

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 17 October 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved Church Street	
Subject of Report	16 Broadley Street, London, NW8 8AE		
Proposal	Installation of metal balustrades and sliding rooflight to facilitate the use of the roof as a terrace.		
Agent	Mr John McGarrity		
On behalf of	Mr Joseph Holderness		
Registered Number	17/03935/FULL	Date amended/ completed	19 June 2017
Date Application Received	7 May 2017		
Historic Building Grade	Unlisted		
Conservation Area	No		

1. RECOMMENDATION

Grant conditional planning permission

2. SUMMARY

16 Broadley Street is a mid terrace four storey property in use as a single family dwelling, which is not listed or in a conservation area. The building forms part of a terrace of four properties that have been redeveloped over recent years but retain a uniform appearance from the front, rear.

Planning permission is sought for the erection of a metal balustrade and a sliding, glazed rooflight to create a terrace at roof level. The proposal has been revised from the original submission to set the balustrade back from front and back and to replace glass balustrade with black metal.

The St Marylebone Society has commented that the terrace may raise amenity concerns for neighbouring properties regarding noise and overlooking. One objection from a neighbour has been received primarily on the grounds of design and overlooking.

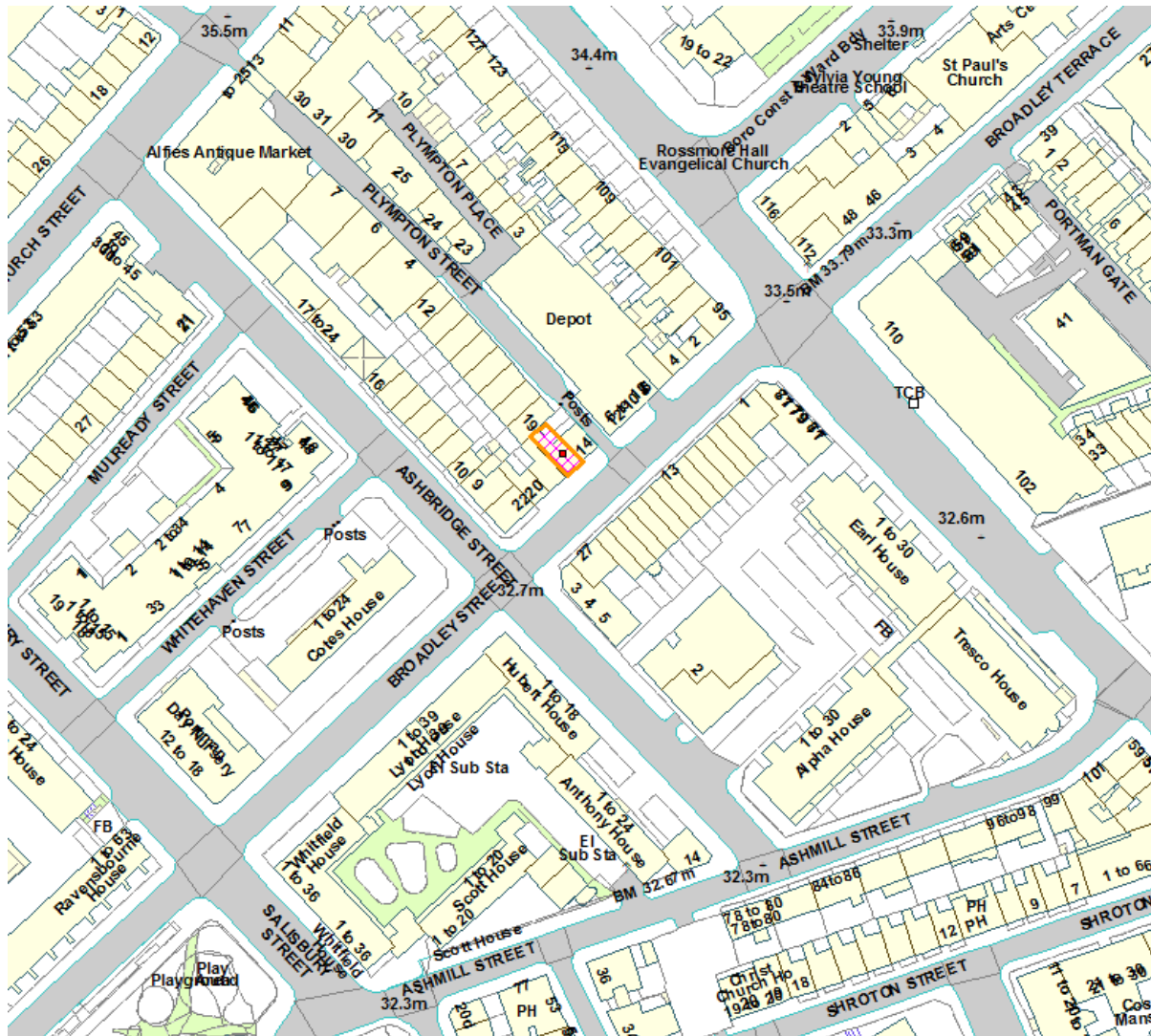
The key issues in this case are:-

- The acceptability of the proposals in townscape terms;
- The implications of the proposals upon the amenity of neighbouring properties

The proposal is considered acceptable in design and townscape terms and is not considered to

significantly increase overlooking towards neighbouring properties. As such the proposal is in accordance with the relevant Unitary Development Plan and City Plan policies and is recommended for approval.

3. LOCATION PLAN



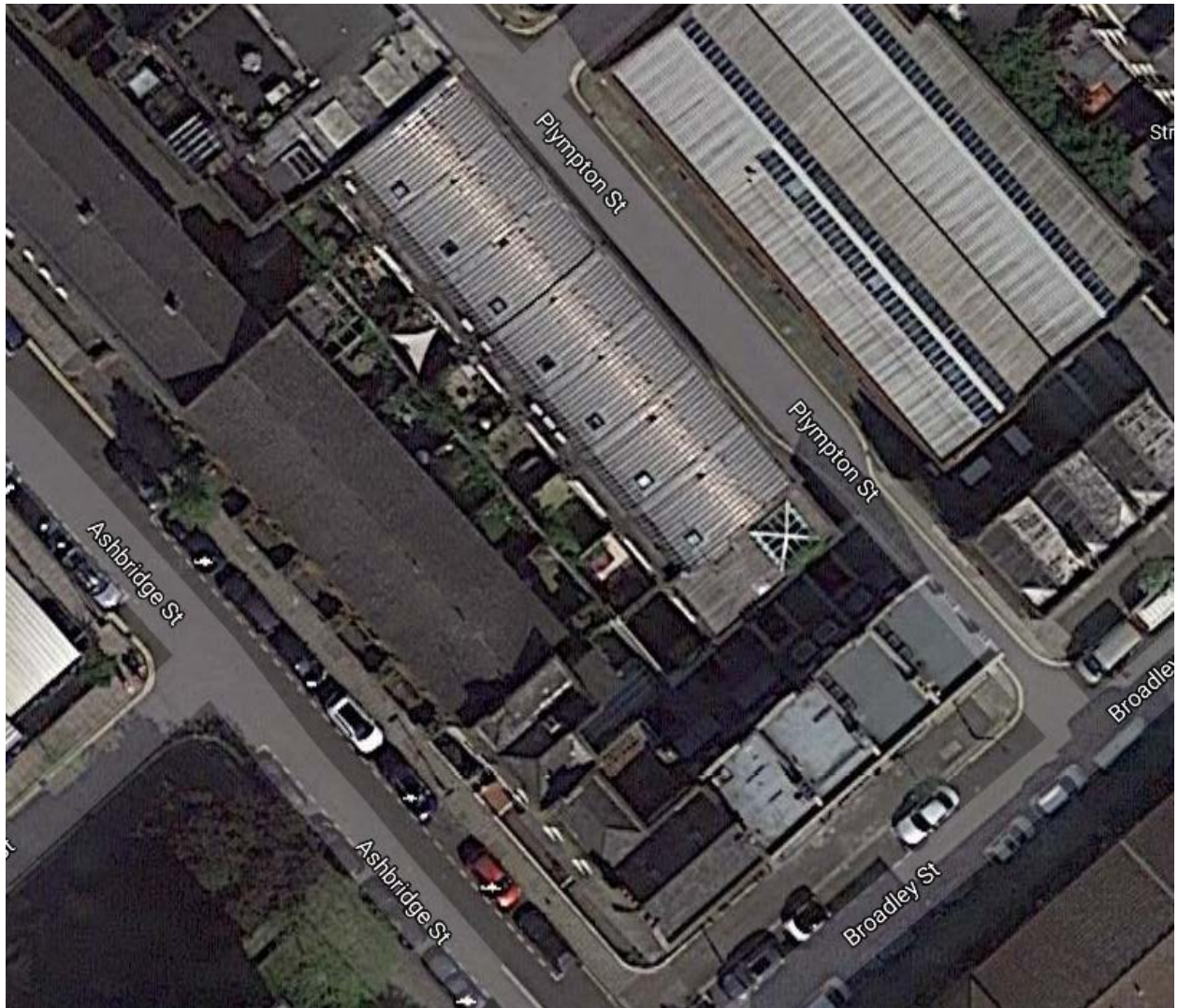
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4. PHOTOGRAPHS

Views from roof towards neighbouring properties on Plympton Street



Existing roof and surrounding area of 16 Broadly Street



5. CONSULTATIONS

THE ST MARYLEBONE SOCIETY:

Roof terrace may be problematic regarding noise, nuisance and overlooking for neighbours. Permission may lead to neighbours seeking use of roofs as terraces.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED:

No. Consulted: 10

Total No. of replies: 1

No. of objections: 1

1 objection received on the following grounds:

DESIGN

- Glass balustrade not suitable

AMENITY

- Loss of privacy
- Overshadowing
- Noise and disturbance

OTHER

- Lack of information

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

16 Broadley Street is an attractive mid terrace four storey property in use as a single family dwelling which is not listed or in a conservation area. The building forms part of a terrace of four properties that have been redeveloped over recent years but retain a uniform appearance from the front and rear. At roof level the butterfly roofs have been replaced with flat roofs, however to the rear the original V-shaped form of the roof can still be read.

6.2 Recent Relevant History

13/11406/CLOPUD

Removal of the existing butterfly roof and replacement with a flat roof.

Application Permitted 21 March 2014

7. THE PROPOSAL

Planning permission is sought for the erection of a metal balustrade and sliding, glazed rooflight to create a terrace at roof level. The proposal has been revised from the original submission to set the balustrade back from front and back and to replace glass balustrade with black metal. The balustrades are set 1 meter from the front parapet and 2.4 meters back from the rear parapet with a height of 1.1 meters. The glass rooflight is sited over a

new access stair and is on a sliding mechanism. The rooflight measures 200 mm above the flat roof.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The increase in residential floorspace to this single family dwelling raises no land use issues.

8.2 Townscape and Design

The balustrades have been set back from the front and rear boundaries of the roof and as such views of the terrace will be limited from the street scene. The roofs of surrounding buildings have similar balustrades to provide safe access. Balustrades at this level are therefore not out of character in this part of the city, which is not in a conservation area. As such it is not considered that the simple black metal balustrade would harm the appearance of the host building when seen in private views from the upper floors of surrounding buildings.

The proposed balustrade is in accordance with DES 1 and DES 6 of the UDP and S 28 of the City Plan, as such they would not harm the character of the building or roof, the works are considered acceptable on design and townscape grounds.

8.3 Residential Amenity

Policy ENV 13 of the UDP and S29 of the City Plan seeks to protect amenities, daylight and sunlight and environmental quality. The policies states that developments should not result in a significant increase in the sense of enclosure or overlooking, or cause unacceptable overshadowing.

Privacy

Objections have been received from a neighbour and concerns raised by the amenity society regarding increased overlooking towards residential properties on Plympton Street which is directly to the rear of the application site. The written objection is accompanied by a YouTube video clip to illustrate views from 19 Plympton Street to 16 Broadley Street.

The balustrades have been set back from the front parapet by 1 meter and by 2.4 meters from the rear parapet. As such any prospective users of the terrace would not be able to stand at the edge of the roof and look down directly towards the rooflight at no. 19 Plympton Street. While there may be some oblique views towards the rooflight and the living accommodation inside of the property, there would be no direct overlooking to the internal living space. Similarly given the setbacks proposed and the existing butterfly parapet wall there would be little, if any view into the gardens of 19 Plympton Street. The objectors have provided views (including a video) to the application site from their internal accommodation and garden area to show the implications of the terrace, however reciprocal views from the proposed terrace to the objectors property will not be the same.

Accordingly, it is not considered that the terrace would result in harm to the amenity of the neighbouring residential properties.

Looking south, those using the terrace would have very oblique views towards windows of the residential properties on the south side of Broadley Street. Given the oblique nature of the views, the existing situation in which properties on either side of Broadley Street overlook one another and the full streets width between the properties it is not considered there would be increased harm from overlooking.

Sunlight and Daylight and Sense of Enclosure

The proposed roof terrace has a metal balustrade to the front and rear and does not have a solid form which would prevent light from passing through. The works are to the roof of the building and would not result in a loss of daylight/sunlight or increase the sense of enclosure for neighbouring properties.

Noise

In terms of noise it is not considered that a terrace of 16 sqm would raise an unacceptable level of noise.

The proposed terrace is in accordance with ENV13 of the UDP and S29 of the City Plan, and is therefore acceptable on amenity grounds.

8.4 Transportation/Parking

The proposal does not raise any transportation/parking issues

8.5 Economic Considerations

No economic considerations are applicable for a development of this size

8.6 Access

Access to the site will remain the same as the current situation.

8.7 Other UDP/Westminster Policy Considerations

None

8.8 London Plan

This application raises no 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 development does not require an Environmental Impact Assessment

8.12 Other Issues

Neighbour objection state that not enough information has been submitted regarding the obscure glazed balustrade. The balustrade is not to be constructed from black metal as glass is not considered acceptable on design grounds. The applicant has submitted adequate information to allow the City Council to assess the merits of the application.

9. BACKGROUND PAPERS

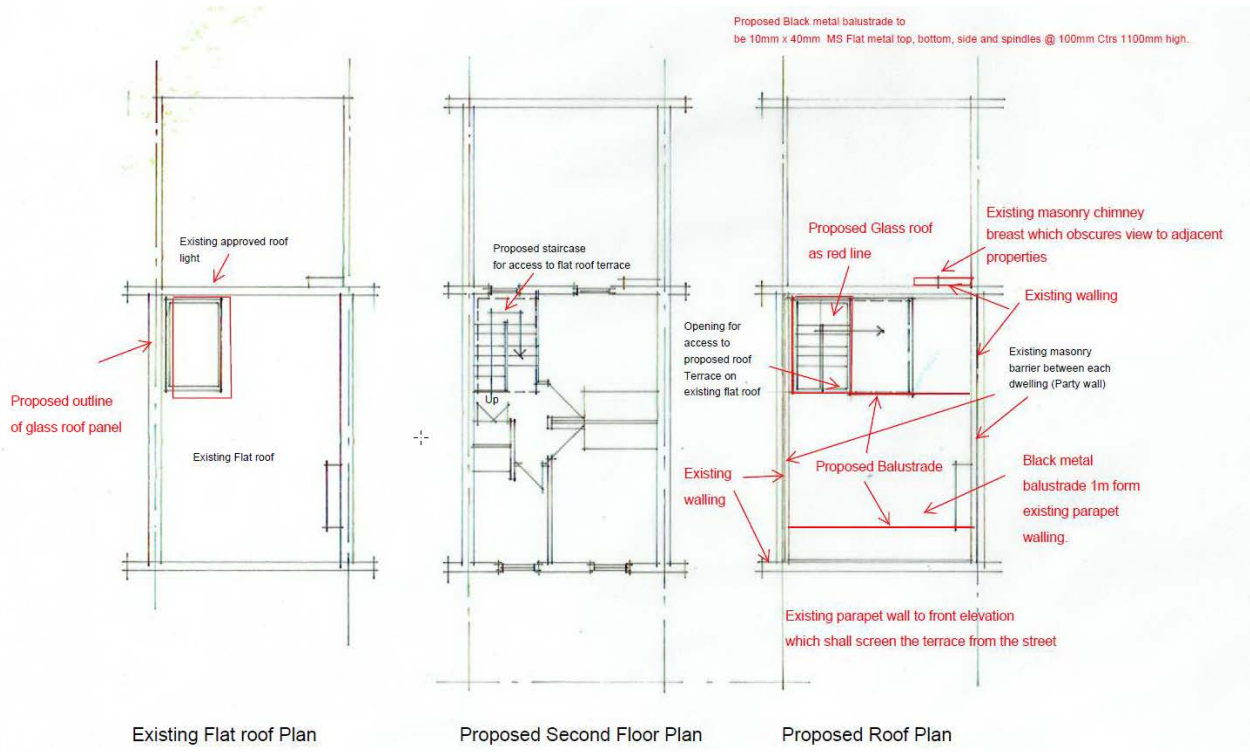
1. Application form
2. Response from The St Marylebone Society, dated 3 July 2017
3. Letter from occupier of 19 Plympton Street, London, dated 22 August 2017

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

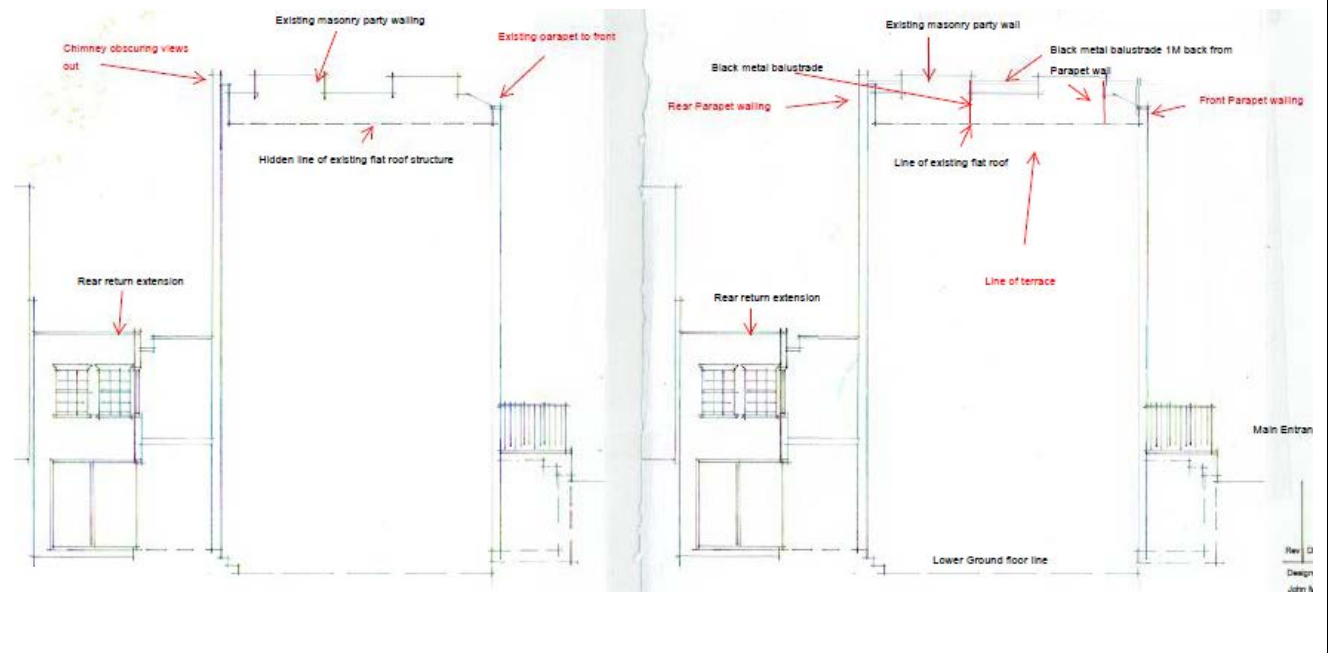
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: KIMERLEY DAVIES BY EMAIL AT kdavies1@westminster.gov.uk.

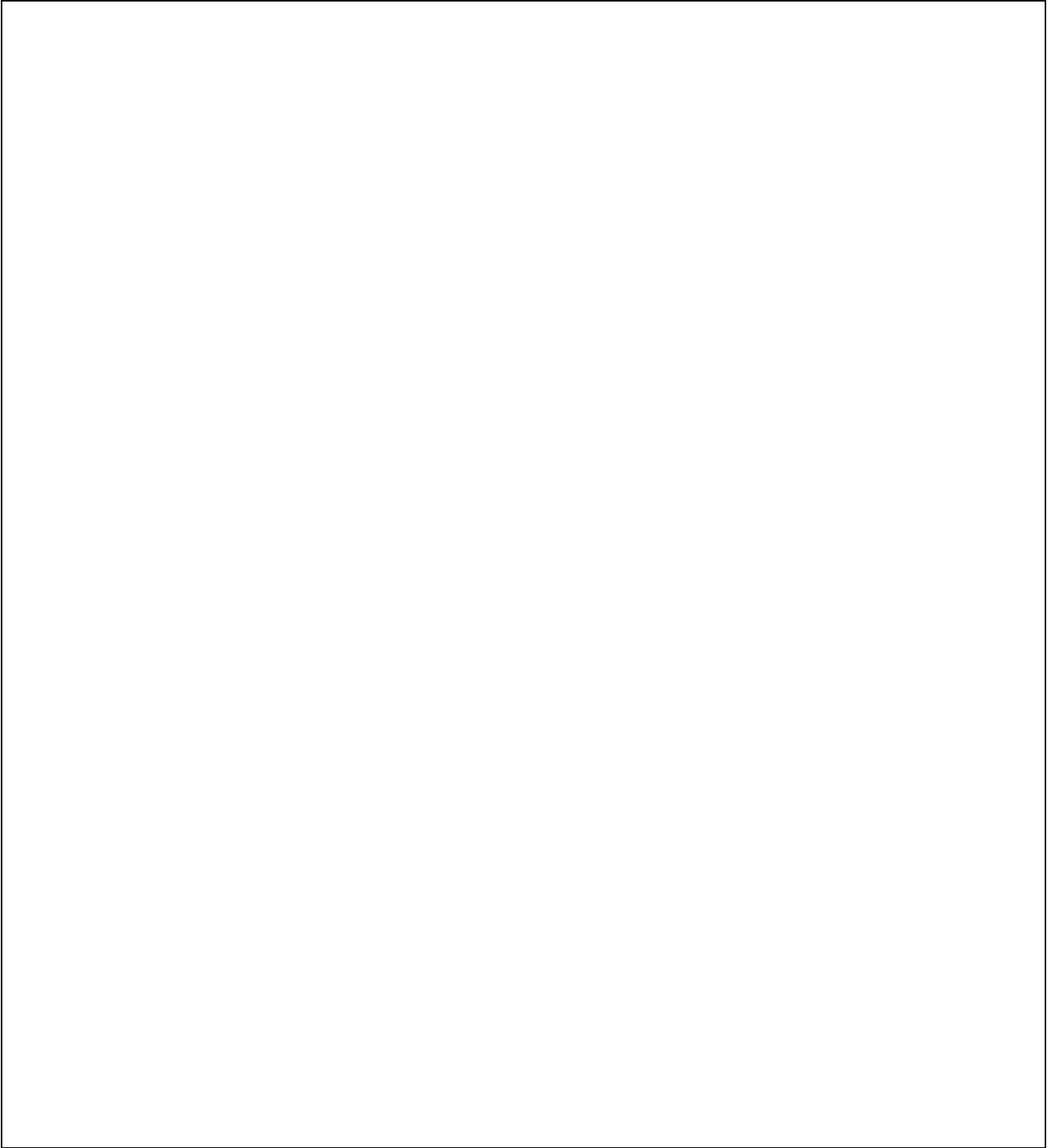
10. KEY DRAWINGS

Existing and proposed roof plans



Existing and proposed sections





DRAFT DECISION LETTER

Address: 16 Broadley Street, London, NW8 8AE,

Proposal: Installation of a glazed balustrades and sliding rooflight to facilitate the use of the roof as a terrace.

Plan Nos: Site location plan, 23-17-04 Rev 4, 23-17-05, 23-17-06, 23-17-09 Rev A, 23-17-08 Rev C

Case Officer: Max Jones

Direct Tel. No. 020 7641 1861

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 The railings must be black metal balustrades and retained in that condition thereafter.

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)

- 5 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 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)

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 so far as practicable. 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. However, we have been unable to seek solutions to problems as the principle of the proposal is clearly contrary to our statutory policies and negotiation could not overcome the reasons for refusal.
- 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 When carrying out building work you must do all you can to reduce noise emission and take suitable steps to prevent nuisance from dust and smoke. Please speak to our Environmental Health Service to make sure that you meet all requirements before you draw up the contracts for demolition and building work.

Your main contractor should also speak to our Environmental Health Service before starting work. They can do this formally by applying to the following address for consent to work on construction sites under Section 61 of the Control of Pollution Act 1974.

24 Hour Noise Team
Environmental Health Service

Westminster City Hall
64 Victoria Street
London
SW1E 6QP

Phone: 020 7641 2000

Our Environmental Health Service may change the hours of working we have set out in this permission if your work is particularly noisy. Deliveries to and from the site should not take place outside the permitted hours unless you have our written approval. (I50AA)

- 4 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.