

Flat 2 12 Kidderpore Gardens 2022/1767/P

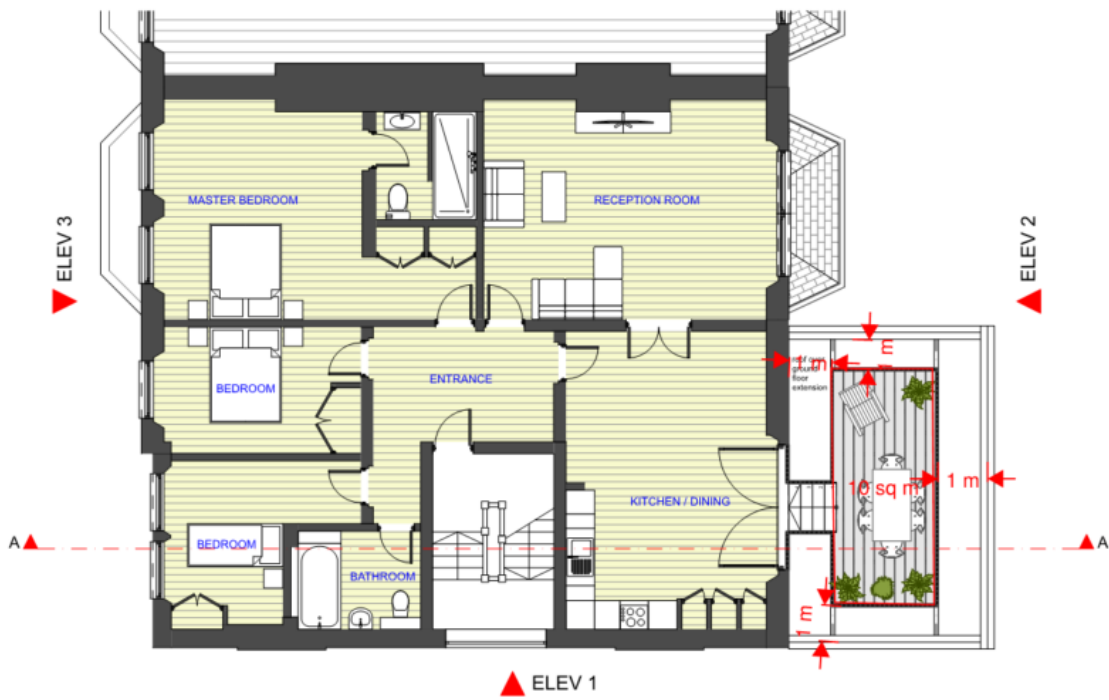


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Site Photos



1. Aerial view with site in red



PROPOSED FIRST FLOOR PLAN
SCALE @ A3_1:100

2. Proposed first floor plan



Revised proposal 3d view April 2021

3. 3d views of proposal

Delegated Report (Members Briefing)		Analysis sheet		Expiry Date:		20/06/2022	
		N/A		Consultation Expiry Date:		25/06/2022	
Officer				Application Number(s)			
Josh Lawlor				2022/1767/P			
Application Address				Drawing Numbers			
Flat 2 12 Kidderpore Gardens London NW3 7SR				See draft decision notice			
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature				
Proposal(s)							
Formation of a terrace above the existing ground floor rear extension with associated conversion of a window to French doors and installation of balustrading.							
Recommendation:		Grant conditional planning permission					
Application Type:		Full Planning Permission					
Conditions or Reasons for Refusal:		Refer to Draft Decision Notice					
Informatives:							
Consultations							
Summary of consultation:		Site notices were displayed near to the site on the 01/06/2022 (expiry 25/06/2022) The application was also publicised in the local press from 02/06/22 and expired 26/06/22.					
Adjoining Occupiers:		No. of responses	3	No. of objections	3		
Summary of consultation responses:		<p>21d Lindfield Gardens</p> <p>Inappropriate proposal in a conservation area and is not sympathetic to the character of the building.</p> <p>Flat 3, 12 Kidderpore Gardens</p> <ol style="list-style-type: none"> Loss of privacy from to upper windows and the surrounding gardens Noise and disturbance Not sympathetic to the character of the building. 					

4. Potentially impact the house's foundations and threaten the stability of the roof extension to Flat 1.
5. Recommend imposing the following conditions:
 - a) that no lighting be permitted on the proposed terrace
 - b) that its use is restricted to the hours of 9am to 9pm.

Flat 1 51 Hollycroft Avenue on behalf of Flat 1, 12 Kidderpore Gardens.

1. Windows to Flat 1 would be blocked
2. Views through the bay windows to Flat's 1 principal living area, Flat 1's balcony and rear garden
3. Increase noise pollution both internally and externally
4. Impact structural integrity of the roof and foundations
5. The proposed terrace is not sympathetic to the character of the building nor in keeping with the Conservation Area
6. Remove the possibility of adding skylights for flat 1

Officer Response: Please refer to the Design and Amenity sections of this report. Further comments are made in relation to the above points-

- The terrace would not afford views into the dormer windows of the host building.
- The balustrading would not obstruct windows into the ground floor flat.
- The noise spillage from the terrace is expected to be minimal as the terrace is of a modest scale and is serving a domestic property.
- It would be used infrequently as an outdoor amenity space. The impact on the structural stability of the roof is not a planning matter.
- The potential to prevent the installation of a skylight is not relevant to the assessment.
- The conditions recommended above are not necessary to make the development acceptable.
- It is not expected that the terrace would impact the building's foundations or the stability of the roof. These are building regulations issues and are not relevant.
- There would not be any additional light spillage associated with the use of the terrace and conditions limiting hours of use are no necessary.

**Redington and
Frognaal Association
objection to the
application**

While the pre-application advice appears to have considered the visual impact of constructing the first-floor terrace, it does not appear to have considered the intrusion to neighbouring habitable rooms in terms of noise and disturbance.

Neighbouring occupier's privacy would be substituted by what would effectively be an outdoor room during fine weather.

New outdoor room adjoining kitchen-diner



Revised proposal plan April 2022

The loss of amenity occasioned to adjoining occupiers is very clear from the drawing below which forms part of the design and access statement.



Revised proposal 3d view April 2021

Terrace. In particular, the proposed extension would cause intrusion and noise to habitable rooms at Flats 1 and 3.

Officer Response: Please refer to the design and amenity sections of the report.

Hampstead CAAC commented on the application

1. Overlooking issues; concerns are raised regarding overlooking issues; which may be harmful to the neighbouring properties.
2. Noise nuisance; concerns are raised regarding noise nuisance that may be harmful to the neighbouring properties.
3. Increased Light pollution; concerns are raised regarding increased light pollution generated by new French doors; that may be harmful to the neighbouring properties.

Officer's response: Light pollution would not change as the size of the openings are not being altered significantly. Please refer to the design and amenity section of the report for a full response.

Site Description

The property is a three story semi-detached building. The building has been converted into three flats and the pre-application inquiry relates to the first floor flat. The building has a ground floor rear extension. The site is located within the Redington and Frognal Conservation area and Redington and Frognal Neighbourhood Plan Area. It is identified within the Conservation Area statement as making a positive contribution to the character and appearance of the conservation area.

Relevant History

No. 14

Ref. PW9902849 Formation of roof terrace at rear first floor level Granted 17/01/2000.

Flat B No 6

Ref. Replacement of 1st floor rear window with a door, and the erection of a steel balustrade and timber trellis panels around existing flat roof at 1st floor level, in connection with its use as a roof terrace. 2004/2564/P dated 20/08/2004.

Relevant policies

National Planning Policy Framework (2021)

The London Plan (2021)

Camden Local Plan 2017

- Policy D1 Design
- Policy D2 Heritage
- Policy A1 Managing the impact from development

Redington and Frognal Neighbourhood Plan 2021

- Policy SD 2 Redington Frognal Conservation Area
- Policy SD 4 Redington Frognal Character

Camden Planning Guidance (CPG)

Home improvements - January 2021

Amenity – January 2021

Redington and Frognal Conservation Area statement (March 2001)

Assessment

1. The proposal

- 1.1. Planning permission is sought for a terrace over the existing ground floor extension. It would serve a three bedroom flat on the first floor. It would be inset from all sides of the roof by 1m by a 1.1m high metal balustrade. It would have an area of 10 sqm.

2. Assessment

- 2.1. The principal considerations material to the determination of this application are as follows:
- The visual impact upon the character and appearance of the host property, streetscene, local area (Design and Heritage)
 - The impacts caused upon the residential amenities of any neighbouring occupier (Residential Amenity)

3. Design

- 3.1. The Council's design policies are aimed at achieving the highest standard of design in all developments. The following considerations contained within policy D1 are relevant to the application: development should respect local context and character; comprise details and materials that are of high quality and complement the local character; and respond to natural features. Policy D2 seeks to preserve and, where appropriate, enhance Camden's rich and diverse heritage assets and their settings, including conservation areas.
- 3.2. Policy D1 requires high quality development which respects local context and character. Policy D2 requires development within conservation areas to either preserve or enhance the character and setting of conservation areas.
- 3.3. CPG Home Improvements 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.' The guidance also states that railings and balustrades should be set behind the existing parapet height.
- 3.4. It is noted that the adjoining property (no. 14) which makes up the second of the semi-detached pair of buildings was granted planning permission for a roof terrace at first floor level under Ref, PW9902849 granted 17/01/2000. Flat B No 6 has also received planning permission for the formation of a terrace at this level under Ref. 2004/2564/P dated 20/08/2004. However, this terrace was approved to span half the width of the flat roof but appears to have been expanded to cover the entire roof.
- 3.5. The proposed balustrading is 1.1m high which is the minimum required by building regulations. This low height has a minimal visual impact on the existing rear extension and host building. The balustrade is a traditional black metal. The terrace is located to the rear of the property and would not be visible from the street. The principle of the terrace is acceptable in terms of impact on the character and appearance of the conservation area. The formation of multi-pane timber French doors from the first-floor window is acceptable.

4. Residential Amenity

4.1. Policy A1 seeks to protect the quality of life of occupiers and neighbours by only granting permission for development that would not harm the amenity of residents. This includes factors such as privacy, outlook, implications to natural light, artificial light spill, as well as impacts caused from the construction phase of development. Policy A4 seeks to ensure that residents are not adversely impacted upon by virtue of noise or vibrations.

4.2. The terrace would not lead to direct views towards neighbouring habitable rooms. It may be possible to stand at the sides of the terrace and look back towards neighbouring first-floor windows. However, any views would be minimal as the terrace is inset by 1m on each side. It is also noted that this is unlikely to happen as users would face outwards towards the rear garden and the seating is placed in the middle of the terrace. There would not be a significant loss of surrounding amenities as a result of the proposed works. The overlooking towards the neighbouring gardens, including the ground floor is acceptable as overlooking from the windows is already established. The light and noise spillage associated with a terrace of this 10sqm scale would be minimal. It is not possible to have direct views into the flats above and below of the terrace.

5. Recommendation

Grant conditional Planning Permission

The decision to refer an application to Planning Committee lies with the Director of Regeneration and Planning. Following the Members' Briefing panel on Monday the 1st of August 2021, nominated members will advise whether they consider this application should be reported to the Planning Committee. For further information, please go to www.camden.gov.uk and search for 'Members Briefing'.

Application ref: 2022/1767/P
Contact: Josh Lawlor
Tel: 020 7974 2337
Email: Josh.Lawlor@camden.gov.uk
Date: 20 July 2022

Development Management
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Phone: 020 7974 4444

planning@camden.gov.uk
www.camden.gov.uk

KSdesign
4 Dover Close
Clacton on Sea
Essex
CO15 1XF

DRAFT

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Full Planning Permission Granted

Address:

Flat 2

12 Kidderpore Gardens

London

NW3 7SR

DECISION

Proposal:

Formation of a terrace above the existing ground floor rear extension with associated conversion of a window to French doors and installation of balustrading.

Drawing Nos: 20, 21, 30, 31, 40, 50.

The Council has considered your application and decided to grant permission subject to the following condition(s):

Condition(s) and Reason(s):

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans 20, 21, 30, 31, 40, 50.

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

- 2 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).

- 3 All new external work shall be carried out in materials that resemble, as closely as possible, in colour and texture those of the existing building, unless otherwise specified in the approved application.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policy D1 and D2 of the London Borough of Camden Local Plan 2017.

Informative(s):

- 1 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts that cover aspects including fire and emergency escape, access and facilities for people with disabilities and sound insulation between dwellings. You are advised to consult the Council's Building Control Service, Camden Town Hall, Judd St, Kings Cross, London NW1 2QS (tel: 020-7974 6941).
- 2 This approval does not authorise the use of the public highway. Any requirement to use the public highway, such as for hoardings, temporary road closures and suspension of parking bays, will be subject to approval of relevant licence from the Council's Streetworks Authorisations & Compliance Team, 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No 020 7974 4444). Licences and authorisations need to be sought in advance of proposed works. Where development is subject to a Construction Management Plan (through a requirement in a S106 agreement), no licence or authorisation will be granted until the Construction Management Plan is approved by the Council.
- 3 All works should be conducted in accordance with the Camden Minimum Requirements - a copy is available on the Council's website (search for 'Camden Minimum Requirements' at www.camden.gov.uk) or contact the Council's Noise and Licensing Enforcement Team, 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No. 020 7974 4444)

Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You must secure the approval of the Council's Noise and Licensing Enforcement Team prior to undertaking such activities outside these hours.

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraph 38 of the National Planning Policy Framework 2021.

You can find advice about your rights of appeal at:

<http://www.planningportal.gov.uk/planning/appeals/guidance/guidancecontent>

Yours faithfully

Chief Planning Officer

DRAFT

DECISION