal by Ms Kristen Charnley
Site: 49 Pratt Street London NW1 0BJ

Appeal against the refusal of planning permission for 'Erection of wooden trellis to create a first floor terrace.

The Council's case for this appeal is largely set out in the officer's delegated report. This details the site and surroundings, the site history and a consideration of the main issues: design and amenity. A copy of the report was sent with the questionnaire.

In addition to the information sent with the questionnaire I would be pleased if the Inspector could take into account the following information and comments, before deciding the appeal.

Summary of issues

The appeal relates to a 3 storey terraced property. The surrounding area is characterised by dwellings of similar style and character. The property is in use as flats and this application is in relation to flat B which occupies the first floor of the property.

The site is not listed and is not located within a conservation area but is locally listed.

It is acknowledged that applicant considers that the proposed development is acceptable. However, the council considers that the proposed terrace due to its scale, location and design would be an incongruous addition to the property and would result in an unacceptable sense of enclosure.

Planning permission is sought for the erection of a wooden trellis on an existing flat roof to the rear of the property on the first floor to allow it to be used as a roof terrace/ outdoor amenity space. The proposal also includes the installation of a rear door which would provide access onto the flat roof, which was refused on 17 December 2021.

The planning application was refused on the grounds that:

1. The proposed roof terrace by reason of its size, location and detailed design, would be an incongruous and dominant addition resulting in harm to the character and appearance of the host building and wider terrace contrary to policies D1 (Design) D2 (Heritage) of Camden's Local Plan 2017.
2. The proposed rear roof terrace, by virtue of its size and location, would give rise to an unacceptable sense of enclosure and an overbearing appearance contrary to policy A1 (Managing the impact of development) of Camden's Local Plan 2017.

The Council's case is largely set out in the officer's report, a copy of which was sent with the questionnaire. In addition to this information, I would ask the inspector to take into account the following comments

3. Relevant History

Enforcement case

EN21/1024- *Without planning permission: the installation of a door on the rear elevation of the first floor closet wing to enable the use of the flat roof as a roof terrace.* Enforcement notice was served on the 03/03/2022 and the notice came into effect on the 14 April 2022. A copy of the enforcement notice is at appendix 1.

Host property

2019/2804/P - *Conversion of single dwelling house into 3 self-contained flats (2 x 1 bed, 1 x 2 bed); Erection of ground floor rear extension; Replacement of 1 window on ground floor side elevation.* **Granted 03/07/2019**

Status of Policies and Guidance

The London Borough of Camden Local Plan was formally adopted on the 3rd July 2017. The policies cited below are of relevance to the applications.

Camden Local Plan 2017

Policy A1 – Managing the impact of development

Policy D1 – Design
Policy D2 – Heritage

Camden Planning Guidance

In refusing the application, the Council also refers to supporting documentation in Camden Planning Guidance. The specific clauses most relevant to the proposal are as follows:

PG Amenity (2021)
Section 2

CPG Design (2021)
Section 5.16- 5.19

CPG Home Improvements (2021)
Section 2.2.3

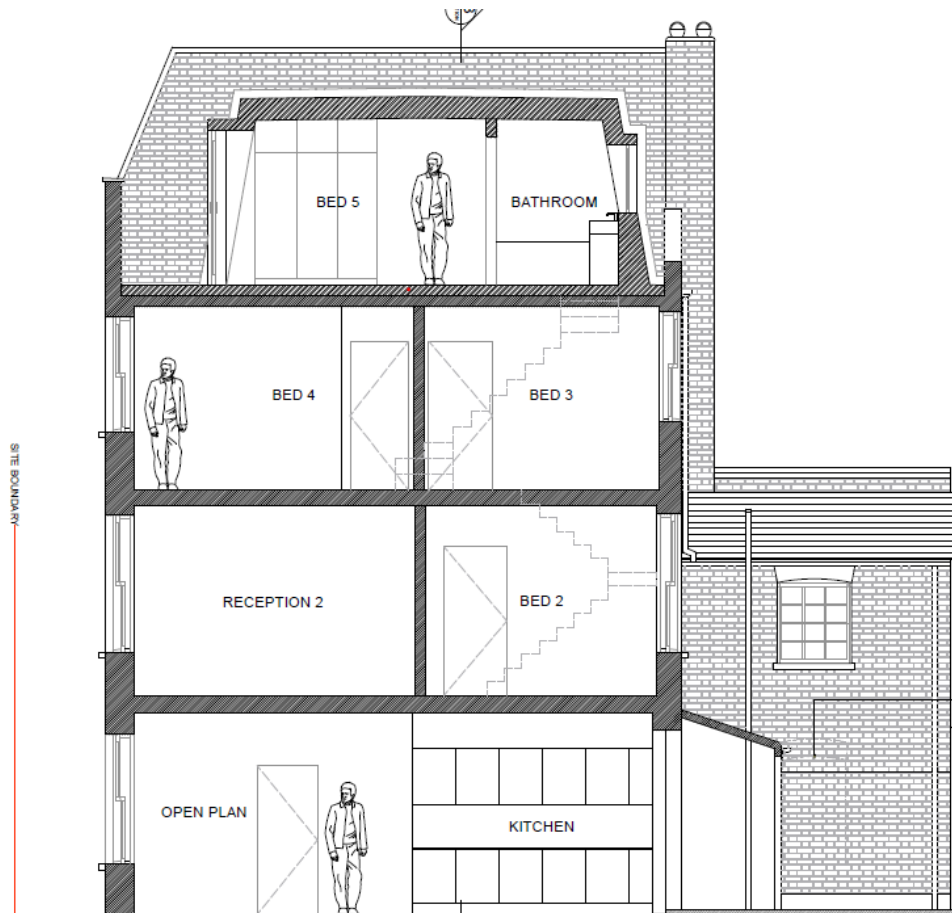
Comment on the Appellant's Ground of Appeal

The appellant grounds of appeal can be summarised as follows:

1. The appellant provides examples of similar type of developments the council has granted. It should be noted that the council does not object to the principle of a terrace but the design, location and size of the proposed terrace subject to this appeal. The first example is a front terrace granted under planning reference 2017/5151/P on 4th December 2017(see below) at 51 Pratt Street. The appellant states this terrace is in a '*much higher and more prominent position compared to that which is proposed in this application.*' Although the terrace is located to the front of the property and located within the roof, due to the parapet wall, the terrace is hidden and not highly visible from the streetscene or neighbouring properties. Additionally the depth of this terrace is much smaller than the terrace proposed at the appeal site.



Proposed front elevation granted under 2017/5151/P

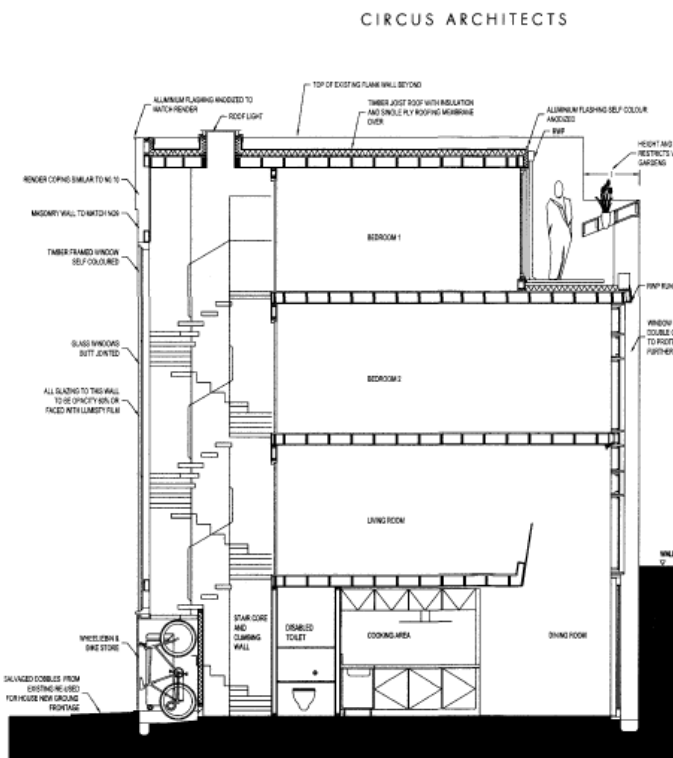


Proposed section showing the depth of the terrace granted under 2017/5151/P

2. The applicant's second example relates to a rear balcony granted under 2004/1287/P at 9a St Martins Close. The applicant states a similar argument that this balcony is in a more prominent position of the proposed terrace subject to this appeal. Although this terrace would be located in a higher position, this terrace is also hidden by a parapet wall which reduces its visibility and is more of a sensitive addition to this property than the terrace proposed (see below). Additionally again this terrace is smaller in size and depth than the one subject to this appeal.



Proposed rear elevation granted under 2004/1287/P



Proposed section showing the depth of the terrace granted 2004/1287/P

3. The Council consider these precedents are not adequate examples of similar terraces for the reasons outlined above. As stated above, the principle of a

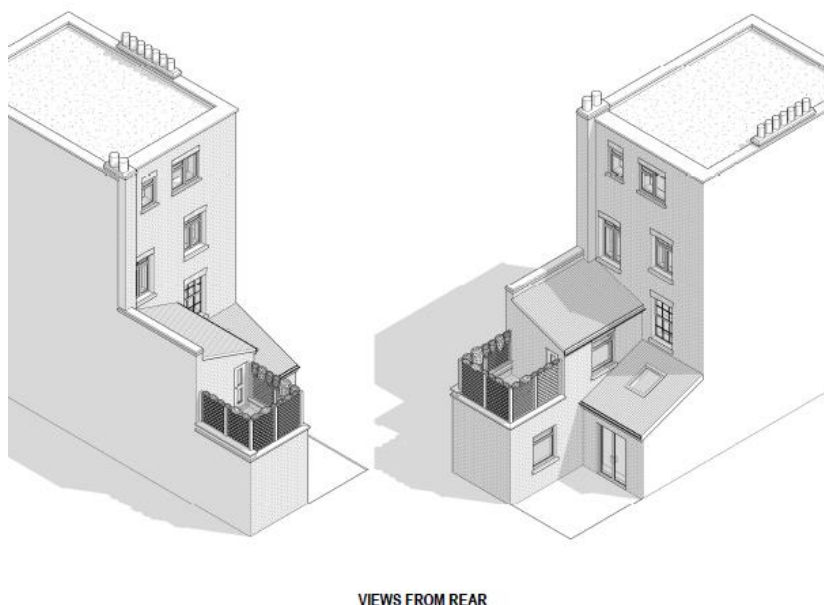
terrace is acceptable but the proposed design location and size of the terrace is unacceptable and would result in an incongruous and dominant addition.

4. The appellant argues that the terrace would not be visible from public vantage points and that the proposed trellises would not have an appearance of '*permanence*' and would read as a '*non-structural/non-permanent addition*'.
5. Secondly the appellant argues that the no.51 Pratt Street due to having a mono-pitch roof, would not be impacted by overbearing as there is no windows at no.51 abutting the terrace. The appellant also states that a 1.8 high trellis is not considered unduly high and that the '*trellis is considered a modest addition to the property and in the context of the three storey high building in which it sits, it is not considered unduly prominent.*' Additionally the appellant notes there is a 14m distance between main rear elevations of Pratt Street and St. Martins Close.
6. The appellant states that the planning officer failed to acknowledge the importance of private outdoor amenity space as a result of Covid 19 and that the planning officer failed to acknowledge that CPG allows for roof terraces.
7. The applicant states that the inspector could condition the screening to have artificial planting if there would be concerns with the trellis.

The Council's comments on the grounds of appeal

The Council does not accept the appellant's assertions for the following reasons. The Council will address each of the appellant's grounds for appeal in the order they are set out above.

1. The council agrees that the proposed terrace would not be visible from streetscene but the terrace would be visible from private vantage points of neighbouring properties. Furthermore the council disagree that the trellises would not have appear as a permeant structure, the trellises would remain in situ for amenity reasons and would surround the entire terrace. As a result the height, bulk and construction of the terrace it would be perceived as a bulky, incongruous addition (see below).



Proposed visuals showing the height of the trellises creating a box like addition to the rear of the property

2. The council disagrees with the appellant claim that the terrace would not give rise to unacceptable sense of enclosure or overbearing to neighbouring properties. The proposed terrace would be located at first floor level and would measure approximately 2.5m in depth and 2.5m in width along with 1.8m high trellis surrounding it, the terrace would be highly visible from the rear of neighbouring properties and in particular to no.47 and 52 Pratt Street and no. 10 and 11 St Martin Close resulting in an unacceptable sense of enclosure and an overbearing appearance. Although the main rear elevations between the appeal and rear properties along St Martins may be 14metres, the appellant is ignoring that neighbouring properties would be able to view the proposed terrace from windows of existing rear extensions and from rear gardens.
3. The council acknowledges the importance of outdoor amenity space for residents within the borough, this is highlighted within the Camden Local Plan 2017 and the councils CPGs. However, despite the importance of the outdoor amenity space, the proposed terrace due to its size, location and design would not be subservient and would result in a dominant addition. As stated previously, the council consider the principle of a terrace acceptable. The councils CPG are there to provide guidance to agents and home owners when designing a terrace. As highlighted in the appellant's precedents, the principle of a terrace is acceptable as long as the proposal complies with the council's policies.
4. Adding additional artificial planting to the proposed terrace would further add to the incongruous appearance of the proposed terrace harming the character and appearance of the host building and the wider terrace.

Delegated report

The full assessment is set out in the delegated report.

Other Matters

On the basis of information available and having regard to the entirety of the Council's submissions, including the content of this letter, the Inspector is respectfully requested to dismiss the appeal. In the event of the appeal being allowed the conditions provided below.

If any further clarification of the appeal submissions is required please do not hesitate to contact Enya Fogarty on the above direct dial number or email address.

Yours sincerely

Enya Fogarty
Planning officer
Regeneration and Planning

Proposed Conditions

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. The development hereby permitted shall be carried out in accordance with the following approved plans:

E 00; E 01; E 02; E 03; E 04; E 05; PE01; PE02; PE03; PE04; PE05; P01A; P02A; P03A; P04A; P05A and Supporting statement dated July 2021

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

3. The roof terrace hereby approved shall not be used or accessed, other than for emergency egress, until the trellis shown on P 02A; 03A; has been fully installed. The approved trellis shall thereafter be retained for the duration of the development.

Reason: In order to prevent unreasonable overlooking of neighbouring premises in accordance with policy A1 of the Camden Local Plan 2017.

