



Planning Committee Map

Site address: 16B & 16C Callcott Road, London, NW6 7EA

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This map is indicative only.

RECEIVED: 26 January, 2012

WARD: Kilburn

PLANNING AREA: Kilburn & Kensal Consultative Forum

LOCATION: 16B & 16C Callcott Road, London, NW6 7EA

PROPOSAL: Installation of juliet balcony to first floor rear window and proposed window to replace existing door at the second floor level of terraced property in use as three self-contained flats.

APPLICANT: Mr Ian Gerrard

CONTACT: The Gillett MacLeod Partnership

PLAN NO'S:
See Condition 2

MEMBERS CALL-IN PROCEDURE

In accordance with Part 5 of the Constitution and Section 10 of the Planning Code of Practice, the following information has been disclosed in relation to requests made by Councillors for applications to be considered by the Planning Committee rather than under Delegated Powers

Name of Councillor

Cllr Arnold
Cllr Jones
Cllr Temitayo

Date and Reason for Request

26 March 2012
The proposed development will have an unacceptable impact on neighbouring residents.

RECOMMENDATION

Approval

EXISTING

The subject property is a upper floor flat within a converted three storey terraced property with an existing two-storey rear projection. The site is not a listed building but it is within the North Kilburn Conservation Area.

PROPOSAL

See Above

HISTORY

E/10/0078. Enforcement investigation in the installation of decking and metal railings on the flat roofs of the premises to create roof terraces to the first floor and second floor flats. Enforcement notice served following the dismissal of an appeal on 21/03/2011. The enforcement notice set out the following steps to remedy the breach:

- Remove the decking and metal railings on the flat roofs and block up the access ways to the flat roofs so that the roof terraces are removed from the premises.

Enforcement action was taking to remove the decking and metal railings however the access ways to the flat roofs had a single timber board placed over them to restrict access.

10/2922. Retrospective application for retention of decking and metal railings on the flat roof (of first floor) of

the premises to create roof terrace to first floor flat. Refused 04/02/2011 for the following reasons:

1. *The existing roof terrace would result in unreasonable overlooking of nearby properties and gardens, which would be harmful to the amenity and privacy of neighbouring occupiers, contrary to saved policy BE9 of the London Borough of Brent Unitary Development Plan 2004 and Supplementary Planning Guidance 5: "Altering & Extending Your Home".*
2. *The existing roof terrace, by reason of its siting, would result in a loss of outlook from neighbouring property No 18 contrary to saved policy BE9 of the London Borough of Brent Unitary Development Plan 2004.*
3. *The existing roof terraces, decked roof and associated railings by reason of its siting and incongruous design and associated poor materials would have a detrimental impact on the character and appearance of the host building which would fail to preserve or enhance the character of the surrounding North Kilburn Conservation Area contrary to saved policies BE2, BE9, BE25 and BE26 of the London Borough of Brent Unitary Development Plan 2004 and the Queen's Park Conservation Area Design Guide.*

10/2725. Retrospective application for retention of decking and metal railings on the second floor flat roof of the premises to create roof terrace to second floor flat. Refused on 04/02/2011.

- *The existing roof terrace would result in unreasonable overlooking of nearby properties and gardens, which would be harmful to the amenity and privacy of neighbouring occupiers, contrary to saved policy BE9 of the London Borough of Brent Unitary Development Plan 2004 and Supplementary Planning Guidance 5: "Altering & Extending Your Home".*
- *The existing roof terrace, by reason of its siting, would result in a loss of outlook from neighbouring property No 18 contrary to saved policy BE9 of the London Borough of Brent Unitary Development Plan 2004.*
- *The existing roof terraces, decked roof and associated railings by reason of its siting and incongruous design and associated poor materials would have a detrimental impact on the character and appearance of the host building which would fail to preserve or enhance the character of the surrounding North Kilburn Conservation Area contrary to saved policies BE2, BE9, BE25 and BE26 of the London Borough of Brent Unitary Development Plan 2004 and the Queen's Park Conservation Area Design Guide.*

POLICY CONSIDERATIONS

National Planning Policy Framework

The NPPF was published on 27th March and replaces Planning Policy Guidance and Planning Policy Statements with immediate effect. It is intended to make the planning system less complex and more accessible, to protect the environment and to promote sustainable growth. It includes a presumption in favour of sustainable development in both plan making and decision making and its publication is of significant weight.

Saved policies from the adopted UDP will have increasingly less weight unless they are in conformity with the NPPF and can be demonstrated to be still relevant. Core Strategy policies will also need to be in conformity with both the London Plan and the NPPF and have considerable weight.

Where PPG's, PPS's, LDF Core Strategy and UDP saved policies are referred to in the report below they have been considerations in the assessment of the application. However, the recommendation is considered to comply with the NPPF

UDP 2004

BE2: Townscape: Local Context & Character

BE9: Architectural Quality

SPG 5: 'Altering and Extending Your Home'

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CONSULTATION

All neighbouring properties have been consulted by letter, a site notice was installed outside the site and a press notice was served.

6 objections have been received on the following grounds:

1. Loss of privacy for neighbouring residents in rear gardens and through windows facing towards the propose roof terrace.
2. Noise and disturbance from residents using the proposed roof terrace and Juliet balcony.
3. The proposed terrace will be out of keeping with the character and appearance of the Conservation Area.
4. Detrimental impact on security of neighbouring residents.

In addition to these local councillors have raised the following concerns when calling in the application:

- Installation of a roof terrace (if still in the proposal) would intrude on privacy for neighbours
- Installation of the Juliet balcony outside the existing French windows will affect privacy and also cause noise and intrusion.
- Neighbours have pointed out that there has been no planning consent for the French windows and some other windows inserted and that the French window should be removed and replaced with an ordinary window to prevent overlooking and noise, currently experienced.

Officer Comments

The comments of residents relate to problems that resulted from residents of the flats at Nos. 16 using the unauthorised roof terraces on the roofs of the existing single storey and two storey rear extensions. The proposal now relates solely to the retention of the glazed door and the installation of railings to form a 'Juliet balcony' at the first floor level. This will not allow residents to step out onto the flat roofed sections of the building. While residents will be able to open the full height doors there will not be easy access to the roof due to the presence of the proposed railings. As such the level of disturbance from residents opening the doors will not be significantly different from if it was a window. In relation to the windows on the side elevation these windows are shown on the existing and approved plans of a planning application at this address made in 1992 (our ref 92/0377), there is no evidence that they have been recently changed.

REMARKS

Amendments since previous refusal

The previous applications were retrospective applications for the railings and roof terraces for the second floor flat and the first floor flat (separate applications were submitted for each flat). This application relates to both flats and involves the following amendments:

1. The roof terrace has been removed from the first floor flat and been replaced with a Juliet Balcony.
2. The access to the roof of the two-storey rear extension has been removed.
3. The railings have been removed from the roof of the two-storey rear extension.

Principle

Extensions and alterations to flats are acceptable provided that there is no detrimental impact on the amenity of neighbouring residents and the proposals preserve the character and appearance of the building within the North Kilburn Conservation Area.

Residential Amenity

The proposed 'Juliet Balcony' will involve the installation of bars over the existing doors on the rear elevation of the two-storey rear extension at the first floor level. The railings will be fixed to the rear wall of the existing two-storey rear extension and will not project out or provide any external platform. The doors will also open

inwards. This will not allow any further overlooking than would exist with a normal window in this position and will not result in a significant loss of amenity for neighbouring occupiers.

The proposed first floor rear terrace has been removed as a result of direct enforcement action. The existing door is to be removed and there will now be no direct access onto the roof of either the single storey or the two-storey. To ensure that this is the case a condition will be attached to ensure that the existing rear door is removed that the use of the flat roofs are restricted solely for the purposes of maintenance.

Character and appearance

The existing glazed door and the proposed railings to form the Juliet Balcony are both positioned on the rear elevation and are not visible from the streetscene. In the surrounding area there are a mix of different treatments on the rear elevations of neighbouring properties and others within the perimeter block. Given this and the position on the rear elevation the proposed works are considered to preserve the character and appearance of the property within the Conservation Area.

Conclusion

The proposed Juliet Balcony is considered to be in keeping with the character and appearance of the property and will not have a detrimental impact on the amenity of neighbouring residents. Accordingly the proposal is recommended for approval subject to conditions set out below.

RECOMMENDATION: Grant Consent

REASON FOR GRANTING

- (1) The proposed development is in general accordance with policies contained in the:-

Brent Unitary Development Plan 2004
Council's Supplementary Planning Guidance 5 - Altering and Extending Your Home

Relevant policies in the Adopted Unitary Development Plan are those in the following chapters:-

Built Environment: in terms of the protection and enhancement of the environment
Housing: in terms of protecting residential amenities and guiding new development

CONDITIONS/REASONS:

- (1) The development to which this permission relates must be begun not later than the expiration of three years beginning on the date of this permission.

Reason: To conform with the requirements of Section 91 of the Town and Country Planning Act 1990.

- (2) The development hereby permitted shall be carried out in accordance with the following approved drawing(s) and/or document(s):

11/2635/1RevB
11/2635/2
11/2635/3RevB

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

- (3) No access shall be provided to the roof of the extension by way of window, door or stairway and the roofs of the existing single storey rear and two-storey rear extensions shall not be used as a balcony or sitting out area.

Reason: To preserve the amenity and privacy of neighbouring residential occupiers.

- (4) The existing door on the second floor level shall be removed and replaced with a window in accordance with the approved plans within 2 months of the date of this permission unless

otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure a satisfactory standard of appearance and to ensure that the amenity of neighbouring resident will be protected.

INFORMATIVES:

- (1) The provisions of The Party Wall etc. Act 1996 may be applicable and relates to work on an existing wall shared with another property; building on the boundary with a neighbouring property; or excavating near a neighbouring building. An explanatory booklet setting out your obligations can be obtained from the Communities and Local Government website www.communities.gov.uk

Any person wishing to inspect the above papers should contact Robin Sedgwick, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5229