

Delegated Report		Analysis sheet		Expiry Date:		22/04/2022			
		N/A		Consultation Expiry Date:		02/09/2022			
Officer				Application Number(s)					
Edward Hodgson				2022/0330/P					
Application Address				Drawing Numbers					
Flat 1st And 2nd Floor 87 Constantine Road London NW3 2LP				See draft decision notice					
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature						
Proposal(s)									
Erection of second floor rear extension with roof terrace, installation of doors at rear first floor and doors and Juliet balcony at second floor level, erection of dormer to rear roof slope with photovoltaic cell panels above and installation of photovoltaic cell panels to front roof slope.									
Recommendation(s):		Refuse planning permission							
Application Type:		Full Planning Application							
Informatives:									
Consultations									
Adjoining Occupiers:		No. of responses		00		No. of objections		00	
Summary of consultation responses:		<p>A site notice was displayed 02/03/2022 which expired 26/03/2022. Press notice was published 03/03/2022 which expired 27/03/2022.</p> <p>The Mansfield Conservation Area Advisory Committee were consulted however no responses were received.</p> <p>The Hampstead Neighbourhood Forum were consulted however no responses were received.</p>							

Site Description

The application site is located on the north side of Constantine Road. It is a three-storey terraced Victorian property that has been divided into two flats, this application relates to the top floor flat set over the first and second floor. The building was constructed in red brick with a slate roof.

The site lies within the Mansfield Conservation Area and Hampstead Neighbourhood Plan Area. The building is not listed.

Relevant History

Application Site:

2021/1829/PRE - Single storey infill and ground floor rear extensions, with terrace above to incorporate rear staircase. Third floor rear extension with terrace on top, changes to rear elevation and rear dormer, PV panels to front roofslope, to Flat 2 - Maisonette. Air-conditioning units with heat pumps for both flats.

Pre-app Advice Given – 28/06/2021

E9/2/10/18654 - The conversion of No. 87, Constantine Road, Hampstead, into a self-contained flat and a self-contained maisonette. **Granted – 17/02/1954**

35 Constantine Road:

2003/3111/P - Retention of a full width, full roof height rear dormer. **Refused and Warning of Enforcement action – 17/02/2004.**

Reasons for Refusal:

Reason 1:

The proposed full width, full roof height rear dormer, by reason of its size and bulk, would be detrimental to character and amenity of the Mansfield Conservation Area and is contrary to policies EN19, EN23 AND EN31 of the London Borough of Camden Local Plan Unitary Development Plan 2000.

APP/X5210/A/04/1146451 – Appeal for application 2003/3111/P – **Dismissed – 27/10/2004**

Reason for Dismissal:

The rear dormer has a boxy appearance and relates poorly to the remainder of the building and is widely visible from dwellings and public views and does not preserve or enhance the character and appearance of the conservation area and does not accord with policy EN31.

Relevant policies

National Planning Policy Framework 2021

The London Plan 2021

Camden Local Plan 2017

D1 - Design

D2 – Heritage

A1 – Managing the impact of development

CC1 – Climate change mitigation

Hampstead Neighbourhood Plan 2018

DH1 – Design

DH2 – Conservation Areas and Listed Buildings

Mansfield Conservation Area Appraisal and Management Strategy 2008
Para. Roof Alterations and Extensions

Assessment

1.0 Proposal

- 1.1 Planning permission is sought for alterations to the rear elevation by 'squaring off' the existing rear projection by extending it at second floor level and to create a roof terrace on its roof, new double doors at second and first floor level, a new Juliet balcony at second floor level, the erection of a rear dormer, and the installation of photovoltaic cells on the front roofslope and on top of the proposed dormer. The dormer would be full width measuring 6m wide and 2.8m high and would extend to the eaves of the existing roof, but would be set back from the roof ridge by 0.2m. The parapet walls would be raised in order to accommodate the dormer. A roof terrace is proposed above the rear projection with a glazed balustrade. The dormer would have glazed doors in order to access the terrace. Pitched photovoltaic cells measuring 4m wide would be installed on the dormer. Photovoltaic cells measuring 3.2m wide and 3.8m deep are proposed on the front roofslope.
- 1.2 Revisions: Revisions were submitted with alterations made to the rear dormer. These alterations involved setting the dormer back from the party walls by 0.5m and therefore the dormer would measure 4.8m wide. The dormer would reach the eaves. The revisions were submitted following advice from planning and conservation officers who raised concerns over the size of the dormer and suggested it should be setback from the parapets and eaves. The revised plans were however still deemed unacceptable as they did not fully address the concerns.

2.0 Design and Heritage

- 2.1 Local Plan policy D1 (Design) states that the Council will seek to secure high quality design in development. The Council will require that development: a. respects local context and character; b. preserves or enhances the historic environment and heritage assets in accordance with policy D2 (Heritage). Local Plan policy D2 states that The Council will preserve and, where appropriate, enhance Camden's rich and diverse heritage assets and their settings. Policy DH1 (design) of the Hampstead Neighbourhood Plan states that proposals should demonstrate how they respect and enhance the character and local context of the relevant character areas by ensuring that design is sympathetic to established building lines, responding positively and sympathetically to the existing rhythm, proportion, height, scale, massing, materials and storey heights. Policy DH2 (conservation areas and listed buildings) states that applications must have regard to the guidelines in the relevant Conservation Area Appraisals, and that they should preserve or enhance buildings that make a positive contribution to the conservation area.
- 2.2 CPG Home Improvements 2021 states that dormers should sit within the roof slope and appear as an extension so that the existing roof form is maintained. They should be subordinate in size and maintain even distances from the roof margins. The materials should complement the main building and wider townscape.
- 2.3 The Mansfield Conservation Area Appraisal and Management Strategy states the conservation area retains its clearly visible historic rooflines which are important to preserve, and fundamental

changes to the roofline, including intrusive dormers, can harm the historic character of the roofscape. The roofline is considered to be of significance to the conservation area.

- 2.6 There are examples of existing dormers along the north side of Constantine Road including at nos. 85, 83, 77, 95 and 97. A prevailing feature of these dormers is that they are significantly set back from the eaves and read as being subordinate additions to the roofs.
- 2.7 Although the roofline is not unimpaired, the historic roofline is still apparent and the proposed dormer would not follow the pattern of neighbouring dormers and thus would be out of character with surrounding properties. This would represent a change to the roofline and thus would alter the character of the roofscape in this area. It would neither preserve nor enhance the character and appearance of the roofscape in the conservation area. The dormer would be visible from dwellings and public views from the rear of the application site.
- 2.8 The revised dormer, although not full width as previously proposed, would still extend to the eaves of the roofslope and is considered to be a bulky and over dominant feature. It does not read as sitting within the roofslope and thus significantly alters the original rear roofslope and does not maintain the existing roof form. The proposed roof terrace would add further bulk and clutter. The dormer would not be evenly distanced from the roof margins. It does not read as being subordinate to the original roof and relates poorly to the appearance of the host property and is therefore considered to be a bulky addition that would harm the appearance and character of the rear elevation and thus the host property. The proposals involve an excessive amount of glazing, including the Juliet balcony, and the use of aluminium frames, both of which are considered to be non-traditional materials and therefore would be out of keeping with the character of the conservation area. Pre-application advice raised concerns over the size of the dormer and stated that a dormer of this mass would not be supported at application stage (please refer to planning history). This assessment of the dormer and materials is supported by a member of the Council's Conservation Team.
- 2.9 The photovoltaic cells on the front roofslope would be out of keeping with the largely unimpaired front roofline along the terrace and are deemed unacceptable in conservation terms. The photovoltaic cells would cause harm to the conservation area. That less than substantial harm is not outweighed by the public benefit of delivering renewable energy to this private property, particularly in view of the fact that cells could be sited elsewhere.
- 2.10 A similar application at 35 Constantine Road for a full roof height dormer was refused and subsequently dismissed at appeal on the grounds of it being bulky and relating poorly to the host property (please refer to relevant planning history).
- 2.11 The 'squaring off' of the existing rear projection would be considered acceptable and would be in keeping with the appearance of rear elevations along this portion of the terrace.
- 2.12 Given the above assessment, the proposal would serve to cause undue harm to the character and appearance of the host property, as well as harming the roofscape and surrounding conservation area. The planning history of the site has been taken into account when reaching this decision.
- 2.13 Considerable importance and weight has been attached to the harm and special attention has been paid to the desirability of preserving or enhancing the character or appearance of the conservation area, under s.72 of the Listed Buildings and Conservation Areas Act 1990 as amended by the Enterprise and Regulatory Reform Act 2013.

- 2.14 The proposal is thereby considered to constitute 'less than substantial harm' to the host building, with limited public benefits derived from the scheme which would outweigh such harm. The proposal is therefore considered to be contrary to Section 16 of the NPPF (2021) which seeks to preserve and enhance heritage assets.
- 2.15 The proposed rear dormer, roof terrace and fenestration changes as well as the photovoltaic cells on the front roofslope, by reason of their location, size, design and materials would result in unsympathetic and bulky additions creating visual clutter that would be detrimental to the character and appearance of the host building, the streetscene and the Mansfield Conservation Area, contrary to policies D1 (Design) and D2 (Heritage) of the London Borough of Camden Local Plan 2017 and policies DH1 and DH2 of the Hampstead Neighbourhood Plan 2018.

3. Impact on neighbours

- 3.1 Policy A1 seeks to ensure that the amenity of neighbouring properties is protected. It states that planning permission will not be granted for development that causes harm to the amenity of occupiers and neighbours in terms of loss of daylight, sunlight, outlook and privacy. Policy DH1 of the Hampstead Neighbourhood Plan states that proposals should protect the amenity and privacy of neighbours.
- 3.2 The proposed rear dormer and photovoltaic cells would not cause significant amenity impacts to neighbouring occupiers. The proposed roof terrace and Juliet balcony would introduce additional opportunities for overlooking into neighbouring gardens. This would not have an adverse impact on the privacy of neighbouring occupiers given the distance from the roof terrace and the fact there is existing mutual overlooking from windows onto gardens. The roof terrace would introduce new opportunities for overlooking into the existing rear dormer at number 85. The terrace area would be designed with a path and observation area at the rear. Standing on the path and observation area would provide a clear line of sight into the existing dormer at no. 85 and would significantly impact on the privacy of the neighbouring occupier. The proposed terrace would therefore be contrary to policy A1 of the Camden Local Plan 2017 and DH1 of the Hampstead Neighbourhood Plan 2018.
- 3.3 The proposed roof terrace at second floor level, by virtue of its location, layout and relationship to neighbouring properties, would allow for direct overlooking into windows of 85 Constantine Road to the detriment of the amenity of its occupiers, contrary to policy A1 (Managing the impact of development) of the London Borough of Camden Local Plan 2017 and policy DH1 (design) of the Hampstead Neighbourhood Plan 2018.

4. Sustainability

- 4.1. Policy CC1 of the Camden Local Plan 2017 states that the Council will support and encourage sensitive energy efficiency improvements to existing buildings. The proposed photovoltaic cells on the front roofslope would not be a sensitive addition to the property as they would bring harm to the character and appearance of the conservation area. They would therefore be contrary to policies D1 and D2 of the Camden Local Plan 2017. The photovoltaic cells on the rear dormer would be considered acceptable and they would be more sensitively located and have a less visual impact on the host building and conservation area.

5. Recommendation Refuse planning permission