

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b> 31 July 2018	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> Regent's Park	
<b>Subject of Report</b>	<b>Flat 3, 12 Northwick Terrace, London, NW8 8JD</b>		
<b>Proposal</b>	Alterations to fenestration at rear first floor level and installation of balustrade to form roof terrace on rear of first floor flat roof.		
<b>Agent</b>	Transformation		
<b>On behalf of</b>	12 NORTHWICK TERRACE LTD		
<b>Registered Number</b>	18/03181/FULL	<b>Date amended/ completed</b>	19th April 2018
<b>Date Application Received</b>	19 April 2018		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	St. John's Wood		

## 1. RECOMMENDATION

Grant conditional permission.

## 2. SUMMARY

Planning permission sought for the formation of a roof terrace for Flat 3 on the top of part of the rear first floor level flat roof. Associated alterations are proposed to replace the existing rear windows with glazed doors. It is proposed to enclose the terrace with black metal balustrades.

Permission was previously refused on 20 September 2017 (RN: 17/06849/FULL) for two the creation of two larger terraces on the rear first floor flat roofs outside Flats 3 and 4. The previous application was refused on design and amenity grounds (see Section 6.2 and copy of previous decision letter and relevant drawings in the background papers).

The current application has attracted objection from four neighbouring occupiers and from the St. John's Wood Society. Objections have principally been raised on amenity grounds (see Section 5).

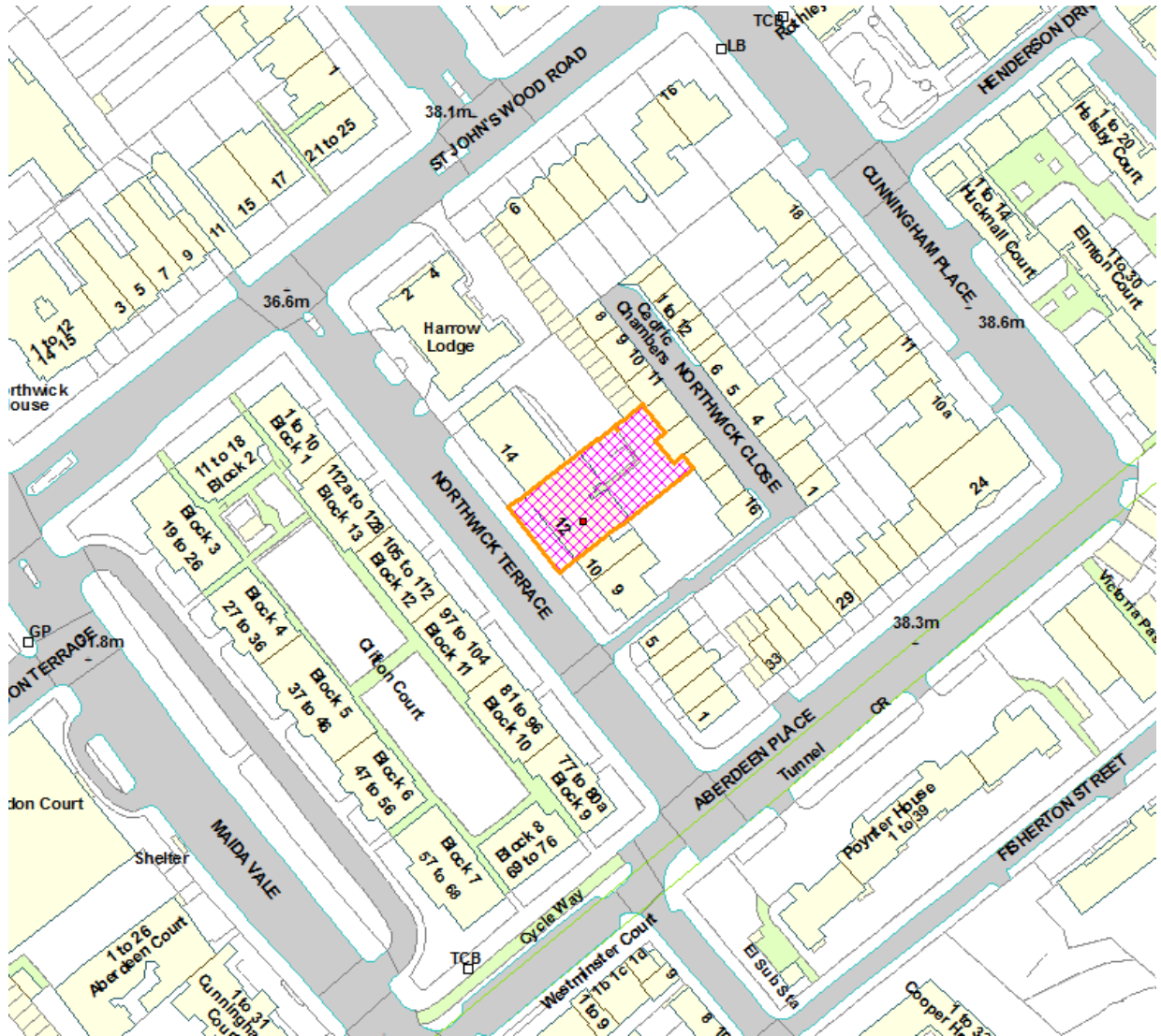
The key issues in this case are:

- The impact on the amenity of neighbouring residents, particularly in terms of overlooking and noise disturbance.

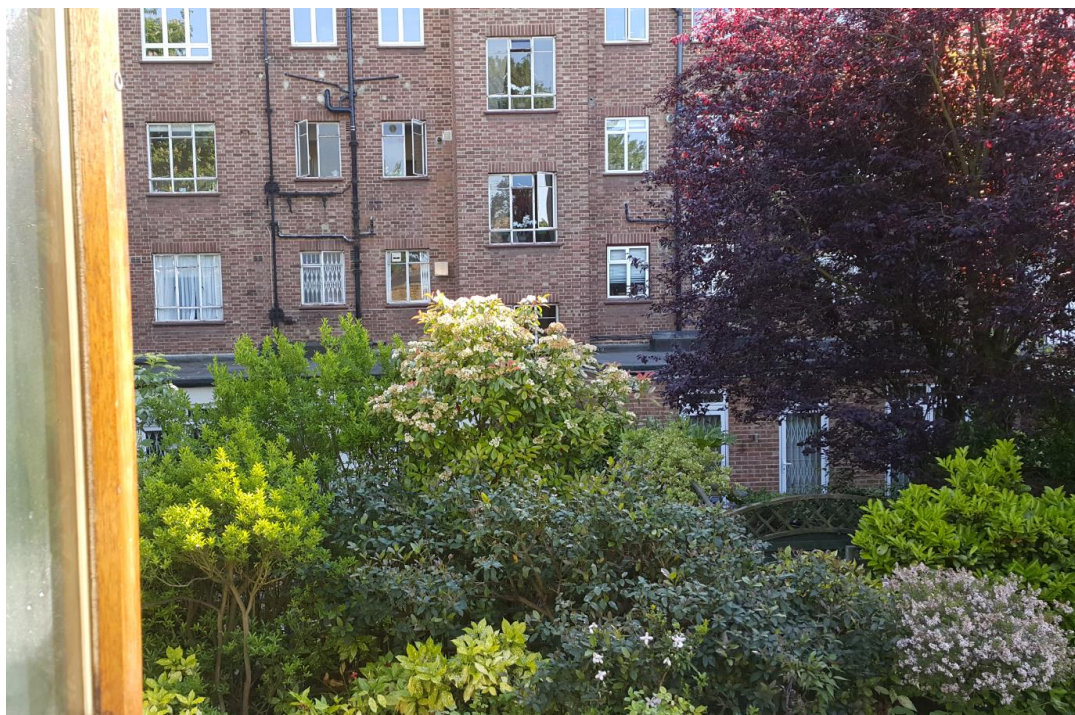
- The impact of the appearance of the building and character and appearance of the St. John's Wood Conservation Area.

The proposed roof terrace is considered to be acceptable for the detailed reasons set out in this report and would accord with the relevant policies in Westminster's City Plan adopted in November 2016 ('the City Plan') and the Unitary Development Plan adopted in January 2007 ('the UDP').

### 3. LOCATION PLAN



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**4. PHOTOGRAPHS**

Rear Elevation of Northwick Terrace and the existing flat roof as viewed from the first floor rear window of 13 Northwick Close (top) and existing flat roof as seen from the car park to the rear of Northwick Terrace (bottom).

## 5. CONSULTATIONS

### WARD COUNCILLORS (REGENT'S PARK)

Any response to be reported verbally.

### ST JOHN'S WOOD SOCIETY

Concerned about the possible loss of amenity for neighbours.

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 42.

Total No. of replies: 4.

No. of objections: 4.

No. in support: 0.

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

#### Design:

- Proposal would ruin the symmetry of the rear of the building.

#### Amenity:

- Loss of privacy as a result of overlooking of neighbouring windows and gardens.
- Noise disturbance from use of proposed terrace.

### PRESS ADVERTISEMENT/ SITE NOTICE

Yes.

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

The application site comprises a purpose built unlisted block of flats formed of ground and four upper stories, which is located in the St John's Wood Conservation Area. The application specifically relates to Flat 3, which is situated on the first floor of the building. The rear of Flat 3 looks out onto the flat roof of the ground floor flat below.

### 6.2 Recent Relevant History

#### 17/06849/FULL

Alterations to fenestration at rear first floor level and installation of balustrades to form roof terraces on rear first floor flat roofs for Flats 3 and 4.

Application Refused 20 September 2017

The above application was refused on the following grounds:

1. Because of their large scale, the erection of a large amount of balustrading the proposed terraces to flats 3 and 4 would harm the appearance of this building and fail to maintain or improve (preserve or enhance) the character and

appearance of the St John's Wood Conservation Area. This would not meet S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 5, DES 9 and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007.

2. The proposed roof terraces would lead to an unacceptable loss of privacy for the occupiers of Flat 1 and Flat 2, 12 Northwick Terrace due to overlooking from the terraces into their gardens. This would not meet S29 of Westminster's City Plan (November 2016) and ENV 13 of our Unitary Development Plan that we adopted in January 2007.

#### 17/01875/FULL

Erection of two single storey rear extensions at first floor level to enlarge Flats 3 and 4 and formation of a roof terrace for Flat 4 adjacent to the south eastern side boundary.  
Application Refused 22 June 2017

The above application was refused on three grounds, which were: (1) adverse impact on the appearance of the building and the character and appearance of the conservation area; (2) increased sense of enclosure to Flats 1 and 2, 10 Northwick Terrace, and: (3) increased overlooking and noise disturbance to Flat 2, 12 Northwick Terrace.

## **7. THE PROPOSAL**

The current application seeks permission for the formation of a terrace on part of the first floor flat over the existing extension to the ground floor flat below. The proposed terrace would be 1.2m deep and 7.4m wide. The proposed terrace would be enclosed by a metal balustrade and access to the terrace would be created by replacing two windows with glazed doors.

The current application follows the application for two larger roof terraces to the roofs of both ground floor rear extensions, which was refused on design and amenity grounds in September 2017 (see Section 6.2). The current proposal seeks to overcome the reasons for refusal of the previously refused application.

## **8. DETAILED CONSIDERATIONS**

### **8.1 Land Use**

The proposed development would not create any new residential floorspace, but would provide the application premises, Flat 3, with external amenity space. This would accord with Policy S29 in the City Plan, where it encourages residential development to provide well-designed, high quality living environments, both internally and externally. However, the provision of private amenity space must be assessed in terms of its impact on the appearance of the building and the character and appearance of the conservation area and the impact on the amenity of neighbours (see Sections 6.2 and 6.3).

### **8.2 Townscape and Design**

Alterations and extensions to buildings are permissible under UDP policy DES 5 where they do not visually dominate the existing building and its surroundings, where their design and scale is in keeping with the host building and where the materials proposed are in keeping with the host building.

The host building has been consciously designed as a block of flats, with the flats regularly arranged on each floor either side of a central stair core which is clearly articulated on the rear elevation. The building was originally designed with a sheer rear elevation; however, the existing ground floor extensions have already eroded this original design intention.

The roof terrace previously proposed to the southern side of the rear elevation in the scheme refused in September 2017 has been omitted and the size of the proposed terrace to the north side of the rear elevation serving Flat 3 has been significantly reduced so that it would project only 1.2m from the rear elevation. At this limited depth it would only project marginally beyond the projecting central bay containing the stair core and would be set back significantly behind the rear building line of the neighbouring residential block at No.14 Northwick Terrace. Given the significant degree to which the proposed terrace would be set back from the roof edge of the ground floor extension above which it would be located, it is not considered that it would visually dominate the existing building. Rather, the proposed terrace would be a discreet visual addition that would not be visible in public views is the St. John's Wood Conservation Area and would not be harmful in the limited number of private views from neighbouring properties in Northwick Terrace and Northwick Close. It is not considered that it would unbalance the arrangement of the rear elevation of the building to such a degree that permission could reasonably be withheld on that ground and therefore the objection raised on this design ground is not supported.

The use of black metal railings to enclose the terrace is considered to be appropriate and would be consistent with the balustrades found to terraces on neighbouring blocks, such as at No.14 Northwick Terrace.

Whilst the detailed design of the fenestration departs from the existing regular rhythm of the fenestration on the upper levels; given the width of the original window openings has been retained and the design of the doors is reflective of those found elsewhere on the building, it is not considered that the fenestration alterations would harm the appearance of the building and the character and appearance of the conservation area.

In conclusion, the proposals are acceptable in design terms and would accord with Policies DES1, DES5 and DES9 in the UDP and Policies S25 and S28 in the City Plan.

### **8.3 Residential Amenity**

The City Council seeks to protect residential amenity when assessing development proposals and in this regard Policy ENV13 in the UDP and Policy S29 in the City Plan are relevant. Policy ENV13(E) specifically states that the City Council will normally resist proposals which result in loss of natural light, whilst Policy ENV13(F) states that developments should not result in a significant increase in the sense of enclosure, overlooking or overshadowing.

The previously refused scheme for two roof terraces proposed the use of the whole depth of the roofs of the ground floor rear extensions as terraces (approximately 28m<sup>2</sup>). The current scheme proposes a single roof terrace above the northern ground floor rear extension with a much reduced area of 10m<sup>2</sup>, which would be set back approximately 2.6m from the edge of the roof. The set back from the edge of the roof would prevent significant overlooking to the gardens of the ground floor flats in No.12 Northwick Terrace (Flats 1 and 2). A condition is recommended to prevent the use of the remaining roof area, outside of the area to be enclosed by railings, as a terrace or for sitting out on.

The proposed terrace would be approximately 18m away from the rear elevation of the properties in Northwick Close. At this distance, and given the small size of the terrace, it is not considered to give rise to a significant increase in overlooking to these neighbouring properties. Furthermore, during summer months when the terrace is most likely to be in regular use, the views towards Northwick Close are partially screened by tree canopies.

The location of the proposed terrace between the flank walls of the stair core and the neighbouring block at No.14 Northwick Terrace would prevent overlooking to neighbouring windows and terraces to the rear of No.14 Northwick Terrace.

The dropping of sill levels of the existing windows to form full height doors would not materially increase overlooking from within the application flat towards neighbouring properties.

Given the proposed terrace would be enclosed by open railings located a significant distance from neighbouring windows, it would have no adverse impact in terms of loss of light or increased sense of enclosure.

Concerns have been raised on grounds of noise disturbance as a result of the use of the proposed terrace. There are other examples of terraces of similar limited projection to the rear of this terrace, including immediately adjacent at No.14. Given this, and as the terrace would be of sufficiently limited size so as to prevent its use by larger groups of people, it is not considered that it would give rise to such significant noise disturbance so as to reasonably warrant withholding permission. Additionally, it is noted that the scheme refused in September 2017 for two larger terraces to the rear of the building was not refused on noise disturbance grounds.

For the reasons set out in this section and subject to the recommended condition, it is not considered that the objections raised on amenity grounds can be supported and the proposed terrace would accord with Policies ENV6 and ENV13 in the UDP and S29 and S32 in the City Plan.

#### **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 access to the site remain as existing from Northwick Terrace.

**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**

This application is of insufficient scale to require the submission of an environmental impact assessment.

**8.12 Other Issues**

None relevant.

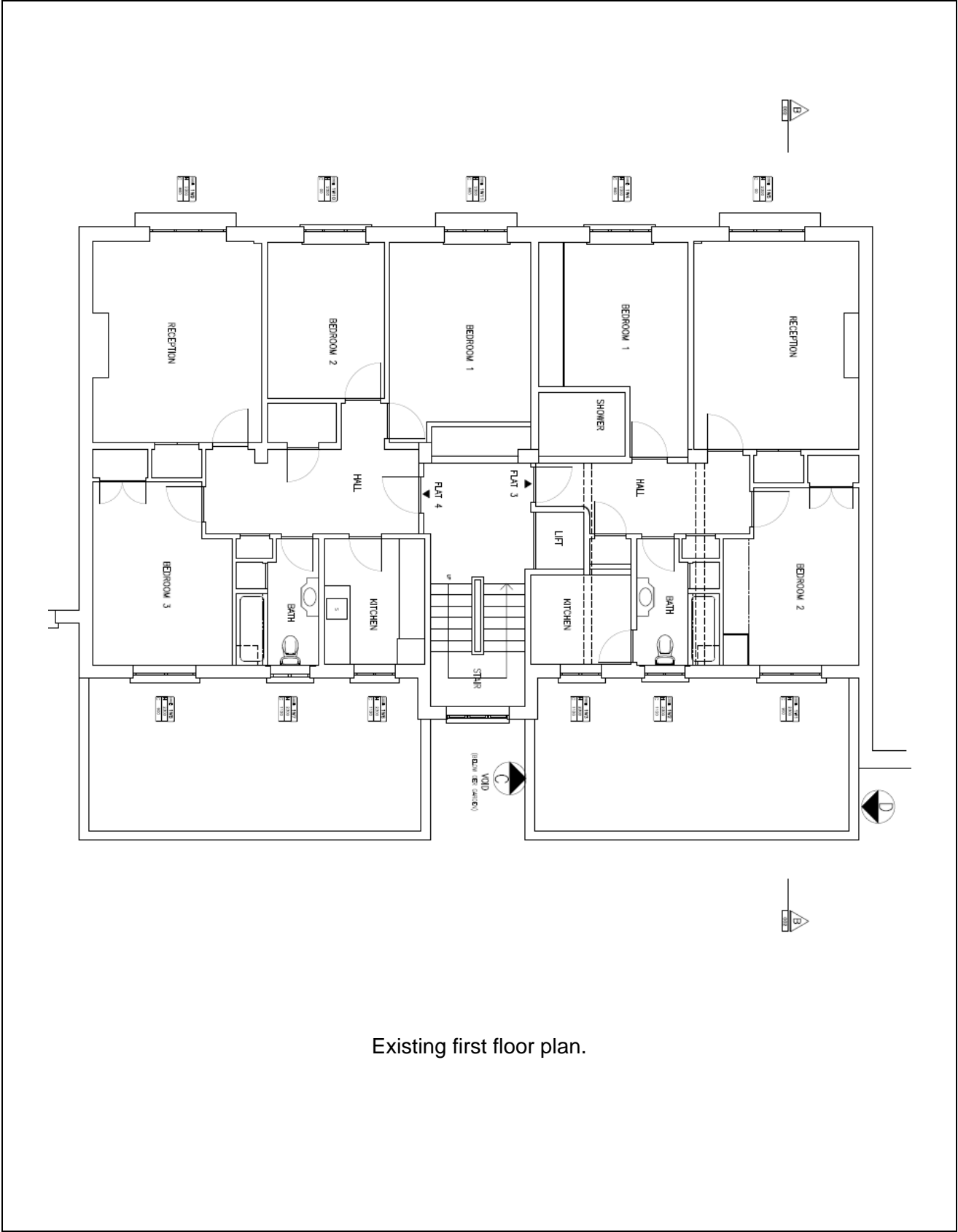
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

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

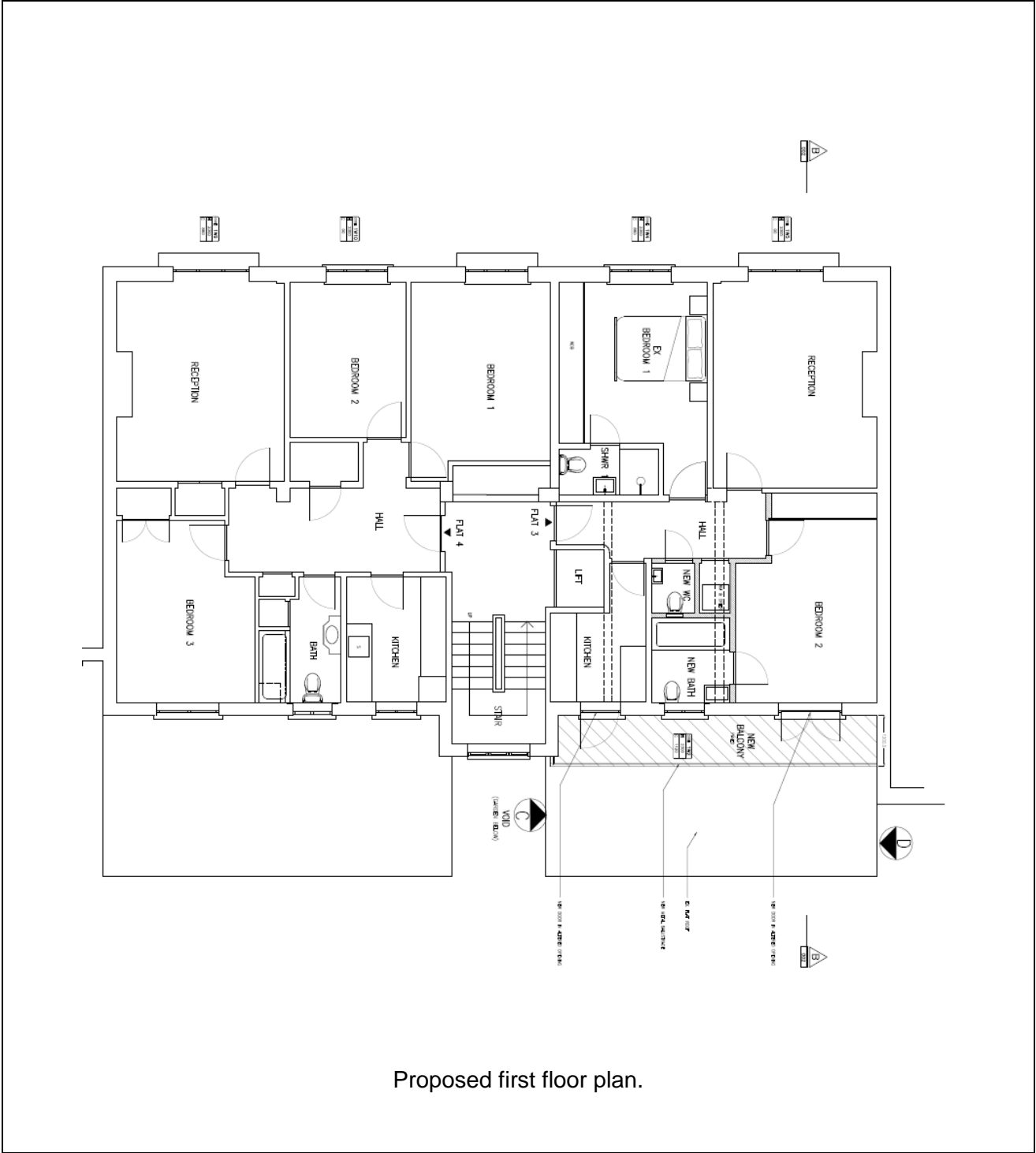
9. KEY DRAWINGS



Existing rear elevation (top) and proposed rear elevation (bottom).



Existing first floor plan.



Proposed first floor plan.

**DRAFT DECISION LETTER**

**Address:** Flat 3 , 12 Northwick Terrace, London, NW8 8JD

**Proposal:** Alterations to fenestration at rear first floor level and installation of balustrade to form roof terrace on rear of first floor flat roof.

**Plan Nos:** Site location plan, 1995/001, 1995.002, 1995.010 Rev B, 1995.011 Rev B, 1995/013 Rev B, 1995/015 Rev B and Design and Access Statement dated 19 April 2018 (1995/D&A/3).

**Case Officer:** Harry Berks

**Direct Tel. No.** 020 7641 3998

**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 the area. This is as set out in S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 4 You must not use the roof of the ground floor extension for sitting out or for any other purpose, except for the area hatched and annotated 'New Balcony' on drawing 1995/010 Rev.B. You can however use the roof to escape in an emergency. (C21BA)

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.

Please note: the full text for informatives can be found in the Council's Conditions, Reasons & Policies handbook, copies of which can be found in the Committee Room whilst the meeting is in progress, and on the Council's website.