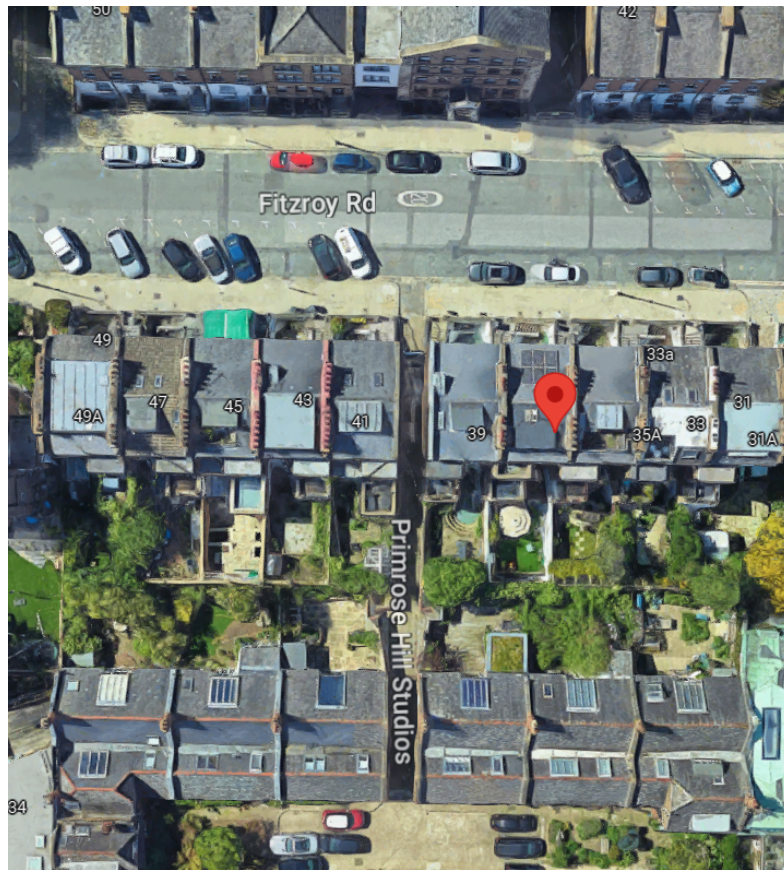


# 2022/4152/P - 37 Fitzroy Road, London. NW1 8TP



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1. Aerial view of host site and neighbouring properties on Fitzroy Road



2. Rear view of terrace (Nos. 31 -39)





3. Rear elevation at host property including lower ground floor window



4. Rear elevation of rear dormer window

<b>Delegated Report (Members Briefing)</b>		<b>Analysis sheet</b>		<b>Expiry Date:</b>	<b>22/11/2022</b>
		N/A / attached		<b>Consultation Expiry Date:</b>	<b>11/12/2022</b>
<b>Officer</b>				<b>Application Number(s)</b>	
Amy Ly				2022/4152/P	
<b>Application Address</b>				<b>Drawing Numbers</b>	
37 Fitzroy Road London NW1 8TP				See draft decision notice	
<b>PO 3/4</b>	<b>Area Team Signature</b>	<b>C&amp;UD</b>	<b>Authorised Officer Signature</b>		
<b>Proposal(s)</b>					
Replacement of lower ground rear extension timber sash window with large metal framed picture window, and replacement of rear dormer windows.					
<b>Recommendation:</b>		Grant conditional planning permission			
<b>Application Type:</b>		Householder Planning Permission			

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice			
Informatives:				
Consultations				
Summary of consultation:	A site notice(s) was displayed near to the site on the 16/11/22 (consultation end date 10/12/22).  The development was also advertised in the local press on the 17/11/22 (consultation end date 11/12/22).			
Adjoining Occupiers:	No. of responses	01	No. of objections	01
Summary of consultation responses:	1 letter of objection was received by a resident of 7 Primrose Hill Studios. Their objection comments can be summarised as follows: <ul style="list-style-type: none"><li>Inappropriate proposed metal framed window would not be in keeping with the character and appearance of the conservation area.</li></ul> <u>Officer's response:</u> Please see sections 1, 3 and 4 of the assessment section of the officer's report.			
Primrose Hill CAAC:	An objection was received by the Primrose Hill CAAC. The objection comments can be summarised as follows: <ul style="list-style-type: none"><li>We object to the replacement lower ground floor window on the grounds of its inappropriate proportions and lack of subdivisions (glazing bars): both are of importance in these buildings which are recognized as making a positive contribution to the character and appearance of the conservation area.</li><li>We are deeply concerned by the use of metal framed windows in terms of their poor insulation characteristics in comparison with wood. There is no information provided on the insulation qualities of the proposed replacement windows. Camden has declared a climate crisis: deteriorating insulation should not be acceptable.</li></ul> <u>Officer's response:</u> Please see sections 1, 3 and 4 of the assessment section of the officer's report.			

## Site Description

The application site refers to 37 Fitzroy Road, a four storey mid terraced property located on the southern side of Fitzroy Road. To the rear, the site has a garden area which provides private amenity space for the occupiers of the host property. It forms a part of a group of terraced houses (nos. 31 – 39).

The site is located within the Primrose Hill Conservation Area; it is not a listed building but makes a positive contribution to the character of the conservation area.

## Relevant History

The planning history for the host site can be summarised as follows:

**2009/1743/P** - Additions and alterations to the rear including a single storey conservatory at lower ground level, replacement of existing rear ground floor window with a french door with a juliette balcony, and the erection of a two storey extension to the rear of the closet wing, replacing an existing single storey extension to the residential dwelling (Class C3). **Granted 01/06/2009**

**2011/3124/P** - Erection of rear dormer window (following removal of existing unauthorised full-width dormer window) to existing single family dwelling house (Class C3) **Granted 25/08/2011**

The relevant planning history for the neighbouring sites can be summarised as follows:

### Basement Flat, 39 Fitzroy Road

**2021/4220/P** - Erection of a single storey rear extension with rooflight above and aluminium doors to rear and with lowered rear garden level. **Granted 12/04/2022**

### 41 Fitzroy Road

**2020/2454/P** - Erection of an enlarged roof extension with inset roof terrace and associated enlargement of gable wall following removal of dormer. **Granted 14/07/2020**

### 47 Fitzroy Road

**2004/4192/P** - Alterations to the roof to enlarge rear dormer and installation of 2 rooflights and alteration of rear window and door openings. **Granted 07/12/2004**

**2022/3069/P** - Replacement of 11 timber sash windows to front and rear elevations with timber double-glazed sash window. **Granted 10/01/2023**

**2022/0488/P** - Erection of part mansard roof extension with new rear dormer following demolition of existing rear dormer, addition of new dormer window and installation of 4 x roof lights, replacement of 2 x roof lights. **Granted 05/07/2022**

## Relevant policies

### National Planning Policy Framework (2021)

### The London Plan (2021)

### Camden Local Plan (2017)

- **A1** Managing the impact of development
- **D1** Design
- **D2** Heritage
- **CC1** Climate Change Mitigation

**Camden Planning Guidance:**

- CPG Amenity (2021)
- CPG Design (2021)
- CPG Home Improvements (2021)

**Conservation Statements:**

- Primrose Hill Conservation Area Statement (December 2000)

**Assessment****1. The proposal**

- 1.1. Planning permission is sought for the replacement of an existing window opening on the rear façade of the rear outrigger with a larger metal-framed window on the lower ground floor and the replacement of the rear dormer windows at roof level with metal-framed windows.
- 1.2. It is proposed to replace the lower ground floor timber sash windows on the rear brick extension with a larger picture window with metal frames, similar in style to the adjacent glazed extension. The rear dormer extension windows would be replaced with metal-framed glazing matching in size to the existing windows.

**2. Assessment**

The key considerations material to the determination of this application are as follows:

- Design and Heritage
- Impact on neighbours/Amenity

**3. Design and Conservation**

- 3.1. The Council's design policies are aimed at achieving the highest standard of design in all developments. The following considerations contained within policy D1 are relevant to the application: development should respect local context and character; comprise details and materials that are of high quality and complement the local character; and respond to natural features.
- 3.2. Policy D2 'Heritage' states that in order to maintain the character of Camden's conservation areas, the Council will not permit development within conservation area that fails to preserve or enhance the character and appearance of that conservation area.
- 3.3. The character of the southern end of Fitzroy Road and this part of Primrose Hill Conservation Area is represented by a number of terrace houses that were built in the late 19th century. These properties have distinctive architectural features to the front elevation including shallow pitched roofs with overhanging eaves, prominent chimney stacks, deeply recessed front doors, and bay windows at ground and basement levels with Italianate column details. To the rear of the terrace is Primrose Hill Studios, which is a group of 12 buildings clustered around a quiet courtyard to the centre of a block. These buildings are constructed in the Arts and Crafts style with hipped roofs and are modest in scale, being a maximum of two storeys in height. The conservation area statement identifies views of Primrose Hill looking south westerly along Fitzroy Road, as significant views.
- 3.4. The Character Appraisal & Management Plan advises that original detailing such as door/window pediments and finials, ironwork (window cills, railings), timber framed sash windows, doors, roof slates and tiles, decorative brickwork, where retained, add to the visual interest of properties. Where these features have been removed, replacement with suitable copies will be encouraged. Original, traditional materials should be retained wherever possible and repaired only if necessary. Generally

routine and regular maintenance such as and the painting and repair of wood and metal work will prolong the life of a building and prevent unnecessary decay and damage. Where replacement is the only possible option, materials should be chosen to closely match the original. Generally the use of the original (or as similar as possible) natural materials will be required, and the use of materials such as concrete roof tiles, artificial slate and uPVC windows would not be acceptable.

- 3.5. The lower ground window on the rear elevation of the existing brick rear outrigger would be replaced with a larger window, however it would occupy the same position on the elevation and would not move. Although the existing timber sash window would be replaced with a larger metal framed picture window, the overall appearance of the rear elevation would remain as existing. Whilst the proposal would result in the loss of an original timber sash window, in this instance, there would be minimal loss to the conservation area considering the lower ground rear siting and other similar windows approved within the same terrace. The new window would measure approx. 2sqm larger in scale than the existing window. Such an increase would be minimal and is not considered to harm the host building. Due to the materials, size and siting, and limited visibility from the public realm, it is considered that the proposed replacement window would not be harmful to the character and appearance of the host building and would preserve the character of the conservation area.
- 3.6. The existing rear dormer extension windows at roof level would be replaced with similar metal framed windows, occupying the same position as the existing windows. The existing timber framed windows would be replaced with triple casement metal framed windows, similar in style to the existing windows and matching in terms of size. The details of the windows are basic, but the materials and size are appropriate for the rear elevation. The window has little visibility from the street and given the other similar examples of metal rear dormer windows along the same terrace, the proposals would not have a significant adverse impact on the character and appearance of the conservation area.
- 3.7. It is noted that the rear elevations of the neighbouring properties within the terrace (nos. 31-39) and along the same side on Fitzroy Road have been altered previously in the form of window replacements. Specifically, the rear extension at No.39 has a similar metal framed window at lower ground floor level granted on 12/04/2022 under ref: 2021/4220/P, and the rear dormer at No.41 has a metal framed window granted on 14/07/2020 under ref: 2020/2454/P. No. 47 was also granted planning permission in 2022 for a rear dormer with metal framed windows. The current proposal would be similar and/or smaller in size and design to the windows at the aforementioned properties and would not detract from the character and setting of the host or neighbouring dwellings as a result. Therefore, given the prevalence of structures to the rear of neighbouring properties along this side of Fitzroy Road, the proposed development is considered to have an acceptable impact on the character and appearance of the surrounding conservation area.
- 3.8. Whilst it is recognised that the proposed metal windows would replace timber frames which have a lower embodied carbon content, the use of metal windows is considered to be acceptable from a sustainability perspective given the durability of the material and the potential for recycling at the end of life. It is considered that metal replacements would be in keeping with the character and appearance of the host building given the existing metal frames doors on the lower ground glazed rear extension. Moreover, the proposal does not include uPVC, which is strongly discouraged by the Council for both aesthetic and sustainability reasons given its inability to biodegrade. Given the small scale of the development the proposals would only result in minimal harm in terms of sustainability, and are considered to comply with the intentions of policy CC1.
- 3.9. Overall, it is considered that the proposed development would not cause a detrimental impact upon the character and appearance of the host property and would preserve the character and appearance of the conservation area. Special attention has been paid to the desirability of preserving or enhancing the character or appearance of the conservation area, under s.72 of the Listed Buildings and Conservation Areas Act 1990 as amended by the Enterprise and Regulatory Reform Act (ERR) 2013.



#### **4. Residential Amenity**

- 4.1. Policy A1 seeks to protect the quality of life of occupiers and neighbours by only granting permission to development that would not harm the amenity of residents. This includes factors such as privacy, outlook, implications to natural light, artificial light spill, odour and fumes as well as impacts caused from the construction phase of development.
- 4.2. No new amenity issues will be created as the proposal uses the same window openings for both replacement windows. Although the lower ground rear replacement window would be larger in size, given the siting and existing boundary treatments, there would be no additional harm in terms of loss of privacy through overlooking or significant artificial light spillage to neighbouring occupiers. The proposal is therefore considered to comply with Camden Local Plan Policy A1.

#### **5. Recommendation**

- 5.1. Grant conditional Planning Permission

***The decision to refer an application to Planning Committee lies with the Director of Regeneration and Planning. Following the Members Briefing panel on Monday 24th April 2023, nominated members will advise whether they consider this application should be reported to the Planning Committee. For further information, please go to [www.camden.gov.uk](http://www.camden.gov.uk) and search for 'Members Briefing'.***

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Date: 18 April 2023

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United Kingdom

# DRAFT

Dear Sir/Madam

## DECISION

Town and Country Planning Act 1990 (as amended)

### Householder Application Granted

Address:  
**37 Fitzroy Road**  
**London**  
**Camden**  
**NW1 8TP**

# DECISION

Proposal: Replacement of lower ground rear extension timber sash window with large metal framed picture window, and replacement of rear dormer windows.

Drawing Nos: FHK A-000 P1; FHK A-001 P1; A-005 P1; FHK A-006 P1; FHK A-010 P1; FHK A-021 P1; FHK A-101 P1; FHK A-105 P1; FHK A-500 P1; FHK A-601 P1; HAP P-001 T1; DESIGN AND ACCESS STATEMENT

The Council has considered your application and decided to grant permission subject to the following condition(s):

Condition(s) and Reason(s):

- 1 The development hereby permitted must be begun not later than the end of three years from the date of this permission.

Reason: In order to comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby permitted shall be carried out in accordance with the

following approved plans

FHK A-000 P1; FHK A-001 P1; A-005 P1; FHK A-006 P1; FHK A-010 P1; FHK A-021 P1; FHK A-101 P1; FHK A-105 P1; FHK A-500 P1; FHK A-601 P1; HAP P-001 T1; DESIGN AND ACCESS STATEMENT

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

- 3 All new external work shall be carried out in materials that resemble, as closely as possible, in colour and texture those of the existing building, unless otherwise specified in the approved application.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policies D1 and D2 of the London Borough of Camden Local Plan 2017.

Informative(s):

- 1 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts that cover aspects including fire and emergency escape, access and facilities for people with disabilities and sound insulation between dwellings. You are advised to consult the Council's Building Control Service, Camden Town Hall, Judd St, Kings Cross, London NW1 2QS (tel: 020-7974 6941).
- 2 This approval does not authorise the use of the public highway. Any requirement to use the public highway, such as for hoardings, temporary road closures and suspension of parking bays, will be subject to approval of relevant licence from the Council's Streetworks Authorisations & Compliance Team, 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No 020 7974 4444). Licences and authorisations need to be sought in advance of proposed works. Where development is subject to a Construction Management Plan (through a requirement in a S106 agreement), no licence or authorisation will be granted until the Construction Management Plan is approved by the Council.
- 3 All works should be conducted in accordance with the Camden Minimum Requirements - a copy is available on the Council's website (search for 'Camden Minimum Requirements' at [www.camden.gov.uk](http://www.camden.gov.uk)) or contact the Council's Noise and Licensing Enforcement Team, 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No. 020 7974 4444)

Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You must secure the approval of the Council's Noise and Licensing Enforcement Team prior to undertaking such activities outside these hours.

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraph 38 of the National Planning Policy Framework 2021.

You can find advice about your rights of appeal at:

<https://www.gov.uk/appeal-householder-planning-decision>.

If you submit an appeal against this decision you are now eligible to use the new [submission form](#) (Before you start - Appeal a planning decision - GOV.UK).

Yours faithfully

Chief Planning Officer

**DRAFT**

**DECISION**