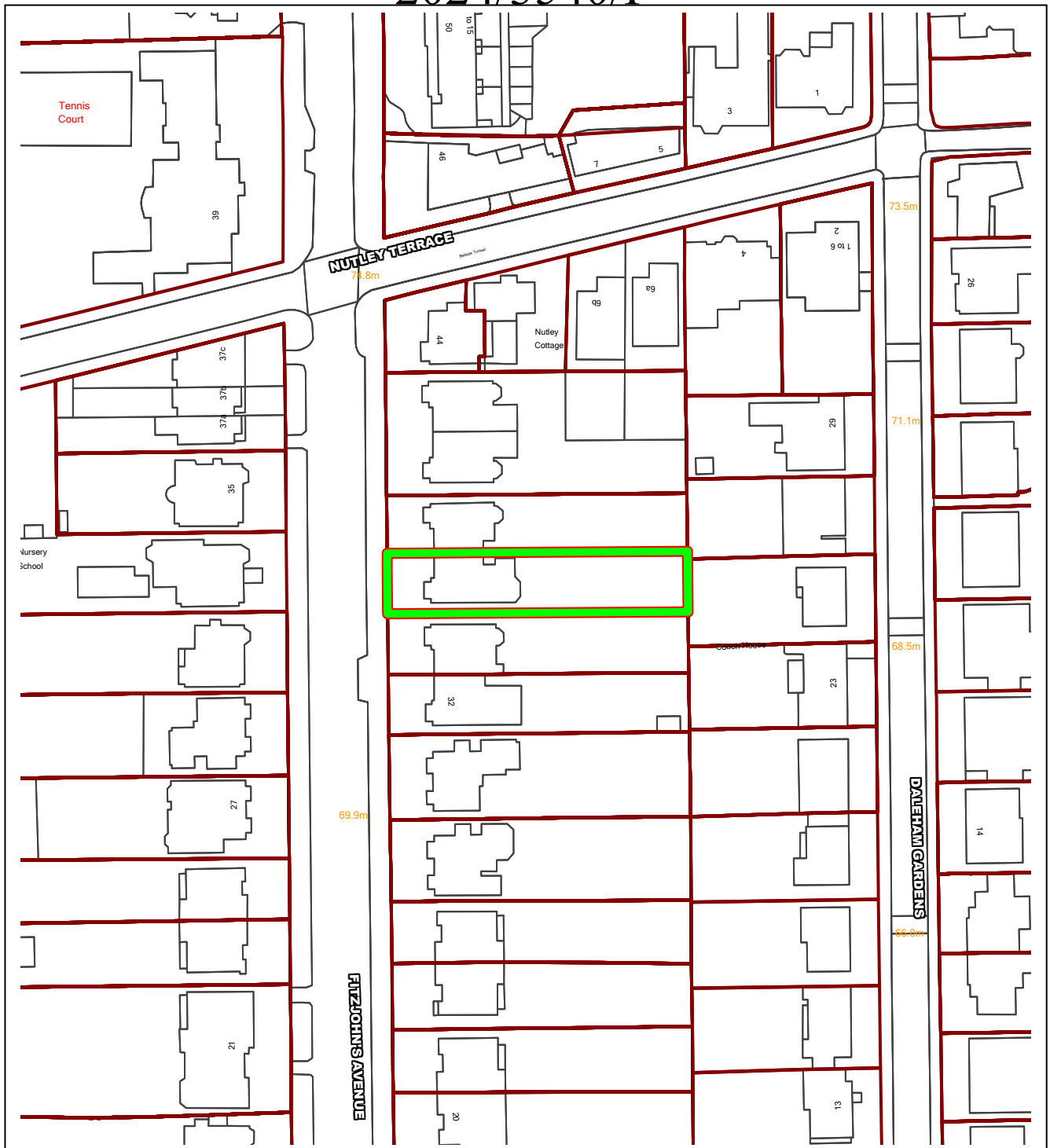


36 Fitzjohn's Avenue

2024/3540/P

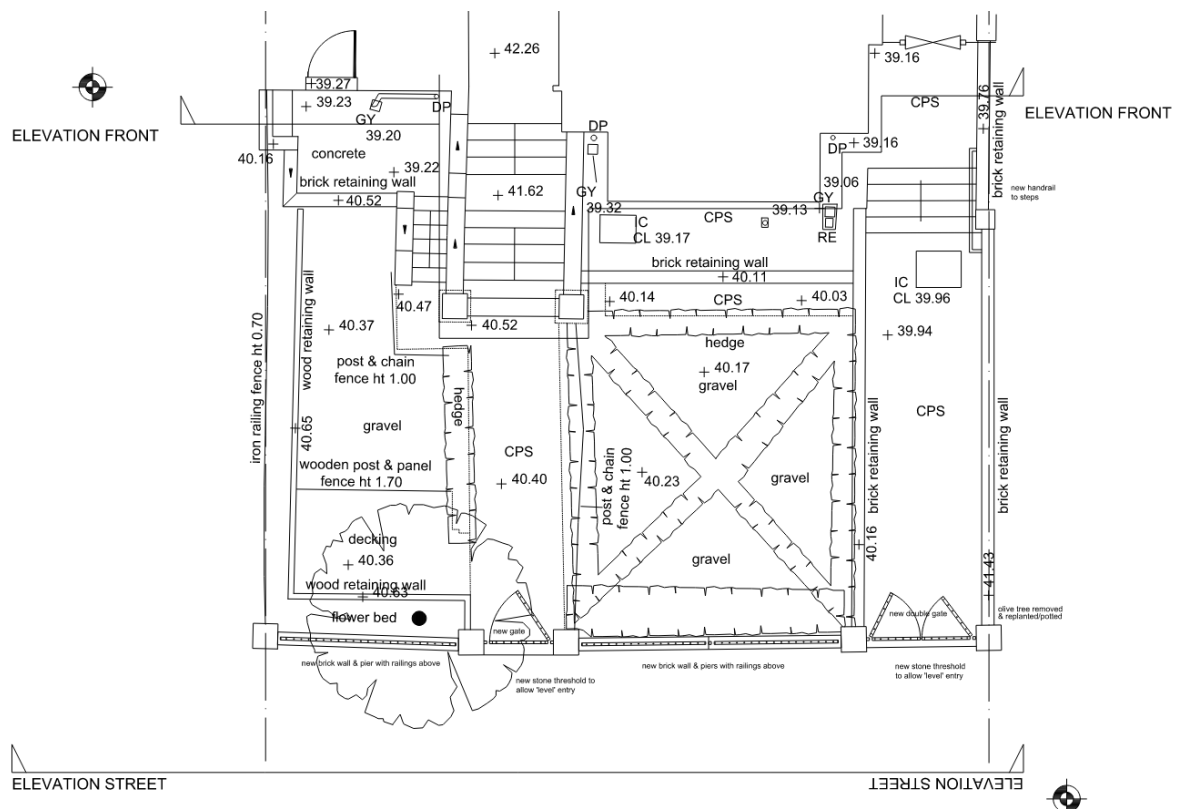


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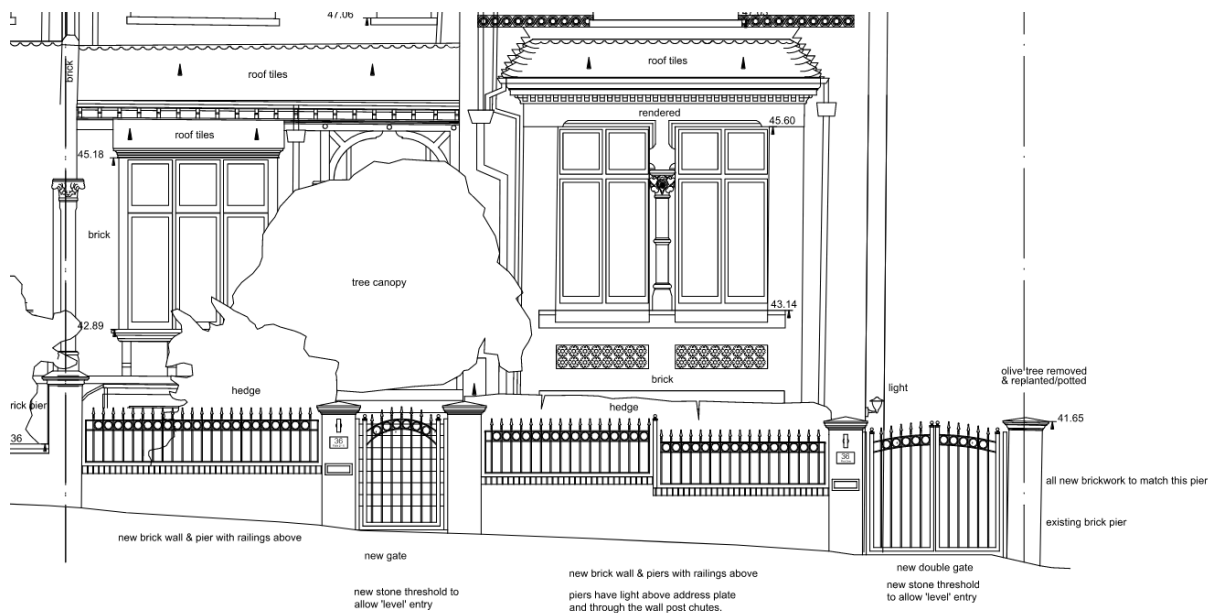
Photos and Drawings – 36 Fitzjohn's Avenue



1. Front elevation of 36 Fitzjohn's Avenue showing the existing front boundary treatment – Circled in red is the trunk of the Olive Tree (the tree is to be relocated)



2. Proposed Garden Plan – There would be no landscaping changes



Front Elevation - New Front Boundary Wall

3. *Proposed Front Elevation*



Front Elevation - Building

4. Proposed front elevation showing changed windows

Delegated Report (Members Briefing)	Analysis sheet		Expiry Date:	16/10/2024
	N/A / attached		Consultation Expiry Date:	22/09/2024
Officer			Application Number(s)	
Ben Greene			2024/3540/P	
Application Address			Drawing Numbers	
36 Fitzjohn's Avenue London NW3 5NB			See Draft Decision Notice	
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature	
Proposal(s)				
Replacement of front elevation window to the lower ground floor Flat 1, replacement of the front boundary wall, and relocation of olive tree.				
Recommendation(s):	Grant conditional planning permission			
Application Type:	Full Planning 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:	<p>Site notices were displayed near to the site on 28/08/2024 (consultation expired on 21/09/2024).</p> <p>The development was also advertised in the local press on 29/08/2024 (consultation end date 22/09/2024).</p> <ul style="list-style-type: none"> No comments received 					
Belsize Society	<p>The Belsize Society object on the following grounds:</p> <ul style="list-style-type: none"> <i>Removal of attractive olive tree from its prominent location on Fitzjohn's Avenue where it is highly visible and makes a positive contribution to the streetscape and conservation area. Therefore disagree with the design and access statement that the proposed works will not have any impact on the Conservation Area. Plans should be revised to retain the olive tree.</i> <p><u>Officer response:</u></p> <ul style="list-style-type: none"> The tree is highly visible from the public realm and contributes to the character and appearance of the conservation area. However, the tree is growing in extreme close proximity to a boundary wall and is not afforded the space it requires in the medium/long term. The current position of the tree is not sustainable. A condition would be attached to ensure the tree is protected during the works and also details would be required for its transplanting within a suitable location within the front garden area. See section 3 (Design and Heritage) and section 4 (Trees, Biodiversity and Sustainability) for further details. 					

Site Description

The application site comprises a three-storey semi-detached property located on the east side of Fitzjohn's Avenue and is located within the Fitzjohn's Netherhall Conservation Area.

Although the property is not listed, the Fitzjohn's Netherhall Conservation Area Appraisal identifies the property as making a positive contribution to the character of the conservation area. There is an existing olive tree behind the front boundary wall adjacent to the side boundary with no. 34 Fitzjohn's Avenue.

Relevant History

2021/4791/T – *Front Garden: 1x Willow (T5) – Fell to ground level and treat stump with eco plugs.* No objection to works to tree in CA 11/11/2021

- The willow tree removed was in a prominent location at the northwest corner of the site, mirroring the olive tree proposed to be relocated as part of the current application.

2021/2877/P - *Alterations to upper ground floor bay window at front and 4 sash windows at rear, and provision of new bin store with screen fence in front garden.* **Granted 09/12/2021**

2015/1327/P - *Erection of single storey ground floor rear infill extension, alterations to ground floor side fenestration, replacement side door with glass canopy, replacement of rear window and door with bi-folding doors.* **Granted 20/04/2015.**

Relevant policies

The London Plan (2021)

The National Planning Policy Framework (2024)

Camden Local Plan (2017)

D1 Design

D2 Heritage

A1 Managing the impact of development

A2 Open space

A3 Biodiversity

Camden Planning Guidance (CPG)

CPG Design (2021)

CPG Amenity (2021)

CPG Home Improvements (2021)

CPG Trees (2019)

Fitzjohn's Netherhall Conservation Area Appraisal and Management Strategy (CAAMS) (2022)

Para 3.6 – Loss of street and garden trees harms the character and appearance of the conservation area

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 replacement of the existing front boundary wall with a brick built front boundary wall of the same height with black steel railings above, and will include new black steel pedestrian gates. It is also proposed to replant an existing olive tree that is located adjacent to the brick retaining wall that separates the front garden with no. 34. The exact location for the re-potted tree has not been confirmed at this stage.
- 1.2. The proposal also includes like-for-like replacement of the front lower ground floor bay windows with painted timber, double glazed windows.
- 1.3. The proposed materials for the front boundary wall include multi-stock bricks to match the existing, black painted steel railings, and painted timber windows to match the existing.

2. Considerations

- 2.1. Key planning issues to be considered are as follows:

- Design and heritage
- Trees, biodiversity and sustainability
- Amenity

3. Design & Heritage

- 3.1. Local Plan Policy D1 (Design) states that the Council will aim to achieve the highest standard of design in all developments and requires development to be of the highest architectural and urban design quality, which improves the function, appearance, and character of the area. Local Plan Policy D2 (Heritage) states that the Council will seek to preserve and, where possible, enhance Camden's rich and diverse heritage assets and their settings, including conservation areas and the setting of its listed buildings.
- 3.2. The application site is located within the Fitzjohn's Netherhall Conservation Area, wherein the Council has a statutory duty to pay special attention to the desirability of preserving or enhancing the character and appearance of that area. The property is recognised as a positive contributor by the Fitzjohn's Netherhall CAAMS.
- 3.3. The existing lower ground floor windows have become distorted as a result of movement of the front façade due to subsidence. The proposal seeks to replace the existing lower ground floor windows with like-for-like timber framed double glazed replacements using the same materials, fenestration pattern and design. The proposed replacement windows would not result in any material change to the character or appearance of the front elevation and would not cause any harm to the character and appearance of the building or the conservation area and is considered acceptable in terms of design and heritage

- 3.4. The existing front boundary wall is a 1.1m high brick wall with brick piers with a planted hedge behind. It is proposed to replace the existing front boundary brick wall with a new brick wall of similar height to the existing, as well as new brick piers, all to be constructed of multi stock brick to match the main building. This would match the appearance of the brick boundary walls of the neighbouring properties and would be considered to enhance the character of the street and the conservation area. The existing hedge would be retained as part of the proposal.
- 3.5. The more notable design change to the wall would be the addition of black painted steel railings, with the addition of two new black painted steel gates. There would be one single gate and one doubled gate, both constructed of black metal railings and both would have stone thresholds to allow for level entry. The railings on the walls would measure 0.7m increasing the overall height of the wall to 1.5m on average. This area of the Fitzjohn's Netherhall Conservation Area has examples of this same design of railings, noticeably no. 35 opposite the site. It would not unduly increase the height of the wall and is an established feature in this part of the conservation area.
- 3.6. The proposal also includes a handrail to the steps at the south of the house, which is a minor change and would not be visible from any public vantage point.
- 3.7. The semi-mature olive tree is in a prominent position within the front garden next to the front /side boundary wall. It is highly visible from the public realm and contributes to the character and appearance of the conservation area. The tree is growing in very close proximity to the boundary wall and is not afforded the space it requires to grow in the medium to long term. The current location is therefore not considered sustainable. Its relocation is considered acceptable in this instance. The Council's tree officer has reviewed the information and is satisfied with the details. A condition would be attached to any permission to ensure the relocation of the tree to a suitable location within the front garden.
- 3.8. The works are considered to respect and preserve the existing property and its appearance. Special attention has been paid to the desirability of preserving or enhancing the character or appearance of the Fitzjohn's Netherall Conservation Area, under s.72 of the Listed Buildings and Conservation Areas Act 1990 as amended by the Enterprise and Regulatory Reform Act 2013 and is thus in accordance with policies D1 and D2 of the Camden Local Plan 2017.

4. Trees, Biodiversity and Sustainability

- 4.1. The Belsize Society has objected to the proposal due to concerns about the removal of the tree which is in a prominent location.
- 4.2. The semi-mature olive tree is in a prominent within the front garden next to the front /side boundary wall however the roots of the tree are causing structural damage to both the front boundary wall and that of the neighbouring property at no. 34. There is limited space for the tree roots to grow in the medium/long term, and so the location of the tree is not sustainable and relocation is necessary.

- 4.3. The location and method of transplanting the olive tree has not been specified in the application, and so a condition will be added to any permission securing the tree's protection during the works and requiring its transplanting in the front garden in a suitable location. The condition would also require the replacement of the tree if it dies or becomes damaged or diseased within 5 years from completion of the development.
- 4.4. Based on the information available this proposal would not require the approval of a BNG Plan before development is begun because the planning permission is a minor application within exemption threshold.

5. Neighbouring Amenity

- 5.1. 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, light, artificial light spill, odour and fumes as well as impacts caused from the construction phase of development. Policy A4 seeks to ensure that residents are not adversely impacted upon by virtue of noise or vibrations.
- 5.3 The proposal seeks only to replace the lower ground floor glazing and frames with like-for-like replacement double glazed windows. The size of the openings would remain the same as existing. There would be no additional loss of privacy or loss of outlook as a result of the replacement windows. As the replacement front boundary wall would remain a similar height to the existing wall it would not harm the amenity of neighbouring occupiers in terms of loss of daylight or sunlight.
- 5.4 Based on the above, the proposal is considered to comply with Policy A1 of the Local Plan as it would sufficiently protect the quality of life of occupiers and neighbours. It is considered that the proposed development would not cause unacceptable harm to amenity.

6. Recommendation

- 6.1 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 January 20th 2025, 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: 2024/3540/P
Contact: Ben Greene
Tel: 020 7974 3095
Email: ben.greene@camden.gov.uk
Date: 16 January 2025

Development Management
Regeneration and Planning
London Borough of Camden
Town Hall
Judd Street
London
WC1H 9JE

Phone: 020 7974 4444

planning@camden.gov.uk
www.camden.gov.uk

Rumun Consulting
32 Queens Walk
Ealing
London
W5 1TP

DRAFT

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Full Planning Permission Granted

Address:
36 Fitzjohn's Avenue
London
NW3 5NB

Proposal:

Replacement of front elevation window to the lower ground floor Flat 1, replacement of the front boundary wall, and relocation of olive tree.

Drawing Nos: 24/1069/01; 24/1069/02; 24/1069/03; 24/1069/04; Leggman May24; Site location plan; Planning and Design & Access Statement prepared by Rumun Consulting dated August 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: 24/1069/01; 24/1069/02; 24/1069/03; 24/1069/04; Leggman May24; Site location plan; Planning and Design & Access Statement prepared by Rumun Consulting dated August 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 policy D1 and D2 of the London Borough of Camden Local Plan 2017.

- 4 Prior to the completion of the development the existing olive tree in the front garden of the property shall be transplanted within in the front garden. The tree shall be replanted in the ground no less than 750mm from any structure, and be planted and maintained in accordance with BS8545:2014. Any trees or areas of planting which, within a period of 5 years from the completion of the development, die, are removed or become seriously damaged or diseased, shall be replaced as soon as is reasonably possible and, in any case, by not later than the end of the following planting season, with others of similar size and species, unless the Council gives written consent to any variation

Reason: To ensure that the landscaping is carried out within a reasonable period and to maintain a high quality of visual amenity in the scheme in accordance with the requirements of policies A2, A3, A5, D1 and D2 of the London Borough of Camden Local Plan 2017.

- 5 Prior to the commencement of any works on site, details demonstrating how trees to be retained shall be protected during construction work shall be submitted to and approved by the local planning authority in writing. Such details shall follow guidelines and standards set out in BS5837:2012 "Trees in Relation to Construction". All trees on the site, or parts of trees growing from adjoining sites, unless shown on the permitted drawings as being removed, shall be retained and protected from damage in accordance with the approved protection details.

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 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 the National Planning Policy Framework. The council publishes its adopted policies online, along with detailed Camden Planning Guidance. It also provides advice on the website for submitting applications and offers a pre-application advice service.

You can find advice about your rights of appeal at:

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

Yours faithfully

Chief Planning Officer