

# 133 King Henry's Road 2023/5117/P



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Site Photos:



1. Streetview of front elevation



2. Aerial view of rear elevations



3. Photo of rear elevation



4. Existing rear elevation

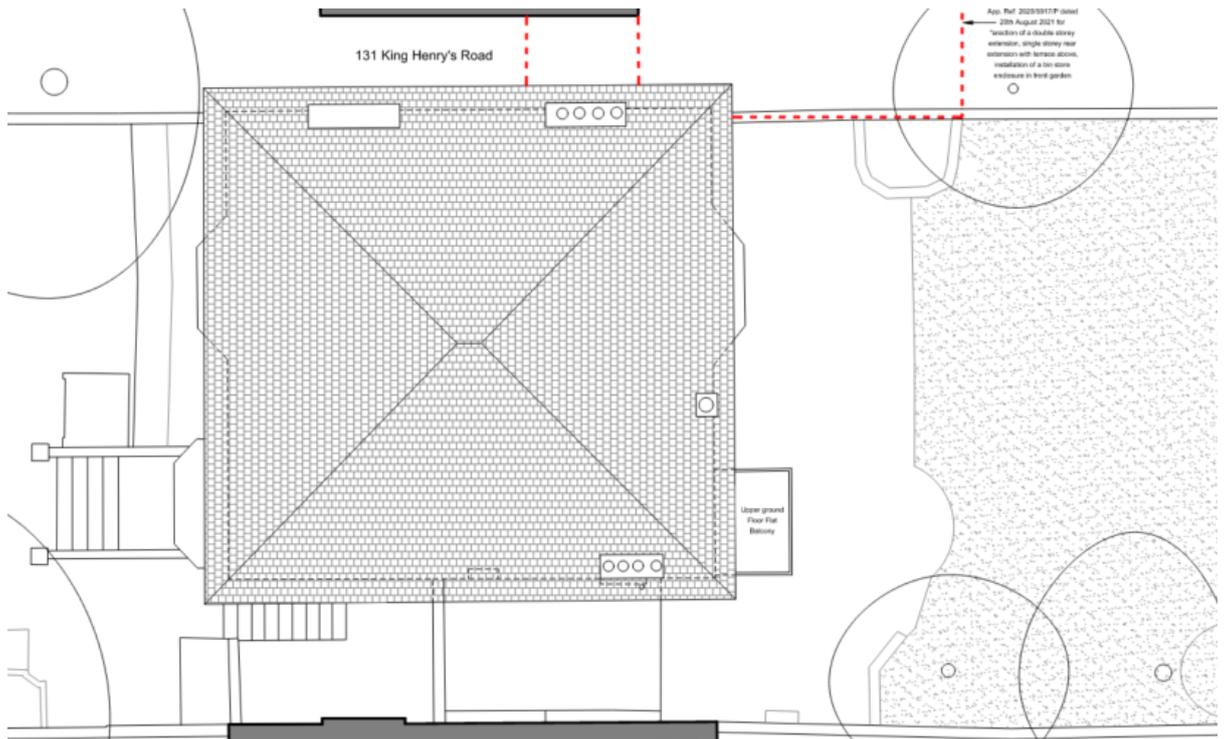




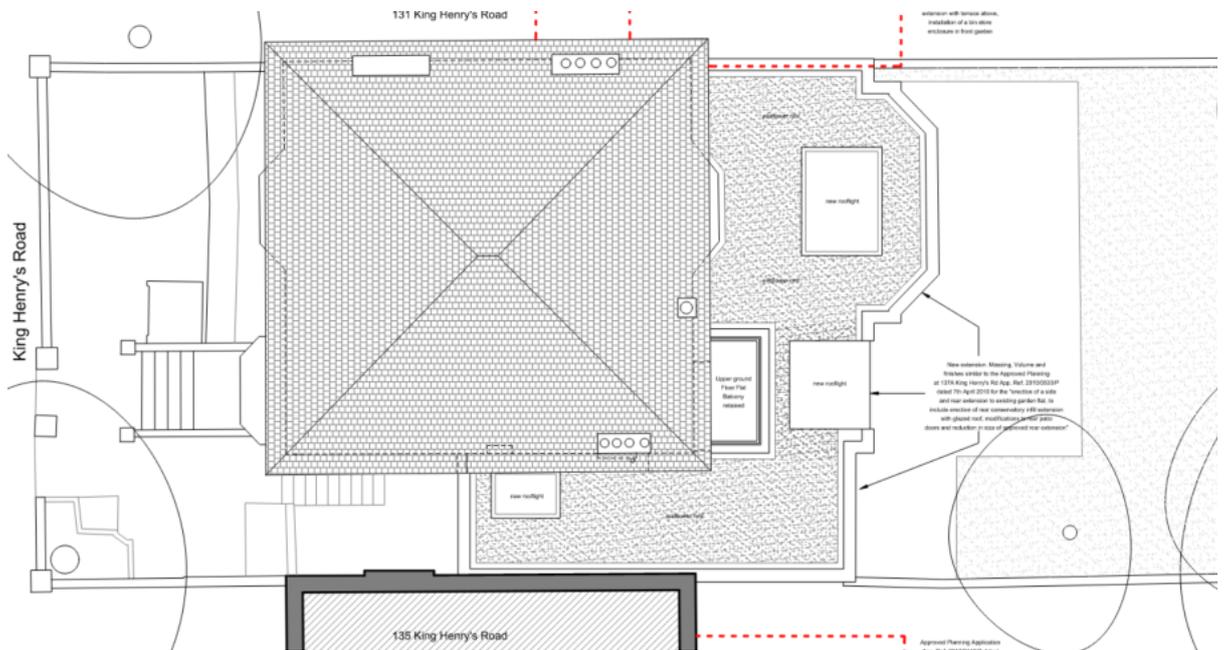
6. Existing front elevation



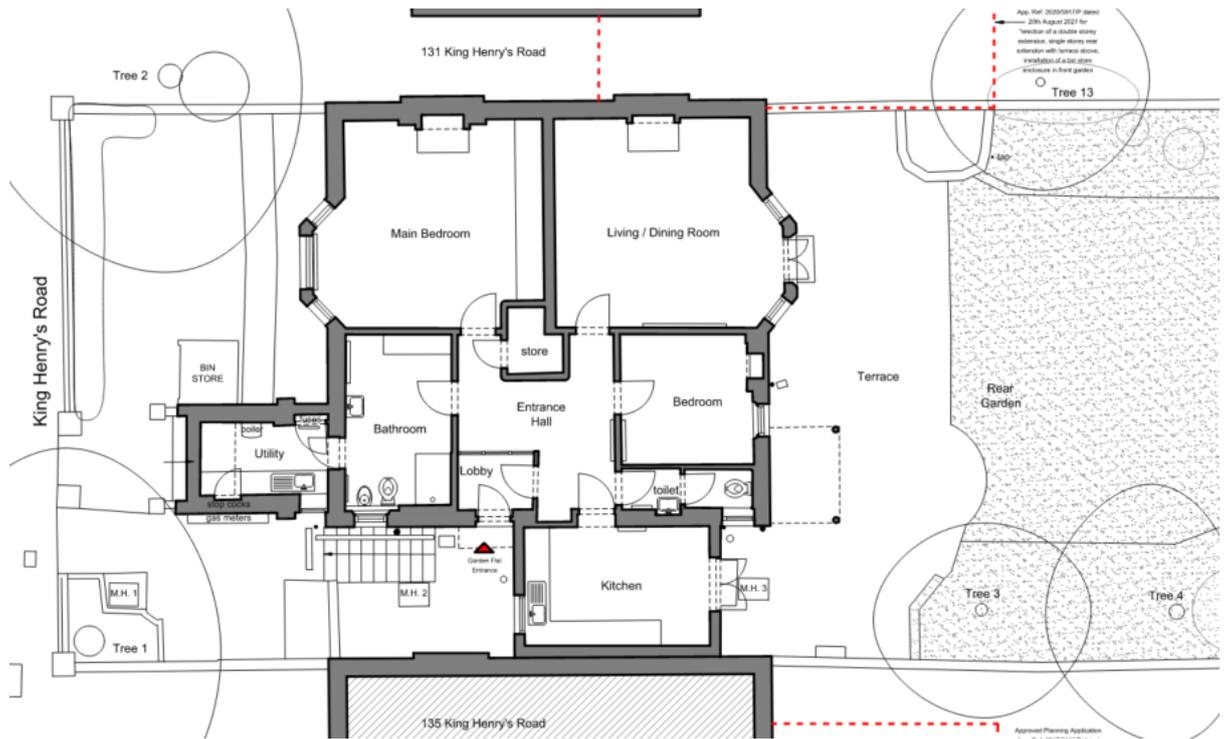
7. Proposed front elevation



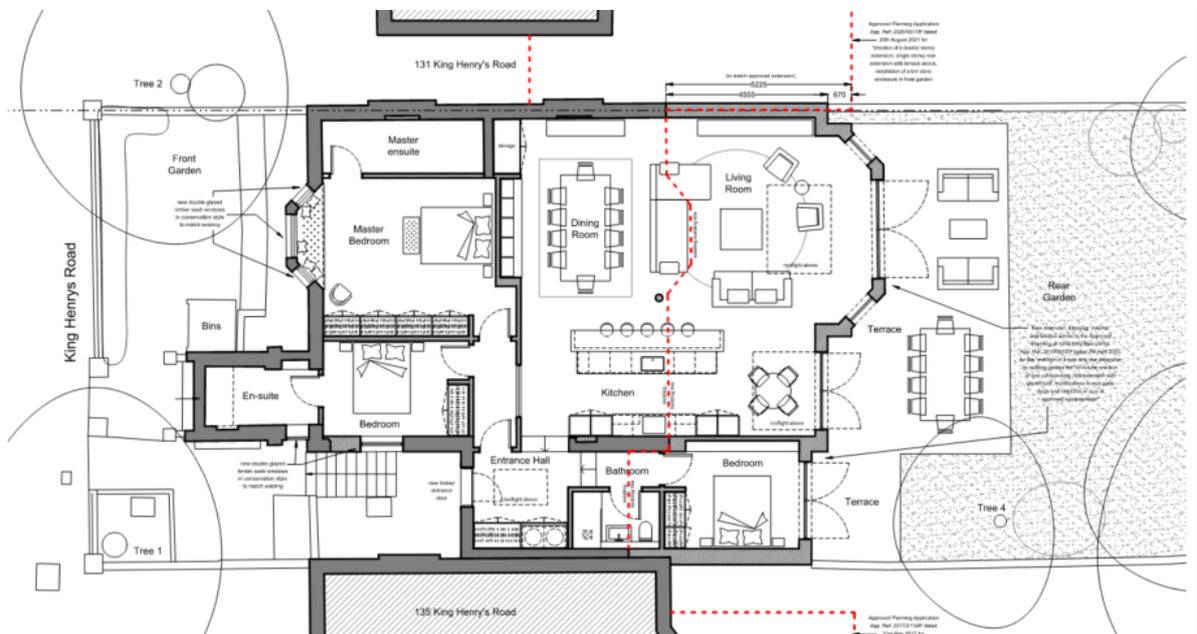
8. Existing front elevation



9. Proposed roof plan



10. Existing lower ground floor plan



11. Proposed lower ground floor plan

<b>Delegated Report (Members Briefing)</b>	<b>Analysis sheet</b>		<b>Expiry Date:</b>	26/01/2024
	N/A / attached		<b>Consultation Expiry Date:</b>	18/02/2024
<b>Officer</b>			<b>Application Number(s)</b>	
Edward Hodgson			2023/5117/P	
<b>Application Address</b>			<b>Drawing Numbers</b>	
Lower Ground Floor Flat 133 King Henry's Road London NW3 3RD			See the 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>				
Erection of single storey rear extension at lower ground floor, new windows to front and side elevations and new front door				
<b>Recommendation:</b>	Grant conditional planning permission			
<b>Application Type:</b>	Full Planning Permission			
<b>Conditions or Reasons for Refusal:</b>	Refer to Draft Decision Notice			
<b>Informatives:</b>				
<b>Consultations</b>				
<b>Adjoining Occupiers:</b>	No. of responses	<b>3</b>	No. of objections	<b>2</b>
<b>Summary of consultation responses:</b>	<p>Site notices were displayed near the site from 17/01/2024 to 10/02/2024 An advert was published in the local press from 25/01/2024 to 18/02/2024</p> <p>2 letters of objection were received from neighbouring residents in nos 133 and 139 King Henry's Road. Their objections can be summarised as below:</p> <ul style="list-style-type: none"> <li>• The proposed rooflights on the extension resulting in light pollution</li> <li>• The placement of a planter against the balcony of the flat above the application flat</li> <li>• Removal of the Hawthorne tree in the rear</li> <li>• Full width rear extension is out of line with the majority of similar extensions</li> <li>• The impact of the extension on views from the existing balcony above</li> </ul> <p><u>Officer Response:</u></p> <ul style="list-style-type: none"> <li>• <i>Amenity is discussed in section 3 of the report below</i></li> </ul>			

- *The proposed planter has since been removed from the revised plans. The revisions are discussed in section 2 below*
- *Tree and landscaping is discussed in section 4 below*
- *Design is discussed in section 3 below*
- *Private views are not a material planning consideration*

One letter of support was also received from a resident at no. 133 King Henry's Road, stating that the proposal is proportionate and in keeping with developments in the area and allows a young growing family to stay in their home. The proposal would be an improvement on the existing patio situation.

**Elsworthy  
Conservation Area  
Advisory Committee  
(CAAC)**

The Elsworthy CAAC have objected to the proposal. Their objection can be summarised as below:

- The proposed extension will encroach into the garden area in line with no. 131 and many other precedents in the area. The rooflights will have a negative visual impact on flats above in terms of light pollution.

Officer Response:

- Amenity is discussed in section 3 of the report and design in discussed in section 2 of the report

**Site Description**

The site is a detached four storey period villa property located on the south side of King Henry's Road. It is constructed with brick and timber windows with double height bay windows to the front and rear. The application relates specially to the lower ground floor flat. There is also an existing balcony on the rear at upper ground floor. It is located within the Elsworthy Conservation Area to which it makes a positive contribution, but it is not statutorily listed.

**Relevant History**

**Application site:**

**2023/0696/P** - Erection of outbuilding in rear garden. **Granted - 04/04/2023**

**Nearby sites:**

129 King Henry's Road:

**9502123R2** - Infilling of the side passage on the lower ground floor, and the replacement of an existing single storey extension at the rear garden level with a new extension for the lower Maisonette – **Granted - 17/05/1996**

131 King Henry's Road:

**2020/5917/P** - Erection of a double storey side extension, single storey rear extension with terrace above, installation of a bin store enclosure in the front garden area. **Granted - 20/08/2021**

### 135 King Henry's Road:

**2017/2119/P** - Erection of a single storey rear extension/orangery, installation of 2x rooflights and alterations to rear facade fenestration at lower ground floor level following demolition of existing conservatory. **Granted - 31/05/2017**

### 137 Kings Henry's Road:

**2009/2298/P** - Erection of a side and rear extension to existing garden flat. **Granted - 10/08/2009**

### 127 King Henry's Road:

**2016/5244/P** - Single storey rear extension to ground floor flat (Class C3) following the demolition of the existing extension on site. **Granted - 28/12/2016**

## **Relevant policies**

### **The National Planning Policy Framework 2023**

### **London Plan 2021**

### **Camden Local Plan 2017**

- A1 Managing the Impact of Development
- A2 Open space
- A3 Biodiversity
- D1 Design
- D2 Heritage

### **Camden Planning Guidance**

Amenity (2021)

Design (2021)

Home Improvements (2021)

Biodiversity (2018)

Trees (2019)

### **Elsworthy Conservation Area Appraisal and Management Strategy 2009**

### **Draft Camden Local Plan**

The Council has published a new [Draft Camden Local Plan](#) (incorporating Site Allocations) for consultation (DCLP). The DCLP is a material consideration and can be taken into account in the determination of planning applications, but has limited weight at this stage. The weight that can be given to it will increase as it progresses towards adoption (anticipated 2026).

## **Assessment**

### **1. Proposal**

- 1.1. Planning permission is sought for the erection of a single storey full width rear extension at lower ground floor, new windows to the front and side elevation at lower ground floor a new front door. The extension would measure 12.75m wide, 3.7m high and would project approx. 5.6m off from the depth of the existing rear elevation. There is an existing side infill extension between the application site and the boundary with no. 135. The windows would be timber sash windows

located on the eastern elevation, and a new timber is proposed on the front elevation of the side extension, which would be accessed down the existing stairs in the front garden.

### Revisions:

- 1.2. Originally, a planter was proposed on the roof of the proposed extension and located in front of the existing balcony which serves the flat above. This has since been removed following the consultation responses, however the proposed green roof is retained.

### Assessment

- 1.3. The principal considerations material to the determination of this application are as follows:

- Design and Heritage
- Amenity
- Trees and Biodiversity

## **2. Design and Heritage**

- 2.1. Local Plan Policy D1 seeks to secure high-quality design in development that respects local context and character. Policy D2 states that the Council will preserve and, where appropriate, enhance Camden's rich and diverse heritage assets and their settings, including conservation areas.
- 2.2. The Elsworthy Conservation Area Statement states that '*within in the Elsworthy Conservation Area there are many interesting examples of historic rear elevations. The original historic pattern of rear elevations within a street or group of buildings is an integral part of the character and appearance of the Conservation Area. As such rear extensions will not be acceptable where they would compromise the special character*'. In addition, proposals must preserve or enhance the character or appearance of the Elsworthy Conservation Area. High quality design and high-quality execution will be required of all new development at all scales.
- 2.3. The proposed rear extension would be full width; however, it would have a stepped design that would follow the articulation of the existing rear elevation. Although the lower portion of the rear bay would be lost, the extension would feature a bay window and as such this architectural feature would be retained in the design. In addition, the portion that would project off the existing side infill extension would be marginally set back from the rest of the extension, which would help to break up the massing. This would help to ensure that, despite its mass, the extension would read as subordinate to the host building and would not detract significantly from the appearance of the rear elevation. The extension would be finished with brick to match the existing property which is considered acceptable. The proposed green roof would soften the appearance when viewed from upper floor windows and would mitigate against the loss of some garden space.
- 2.4. The application site is identified as making a positive contribution to the character and appearance of the conservation area as part of nos. 115 to 151 (odd). Their contribution is due to their group value. The buildings are consistently of high quality and have relatively uniform frontages. Approximately 11 of the 19 properties within the group have similar lower ground floor rear extensions where the lower ground floor bay window has been lost. Although this is regrettable, the extension would largely be in line with the pattern of development at neighbouring properties at lower ground floor level along this side of the street and similar to extensions allowed in this vicinity in terms of the depth, width and height. There are several full width rear extensions at lower ground floor along this side including at nos. 129 and 121. An acceptable amount of rear garden amenity space would be retained (around 80%).

- 2.5. The new windows on the side elevation would be 1 over 1 timber framed sash windows. The materials and design are considered to be appropriate to the host building given its age and existing fenestration, and to the wider conservation area and would replace existing windows. The new front door would set back from the front elevation and would be constructed with timber which is considered acceptable.
- 2.6. The proposed works are considered to be appropriate in terms of scale, design and materiality and would respect the character and appearance of the host building and wider conservation area, in accordance with policies D1 and D2 of the Camden Local Plan.
- 2.7. 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 Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Enterprise and Regulatory Reform Act 2013.

### **3. Amenity**

- 3.1. Policy A1 seeks to protect the quality of life of occupiers and neighbours by only granting permission for development that would not harm the amenity of residents. This includes factors such as privacy, outlook, implications to natural light, artificial light spill, and impacts caused by the construction phase of development.
- 3.2. The application site comprises a detached property and the lower ground floor windows at the neighbouring properties either side are set back from the boundaries. Given the scale and siting of the rear extension, it is considered that there would not be an adverse impact in terms of loss of daylight and sunlight at these properties. The lower ground floor at no. 135 has a bay window and as such receives daylight from three directions. The extension would not fall within the 45 degree line taken in elevation from this window.
- 3.3. Two rooflights are proposed on the extension which would be located approx. 2m from the rear windows at upper levels of the building and would measure approx. 4.5sqm. The vast majority of the roof would be used as a green living roof. It is considered that the rooflights would not be excessive given the scale of the extension. There are a number of rear extensions along this side of the street which feature more extensive glazing, including at nos. 135 and 137. The scale of the proposed rooflights would be in keeping to others approved in this vicinity. As such, it is considered that the rooflights wouldn't adversely worsen the existing light pollution in the area. Although the new rooflights would allow some views back towards the rear windows on the upper floors, these views would be very limited due to the size and the location of the rooflights which would set back towards to rear part of the extension. In any case, such views would look up towards the upper portion of the upper rooms and so the views would not look directly into these windows. In addition, these new views would not be worse than the existing situation whereby someone could stand in the rear garden and look back towards the upper flats. The rooflights would also be fixed shut and non-openable. Therefore such views would not result in adverse amenity harm to neighbouring occupiers.
- 3.4. The new windows on the side elevation would replace existing windows and as such would not create new opportunities for harmful overlooking.
- 3.5. The proposal is not considered to cause any other adverse impacts on the amenity of adjoining residential occupiers such as loss of light or outlook or light pollution.

### **4. Trees and Biodiversity**

- 4.1. Policy A3 requires trees and vegetation which are to be retained to be satisfactorily protected during the demolition and construction phase of development in line with BS5837:2012 'Trees in relation to Design, Demolition and Construction' and positively integrated as part of the site layout. The policy also expects developments to incorporate additional vegetation wherever possible. An arboriculture report and green roof details have been submitted with the application which the Council's Tree Officer has reviewed and has deemed them to be acceptable.
- 4.2. It is proposed to remove 1 buddleia, 1 amelanchier and 1 no hawthorn in the rear garden. The buddleia is a small shrub and the amelanchier is a small specimen and its loss will not impact on the character and appearance of the area. Neither plant is of any particular ecological significance. The hawthorn (T3) is also a relatively small tree, close to the property with low visibility outside of the site. Again its removal would not be detrimental to the character and appearance of the conservation area and there are a number of other trees on site which will ameliorate its removal. The incursion of the extension into the root protection area of the pear (T4) is less than 20% of the RPA and considered acceptable given that the tree has ample rooting area elsewhere in the garden. A method statement has been submitted in support of the application which has been reviewed by the Council's Tree officer and is considered satisfactory. The proposed tree protection and method statement are in line with BS5837:2012 Tree in relation to design demolition and construction: recommendations and are sufficient to demonstrate that the trees to be retained will be adequately protected during the implementation of any approval of the scheme. Compliance conditions are attached to ensure the works are carried out in accordance with the approved documents. A new patio terrace is proposed to be between the extension and the garden area which would take approx. 12.5% of the rear garden with rest being used for planting and vegetation. A sufficient amount of soft landscaping would be retained and the existing trees would be protected adequately.
- 4.3. The design of the green roof is considered satisfactory with respect to the number of species proposed and the depth of substrate. A maintenance schedule has also been submitted which is considered to be sufficient.
- 4.4. An arboriculture report and green roof details have been submitted with the application which the Council's Tree Officer has reviewed and has deemed them to be acceptable. As such, the proposal would protect retained trees and provide vegetation through the new green roof in accordance with policy A3 of the Camden Local Plan.

## 5. Recommendation:

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 18<sup>th</sup> March 2024, 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: 2023/5117/P  
Contact: Edward Hodgson  
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Date: 11 March 2024

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24 Southwark Bridge Road  
London  
SE1 9HF

# DRAFT

Dear Sir/Madam

**DECISION**

Town and Country Planning Act 1990 (as amended)

## **Full Planning Permission Granted**

Address:

**Lower Ground Floor Flat**  
**133 King Henry's Road**  
**London**  
**NW3 3RD**

# DECISION

Proposal:

Erection of single storey rear extension at lower ground floor, new windows to front and side elevations and new front door

Drawing Nos: Site Location Plan ST-02 rev 00; LP-01 01, LP-02 01, EX-01 01, EX-02 01, EX-03 01, EX-04 01, EX-05 01, EX-06 02, EX-07 01, EX-08 00, PA-01 06, PA-05 04, PA-03 04, PA-04 04, PA-05 04, PA-06 04, PA-08 04, PA-09 01, PA-10 00, PA-02 06, PA-07 05, Planning Statement, Arboricultural Report (Crown Tree Consultancy 29/11/2023), Arboricultural Method Statement (Crown Tree Consultancy 29/11/2023), CCL 10812 / TCP Rev: 2, Tree Schedule, Green Roof Maintenance Scheme (CCASA Architects 28/02/2024),

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:

Site Location Plan ST-02 rev 00; LP-01 01, LP-02 01, EX-01 01, EX-02 01, EX-03 01, EX-04 01, EX-05 01, EX-06 02, EX-07 01, EX-08 00, PA-01 06, PA-05 04, PA-03 04, PA-04 04, PA-05 04, PA-06 04, PA-08 04, PA-09 01, PA-10 00, PA-02 06, PA-07 05, Planning Statement, Arboricultural Report (Crown Tree Consultancy 29/11/2023), Arboricultural Method Statement (Crown Tree Consultancy 29/11/2023), CCL 10812 / TCP Rev: 2, Tree Schedule, Green Roof Maintenance Scheme (CCASA Architects 28/02/2024)

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.

- 4 Prior to the commencement of construction/demolition works on site, tree protection measures shall be installed in accordance with the approved Arboricultural Method Statement (Crown Tree Consultancy 29/11/2023), and Tree Protection Plan within the approved Arboricultural Report (Crown Tree Consultancy 29/11/2023). The protection measures shall remain in place for the duration of works on site and shall be carried out in line with the recommendations made in the method statement, unless otherwise agreed in writing by the local authority.

Reason: To ensure that the development will not have an adverse effect on existing trees and in order to maintain the character and amenity of the area in accordance with the requirements of policies A2 and A3 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.

- 4 Your proposals may be subject to control under the Party Wall etc Act 1996 which covers party wall matters, boundary walls and excavations near neighbouring buildings. You are advised to consult a suitably qualified and experienced Building Engineer.

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 2023.

You can find advice about your rights of appeal at:

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

Yours faithfully

Chief Planning Officer