

# Flat 1-2, 36 Elsworthy Road, NW3 3DL (2023/2929/P)



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1. Aerial view of the rear elevations showing variation of lower ground floors within the terrace



2. Rear elevation.

<b>Delegated Report</b>		<b>Analysis sheet</b>		<b>Expiry Date:</b>	11/09/2023
<b>(Members Briefing)</b>		N/A / attached		<b>Consultation Expiry Date:</b>	27/08/2023
<b>Officer</b>			<b>Application Number(s)</b>		
Sofie Fieldsend			2023/2929/P		
<b>Application Address</b>			<b>Drawing Numbers</b>		
Flat 1-2, 36 Elsworthy Road London NW3 3DL			Refer to 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 2x sets of rear lower ground doors					
<b>Recommendation(s):</b>		Grant Condition Planning Permission			
<b>Application Type:</b>		Full Planning Permission			

<b>Conditions or Reasons for Refusal:</b>	<b>Refer to Draft Decision Notice</b>
<b>Informatives:</b>	

### Consultations

<b>Adjoining Occupiers:</b>	No. of responses	<b>00</b>	No. of objections	<b>00</b>
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<b>Summary of consultation responses:</b>	<p><u>A site notice was displayed on 28/07/2023 and expired on 21/08/2023.</u>  <u>A press notice was advertised on 03/08/2023 and expired on 27/08/2023.</u></p> <p>No responses were received.</p>
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<b>Elsworthy CAAC comments:</b>	<p><b>Elsworthy CAAC objected:</b></p> <p>“Object Despite the applicant maintaining that the replacement windows respect planning policy, within the Belsize and Elsworthy Conservation Area there continues to be a policy of replacing timber with timber. For this reason, we object to the introduction of steel windows on the garden level.”</p> <p><u>Officer Response:</u> See section 2.3 of the report below.</p>
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### Site Description

The application site is a three storey terrace house on the north side of Elsworthy Road, located in the Elsworthy Conservation area. The building is not listed but is identified as a positive contributor to the appearance and character of the conservation area.

The building is subdivided into 4 flats and flat 1-2 occupies the lower and upper ground floors.

### Relevant History

**Site**  
None relevant

**No.38**  
**2012/4384/P** - Erection of conservatory to rear elevation and a residential outbuilding within garden at rear of existing flat (Class C3) - **Granted 24/10/2012**

**2014/5708/P** – Discharge of conditions 4 (materials for all windows and external doors), 5 (green roof and species details) and 6 (green roof to be in accordance with approved details) granted under reference 2012/4384/P dated 24/10/12. - **Granted 17/11/2014**

### Relevant policies

**National Planning Policy Framework 2023**  
**London Plan 2021**

#### Camden Local Plan 2017

- A1 Managing the impact of development
- D1 Design
- D2 Heritage

**Camden Planning Guidance**  
CPG Design 2021

## **Elsworthy conservation area appraisal and management strategy (2009)**

### **Assessment**

#### **1. Proposal**

1.1 Planning permission is sought for the replacement of two sets of rear lower ground doors. The existing doors are timber, and the replacement fenestration would be steel.

1.2 The main issues for consideration therefore are:

- Conservation and Design
- Neighbour Amenity

#### **2. Conservation and Design**

2.1 Policy D1 requires extensions to consider the character, setting, context and the form and scale of neighbouring buildings; the quality of materials to be used; and the character and proportions of the existing building. Policy D2 additionally states that the Council will only permit development within conservation areas that preserves or enhances the character and appearance of the area.

2.2 The application site is within the Elsworthy Conservation Area, wherein the Council has a statutory duty, under section 72 of The Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended), to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. The Conservation Area Statement identifies this property as making a positive contribution to the character and appearance of the conservation area.

2.3 The CAAC objected to the use of steel over timber for the replacement fenestration. On the rear elevation, the existing doors will be replaced with thermally broken steel in a RAL 7022 Umbra grey colour. The replacement fenestration will sit within the existing openings and have the same dimensions. While an alternative material is proposed, given its location to the rear and lower level with no public views, this replacement fenestration is not considered harmful. It is also noted that this terrace of four properties is subject to extensions at two properties including the adjoining neighbour at No.38 which has aluminium fenestration at this level, so there would not be an argument for material consistency in this instance.

2.4 Overall, the design, scale and detailed design is considered acceptable and would not harm the character and appearance of the host building, the wider area, or the Elsworthy Conservation Area.

#### **3. Neighbour Amenity**

3.1 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.

3.2 The development overall would not harm the amenity of any neighbouring residential properties in terms of loss of privacy, light or outlook given their scale and siting within the existing rear openings. The development is thus considered to be in accordance with planning policy A1 of the Camden Local Plan 2017.

#### **4. Recommendation**

4.1 Grant 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 11<sup>th</sup> September 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'.***

Application ref: 2023/2929/P  
Contact: Sofie Fieldsend  
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Date: 5 September 2023

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# DRAFT

Dear Sir/Madam

**DECISION**

Town and Country Planning Act 1990 (as amended)

## **Full Planning Permission Granted**

Address:

**Flat 1-2**  
**36 Elsworthy Road**  
**London**  
**Camden**  
**NW3 3DL**

# DECISION

Proposal:

Replacement of 2x sets of rear lower ground doors

Drawing Nos: Location plan; MBS21596-E-3; 2307-301 and 2307-302.

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:



Location plan; MBS21596-E-3; 2307-301 and 2307-302.

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

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-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