

41 Primrose Gardens, London, NW3 4UL (2022/4852/P)



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41 PRIMROSE GARDENS, LONDON (2022/4852/P)

SITE PHOTOS



Photo 1(above): Front elevation



Photo 2 (above): Existing front elevation 3rd floor balustrade and roof terrace balustrade



Photos 3 (above): Existing rear elevation



Photo 4 (above): Existing rear elevation showing lower ground floor



Figure 1 (above): Existing front and rear elevation



Figure 2 (above): Proposed front and rear elevation

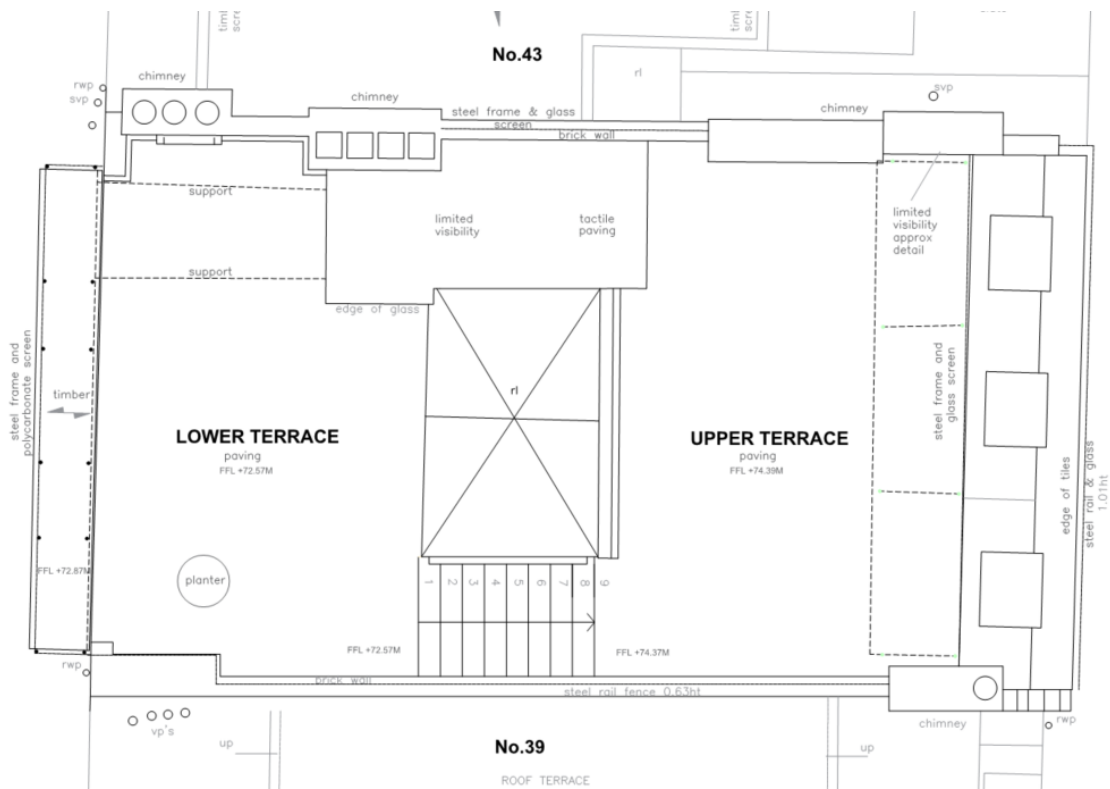


Figure 3 (above): Existing roof terrace plan

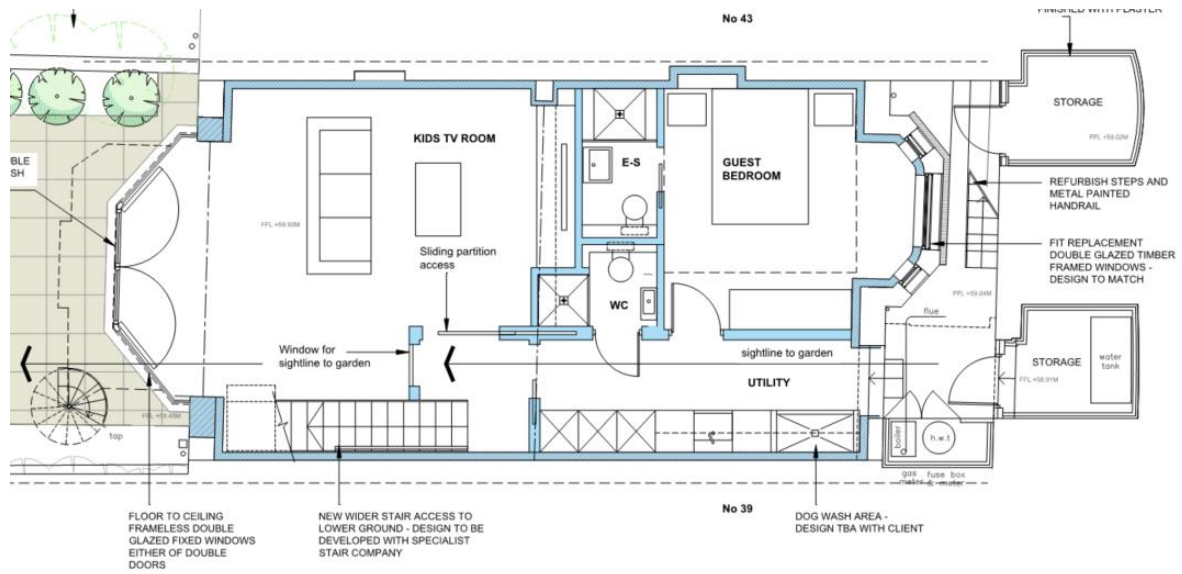


Figure 6 (above): Proposed lower ground floor plan

Delegated Report		Analysis sheet	Expiry Date:	02/01/2023
(Members Briefing)		N/A / attached	Consultation Expiry Date:	19/02/2023
Officer			Application Number(s)	
Elaine Quigley			2022/4852/P	
Application Address			Drawing Numbers	
41 Primrose Gardens London NW3 4UL			See draft decision notice	
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature	
Proposal(s)				
Erection of glazed extension at lower ground floor level on the rear elevation, replacement of glazed balcony at third floor level on the front elevation, alterations at roof level including replacement key clamp polycarbonate screen to the rear elevation and replacement glass balustrade and glazed screen to the front elevation, replacement screen to boundary wall with no. 39 all at roof level and replacement of all existing timber framed windows with double glazed timber framed windows				
Recommendation(s):		Grant conditional planning permission		
Application Type:		Householder Application		

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	00	No. of responses	00	No. of objections	00
			No. Electronic	00		
Summary of consultation responses:	A site notice was displayed on 25/01/2023 (expired 18/02/2023) and a press notice was advised in the local press on 26/01/2023 (expired on 19/02/2023). No consultation responses were received following this consultation period.					
CAAC BELSIZE PARK	<p>Belsize Park Conservation Area Advisory Committee (CAAC) – objects Previous additions to the front parapet and roof of no.47 cause substantial harm. We think that there are two ways of improving the situation. Firstly to remove rather than replace the screen fixed to the parapet. This presumably provides safety to anyone opening the full height windows in the dormers, in which case they could be replaced by a shorter window over a fixed panel below. Secondly to replace the front and rear roof terrace screens at a reduced height of 1.1m. Both of these suggestions would save money. The rear lower ground floor doors and glazing should be in timber framing to match the existing. The double glazing divisions should be no thicker than for single glazing.</p> <p>Officer's response: See paragraphs 4.1 to 4.6 of the design section</p>					

Site Description

The application site is located on the west side of Primrose Gardens within a terrace of three storey buildings with a lower ground and attic level. It comprises a Victorian three storey building with lower ground and attic level extension. The building is occupied as a single family dwelling following the 2022 permission (see planning history below).

The property is not listed but is located within the Belsize Conservation Area (sub area 5 'Primrose Gardens / Antrim Road) and is identified in the Belsize Conservation Area Statement as making a positive contribution to its character and appearance for its group value as part of nos. 1-57 (odds) Primrose Gardens.

Relevant History

Application site

Planning permission was **granted** on 19/07/1974 (ref 18832) for change of use to one maisonette and three flats, including works of conversion, and the construction of a dormer window at third floor level in the front elevation.

Planning permission was **granted** on 04/12/1978 (ref 27283) for change of use including works of conversion to provide a self-contained flat on the basement floor.

Planning permission was **granted** on 10/10/2022 (ref 2022/1832/P) for the amalgamation of the lower ground and ground floor flat with the maisonette on the upper floors (1st to 3rd floors).

Other neighbouring properties

No. 39

Planning permission was **granted** on 15/07/2016 (ref 2016/2397/P) for conversion from 5 self-contained flats to 3 flats: (2x3 bed and 1x2bed) erection of single-storey extension at rear lower ground floor level, re-instatement of rear bay-window at ground floor level and installation of timber framed sash windows to the rear and the erection of a terrace at first floor level to the rear and a terrace at roof level.

No. 45

Planning permission was **granted** on 17/06/2008 (ref 2008/1685/P) for retention of single-storey rear extension at lower ground floor level.

No. 53

Planning permission was **granted** on 19/10/1989 (ref 8905439) for construction of a conservatory at lower ground floor level

Relevant policies

National plans

National Planning Policy Framework (2023)

London Plan (2021)

Camden Local Plan 2017

Policy A1 Managing the impact of development

Policy D1 Design

Policy D2 Heritage

Camden Planning Guidance (CPG)

CPG Design (2021)

CPG Amenity (2021)

Conservation Area Statement

Belsize Conservation Area Statement (2002)

Assessment

1.0 BACKGROUND

1.1 The application building is outwardly a fairly standard 1880s townhouse that is identified as making a positive contribution to the character and appearance of the conservation area due to its group value. It was purchased in 1978 by the American born architect Rick Mather who converted it for use as his own studio and home. Rick Mather was a noted architect regarded as an innovator in low-energy design and known for his use of structural glass to provide an abundance of natural light. His most celebrated work dates from the mid-1990's to the early 2000's.

1.2 The claims to interest in the building are derived from Rick Mather's interventions in the late 1970s, which primarily relate to the upper interiors, the rear elevation and the roof. The building represents an evolution of Mather's sensitive approach to adapting historic buildings to modern needs. His interventions into 41 Primrose Gardens, particularly the upper floors, have been executed to a high standard and have added some interest to the building by creating a double-height, light-filled space at the top of the building. Another Building Design article from 15 November 1985 notes Mather's love of gardening and his liberal use of plants on the roof terrace he created at 41 Primrose Gardens.

1.3 During the course of the application the building was put forward by the Council for a spot listing to Historic England in May 2023 as the building was sold to a new owner who was about to start works on the building. Historic England rejected the recommendation on 28/06/2023 stating that:

"Whilst 41 Primrose Gardens is of some architectural interest as an early example of Mather's sensitive interventions into historic buildings, from the information available, his 1978 works are not sufficiently interesting to make the whole building of special interest. It does not meet the criteria for national listing of a building of this type and date".

2.0 PROPOSAL

2.1 The works relate mainly to the roof level with replacement of the front and rear steel frame and polycarbonate screen that encloses the existing roof terrace. A replacement balustrade would also be installed at 3rd floor level on the front elevation. These works are required due to the age of the structures which are now considered at the end of their life and also to comply with modern Building Regulations. On the rear it is proposed to install a new glazed infill extension at lower ground floor level. This would include full height single panes of glass within a steel frame with double door opening onto the rear garden. It is also proposed to replace all sash windows with double glazed timber framed windows.

Revisions

2.2 A revised roof plan and front and rear elevation was submitted removing the following elements from the original proposal:

- Existing dormers to be retained and refurbished
- Roof canopy to terrace access to be retained and refurbished
- Existing lean-to glass roof panels refurbished

2.3 Additional plans including large scale plans (scale 1:20) of the front part and the rear part of the roof terrace as well as section drawings were received during the course of the application.

3.0 ASSESSMENT

3.1 The main considerations as part of the proposal are the following:

- Design

- Amenity
- Trees and Landscaping

4.0 DESIGN

4.1 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.

4.2 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.

Roof works

4.3 It is acknowledged that No.41 is a Victorian terraced house that has been identified as a positive contributor. The CAAC has objected to the proposal and has made suggested design changes including removal rather than replacement of the screen fixed to the parapet, and replacement of the front and rear roof terrace screens at a reduced height of 1.100m. The existing screen on the front elevation at roof level is 1.7m in height. The proposed replacement screen would also measure 1.7m in height. Reducing the height of the screen to 1.1m would visually alter the original architects design. Both the Council's Conservation Officer and Historic England note that the most significant part of the building's history is that it retains the changes made by Rick Mather (so far) unaltered which is considered to make this property unique. The Council's Conservation Officer has strongly recommended that all changes made by Rick Mather be retained, especially those elements that are so indicative of his emerging architectural innovation which are mainly at roof level. The proposed replacement of the screens at roof level on a like-for like basis would retain the design ethos of Rick Mather and would be considered acceptable.

4.4 Time and ageing have given rise to the need to address health and safety issues associated with failing screens however every effort has been made to preserve those unique features related to Rick Mather's occupation of this building.

Lower ground floor rear extension

4.5 The works at lower ground floor level include the erection of an glazed extension underneath the upper ground floor rear bay window. The extension would be similar in its footprint to the upper ground floor bay window. The external works that Mather (the original architect) carried out were undertaken as part of his concept for the building which were mainly reserved for the upper floors of the building. This could be seen as making a distinction between the 2 parts of the building with the introduction of the glazed bay extension at lower ground floor level diluting this differentiation. However, it is considered that the introduction of the lower ground floor bay extension would not detract from the contribution this property makes to the character or appearance of the conservation area. There are other houses within the identified designated group that include lower ground floor extensions including no.39 (ref 2016/2397/P). Consequently, the location and size of the proposed extension would be considered acceptable. It would be constructed from a steel frame and would include 2 full height single glazed panels with a central double glazed door opening. This would mirror the design and language of the original architects roof terrace design and would be accepted.

Replacement windows

4.6 The like-for-like double glazed replacement windows would match as closely as possible the existing ones in terms of materials, colour, design, opening methods and proportions. While it is recognised that there would be some degree of increased thickness to frames in order to accommodate double glazed panes, the use of suitably designed replacement units are considered to be an appropriate and sympathetic change which would not harm the character and appearance of the host building, streetscene and wider Belsize Conservation Area. As such, the proposal is considered to be acceptable.

4.7 Special attention has been paid to the desirability of preserving or enhancing the character or

appearance conservation area, under s. 72 of the Listed Buildings and Conservation Areas Act 1990 as amended by the Enterprise and Regulatory Reform Act 2013.

5.0 AMENITY

5.1 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.

5.2 No new amenity issues will be created as the proposal. The replacement balustrades at roof level would be similar to the existing and the existing roof terrace would remain unaltered in terms of its size. The lower ground floor extension would be contained underneath the upper ground floor bay window. The extension would measure 2.4m in height. It would be set away approx. 1m from the brick boundary walls which are 1.7 and 1.8m in height. Although fully glazed, the views out from the windows into the neighbouring gardens would be obscured by the existing boundary walls and would be considered acceptable. The extension would not have an adverse impact on the amenity of the neighbouring properties in terms of daylight, outlook or light pollution. The replacement of the sash windows with double glazed timber framed windows would be similar in terms of size and proportions. There are no amenity concerns as the proposal involves the replacement of windows located in the same positions as existing. The proposal would be considered to comply with Camden Local Plan Policy A1.

6.0 TREES AND LANDSCAPING

It is proposed to remove and replace the existing fig tree which lies to the northwest boundary with no. 43. The existing fig tree is small in size and is considered to be more like a shrub. Consequently it was not considered necessary to require the submission of an arboricultural report to support its removal. Due to its height and size it is considered that its removal would not harm the visual amenity of the conservation area. The proposed ground floor plan confirms that a new fig tree would be planted in another part of the garden.

7.0 RECOMMENDATION

7.1 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 27th November 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 and search for 'Members Briefing'.

Application ref: 2022/4852/P
Contact: Elaine Quigley
Tel: 020 7974 5101
Email: Elaine.Quigley@camden.gov.uk
Date: 21 November 2023

Development Management
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DRAFT

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Householder Application Granted

Address:

**41 Primrose Gardens
London
NW3 4UL**

DECISION

Proposal:

Erection of glazed extension at lower ground floor level on the rear elevation, replacement of glazed balcony at third floor level on the front elevation, alterations at roof level including replacement key clamp polycarbonate screen to the rear elevation and replacement glass balustrade and glazed screen to the front elevation, replacement screen to boundary wall with no. 39 all at roof level and replacement of all existing timber framed windows with double glazed timber framed windows

Drawing Nos: A_PL_001 rev 00; A_PL_009 rev 00; A_PL_013 rev 00; A_10_014 rev 00; A_PL_030 rev 00; A_PL_099 rev 00; A_21_001 rev 00; A_21_002 rev 00; A_PL_103 rev 01; A_PL_104 rev A; A_PL_300 rev C; Flood Risk Statement prepared by AU Architects dated 07/11/2022.

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:

A A_PL_001 rev 00; A_PL_009 rev 00; A_PL_013 rev 00; A_10_014 rev 00; A_PL_030 rev 00; A_PL_099 rev 00; A_21_001 rev 00; A_21_002 rev 00; A_PL_103 rev 01; A_PL_104 rev A; A_PL_300 rev C; Flood Risk Statement prepared by AU Architects dated 07/11/2022.

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 policy D1 and D2 of the London Borough of Camden Local Plan 2017.

Informative(s):

- 1 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.
- 2 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).
- 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) 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

DECISION