

# Enforcement Delegated Report

Receipt Date:

Officer

Jennifer Watson

Enforcement Case Number(s)

EN20/0657

Breach Address

3 Agar Place  
London  
NW1 0RG

Photo & Other Material



Authorised Officer Signature

Date



01/02/2022

**Without planning permission the erection of a glass balustrade to enable the use of the first floor flat roof as a terrace.**

**Recommendation:**

That the Borough Solicitor be instructed to issue an Enforcement Notice under Section 172 of the Town & Country Planning Act 1990 as amended to secure the removal of the erection of glass balustrade to enable the use of the first floor flat roof as a terrace and to pursue any legal action necessary to secure compliance. Officers be authorised in the event of non-compliance to prosecute under section 179 or appropriate power and/or take direct action under 178 in order to secure the cessation of the breach of planning control.

**Priority:**

**C**

**Site Description**

The site comprises a two-storey terrace located on the southern side of Agar Grove, surrounded mostly by residential but also office use. The breach of planning control relates to the erection of a glass balustrade at the property to create a roof terrace. The building is not listed, nor is it located in a conservation area.

**Relevant Planning History**

Erection of a single storey rear infill extension, installation of 2 x front and 2 x rear rooflights.

## Investigation History

17/08/2020: Complaint received from neighbouring resident.

13/10/2020: Subject site visited by Planning Site Inspector; breach of planning control confirmed.

06/10/2020: First warning letters sent to the freeholder, leaseholder and occupier. No response received.

13/01/2021: Email sent to leaseholder. No response received.

14/10/202: Email sent to leaseholder. No response received.

## Relevant policies

### National Planning Policy Framework 2018

#### London Borough of Camden Local Plan (2017)

A1 – Managing the Impact of Development

D1 – Design

#### Camden Planning Guidance: Design (2019)

CP

## Breaches:

A glass balustrade has been installed at the first floor roof the property, enabling its use as a terrace, accessed from the living room window. Evidence has not been provided to show the flat roof was previously used as formal amenity space. The creation of the balustrade formalises the use of the roof as amenity space. Planning permission has not been granted for the construction of this structure or for the use of the roof as a terrace.

Complaints in the wider area demonstrate the harm caused to neighbours amenity.

## Assessment:

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 consider the character, setting, context and the form and scale of neighbouring buildings, and the quality of materials to be used.

Without exception, the structure in question is the only one of its kind on the entire terrace of buildings comprising 3 Agar Grove. All of the surrounding buildings retain their original architectural traits and are considered to make a key contribution to the character of the area. The addition is highly visible from the street below and from the main road.

The installation of the structure is wholly inappropriate in terms of materials; the introduction of a modern glass balustrade is out of character with this building. The unauthorised structure lacks the integrity and detail of residences on Agar Grove and the wider area.

Although balconies and roof terraces can provide amenity space for flats that would otherwise have little or no exterior space, they also have the potential to increase opportunities for overlooking. The roof terrace abuts neighbouring properties at 56 and 58 St Pancras Way, affording a direct view into residents' windows, resulting in a considerable level of overlooking.

Due to concerns relating to overlooking, in addition to the incongruous visual clutter to the host property and streetscape, the development is not considered to enhance or preserve the appearance of the host property, neighbouring properties or wider area. Given the harm caused by the glass balustrade, the service of an enforcement notice is recommended.

**Recommendation:**

That the Borough Solicitor be instructed to issue an Enforcement Notice under Section 172 of the Town & Country Planning Act 1990 as amended to secure the removal of the erection of glass balustrade to enable the use of the first floor flat roof as a terrace and to pursue any legal action necessary to secure compliance. Officers be authorised in the event of non-compliance to prosecute under section 179 or appropriate power and/or take direct action under 178 in order to secure the cessation of the breach of planning control.

**The Enforcement Notice shall allege the following breaches of planning control:**

The unauthorised erection of a glass balustrade to enable the use of the first floor flat roof as a formal terrace.

**The Notice shall require the following:**

The Enforcement Notice shall require that within a period of three calendar months of the Notice taking effect;

1. Completely remove the glass balustrade from the first floor flat roof of the building and make good any resulting damage;
2. Remove any resultant debris from the premises as a result of the above works.

**Reasons why the Council considers it expedient to issue the Enforcement Notice:**

The erection of the glass balustrade on the first floor roof of the property to enable the use of the flat roof as a formal roof terrace, by reason of its location, scale and proximity to neighbouring properties has a detrimental impact on the amenity of neighbouring properties at 56 and 58 St Pancras Way, contrary to policy A1 of the Council's Local Plan (2017).

The erection of the glass balustrade on the first floor roof by reason of its location, scale and materials, has a detrimental impact on the character and appearance of the building, the integrity of the terrace of which it forms part and the wider area, contrary to policy D1 of the Council's Local Plan adopted (2017).

The unauthorised and inappropriate changes made to the first floor of the property at 3 Agar Grove have taken place within the last four years.