

2022/2692/P - 14 Flat B, Boscastle Road



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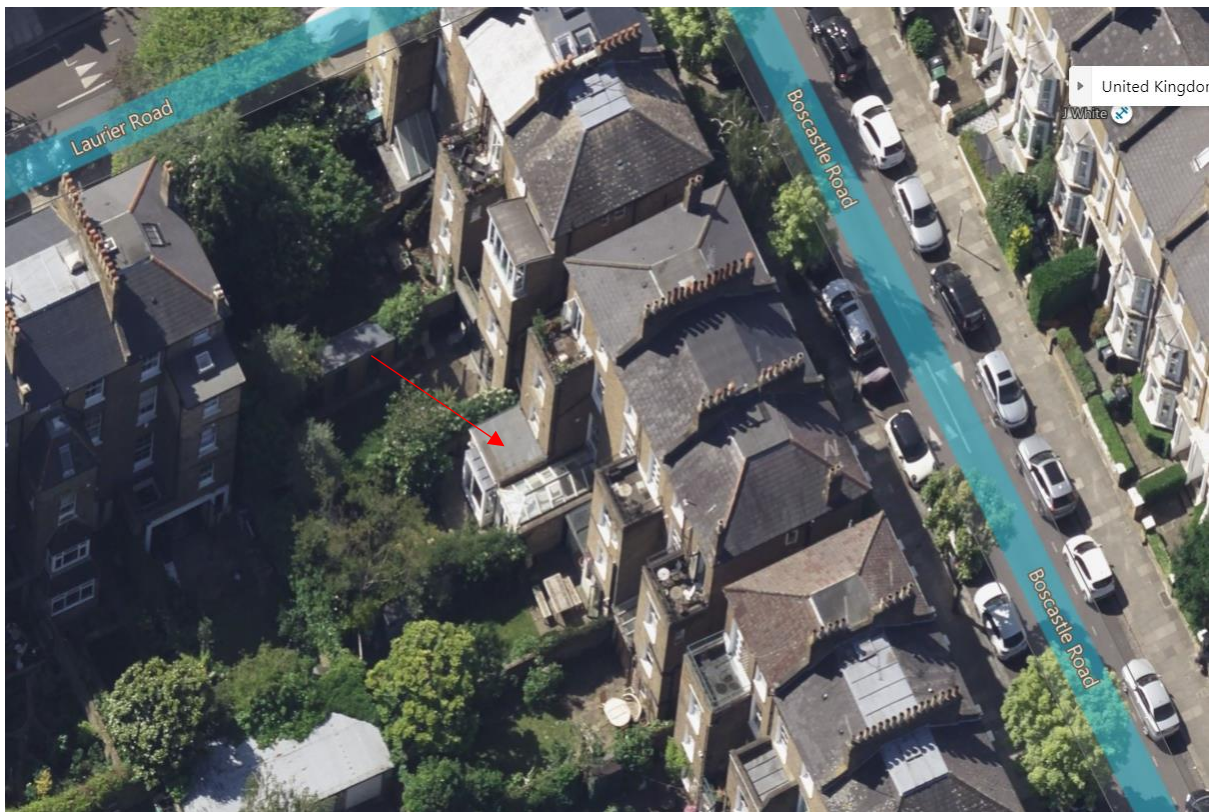


Photo 1 (above): Aerial view of rear of property (Google)



Photo 2 (above): Aerial view of rear of property (Bing)

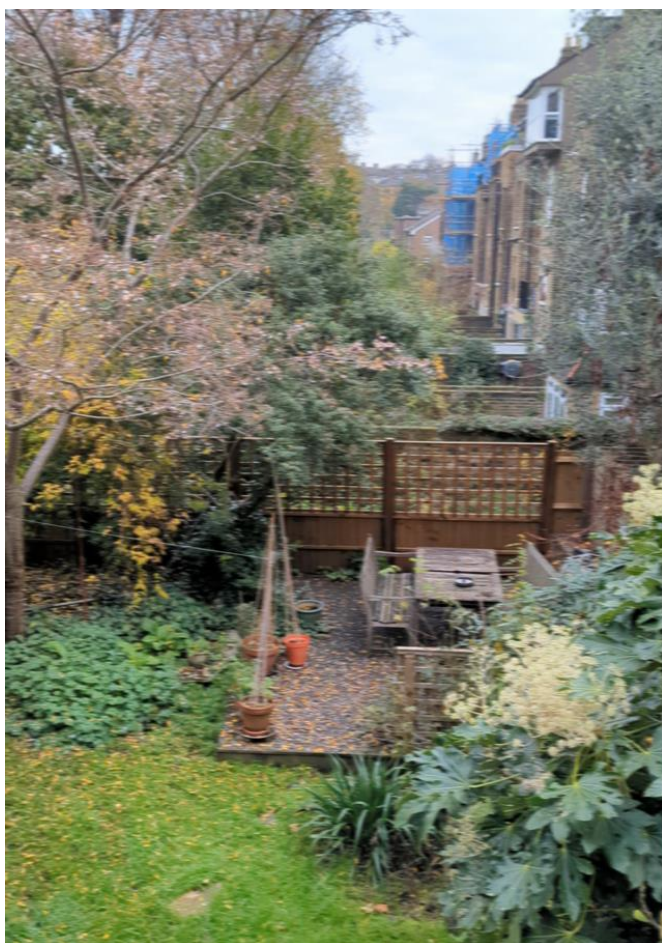


Photo 3 (above): View to rear garden from existing flat roof



Photo 4 (above): View from flat roof looking north-west towards neighbouring No 16



Photo 5 (above, left): View from flat roof looking back towards rear elevation of host property and that of neighbouring No 16. Photo 6 (above, right): View from flat roof looking back at rear elevation of neighbouring No 10.



Photo 7 (above, left): View from edge of flat roof looking east down into garden of neighbouring No 10.

Delegated Report (Members Briefing)		Analysis sheet		Expiry Date:		18/08/2022	
		N/A		Consultation Expiry Date:		28/08/2022	
Officer				Application Number(s)			
Miriam Baptist				2022/2692/P			
Application Address				Drawing Numbers			
Flat B, 14 Boscastle Road London NW5 1EG				Please refer to Draft Decision Notice			
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature				
Proposal(s)							
Creation of terrace on flat roof, replacement of existing window with door.							
Recommendation(s):		Grant planning permission					
Application Type:		Full Planning Application					
Conditions or Reasons for Refusal:		Refer to Draft Decision Notice					
Informatives:							
Consultations							
Adjoining Occupiers:				No. of responses	00	No. of objections	00
Summary of consultation responses:		<p>A site notice was displayed from 29/07/2022 until 22/08/2022 and a press notice from 04/08/2022 until 28/08/2022.</p> <p>No consultation responses were received.</p>					
Dartmouth Park CAAC:		<p>The Dartmouth Park CAAC objected on the following ground:</p> <p>General concern about such terraces because of the impact of overlooking on neighbours. This is a large terrace which, without further evidence to the contrary, would have a harmful impact on neighbouring properties.</p> <p>Officer's response:</p> <p><i>Please see report below, particularly sections 2.2 and 4.0.</i></p>					

Site Description

The application site is a residential, three-storey, end-of terrace property within a terrace of 3 similar properties. The property has been divided into 3 flats. The site lies on the north-eastern side of Boscastle Road. The surrounding area is primarily residential in nature. The building is not listed but lies within the Dartmouth Park Conservation Area and is identified as a positive contributor.

Relevant History

Application site

8903295 - To erect a conservatory and a single storey extension at rear to form a bedroom on the ground floor level. – **Granted on 31/08/1989.**

2004/2825/P - The erection of a conservatory and single storey rear extension. – **Granted on 25/08/2004.**

2004/4349/P - Application for a Certificate of Lawfulness for a proposed development to change the design of the roof of conservatory from a lean-to to an apex. - **Lawful Development Certificate issued on 24/12/2004.**

2017/5063/P - Erection of single storey rear extension and reinstatement of side facing window at lower ground floor level. - **Granted on 31/10/2017.**

Nearby sites

1 Boscastle Road - 2017/2223/P - Erection of mansard roof extension and installation of balustrade at roof level; replacement of existing two storey rear extension with single storey extension with terrace above; single storey side infill extension between existing detached garage and main house; removal of side extension; and other external alterations. - **Granted on 31/08/2017.**

19B Boscastle Road - 2013/2807/P - Creation of a new rear roof terrace and replacement of window with door at second floor level of existing maisonette (Class C3). - **Granted on 13/08/2013.**

16 Boscastle Road - 2006/0493/P - Erection of single storey rear infill extension at lower ground floor level and installation of metal railings to flat roof at rear second floor level to allow use as a roof terrace. All to single dwelling house (Class C3). - **Granted on 27/03/2006.**

Relevant policies

National Planning Policy Framework (2021)

The London Plan (2021)

Camden Local Plan (2017)

- A1 Managing the impact of development
- D1 Design
- D2 Heritage

Camden Planning Guidance (2021)

- CPG Amenity
- CPG Design
- CPG Home Improvements

Dartmouth Park Conservation Area Appraisal (2009)

1.0 Proposal

- 1.1 The application seeks permission for the use of a section of the flat roof of the rear ground floor extension to flat A at 14 Boscastle Road which. Works include replacement of existing window with a door, balustrade to the terrace and the erection of two trellises on either side. The terrace would be 2m wide and 1m deep. The terrace would serve the first floor flat (Flat B) which does not benefit from any outdoor space.
- 1.2 The proposed roof terrace would cover approximately 2sqm of the flat roof which has a total area of 9.8sqm.

2.0 Considerations

- 2.1 Key planning issues to be considered are as follows:

- Design & Heritage
- Neighbouring Amenity

2.2 **Revisions:** During the course of the application the applicant submitted revised drawings significantly reducing the size of the terrace. The original proposal was for the terrace to cover the whole flat roof, at 9.8sqm, whereas the revised proposal is significantly set back from roof edges and now only covers a small area, 2sqm. The terrace is now set away from the roof edge closest to No 16 by 0.4m, set away from the roof edge closest to No 10 by 0.9m and set away from the rear edge of the flat roof by 2.1m. The drawings were also revised once more to move the trellises from the roof edges to up against the balustrades to mitigate their impact on neighbours.

3.0 Design & Heritage

- 3.1 Local Plan policy D1 seeks to achieve high quality design in all developments. Policy D1 requires development to be of the highest architectural and urban design quality, which improves the function, appearance and character of the area. Through Local Plan policy D2, the Council will seek to preserve and, where appropriate, enhance Camden's conservation areas.
- 3.2 The Dartmouth Park Conservation Area Appraisal outlines 'inappropriate roof terraces and fencing' as negative features which harm the conservation area in general. There is no further articulation of the characteristics of an inappropriate terrace, but it is assumed that scale, materials and the level of overlooking are likely to be key factors.
- 3.3 There is an existing pattern of roof terraces along the rear of the terrace, however these are sited at a higher level, third floor, on the flat roofs of rear outriggers. The majority of these have traditional, black, metal balustrades, and some also use wooden trellises with planting for increased privacy.
- 3.4 The proposed terrace structure has been designed to give the applicant outdoor space while minimising its impact and visual bulk on the flat roof. The revised proposal is set back on the roof and is modest in width and depth and remains close to the rear façade of the flat it serves.
- 3.5 In terms of materiality, the door proposed would be white painted timber and glazing. The balustrade would be traditional, black, metal, vertical railings, complemented by wooden trellises on its two sides to reduce the sense of exposure and overlooking, and to encourage additional greenery. The materials selected are considered appropriate for a roof terrace within a conservation area and are considered to complement the host property and character of the wider surrounding area. The alignment of the new roof terrace with those above at third floor level, in terms of materiality, means that the development blends into the local vernacular, diminishing any negative impact.

3.6 The roof terrace and associated works are considered to respect and preserve the existing property and its appearance. 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 (ERR) 2013. Overall, the proposal is not considered harmful to the character or appearance of the host building, street scene or the South Hampstead Conservation Area.

4.0 Neighbour Amenity

4.1 Local plan policy A1 seeks to protect the amenity of residents by ensuring the impact of development is fully considered. The quality of life of occupiers and neighbours are protected by only granting permission for development that would not harm their amenity. This includes factors such as loss of outlook, loss of light and privacy.

4.2 The scale and detailed design of the structure is not considered to result in any material harm to neighbour's amenity in terms of loss of light or outlook.

4.3 The gardens to the rear of the terrace are overlooked already by the established pattern of third floor roof terraces and subsequently a level of mutual overlooking already exists between properties. While the original design would have increased the level of overlooking to neighbours substantially as it extended to the edges of the flat roof, the scheme has been significantly paired back and is now considered modest and sensitive to neighbouring amenity. The small area of the terrace, setbacks from roof edges and the two trellises providing screening are all amendments which will protect the amenity of neighbours and minimise the impact of the terrace. A condition has been added to the permission to ensure trellises are installed before use of the terrace, and maintained in perpetuity.

4.4 It is noted there is a glass conservatory style roof to the flat below, adjacent to the roof terrace, which is already directly overlooked by the bedroom window of Flat B. The terrace has been set back to not increase overlooking to this roof, and a 1.7m wooden trellis would also be erected to obscure the view and sense of exposure.

4.5 Overall, the proposed development is not considered to lead to a significant impact upon the amenities of any neighbouring resident. The development is thus considered to be in accordance with Local Plan policy A1.

5.0 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 6th February 2023, 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: 2022/2692/P
Contact: Miriam Baptist
Tel: 020 7974 8147
Email: Miriam.Baptist@camden.gov.uk
Date: 2 February 2023

Development Management
Regeneration and Planning
London Borough of Camden
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Judd Street
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Phone: 020 7974 4444

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www.camden.gov.uk

ARQIS Studio Ltd
86-90 Paul Street
London
EC2A 4NE

DRAFT

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Full Planning Permission Granted

Address:

Flat B
14 Boscastle Road
London
NW5 1EG

DECISION

Proposal:

Creation of terrace over existing flat roof, replacement of existing window with door.

Drawing Nos: BRB-001, BRB-002, BRB-003, BRB-004 rev F, BRB-005 rev H.

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 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: BRB-001, BRB-002, BRB-003, BRB-004 rev F, BRB-005 rev H.

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

- 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.

- 4 The 1.7 metre high trellises on either side of the roof terrace hereby approved shall be installed prior to first use of the terrace and thereafter retained in perpetuity.

Reason: In order to prevent unreasonable overlooking of neighbouring premises in accordance with policy A1 of the 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:

[https://www.gov.uk/appeal-planning-decision.](https://www.gov.uk/appeal-planning-decision)

Yours faithfully

Chief Planning Officer

DRAFT

DECISION