

**Supplementary Information  
Planning Committee on 13 January, 2010**

**Item No. 14  
Case No. 09/2454**

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Location 54A The Avenue, London, NW6 7NP  
Description Removal of two rear rooflights and installation of rear inverted dormer window with sliding doors to first-floor flat

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Members visited the application site on Saturday 9th January 2010. At that meeting, a question was asked about whether there are any similar proposals in the immediate locality. In addition, officers indicated that further information would be provided which explain Building Control and Environmental Health history with the application site.

There does not appear to be any similar proposals within the immediate locality. However, Members have previously approved open terraces and julliet balconies within roofspaces. The key issue is whether the extension can be erected without impacting on amenity and for the reasons set down in this report, this is considered to be the case here.

Building Control Officers have visited the site and note that the loft conversion is unauthorised and currently, does not comply with Building Regulations. Officers note, and the applicant is aware, that the loft conversion needs to satisfactorily demonstrate that building regulation requirements have been met. These matters have yet to be resolved.

Environmental Health Officers have confirmed that a noise compliant has been received in relation to the application site, in August 2009. The matter did not result in any action. This has raised concerns on behalf of the neighbour about future problems that they feel may arise from the proposal.

**Additional objections**

Councillor Shaw has raised objections to the proposal. These concern: overlooking; noise; character and appearance. Whilst these issues have been discussed within the report, further clarification has been sought from the applicant and agent as to the current and proposed use of the roofspace. It has been confirmed that the current and proposed use of the roofspace is a photography studio/study which is a work from home facility that is ancillary to the residential use.

A further representation has been received from an objector explaining their concerns.

- The terrace would affect living conditions of adjacent properties, as the roofspace will be used to entertain and create excessive noise. Details of noise complaints above;
- The terrace will overlook existing neighbouring terrace areas, as currently both terraces are private;
- The planning application has not sought to regularise the two other existing side rooflights;
- Building control have an open case on the site, this should have been considered;
- The existing loft conversion does not have fire doors or alarms and states that the loft area is a workspace. This is untrue as the applicant lives in the loft and rents the other rooms to tenants;
- The planning application is a waste of funds, as it should not have been considered as freeholder consent has not been obtained and never will.

The majority of these points have been addressed previously, however, for clarification

purposes if the freeholder of the application site does not give permission for these works to take place, these proposed works cannot commence. Granting of any planning permission does not override any legal requirement that needs to be complied with.

The application description does not include the existing side and rear rooflights within the proposals, as noted within the report. These require planning consent (this is a flat) and the matter will need to be regularised by the necessary planning permission being granted in any event, regardless of what happens to this application.

**Recommendation:** Remains approval.

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