

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 28 November 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved Abbey Road	
Subject of Report	47 Springfield Road, London, NW8 0QJ		
Proposal	Replacement of rear first floor window with a glazed door and erection of new privacy screen on first floor level flat roof at boundary with No.51 Springfield Road in connection with the use of the roof as a terrace.		
Agent	CH Architects LLP		
On behalf of	Mr & Mrs Milazzo		
Registered Number	17/04445/FULL	Date amended/ completed	19 May 2017
Date Application Received	19 May 2017		
Historic Building Grade	Unlisted		
Conservation Area	St John's Wood		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

The application site comprises a detached three storey single dwellinghouse located on the south side of Springfield Road. The building is unlisted, but is located within the St. John's Wood Conservation Area.

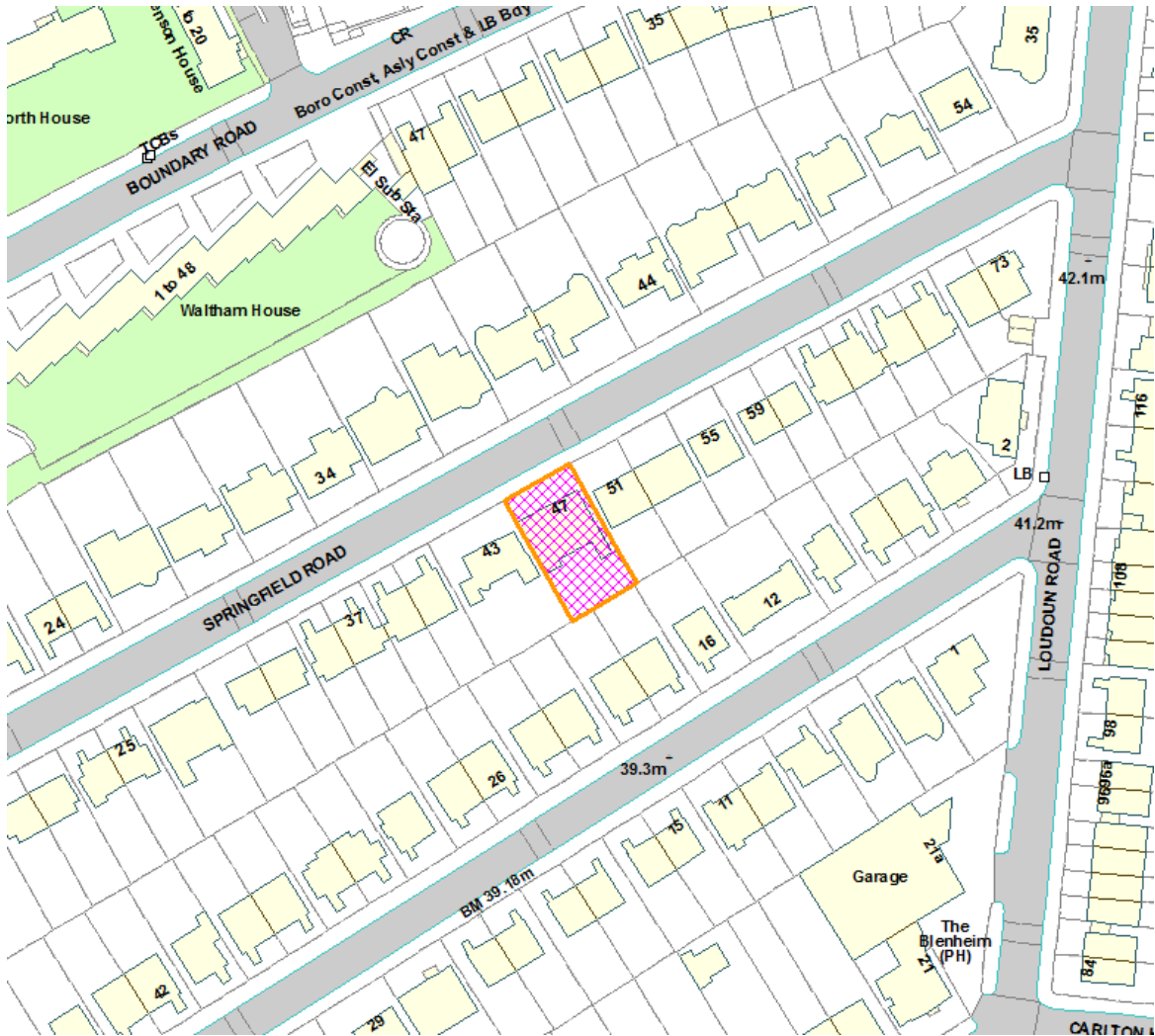
Planning permission is sought for the replacement of a rear first floor window with a glazed door and erection of new privacy screen on first floor level flat roof at boundary with No.51 Springfield Road in connection with the use of the roof as a terrace. The scheme has been amended during the course of the application to include the provision of the privacy screen. The scheme has been reconsulted on following this revision and the consultation responses are summarised in Section 5 of this report.

The key issues in this case are:

- The impact of the proposals on the appearance of the building and the character and appearance of the St. John's Wood Conservation Area.
- The impact on the amenity of neighbouring residents.

For the reasons set out in this report, including an amending condition to increase reduce the permeability of the proposed privacy screen at the boundary with No.51 Springfield Road, the proposals are considered to be acceptable in design and amenity terms and would accord with Policies DES1, DES6, DES9 and ENV13 in the Unitary Development Plan (UDP) adopted in January 2007 and Policies S25, S28 and S29 in Westminster's City Plan (the City Plan) adopted in November 2016. As such the proposals are recommended for conditional approval.

3. LOCATION PLAN



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4. PHOTOGRAPHS



Rear elevation prior to erection of conservatory approved earlier in 2017 (top) and existing railings and trellis around first floor flat roof in context with No.51 (bottom).



Views from on flat roof showing the existing trellis and railings.



View over existing terrace towards No.51 Springfield Road (top) and view from rear garden of No.51 Springfield Road towards boundary with 47 Springfield Road (bottom).

5. CONSULTATIONS

5.1 Consultation on Initially Submitted Scheme (with no privacy screen) – June 2017

ST JOHN'S WOOD SOCIETY

Object to the use of the flat roof as a terrace as it will result in an unacceptable loss of privacy for neighbours

ADJOINING OWNERS/ OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 5.

Total No. of replies: 3.

No. of objections: 3.

No. in support: 0.

Three emails received raising objection on all or some of the following grounds:

- Proposal is 'monstrous'.
- Loss of privacy/ increased overlooking to windows and garden of No.51.
- Overshadowing of garden.
- Noise and disturbance.
- Flat roof was built as such and not to be used as a terrace.
- Case officer should visit both properties to assess the impact.

PRESS ADVERTISEMENT/ SITE NOTICE: Yes

5.2 Consultation on Revised Scheme (with privacy screen proposed at boundary with No.51) – July 2017

ST JOHN'S WOOD SOCIETY

Objection to use of the flat roof as a terrace as the proposal will cause noise disturbance, loss of amenity and overlooking issues for neighbours.

ADJOINING OWNERS/ OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted 8.

Total No. Of replies: 2.

No of objections: 2.

No. in support: 0.

Two emails received raising objection on all or some of the following grounds:

- Privacy screen will restrict light to terrace and garden of No.51.
- Location of screen on west side of garden of No.51 will maximise the impact in terms of sunlight loss.
- Overlooking, particularly to ground floor windows and garden of No.51.
- Proposal will be an eye-sore.
- The roof has not been used as a terrace for decades and this should remain the case.
- Trellis does not overcome previous concerns.

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site comprises a detached three storey single dwellinghouse located on the south side of Springfield Road. The building is unlisted, but is located within the St. John's Wood Conservation Area. The property has an existing single storey flat roof extension to the rear at ground floor level which projects 4.8m from the main rear elevation of the building.

6.2 Recent Relevant History

17/07628/FULL

Excavation of a basement below rear conservatory and patio.
Application Permitted 20 October 2017

17/05112/FULL

Excavation of a basement below rear conservatory and patio.
Application Refused 4 August 2017

17/04190/FULL

Erection of a side extension at first floor level.
Application Refused 6 July 2017

17/01307/FULL

Erection of single storey glazed extension at rear ground floor level.
Application Permitted 12 April 2017

93/00435/FULL

Demolition and rebuilding of small rear extension.
Application withdrawn 29 March 1983

93/00436/CAC

Demolition and rebuilding of small rear extension.
Application Permitted 24 March 1993

92/05235/FULL

Alterations including installation of 3 dormer windows to front roof slope and enlargement of window at rear, raising height of rear extension. One dormer window to side roof slope.
Application permitted 18 November 1992

7. THE PROPOSAL

Planning permission is sought for the replacement of a first floor window in the rear elevation with a glazed door to provide access to the flat roof of the single storey rear extension. The flat roof is already paved and enclosed by black metal railings, which are to be retained, and a timber trellis along the eastern edge of the roof at the boundary with No.51. Following revision of the proposal during the course of the application, rather than

being omitted entirely, the existing trellis is now to be replaced by a new privacy screen/ trellis (1.8m in height) with an associated low level planter.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The proposed development does not raise any considerations in land use terms as use of the roof of the dwellinghouse for sitting out is a purpose incidental to the enjoyment of the lawful use of the property as a dwellinghouse. The application therefore does not propose a material change of use of the first floor roof of the building.

8.2 Townscape and Design

The application property is a three storey detached building of Neo-Georgian design. The lowering of the sill of the window to form a door and the planters proposed on the first floor flat roof would be located largely below the existing roof edge parapet and as such, these elements of the scheme would not detract from the appearance of the building or the character or appearance of the St. John's Wood Conservation Area. It should be noted that the lowering of the existing window sill to form a door is likely to be permitted development by virtue of Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and that if the planters are freestanding, they would not constitute development requiring planning permission.

The proposed timber trellis would replace an existing trellis in a similar location along the eastern edge of the flat roof. Whilst the proposed trellis would be higher than existing, given it would be located to the rear and would only be visible in a limited number of private views within the conservation area, it is not considered that it would harm the appearance of the building or the character or appearance of the St. John's Wood Conservation Area.

Therefore in the context of the preceding paragraphs, the proposals are considered to be acceptable in design terms and in accordance with Policies DES 1, DES 5, DES 6 and DES 9 of the UDP and Policies S25 and S28 in the City Plan.

8.3 Residential Amenity

Whilst the proposed trellis would be readily appreciable from the rear garden, balcony and windows of No.51 Springfield Road, the increase in height proposed would not lead to a material loss of daylight or sunlight given its height and location relative to the neighbouring windows and amenity spaces. The rear windows of No.51 Springfield Road would also not be significantly enclosed by the trellis given its distance from the windows and as they would retain an uninterrupted outlook to the rear.

The key consideration in this case is the impact of the proposals on the amenity of neighbouring residents, principally the occupiers of No.51 Springfield Road. As noted in Section 8.1, the use of the roof of a dwellinghouse for sitting out on is one that is incidental to the lawful use of the building as such and therefore permission could not reasonably be

withheld on the basis that the use of the roof for this purpose is likely to intensify as a result of the door and new privacy screen/ trellis that are proposed.

The flat roof is already paved and enclosed by railings and an existing trellis. Although there are no records to indicate that permission was granted for the existing railings and trellis, they appear from on-site inspection to be well in excess of 4 years old and are therefore likely to be lawful through the passage of time. It is noted also that the objectors do not identify these structures as being recent additions to the flat roof. Therefore, given the presence of existing fall protection to the perimeter of the roof, the full extent of the roof can already be safely used for sitting out on without the need for planning permission.

In this context, the provision of a new privacy screen to the eastern edge of the flat roof has the potential to materially improve the privacy of neighbouring occupiers at No.51 Springfield Road. However, the trellis proposed would be ineffective as a privacy screen given that its very open design places reliance on the climber planting within the associated planters, which falls outside of planning control, to obscure views towards No.51 Springfield Road. To remedy this and deliver an effective privacy screen at the boundary with No.51, a condition is recommended requiring the design of the privacy screen to be amended to be less permeable and have greater solidity. Subject to this condition, it is considered that the application is acceptable in privacy terms given that the roof can already be used for sitting out on without the need for planning permission.

Given the distance of the flat roof from other neighbouring properties, the proposals would not have any adverse impacts on the amenity of other neighbouring occupiers.

In summary the proposals are considered to be acceptable in amenity terms and the amenity grounds for objection raised by objectors and the St. John's Wood Society cannot be supported as the scheme would accord with Policy ENV13 in the UDP and Policy S29 in the City Plan for the reasons set out in this section of the report.

8.4 Transportation/Parking

Not applicable.

8.5 Economic Considerations

No economic considerations are applicable for a development of this size.

8.6 Access

The proposals would not alter the existing access to this private dwellinghouse.

8.7 Other UDP/ Westminster Policy Considerations

None relevant.

8.8 London Plan

The application does not raise any strategic issues.

8.9 National Policy/ Guidance Considerations

The City Plan and UDP policies referred to in the consideration of this application are considered to be consistent with the NPPF unless stated otherwise.

8.10 Planning Obligations

Planning obligations are not relevant in the determination of this application.

8.11 Environmental Impact Assessment

The development does not require an Environmental Impact Assessment.

8.12 Other Issues

None relevant.

9. BACKGROUND PAPERS

1. Application form.
2. Emails from the St. John's Wood Society dated 19 June 2017 and 24 July 2017.
3. Email from the occupier of 51 Springfield Road dated 4 June 2017 and 23 July 2017.
4. Email from an occupier of 7 Denning Close dated 5 June 2017.
5. Email from an occupier of 7 Denning Close dated 6 June 2017 and 24 July 2017.

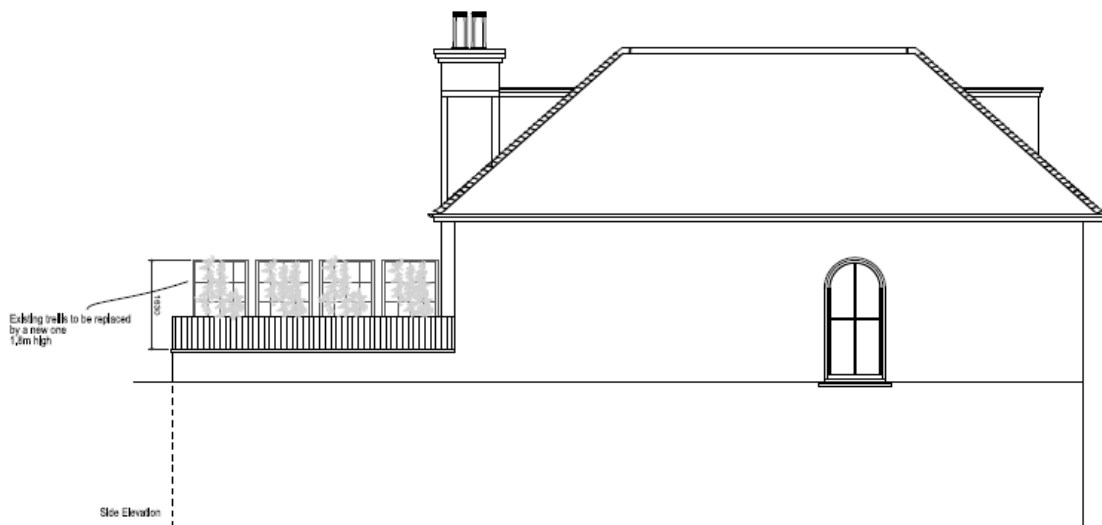
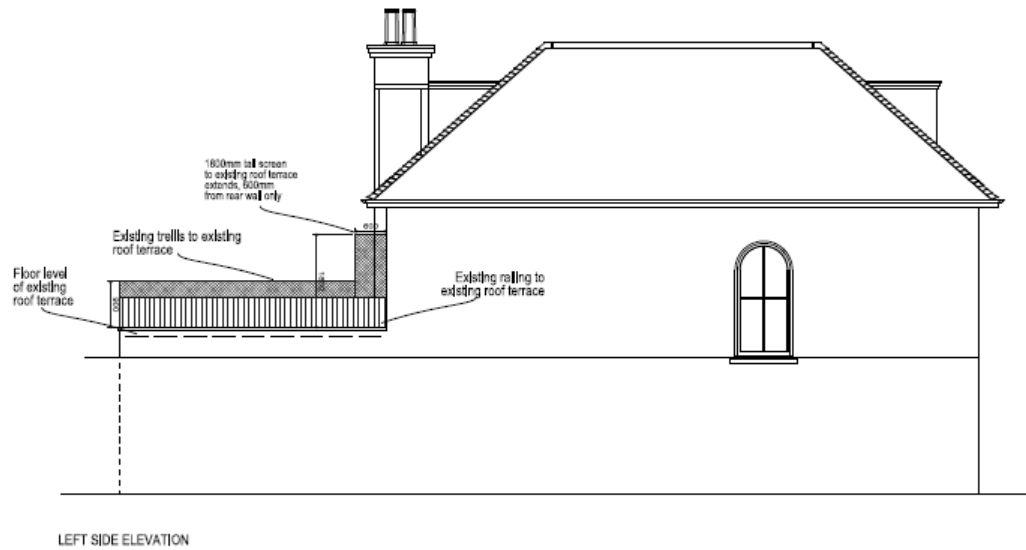
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: OLIVER GIBSON BY EMAIL AT ogibson@westminster.gov.uk.

10. KEY DRAWINGS



Proposed first floor plan (top) and proposed rear elevation (bottom).



Existing side elevation facing No.51 (top) and proposed side elevation facing No.51 (bottom).

DRAFT DECISION LETTER

Address: 47 Springfield Road, London, NW8 0QJ,

Proposal: Replacement of rear first floor window with a glazed door and erection of new privacy screen on first floor level flat roof at boundary with No.51 Springfield Road in connection with the use of the roof as a terrace.

Plan Nos: 362_00_001 Rev.A; 362_20_202 Rev.B; 262_20_220 Rev.B; 362_20_230 Rev.B; 362_20_240; 362_20_402 Rev.A; 362_20_420; 362_20_430; Design and Access Statement dated 19.05.17.

Case Officer: Avani Raven

Direct Tel. No. 020 7641 2857

Recommended Condition(s) and Reason(s) or Reason(s) for Refusal:

- 1 The development hereby permitted shall be carried out in accordance with the drawings and other documents listed on this decision letter, and any drawings approved subsequently by the City Council as local planning authority pursuant to any conditions on this decision letter.

Reason:

For the avoidance of doubt and in the interests of proper planning.

- 2 Except for piling, excavation and demolition work, you must carry out any building work which can be heard at the boundary of the site only:
 - o between 08.00 and 18.00 Monday to Friday;
 - o between 08.00 and 13.00 on Saturday; and
 - o not at all on Sundays, bank holidays and public holidays.

You must carry out piling, excavation and demolition work only:

- o between 08.00 and 18.00 Monday to Friday; and
- o not at all on Saturdays, Sundays, bank holidays and public holidays.

Noisy work must not take place outside these hours unless otherwise agreed through a Control of Pollution Act 1974 section 61 prior consent in special circumstances (for example, to meet police traffic restrictions, in an emergency or in the interests of public safety). (C11AB)

Reason:

To protect the environment of neighbouring occupiers. This is as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 3 All new work to the outside of the building must match existing original work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the drawings we have approved or are required by conditions to this permission. (C26AA)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the St. John's Wood Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 4 You must not put structures such as canopies, fences, loggias, trellises or satellite or radio antennae on the roof terrace. (C26NA)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the St. John's Wood Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 5 The door hereby approved shall be constructed in white painted timber and maintained in that material and finish.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the St John's Wood Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 6 You must apply to us for approval of detailed drawings showing the following alteration(s) to the scheme:

- Replacement of the trellis to the side elevation of the rear first floor roof terrace adjacent to No.51 Springfield Road with a timber screen of a less permeable detailed design.

You must not start on these parts of the work until we have approved what you have sent us. You must then carry out the work according to the approved drawings. Following its installation the privacy screen we approve pursuant to this condition must be permanently retained. (C26UB)

Reason:

To protect the privacy and environment of people in neighbouring properties. This is as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21BC)

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National

Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.

- 2 Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please phone our Highways Licensing Team on 020 7641 2560. (I35AA)

- 3 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, siteenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.