

4/02611/15/ROC - VARIATION OF CONDITION 2 (APPROVED PLANS) ATTACHED TO PLANNING PERMISSION 4/00339/15/FUL (ENLARGEMENT OF 13 NOS. TOP FLOOR APARTMENTS WITH ASSOCIATED ROOF TOP TERRACES, ASSOCIATED ELEVATION CHANGES AND INSTALLATION OF ROOF TOP VENTS)..
SAPPI GRAPHICS, LOWER ROAD, NASH MILLS, HEMEL HEMPSTEAD, HP3 9XF.
APPLICANT: Mr Sandhu.

[Case Officer - Briony Curtain]

Summary

The application is recommended for approval.

Planning permission for the re-development of this former industrial site for mostly residential purposes was granted under 4/01382/09/MFA and amended under application 4/00339/15/FUL. It is now proposed to further amend the details of the roof terraces to the 'island site'.

The approved roof terraces all comprised 1.8m obscure glazed privacy screens, which were set at an angle to the sides. Upon construction it has become apparent that given the angle of the side screen and the position of the doors, access to the roof terrace is very confined. In addition, the rear screening at 1.8m in height and of obscure glaze provides little open aspect for future occupiers. It is therefore proposed to keep the height and obscurity of the screens, but to square them off (so they appear perpendicular to the building) to the sides. It is also proposed to reduce the height of the rear screens (which overlook the remainder of the roof) to 1.2m and replace the obscure glass with clear glass. This would provide future occupants with some aspect when using these amenity areas whilst ensuring the privacy of adjacent units is not significantly compromised.

In visual terms, given the scale of the overall residential development, the amendments are considered minor, and would not harm the overall character or appearance of the area or compromise the high quality design of the development. The approved roof terraces and their associated privacy screens would be visible from street level but would appear as subservient features. This would not change as a result of the proposal. Notwithstanding the 2m increase in depth on units 408 and 409, given their size and scale, and the fact they are set in from the flank of the building the terraces, and the privacy screens would continue to appear as subservient features to the buildings. As such there would be no significant overall visual harm.

With regard to privacy and overlooking between properties, the separation distances (with the exception of units 408 & 409 where the terrace is to be increased by 2m) remain as approved and the side screens albeit set at a slightly different angle, continue to be 1.8m in height and obscured. The level of overlooking would thus be almost identical to that of the approved scheme. In addition there are numerous non-obscured habitable windows at all levels of the 'island site' which are in closer proximity to adjacent dwellings than the roof terraces. A refusal could not be sustained.

With regard to size and the extent to which the terraces would be used. All but 2 of the terraces, remain as approved in overall size and as such likely usage levels would not increase or intensify. Whilst 2 of the terraces (plots 408 & 409) would be increased in depth by 2m, the intensity and likely usage of these areas would not increase to such

a level as to result in significant noise or disturbance issues. Should this become an issue in the future, this would be controlled by separate legislation (Env Health).

Site Description

This application relates to the recently developed 'Sappi' site in Nash Mills. The site is predominantly residential and is nearing completion.

Proposal

Planning permission for the re-development of this former industrial site for mostly residential purposes was granted under 4/01382/09/MFA. The development comprised three distinct residential elements; terraced and townhouses in private streets; blocks of flats at either end of the site (all complete); and two large blocks of apartments situated between the mill stream and the canal (known as the island site or Phase 2 Blocks ABC and DEF). Amendments to the island site, including the roof apartments and terraces were approved under condition 20 of the principle permission and subsequent changes approved under 4/00339/15/FUL.

It is now proposed to further amend the details of the roof terraces to the island site. The apartments themselves will not be altered just the roof terraces. The proposed changes involve minor increases in the size of the roof terraces, alterations to the height and position of the privacy screens and are summarised below;

- 'Squaring off' of all previously approved roof terraces
- Lowering the height of the front privacy screens to 1.2m high clear glazing, (side screens remain 1.8m and frosted as approved).
- Increasing the roof terrace area on Block ABC / Plots 408 & 409 from the approved 2.5m to 4.5m in depth (the depth of all other terraces remain as approved)

In support of their application the applicants advance that *'the approved height, configuration and position of the screens has serious detrimental impacts on the residential amenities of future occupiers. The approved terraces are limited in size and the positioning of the 1.8m high obscure glazed screen only 2m away from the bi folding doors of the apartment openings creates both an overbearing and oppressive structure obliterating all views from within the apartment. In addition the obscure glazed nature of the screens seriously reduces the levels of light entering the apartments'*.

Referral to Committee

The application is referred to the Development Control Committee due to the contrary views of Nash Mills Parish Council.

Planning History

Significant History - see anite.

Policies

National Policy Guidance

National Planning Policy Framework (NPPF)

Adopted Core Strategy

NP1 - Supporting Development
CS1 - Distribution of Development
CS4 - The Towns and Large Villages
CS11 - Quality of Neighbourhood Design
CS12 - Quality of Site Design

Supplementary Planning Guidance / Documents

Environmental Guidelines (May 2004)
Area Based Policies (May 2004) - Residential Character Area [BCA 3:Bank Mill]

Summary of Representations

Nash Mills Parish Council

– Objection.

‘The planning history is confusing:

In Jan 2015 a new application was made Ref 4/00339/15/FUL indicating roof terraces much reduced in size with effective screening of frosted glass. This application was approved. However, in July 2015 a further application was made Ref 4/02611/15/ROC . This proposed larger areas of roof terraces with modified and less effective screening.

Construction had begun however, this has now been partially demolished and rebuilt to a design that does not appear to have planning permission.

NMPC would like the current July 2015 application refused and if resubmitted to indicate screening which effectively prevents overlooking directly into the house in Croxley Road (Numbers 10 to 20,) which face the proposed roof terraces.’

Response to Neighbour Notification / Site Notice / Newspaper Advertisement

16, 18, 19 & 20 Croxley Road - Object:

- Overlooking and Privacy
- Noise Nuisance
- Light Pollution
- The current proposal reverts back to previously unacceptable plans submitted under 4/0339/15/FUL, which itself was made following the withdrawal of 4/02135/14/NMA. This application sought amongst other things to utilise the roof space. The terraces were out of proportion to the size of the flats and gave rise to a loss of visual amenity and potential noise nuisance. The subsequent full plans proposed a more modest terrace and provided full screens. No objection was made to this. The current application seeks to increase the size again, albeit not to previous sizes but still bigger than approved.
- the size of the terraces now more than triples and could accommodate 30/40 people.
- the privacy screens would cause significant loss of visual amenity to the residents of

Croxley Green and significantly alter the profile of the building and prevent views of the trees

Considerations

Effects on appearance of building / street scene

The roof top units of this residential redevelopment are already served by terraced / balcony areas, which are entirely surrounded by privacy screens. The repositioning of the screens and the lowering of their height to the front would have a minimal visual impact in terms of the overall scale and mass of the approved building form. The overall scale, mass and bulk of the Phase 2 'island' apartment blocks would remain as approved. Despite concerns being raised the privacy screens would not alter the overall profile of the building in a significant manner or prevent views of trees beyond.

Impact on Neighbours

The residential amenities of surrounding dwellings would not be significantly affected by the amendments.

With regard to privacy and overlooking, the roof terraces are set in from the buildings edge and the privacy screens to the sides of the roof terraces would remain at 1.8m in height and of obscure glazing. It is only the angle of the side screens which is to be altered. There would not therefore be a significant increase in the level of overlooking as a result of these changes. It is acknowledged that the height of the screens to the front would be lowered, and switched to clear glass. However, given their position and height, this would predominantly facilitate views over the remainder of the roof only. The separation distance between the units in question and the nearest flats or dwellings is more than sufficient to ensure an acceptable level of privacy is maintained. The separation distance, together with the fact that there are habitable, non-obscured windows in closer proximity means any impact would be minimal / comparable to existing mutual overlooking levels.

With regard to the properties of Croxley Green specifically as these are the only units currently occupied, the separation distance exceeds 23m. This is considered more than sufficient to ensure no significant overlooking or loss of privacy and complies with saved policies of the Local Plan. In addition these dwellings themselves have balconies without privacy screens facing the proposed units. A refusal could not therefore be sustained.

With regard to size and the extent to which the terraces can be used, the areas were originally restricted so as to accommodate only 2-4 people. On all but 2 of the plots, the depth of the roof terrace area would remain as approved. The overall floor area would increase very marginally as the angled screens would be squared off. There would however be such a nominal increase that the likely level and intensity of usage would not alter. The terraces would continue to accommodate between 2-4 people and as such there would be no increase in noise or disturbance levels. It is proposed to increase the size of the roof terraces to plots 408 & 409 by an additional 2m but again the increase in the likely level and intensity of usage would not be so significant as to give rise to noise or disturbance issues. Concern has been expressed by local residents but the terraces would not be tripled in size or accommodate anywhere near the number of people asserted.

Impact on future occupiers

Having visited plots 408 & 409 the approved screens are not ideal and do compromise the residential amenities of future occupants. The provision of a 1.8m high privacy screen located 2m from the lounge windows not only obscures light to the room but does appear somewhat imposing. In addition given the angle of the screen and the position of the bi-fold doors (which sit externally) access onto the roof terraces is severely restricted.

The lowering of the front screens to 1.2m and introduction of clear glass would facilitate views out and improve light levels, both of which would improve the residential amenity of future occupants.

Other matters

Concern has been expressed by local residents that this application is reverting back to previously unacceptable plans. This is not the case. Application 4/02135/14/NMA was withdrawn as the changes being sought (including the use of the roof space) were not deemed to constitute non material amendments. The incorporation of the roof space would have an impact on surrounding properties and as such needed full consultation. A Full application was subsequently submitted. The current scheme proposes larger terraces to flats 408 and 409 only, and these terraces are exactly the same width but double the depth. The potential usage would also therefore double. This is not concluded as excessive.

RECOMMENDATION – That planning permission be **GRANTED** for the reasons referred to above and subject to the following conditions;

- 1 **The development hereby permitted shall be begun before the expiration of three years from the date of this permission.**

Reason: To comply with the requirements of Section 91 (1) of the Town and Country Planning Act 1990 as amended by Section 51 (1) of the Planning and Compulsory Purchase Act 2004.

- 2 **The development hereby permitted shall be carried out in accordance with the following approved plans:**

14/014/07A - Block ABC fourth floor
14/014/08A - Block ABC fifth floor
14/014/14A - Block DEF Third Floor
14/014/15A - Block DEF fourth Floor
14/014/18A - Elevations
14/014/20A - Elevations
14/014/21A - Privacy Screen Elevations
14/014/22A- Screen Detail

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