

Delegated Report		Analysis sheet		Expiry Date:		30/07/2024	
		N/A		Consultation Expiry Date:		21/07/2024	
Officer				Application Number(s)			
Lauren Ford				2024/2243/P			
Application Address				Drawing Numbers			
Flat 5 1 Lyndhurst Gardens London NW3 5NS				See draft decision notice.			
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature				
Proposal(s)							
Erection of single-storey extension at first floor level on top of existing roof terrace.							
Recommendation(s):		Refuse planning permission					
Application Type:		Full Planning Permission					
Conditions or Reasons for Refusal:		Refer to Draft Decision Notice					
Informatives:							
Consultations							
Adjoining Occupiers:		No. notified	00	No. of responses	04	No. of objections	04
Summary of consultation responses:		<p>Site notices were displayed on 21/06/2024 and expired on 15/07/2024.</p> <p>An advert was displayed in the local press on 27/06/2024 and expired on 21/07/2024.</p> <p>Four letters of objection were received from neighbouring properties, which can be summarised as follows:</p> <ul style="list-style-type: none"> • Overbearing and dominating effect on Flat 7. • Overlooking, privacy and outlook. The proposed habitable space with glass walls directly overlooks the private rear patio and master bedroom of Flat 7. • Loss of daylight and sunlight for Flats 2 and 7, including their outdoor areas. • Structural issues relating to the chimney stack. • Ownership Certificate was not sent to all flats within the subject property. • No precedent for such an extension. 					

	<ul style="list-style-type: none"> Disrupt the aesthetic coherence and character of the existing architecture, which is of considerable importance in maintaining the overall appeal of residential area. <p><i>Officer response:</i></p> <ul style="list-style-type: none"> <i>Design and heritage are discussed in Section 3 below</i> <i>Neighbouring Amenity is discussed in Section 4 below.</i> <i>Whether notice was given to all relevant parties by the applicant with respect to the signed certificate is a legal issue that is not a material consideration in the assessment of an application.</i>
Fitzjohn's Netherhall CAAC:	A consultation letter was sent to the Fitzjohn's Netherhall CAAC. No response was received.

Site Description

The site is located on the corner of Lyndhurst Gardens and Akenside Road comprising flats. The site is within the Fitzjohns Netherhall Conservation Area, and is identified in the conservation area statement as being a positive contributor. No listed buildings are affected.

Relevant History

Relevant planning records at the application site:

9005335: *Erection of a conservatory to the existing kitchen balcony above ground floor bay window and conversion of existing window into a full height opening as shown on one unnumbered drawing (revision A) revised on 7.9.90. **Granted 28/11/1990.***

F7/12/9/34993: *Change of use of the house and garage into 7 self-contained flats involving works of conversion and alteration including new extension, roof terrace and the formation of a new means of access with hardstanding. **Granted, 01/03/1983.***

Relevant policies

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

Fitzjohns/Netherhall Conservation Area Character Appraisal & Management Plan (2022)

Camden Supplementary Planning Guidance (2021)

CGP - Design

CPG - Amenity

CPG – Home Improvements

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 which 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 a single-storey extension at first floor level on top of the existing roof terrace, measuring approximately 5.1m (long) x 3.5m (deep).
- 1.2 The proposed materials include brickwork to match existing, casement windows and doors within hardwood frames and timber structure, and a rooflight.
- 1.3 A portion of the terrace would be retained along the western elevation.

2. Considerations

2.1 Key planning issues to be considered are as follows:

- Design and Heritage
- Neighbouring Amenity

3. Design and Heritage

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. 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.

3.2 The conservation area statement states the following with respect to extensions:

- *Extensions to existing buildings should be subservient in height, scale, massing and be unobtrusive to the exiting landscape and townscape character of the Area. In most cases extensions should be no more than one storey in height.*
- *Side extensions and infills will be resisted where a gap/view is compromised and the symmetry and composition of a building is impaired.*
- *Modifications should draw on materials and general characteristics of existing buildings.*
- *Use of local, traditional materials is encouraged, including brick and tile with timber windows and detailing.*

3.3 The CGP (Home Improvements) states the following:

- *Side extensions should be confined to a single storey*
- *Be built from materials that are sympathetic to the existing building wherever possible.*

3.4 The proposed extension would be located at first floor level, on top of an existing terrace and single-storey side extension, along the northern side elevation of the existing building. While the extension would not be visible in public views, it would be visible in private views within the conservation area, and it is considered that the location and design of the proposed conservatory is inappropriate. The extension is not subservient to the host building given its height and location, would detract from the roofline which is a prominent feature of the subject building and would affect the symmetry of the rear elevation. The extension would in effect create a two-storey side extension which would create an asymmetrical appearance when read from the rear, which would thus affect its composition contrary to the conservation area management strategy. The conservatory would not be setback from the rear building line, and would be located on an existing terrace which currently allows the elevation to be fully expressed. While there are other examples of extensions at this level, it is considered that this addition would dominate the existing building and the original features would be compromised.

3.5 The design of the conservatory, notably the materials and level of glazing proposed is unacceptable, and not in accordance with the guidance within the Conservation Area statement or CPG (Home Improvements). The proposed materials are not traditional and would not relate to or are not characteristic of the existing building.

3.6 It is noted that the applicant has provided information to suggest that an application was previously granted by Council for the erection of a conservatory to the rear of the building at first floor level (9005335, granted on 28/11/1990) should be considered precedent. This application was granted some time ago, prior to current policies and guidance and is in a

different location to the extension being sought through this application. For these reasons this decision is not considered relevant precedent.

- 3.7 Overall, the proposed conservatory, due to its design, location and materials, would fail to preserve the character and appearance of the Fitzjohn's Netherhall Conservation Area, contrary to policies D1 and D2 of the Camden Local Plan 2017.
- 3.8 Considerable importance and weight have been attached to the harm and 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 2013. There are no public benefits that would outweigh the harm.

4. Neighbouring Amenity

- 4.1 Local Plan Policy A1 seeks to protect the amenity of Camden's residents by ensuring the impact of development on their amenity is fully considered. It seeks to ensure that development protects the quality of life of occupiers and neighbours by only granting permission for development that would not harm the amenity of neighbouring residents. Relevant to the application are overlooking, privacy, sunlight, daylight, overshadowing and outlook consideration.
- 4.2 Objections received raised concerns surrounding overlooking, privacy, outlook, daylight and sunlight.
- 4.3 With respect to overlooking and privacy, the area where the conservatory is to be located is already used as a roof terrace, therefore it is not considered that the proposal would result in any new overlooking or privacy related effects.
- 4.4 With respect to daylight and sunlight effects, it is not considered that the proposal would significantly worsen the existing situation, given the orientation of the site and the massing of the existing host building. The rear windows at the Cottage are already overshadowed by the existing building and ground floor extension. The additional height would therefore not significantly worsen this.
- 4.5 Therefore, the proposal complies with policy A1 of the Camden Local Plan 2017.

2. Conclusion and Recommendation

- 2.1 It is recommended to Refuse planning permission for the following reasons:
- 2.2 The proposed extension, by virtue of its design, location and materials, would result in an incongruous and unsympathetic addition that would detract from the appearance of the host building and fail to preserve the character and appearance of the Fitzjohn's Netherhall Conservation Area, contrary to policies D1 (Design) and D2 (Heritage) of the London Borough of Camden Local Plan 2017.