

# 4D PLANNING™

Chartered Town Planners & Architectural Technicians

## APPEAL UNDER SECTION 78 OF THE TOWN & COUNTRY PLANNING ACT 1990

Erection of wooden trellis to create a first floor terrace.

**Appeal by:** K. Charnley.

**Property Address:** 49 Pratt Street, London, NW1 0BJ.

**Planning Authority Ref:** 2021/3649/P.

**January 2022**

## **1.0 INTRODUCTION**

**1.1** This appeal statement is submitted on behalf of K. Charnley (the appellant) in respect of the refusal of planning permission by Camden Borough Council for development comprising the erection of a wooden trellis to create a first floor terrace at 49 Pratt Street, London, NW1 0BJ. The appellant has retained the services of 4D Planning to make this appeal.

**1.2** The application was validated by the Council on the 13<sup>th</sup> October 2021. The application was determined on the 17<sup>th</sup> December 2021.

**1.3** Planning permission was refused for the following two reasons:

*“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.”*

## **2.0 APPLICATION PROPERTY AND SURROUNDING AREA**

**2.1** The existing property is an upper storey flat in a three storey terrace property on the north side of Pratt Street. The flat in question (Flat B) has no private outdoor amenity space at present.

**2.2** The site is located within a residential area. There is variety in architectural form and style in buildings nearby.

**2.3** The property is not listed, nor is it located within a conservation area. The property is however locally listed.

## **3.0 PROPOSED DEVELOPMENT**

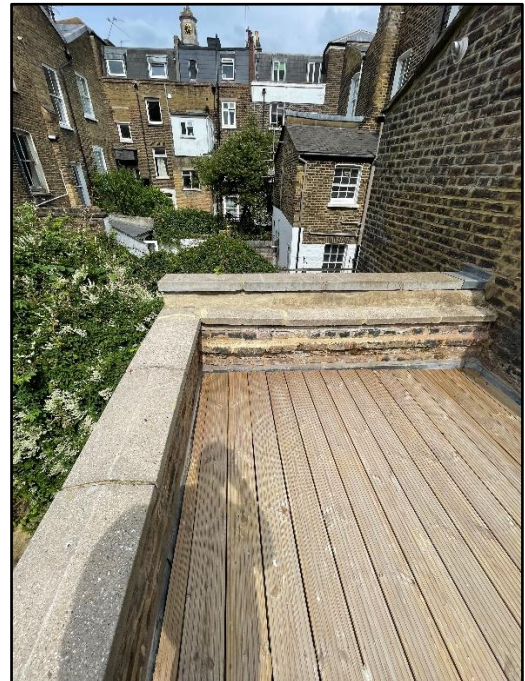
**3.1** It is simply proposed to form a terrace area on top of a flat roof of a rear projection. No new building work / footprint is proposed as the flat roof already exists.

**3.2** The terrace would have a usable area of just approx. 5.3m<sup>2</sup> barely enough to accommodate a small table and 1-2 chairs. It is proposed to bound the terrace area with 1.8m high wooden trellising. The works would facilitate much needed private outdoor amenity space where none exists at present.

**3.3** Covid-19 has reinforced the importance of outdoor residential spaces and the quality thereof. In initial Covid lock-downs many flat owners/residents effectively became house-bound with no convenient or safe access to outdoor space. Covid has emphasised the importance of having private outdoor spaces at properties, particularly flats, and it is considered that alterations to flats to facilitate amenity space should be viewed pragmatically and favourably by all local authorities. The applicant requires the flat roof for use as a terrace effectively through necessity (i.e. need for private outdoor space), from a strong desire to enhance quality of life in the flat.



*Figure 1 – Photo of single width door providing access to the flat roof.*



*Figure 2 – Photo of existing flat roof.*

#### **4.0 PLANNING HISTORY**

**4.1** According to Barnet Council's online planning records, planning permission was granted to convert the property into three flats in 2020 under planning application Ref. No. 2019/2804/P.

## **5.0 PLANNING POLICY**

### **Camden Local Plan (2017)**

**5.1** Core Strategy Policy C1 seeks to improve the health and well-being of residents in Camden. In addition, Policy H6 seeks to provide quality homes in the borough.

**5.2** *It is considered the proposed development complies with policies C1 and H6. The proposed works are modest in nature and would not involve any increase in built form or scale. There would be no adverse visual impact from the public realm. The terrace would significantly enhance the quality of living accommodation for the applicant, as at present the flat has no private outdoor amenity space.*

**5.3** Policies A1, D1 respectively relate to managing the impact of development, and design. Relevant policy requirements include:

- development will be granted unless the visual privacy and outlook of neighbouring properties is impacted.
- development will be granted permission unless it results in the loss of sunlight, daylight or overshadowing.
- development will be granted permission unless it results in unacceptable noise and vibration levels.
- development must respect local character and context.
- materials should be high quality and complement the host building and local character of the area as a whole.
- development should “incorporate outdoor amenity space.

*It is considered the proposed development is not at variance with these policies as:*

- *The trellis screen will ensure no adverse overlooking from the terrace.*
- *The terrace and trellis screens are within the confines of the existing building footprint and would not create any further overshadowing over and above what the existing building already creates.*
- *The terrace would not give rise to any noise / nuisance over and above what any rear garden would provide. We note other Planning Inspectorate precedent in assessing an appeal on a London property relating to a terrace:*

*“The Council’s refusal reasoning raises concerns about the ‘possibility’ of noise and disturbance to neighbouring occupiers. However, this is a residential area and a certain*

*amount of noise is therefore inevitable. No evidence has been adduced to suggest that future users of the terrace would generate unacceptable levels of noise”.*  
(Ref: APP/A5840/W/15/3129093).

- *The roof terrace will not be visible from Pratt Street and therefore will not undermine the publicly evident local context and character of the locally listed building or the area in general. There is significant variety along the rear elevation of the terrace within which the application property sits. There is variety in rear extensions, roof forms, outbuildings and rear curtilage surfacing and boundaries. Refer to figure 3 below.*
- *The wooden boundary trellis proposed is of simple appearance and construction. It is a material / feature to be found in abundance in the local area.*



*Figure 3 – Rear elevation of terrace within which No. 49 sits. Note variety in rear extensions, roof forms, outbuildings and rear curtilage surfacing and boundaries.*

## **Camden Housing CPG 1 (2018)**

**5.4** With regards terraces / balconies, this design guidance states:

*“Balconies and terraces can provide valuable amenity space for flats that would otherwise have little or no private exterior space...However, they can also cause nuisance to neighbours. The key to whether a design is acceptable is the degree to which the balcony or terrace complements the elevation upon which it is to be located. Consideration should therefore be given to the following:*

- *detailed design to reduce the impact on the existing elevation;*
- *careful choice of materials and colour to match the existing elevation;*
- *possible use of setbacks to minimise overlooking – a balcony need not necessarily cover the entire available roof space;*
- *possible use of screens or planting to prevent overlooking of habitable rooms or nearby gardens, without reducing daylight and sunlight or outlook; and*
- *need to avoid creating climbing opportunities for burglars”*

*With regards the above specific design criteria it is pointed out as follows:*

- *The terrace is of very modest size, to a rear elevation and on top of an existing rear projection. It would have minimal design impact.*
- *The wooden boundary trellis proposed is of simple appearance and construction. It is a material / feature to be found in abundance in the local area.*
- *Given the modest size of the area available, a set-back is not feasible and would make a terrace area unusable. Thus trellis screening is instead used to prevent overlooking.*
- *The development would not provide for any climbing opportunities.*

## **6.0 PRECEDENT**

**6.1** There are two local precedent cases of note in close proximity to the site. The first was for a front facing roof terrace approved at No. 51 Pratt Street (2017/5151/P2). This roof terrace is in a much higher and more prominent position compared to that which is proposed in this application.

**6.2** The second local precedent relates to a rear balcony at 9a St Martins Close just north west of the site (App Ref 2004/1287/P) which was approved as part of an application for a new build four storey home which included a third floor rear balcony. Like the roof terrace at 51 Pratt Street, this balcony is in a much higher and more prominent position compared to that which is proposed in this application.

**6.3** There are many terraces similar to that proposed in the wider vicinity. The existence of such terraces for which planning records may be unknown must be accepted and their effect on the character and appearance of the area taken into account. The Planning Inspectorate has taken such a view before (APP/Q5300/D/13/2209053 is one such example).

## **7.0 GROUND OF APPEAL & CONSIDERATION OF PLANNING ISSUES**

**7.1** It is sought to respond to each of the two reasons for refusal below.

**Refusal Reason 1 – alleged incongruous and dominant addition by reason of size, location and detailed design, resulting in harm to the character and appearance of the host building and wider terrace**

**7.2** It is strongly considered that this refusal reason is an over-zealous interpretation and application of relevant planning policy and guidance. The terrace would scarcely if at all be visible

from any public vantage point. As noted above, there is significant variety along the rear elevation of the terrace within which the application property sits in terms of rear extensions, roof forms, outbuildings and rear curtilage surfacing and boundaries. The trellising, like many garden boundaries, does not have an appearance of permanence to it and so it very much reads as a non structural / non-permanent addition to the host building and in this respect the architectural legibility of the host building is preserved as the trellis screening would not be perceived as permanent built form and something that conflicts with the design of the host property.

### **Refusal Reason 2 – alleged giving rise to unacceptable sense of enclosure and overbearing appearance by virtue of size and location**

**7.3** It is strongly considered this refusal reason does not stand up to scrutiny. To the eastern side the terrace abuts a mono-pitch roof to No. 51 Pratt Street and thus it cannot be claimed that there would be an enclosing or overbearing impact to this property and particularly given that there are no windows to No. 51 abutting the terrace.

To the western side the terrace abuts private amenity space for flats within the overall application building that is No. 49. Other occupants within No. 49 have not objected to the proposal. A 1.8m high trellis screen is not considered unduly high.

St. Martins Close is situated to the south of the site however it would be some 8m from the rear elevation of the nearest rear wall (to No's 8 and 10). 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. It would not break any skyline views nor would it unduly add to the existing sense of enclosure there is by virtue of the approx. 14m back to back separation distance between main rear elevations of Pratt Street and St. Martins Close.

**7.4** The report of the Planning Officer fails to give any acknowledgement to the heightened importance of private outdoor space in light of Covid 19, and this is an issue which will persist even if/when the pandemic passes. The report of the Planning Officer also fails to give due acknowledgement to the fact that the CPG expressly allows for roof terraces.

**7.5** Without prejudice to the above arguments, details on additional screening (including that of artificial planting should there be concerns with trellising) could be requested by way of condition to any grant of appeal, and the appellant is amenable to any such condition.

## **7.0 CONCLUSION**

**7.1** The proposed development is considered to be in compliance with the Camden Local Plan and relevant design guidance. The works are relatively minor in nature. It is in the interests of good planning and high quality living environments that residential accommodation is provided with private outdoor amenity space. This is especially the case in the context of Covid 19 which has firmly highlighted the importance of private usable outdoor spaces, and it is considered essential that flat owners have access to private outdoor amenity space, regardless of house type.

**7.2** The terrace would be the only means of private amenity space for the appellant.

**7.3** It is respectfully requested that the Planning Inspectorate grant permission for the proposed development. It is strongly considered that the two refusal reasons do not stand up to scrutiny.