

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 20 September 2016	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> Abbey Road	
<b>Subject of Report</b>	53B Clifton Hill, London, NW8 0QE		
<b>Proposal</b>	Full width rear dormer and three rooflights to rear roof slope, installation of new rooflights to front roof slope (retrospective application).		
<b>Agent</b>	Mr michael walsh		
<b>On behalf of</b>	Mr Green		
<b>Registered Number</b>	16/06547/FULL	<b>Date amended/ completed</b>	21 July 2016
<b>Date Application Received</b>	11 July 2016		
<b>Historic Building Grade</b>	Not listed but attached to Grade II listed building, 53 Clifton Hill		
<b>Conservation Area</b>	St John's Wood		

## 1. RECOMMENDATION

Refuse permission – Loss of amenity

## 2. SUMMARY

Planning permission is sought for the retention of the rear dormer and other roof alterations to this converted coach house. These have been constructed not in accordance with approved plans, granted at Planning Committee 1 December 2015. The principle differences in relation to the approved development are as follows;

- \* Dormer is 230mm taller, measured from the existing party wall.
- \* Dormer does not incorporate a 550mm set back from eaves at either side.
- \* Material of roof of dormer is felt rather than Zinc.
- \* Dormer incorporates three inward opening windows.

Objections have been received from the adjoining occupier to the rear at No. 56 Abbey Road on grounds of; increased sense of enclosure, loss of privacy, as well as raising concerns over discrepancies in the drawings and procedural matters concerning the erection of unauthorised extensions. It is considered that the cumulative impact of the changes to the dormer amount to an unacceptable impact with regards to perception of overlooking upon the neighbouring property, contrary to Policy S29 of the City Plan and ENV13 of the UDP and is recommended for refusal.

### 3. LOCATION PLAN



This production includes mapping data licensed from Ordnance Survey with the permission of the controller of Her Majesty's Stationary Office (C) Crown Copyright and /or database rights 2013. All rights reserved License Number LA 100019597

4. PHOTOGRAPHS

Pre-existing rear elevation of 53B Clifton Hill and as built rear elevation below



**As built flank elevation of dormer**



## 5. CONSULTATIONS

### WARD COUNCILLORS FOR ABBEY ROAD

Any response to be reported verbally

### ST JOHN'S WOOD SOCIETY

The scheme has not been constructed in accordance with approved plans and support the City Council's Enforcement Department in taking action against unauthorised works.

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 4

Total No. of replies: 1

No. of objections: 1

No. in support: 0

- Loss of light
- Increased sense of enclosure
- Discrepancy between proposed plans and that constructed on site
- Supporting statement inaccurate with regard to timeline of erection of unauthorised dormer.
- Applicant disregarded requirements of previous decision notice.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

The application site at 53B Clifton Hill is a converted former coach house/garage which was last used as a single family dwelling. It comprises open plan accommodation on the ground floor with two bedrooms in the roof space. Although the building is not listed, it is physically attached to the Grade II listed building at 53 Clifton Hill and is also within the St John's Wood Conservation Area.

### 6.2 Recent Relevant History

08/04431/FULL

Demolition of existing two storey house and construction of new house comprising basement, ground and first floors with terrace at rear first floor level.

Application Permitted 5 March 2009

08/05848/LBC

Demolition of house, construction of new house with basement.

Application Permitted 5 March 2009

15/01668/FULL

Erection of dormer and three rooflights to rear roof slope, installation of new rooflights to front roof slope and alterations to front elevation

Application Permitted 1 December 2015

The above permission was granted by the Planning Applications Committee. The scheme had previously been reported to the Planning Applications Committee on 30 June and 6 October to allow the architect to incorporate changes to address Committees concerns that the dormer would be unneighbourly and result in an increased sense of enclosure and perception of overlooking. The first set of revisions following the June Committee incorporated drawing back the eaves line at either side of the dormer by 550mm (measured from the outside face of the upper parapet wall), moving the glazing back by 300mm and reducing the brick gable ends, as detailed on revised plans and supporting statement from DP9 dated 24 July.

At the October Committee the revised application was again deferred to seek further mitigation, specifically the omission of glazing on the boundary was sought whilst the addition of further skylights on the dormer to compensate the removal of glazing was suggested.

The final scheme reported to the December Committee did not remove glazing, but retained the form of the dormer previously considered at the October Committee, plus the two additional roof lights, and reiterated the opaque glass would be completely obscured (no light in or out). This scheme was approved at the Planning Applications Committee with conditions restricting windows be obscure glazed and permanently fixed shut.

The development has been completed and the dormer has not been constructed in accordance with approved plans for the 2015 permission. The changes are;

- \* Dormer is 230mm taller, measured from the existing party wall.
- \* Eaves line extends further forward
- \* Dormer does not incorporate eaves setback at either side of 300mm measured from inside of parapet.
- \* Glazing in dormer window set not set back by 300mm.
- \* Material of roof of dormer is felt rather than Zinc.
- \* Dormer incorporates three inward opening windows.

## **7. THE PROPOSAL**

This application seeks permission for retention for these unauthorised works, comprising a full width rear dormer and three rooflights to rear roof slope and installation of new rooflights to front roof slope.

## **8. DETAILED CONSIDERATIONS**

### **8.1 Land Use**

The proposal would increase the amount of residential floorspace compared to the existing layout as a result of additional floor area created on the first floor, and create a three bedroom dwelling which accords with policy S14 of the City Plan and H3 Unitary Development Plan.

### **8.2 Townscape and Design**

The proposed development has been subject to review in relation to design during previous assessments and has been considered acceptable in this regard. Alterations to the front and side elevations have been undertaken and are not been included in the description of development in this application as these works comprise permitted development.

With regard to roof alterations, the rear dormer spans the entire width of the roof. Its height above the existing parapet wall, measured to the flat roof, is 1134mm. This measurement was clarified on site during an accompanied site visit with the agent for the application on 30 August 2016. It has high level timber frame casement windows spanning the entire length. The new pitched roof has a slate covering with conservation rooflights in the front and rear roof slope, and felt covering to the flat roof. In terms of bulk and mass, the principle difference from the approved dormer is the lack of a stepped rear elevation, increased eaves projection and an increase in height of approximately 230mm. Whilst regrettable, this change is not considered to result in any significant harm in design terms.

In terms of detailed design, the slate roof, conservation area rooflights and timber frame casement windows are considered to be appropriately detailed with suitable materials. The use of a felt flat roof, whilst being a departure from the zinc specified previously, matches the materials used on the remainder of the existing building at first floor level. As such, it is not considered to be discordant with the remainder of the building.

The proposal is therefore considered to satisfy policies DES1, DES5, DES6 and DES9 of the UDP and S25 and S28 of the City Plan.

### **8.3 Residential Amenity**

#### **Sunlight and Daylight**

The application has included sunlight mapping modelling in the Design and Access statement, although a full daylight and sunlight assessment in accordance with BRE indicators has not been provided. Previous decisions at Planning Applications Committee dated 5 March 2009 and 1 December 2015 concurred with Officers recommendation that there would be no loss of sunlight upon adjoining occupiers due to the orientation of the site and that there would be no discernible reductions in daylight. The dormer would be 230mm higher than the approved scheme, measured from the top of the parapet to the flat roof and would encroach approximately 300mm closer to the inside of the parapet boundary wall on either side. Notwithstanding this, it is not considered these alterations would significantly alter the situation with regard to daylight or sunlight levels and therefore would not be sustainable to withhold planning permission on these grounds.

#### **Sense of Enclosure and privacy**

The dormer accommodates a bedroom at either side and a bathroom in the middle, consistent with the approved layout. In amenity terms, the Design and Access Statement provided with this application sets out in paragraphs 2.18 that the constructed dormers only departure from the approved dormer under reference 15/01668/FULL is the matter of the stepped profile. This is inaccurate, as they comprise; the failure to incorporate a set back at either side of 300mm (measured from the inside edge of the existing parapet) nor

a setback for the glazing of 300mm, eaves project further forward, increase to the height of the dormer of 230mm and inclusion of 3 single inward opening windows serving each room. The impact of these changes with regards to overlooking and perception of overlooking are discussed below.

Officers visited the property in August 2016 and confirm that the dormer windows are high level and obscure glazed. The three single inward opening windows are fitted with restrictors. Within the bedrooms, cupboards have been fitted adjacent to the wall of the windows preventing access to the foot of the windows although in practice this is not enforceable. The windows therefore do not enable direct overlooking to adjoining properties.

Notwithstanding this, the cumulative impact of these alterations to that approved, results in a dormer that is more oppressive with an increased perception of overlooking for the occupiers of 56 Abbey Road and the use of their garden. The modifications to the original design were incorporated over the course of three committee meetings to reduce the impact on the boundary with respect to enclosure and perception of overlooking, particularly as the windows face the neighbouring dwellings kitchen/dining room and garden. The supporting statement prepared by DP9 dated 24 July 2015 for the October Committee outlined these modifications in detail. This document was included in the list of approved drawings when the application was reported back to the December committee having been modified only by way of inclusion of two additional rooflights and further confirmation of obscure glazing, hence these measures were part of the approved development. On page 3 of the report the following comments were made with respect to modifications;

*'These further alterations serve to reduce both the brick work and glazing on the boundary. As such the changes reduce any potential feeling of overbearing by the neighbours as there is less mass immediately abutting the neighbours. The setback of the glazing also reduces any impression of overlooking. The glazing will continue to be obscure glass (letting light in but no views out) and with the setback will also be less visible. These measures will thus reduce any feeling of overlooking'*

It follows therefore that the omission of these elements, coupled with the increased height, omission of the glazed setback of 300mm, opening windows and greater projecting eaves, would result in an increase perception of overlooking. Their omission serves to exacerbate the impact of the development with regards to perception of overlooking.

### **Comments on Design and Access Statement with regard to privacy and perception of overlooking**

The supporting Design and Access Statement for this application prepared by London Green Limited makes a number of points that are inaccurate and that require further clarification pursuant to establishing the impact of development in amenity terms.

Paragraph 2.23 – 2.24 states that inward opening and obscured windows are proposed in accordance with conditions imposed by permission RN:15/01668/FULL. This is incorrect as the condition (7) of the decision required that all windows be obscure glazed and fixed shut. At the October Planning Committee the draft decision notice recommended windows be obscure glazed and fitted with restrictors however this draft decision was deferred.



Paragraphs 2.14 – 2.16 maintain that the dormer as built does incorporate a setback when considered in relation to the double party wall which was not shown on the approved drawings for application RN:15/01668/FULL. It is agreed that the section drawings did not include the lower inner party wall of 56 Abbey Road. Notwithstanding this, there is no doubt that the approved section drawing AA (A-04c) shows the eaves set back from the closer upper parapet wall by 300mm measured from the inside face of the wall, or 550mm measured from the outside face of the same wall. The lower party wall that is referred to in the statement was not used by all parties to calculate the precise dimensions of the setback, although photographs of the site made available to members would have enabled all interested parties have regard for its presence. It is not considered appropriate for the applicant to place greater emphasis on the setback from this lower wall at this stage.

Paragraph 2.17 puts forward that the impact of the stepped form is diminished by the presence of a semi mature tree planted at the base of the garden wall on number 56's side. This is disingenuous given that it is fact a species of Pyracantha Shrub (Fire thorn). It should be noted that if the boundary was planted with an evergreen hedge or a screen of evergreen trees that were tall enough to screen the building it could be subject to a high hedges complaint (Anti-social Behaviour Act 2003) and it seems probable that a Hedge Control Order to prune the hedge to 2m would be the result given the proximity of the extension.

Paragraphs 1.10 – 1.14 make reference to the original unimplemented expired permission RN: 08/04431/FULL, setting out that this scheme included a terrace without privacy screens [the drawings appended at the end of the statement are incorrect as they are superseded drawings for permission RN: 15/01668/FULL, rather than approved drawings for permission RN: 08/04431/FULL]. This is not an entirely accurate given that the terraces were designed to ensure the parapet wall extended a minimum of 1.8m (5.9ft) from the floor level to prevent overlooking. In addition the two rooms at the rear were shown as bathrooms rather than bedrooms. As such it should not be construed from this reference that permission has been granted previously for a development that would be materially worse in amenity terms that that constructed on site. In any case this development was not implemented and has now expired.

As such, by virtue of the increased scale of the development and inclusion of opening windows, the development is considered to be un neighbourly and result in an unacceptable increase in perception of overlooking, contrary to policy ENV13 of the UDP and policy S29 of Westminster's City Plan: Strategic Policies, both of which aim to protect the amenity of residents from the effects of development.

#### **8.4 Economic Considerations**

No economic considerations are applicable for a development of this size

#### **8.5 Other UDP/Westminster Policy Considerations**

This application raises no UDP/Westminster Policy issues.

#### **8.6 London Plan**

This application raises no strategic issues.

### **8.7 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.

### **8.8 Planning Obligations**

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

### **8.9 Other Issues**

The single objection from the neighbour highlights that there are inaccuracies in the supporting statement by London Green Ltd regarding the timeline for commencement of unauthorised works. The dormer in situ presently was under construction during the consideration of the previous application rather than following the granting of permission in December 2015. This assessment however is based on the documents supplied with the application and these timings are not material to considering the merits of the scheme which should have regard for the adopted development plan policies and any other material planning considerations as detailed elsewhere in the report.

Discrepancies with regards to measurements shown on the drawings in comparison to that erected on site were checked by Officers during an accompanied site visit on 30 August 2016 with the agent. The findings were that there are some discrepancies on the measurements shown on the drawings in comparison to that constructed at the site, namely the height of the dormer is 1134mm above the parapet rather than 1200mm shown on section BB, drawing number A-PLANNING-E-xx. The corrections have been included in Officers assessment as detailed elsewhere in the report.

Comments from neighbours make reference to an unauthorised air conditioning unit on the flat roof of the ground floor of the application site. This is subject to a separate planning application RN: 16/06802/FULL.

## **9. BACKGROUND PAPERS**

1. Application form
2. Response from St John's Wood Society, dated 22 August 2016
3. Letter from occupier of 56 Abbey Road, London, dated 18 August 2016

### **Selected relevant drawings**

(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: SARAH WHITNAL BY EMAIL AT [swhitnal@wesminter.gov.uk](mailto:swhitnal@wesminter.gov.uk)

10. KEY DRAWINGS

**Plans as built**

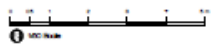
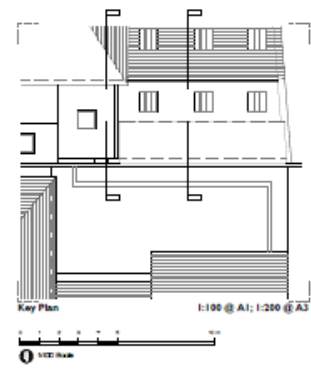
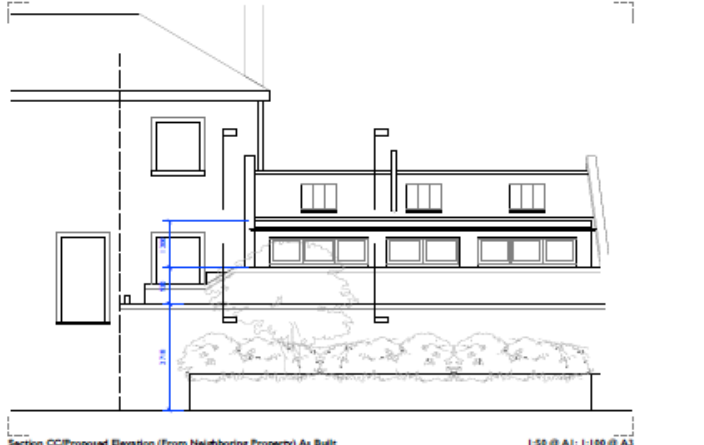
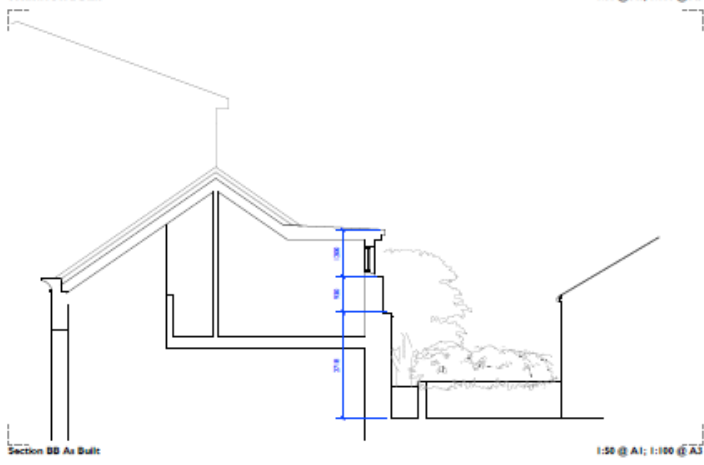
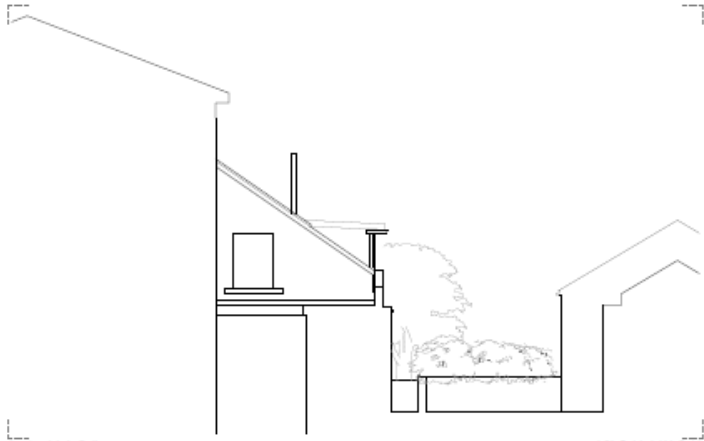
The drawings include:

- Proposed Roof Plan As Built:** Shows the roof profile with a gable end on the left and a dormer on the right. Scale: 1:150 @ A1.
- Proposed First Floor/Dormer Plan As Built:** Shows the floor layout with a central staircase and three doorways. Scale: 1:50 @ A1.
- Location Plan:** Shows the site's location within a street grid. Scale: 1:1250 @ A1.
- Site/Block Plan:** Shows the site's location within a larger block. Scale: 1:500 @ A1.


  
 LONDON GREEN  
 ISSUED FOR PLANNING  

 LONDON GREEN is a registered charity (No. 1011848) and a company limited by guarantee (No. 02052917). It is a not-for-profit organisation. The registered office is at 100, Abchurch Lane, London EC4N 3DF.

### Sections/Elevations As Built



DATE	1/2017
REV	001
STATUS	CLASSIFIED

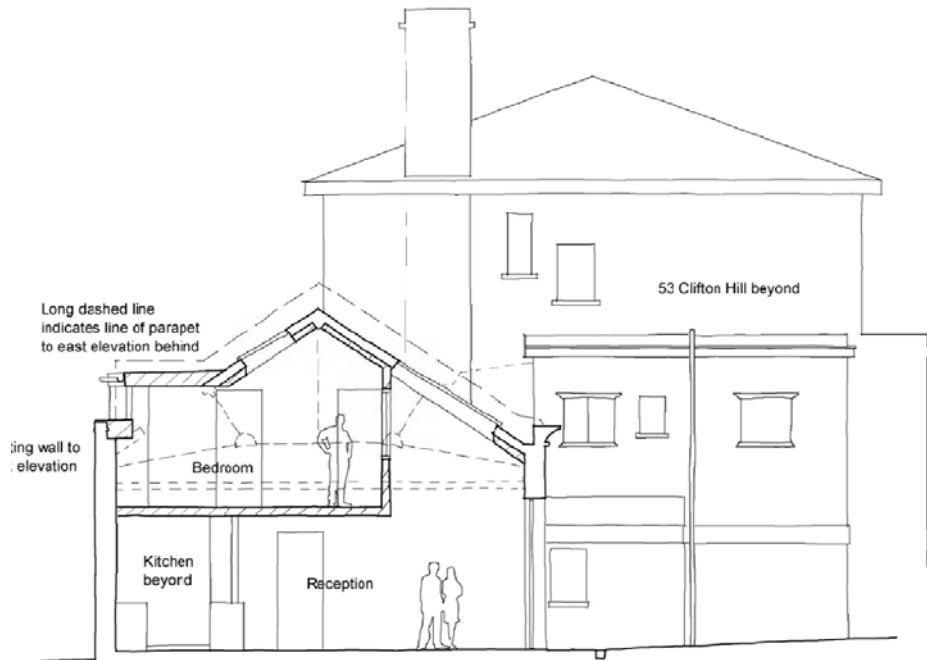
  


**LONDON GREEN**  
ESGLED FOR PLANNING

CLIENT: Mr & Mrs Sam Green  
 PROJECT: Sections/Elevations As Built  
 DRAWING NO: A1 PLAN 001

1/2017

Section AA as approved, Roof plan approved below



Section A-A



Roof Plan - Proposed

**DRAFT DECISION LETTER**

**Address:** 53B Clifton Hill, London, NW8 0QE

**Proposal:** Retention of a full width rear dormer and three rooflights to rear roof slope, installation of new rooflights to front roof slope (retrospective application).

**Reference:** 16/06547/FULL

**Plan Nos:** A-PLANNING-E-xx, A-PLANNING-P-xx, A-02a, Design and Access Statement prepared by London Green Ltd dated 08.07.16

**Case Officer:** Samuel Gerstein

**Direct Tel. No.** 020 7641 4273

**Recommended Condition(s) and Reason(s):****Reason:**

By virtue of the increased scale of the development and inclusion of opening windows, the development is considered to be unneighbourly and result in an unacceptable increase in perception of overlooking. This would not meet S29 of Westminster's City Plan (July 2016) and ENV 13 of our Unitary Development Plan that we adopted in January 2007.

**Informative(s):**

- 1 You are advised that the works to the roof are unauthorised and should be removed or rectified in line with planning permission RN:15/01668/FULL. Failure to do so may result in the Council exercising its powers of enforcement to remove the unauthorised works.

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.