

Grounds of Appeal

24 Elsworthy Road,
Camden, NW3

On behalf of Mr Ben Grant

7 October 2013

Section 174 Appeal Against the Serving of
an Enforcement Notice by the London
Borough of Camden (Ref: EN13/0311)

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TA reference: GRAL2008

LPA reference: EN13/0311

Date of issue: 7 October 2013

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1 Introduction

- 1.1 This appeal is submitted on behalf of Mr Ben Grant against the recent issue of an Enforcement Notice by the London Borough of Camden (LBC) in relation to alleged breaches of planning control at 24a Elsworthy Road, London NW3 3DL. The alleged breaches of planning control are as follows:

“1) The erection of a 18.5m single storey rear extension along the boundary with no. 26 Elsworthy Road

2) The erection of a timber canopy.”

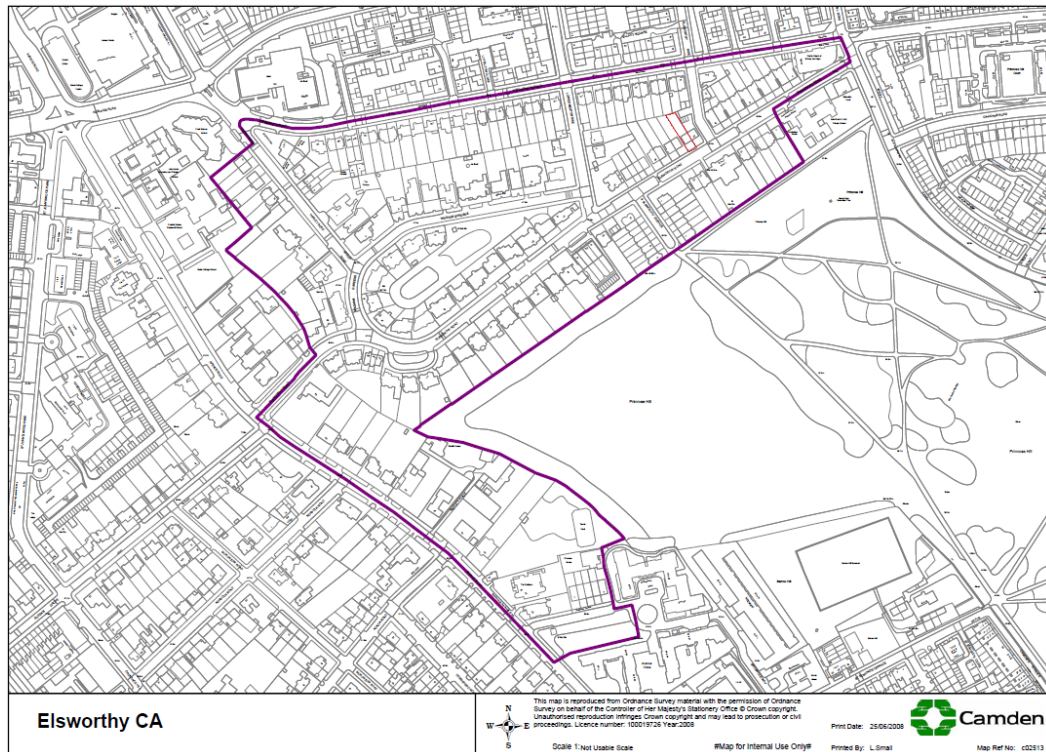
- 1.2 In issuing the Enforcement Notice the Local Planning Authority (LPA) cite four key points at Section 4 within the notice. A copy of the notice is contained at Appendix 1 and in the interest of brevity they are not repeated here.
- 1.3 This appeal is submitted under Ground a) - that planning permission should be granted. Our justification for this is that the vast majority of the alleged breach has already been granted planning permission (by planning permissions 2010/6791 and 2010/2982/P). We also consider that those elements of the built structure that do deviate from the approved planning permissions are not contrary to planning policy and do not affect public amenity. Furthermore, the breaches of control would not harm the amenity of neighbours or the character and appearance of the conservation area. We also consider that the vast majority of the breaches are trivial and technical breaches which cause no harm. In addition, paragraphs 56, 58, 60, 61 and 63 of the National Planning Policy Framework (NPPF) are relevant.
- 1.4 We confirm that a copy of this statement, the appeal form and a cheque for £770 made payable to the LBC has been sent to the LBC in conjunction with the submission of this appeal.

2 Site and Surroundings

- 2.1 The appeal site is the lower ground floor of a large four storey semi-detached house that has been divided into four flats (one flat on each floor). The site is within the Elsworthy Road Conservation Area.
- 2.2 The lower ground floor flat has sole access to the large rear garden, which reflects the significant size of the house prior to its conversion to flats. Part of the garden is located at a lower level than the adjoining garden of no. 22 to the east.
- 2.3 The house is built in London stock brick, with white render, timber framed windows and a slate roof. The front elevation features a prominent gothic porch and front steps. The rear elevation is less ornate featuring a brickwork elevation with white render at lower ground floor level and a white rendered projecting bay at lower and upper ground floors. The roof of this semi-detached pair is hipped and features large front and rear dormers.
- 2.4 The site is located on the north side of Elsworthy Road, near to its junction with Elsworthy Terrace. The rear ground floor and garden area is not visible from the street.

Elsworthy Road Conservation Area

- 2.5 The Elsworthy Road Conservation Area extends from Primrose Hill Road in the east to Avenue Road in the west. Urban development of the area occurred between 1840 and the early 1900s as major roads were built to provide links with central London. The years 1840 to 1914 saw a large amount of speculative residential development of an affluent nature.



- 2.6 Although a range of building types are evident across the Conservation Area, the common building types are terraced townhouses, semi-detached villas and freestanding detached houses set back from the road.
- 2.7 A notable characteristic of the area are the clear differences in the building styles and materials of each sub-area of the Conservation Area. These sub areas include the Willet Development at the western section of Elsworthy Road, characterised by well-detailed buildings using a rich mix of materials and an eclectic mix of architectural styles.
- 2.8 In contrast the eastern end of the Elsworthy Road, where no. 24 is located, has a spacious layout but possesses a greater vertical emphasis than the Willett development at the western end. The Elsworthy Road Conservation Area Appraisal and Management Strategy notes:
- 'The eastern end of the street the buildings are taller and set slightly closer to the street, with the majority raised on basements and approached by flights of steps'.*
- 2.9 The appraisal also notes that:
- 'The street possesses considerable interest in terms of boundary treatments with short square gateposts capped with pyramidal tops and bands of decorative stucco'.*
- 2.10 It is clear from the Conservation Area Appraisal and from our appraisal on site that the primary contribution of the house to the character and appearance of the conservation area is derived from its front elevation and roof line.

3 Relevant Planning History

2010/2982/P: Granted 10 August 2010

- 3.1 Planning permission was granted for the erection of a single storey side and rear extension and installation of new window openings to front and rear bays of the lower ground floor flat (Class C3).
- 3.2 The permission approved a new side entrance to the flat and a rear extension with painted white render and sliding folding PPC metal framed doors.

2010/4812/P: Refused 5 November 2010

- 3.3 Permission was refused for the erection of a single storey studio with basement in rear garden to lower ground floor flat.

2010/6786: Granted on 7 February 2011

- 3.4 Planning permission was granted for the erection of a single storey studio towards the boundary with properties on King Henry's Road in rear garden of ground floor flat (Class C3).
- 3.5 The permission approved a single storey studio building along the boundary with 26 Elsworthy Road. The approved scheme was 4.5m wide and projected 6.1m beyond the rear bay window and was to be finished in timber cladding.

2010/6791/P: Granted on 14 March 2011

- 3.6 Planning permission was granted for the erection of a single storey studio adjacent to boundary with 26 Elsworthy Road in rear garden of ground floor flat (Class C3).
- 3.7 The permission approved a single storey studio building along the boundary with 26 Elsworthy Road. The approved scheme was 4.5m wide, 9m long and in line with the approved rear extension. It was to be finished in timber cladding.

Built Scheme

- 3.8 The built scheme differs from the approved planning permissions in the following ways:
 - A 3.5m glazed link has been constructed linking the approved single storey extension with the approved single storey studio building;
 - The pattern of glazing and black metal frames on both the rear extension and the studio building;
 - The studio building has been finished in white painted render rather than the approved timber cladding; and
 - A timber canopy has been constructed in the rear garden.

4 Grounds of Appeal

- 4.1 This appeal is submitted under Ground a) – ‘that planning permission should be granted for the alleged breach’.
- 4.2 Our justification for this view is that the vast majority of the alleged breach has already been granted planning permission (by planning permissions 2010/6791 and 2010/2982/P). whilst there are some elements of the built structure that do deviate from the approved planning permissions we consider that they are not contrary to planning policy as they would not have a detrimental impact upon the amenity of neighbours; the character and appearance of the conservation area or the general openness of the rear garden.
- 4.3 More specifically, we contest the assertions that the rear extension:
- Impacts on the upper floor flats, by resulting in increased levels of lighting and activity; and
 - Is overly dominant and detracts from the openness of the rear garden and the character of the conservation area.
- 4.4 We also disagree with the assertion that the timber canopy fails to preserve the character and appearance of the conservation area.
- 4.5 We confirm that the unconsented elements of the works have been carried out within the last 4 years.

The Alleged Breach

- 4.6 The description of part 1 of the alleged breach is considered inaccurate as it refers to the erection of an 18.5m single storey rear extension. However, the breach of planning control relates primarily to the erection of a 3.5 m glazed link connecting the approved single storey rear extension and the approved studio building. The link functions as an anteroom between the two structures.
- 4.7 In addition to the glazed link the built works differ from the approved consents in relatively minor ways:
- The use of white painted render instead of timber cladding on the approved studio element; and
 - The installation of a different pattern of sliding doors on both the rear extension and the studio building element.
- 4.8 The elevations and photographs contained at Appendix 3 illustrate the differences between the approved schemes and what has been built on site.
- 4.9 We do not dispute the accuracy of part 2 of the alleged breach which relates to the timber canopy constructed without planning permission in the rear garden. However, we do not agree that this structure is contrary to policy.

Reason B: Levels of Lighting and Activity

4.10 Reason (b) in the enforcement notice states that:

*“The single storey rear extension due to its extensive glazing would result in the increased levels of **lighting** and **activity** from the rear garden area and would adversely impact the upper floor flats. This is contrary to policy CS5 and DP26.”*

4.11 Since the only identifiable area of increased glazing from the approved scheme compared with the built scheme is the glazed link, it is reasonable to assume that this is the only potential source of the alleged increased levels of lighting and activity identified in the enforcement notice.

4.12 However, it is unclear why this area, which features no internal lighting and provides an internal link from the rear extension to the studio building, would result in increased levels of activity or lighting within the rear garden. Conversely we would expect it to have the opposite affect - i.e. insulating the upper floor flats from the impact of movement between the rear extension and the studio building and reducing (by a small amount) the light spillage from the glazed walls of the approved structures.

4.13 The committee report relating to the approved garden studios (ref: 2010/6786/P and 2010/6791) considered the issue of light pollution and concluded:

“While the studios would both have extensive areas of south or east facing glazing which is likely to highlight the presence of the structure if illuminated from within at night, it is not considered that the lighting would lead to sufficient light trespass or glare to constitute light pollution.”

4.14 Given the commentary above and on the basis that no evidence on this matter has been provided by LBC to support their claim we consider that Reason B is not sufficient to sustain an objection in this instance.

Reason C: Openness of the Rear Garden, Dominance and Impact on the Conservation Area of the Rear Extension

4.15 Reason (c) of the enforcement notice states that:

“The single storey rear extension by reason of its excessive size, bulk and footprint and detailed design would be overly dominant and detract from the general openness of the rear garden and fail to preserve the general openness of the rear garden detracting from the character and appearance of the host building and the wider conservation area. This is contrary to policies CS14, DP24 AND DP25 of the Local Development Framework Plan Document 2010.”

4.16 Since the only identifiable area of increased size, bulk and footprint of the built scheme compared to the approved scheme is the glazed link, it is assumed that this is the primary reason that the scheme is considered to be overly dominant

and detract from the general openness of the rear garden. However, reason (c) also implies that the detailed design of the single storey rear extension is in itself overly dominant and detracts from the general openness of the rear garden.

Detailed Design and Character of the Conservation Area

- 4.17 Notwithstanding the glazed link, the design of the built scheme is similar to the design of the approved rear extension and studio building. The points of difference are the use of white render rather than timber cladding and the slightly different design of the sliding glass doors.
- 4.18 If we exclude the link, the layout, height and bulk of the built schemes are in general accordance with the permitted plans.

White Render Replacing Timber Cladding

- 4.19 When constructed the studio building was initially clad in timber as per the approved drawings, however it became apparent that the approved timber cladding was weathering badly. It is noted that Camden Planning Guidance on Design (CPG 1) states that '*durability of materials and understanding of how they will weather should be taken into consideration*' (Para 2.12). We consider that this is relevant in this instance.
- 4.20 As well as being more durable, the render treatment is considered to be more consistent with the appearance of the bay windows and lower ground treatment. This approach provides a complimentary and consistent architectural style, rather than a mix of materials and treatments. As such it will better preserve the character and appearance of the house and the wider conservation area.
- 4.21 We note that a rear extension and garden outbuilding were approved last year at 38 Elsworthy Road (ref. 2012/4384/P) with a white render outbuilding, in which the case officer's report stated:

'Both structures will be finished in painted render and glazing which matches the existing garden level finishes at the property. Details over window frame and door materials have not been confirmed and these will be required to be submitted as details by way of a condition before the works are commenced. The design and materials of both structures are considered to be acceptable as they both preserve and enhance the character and appearance of the Conservation Area and are therefore compliant with policy.'

Alterations to Approved Sliding Doors

- 4.22 The sliding doors on the side of the approved rear extension and approved studio were amended to create a consistent and symmetrical relationship between the two structures.
- 4.23 It is not considered that these elements of the detailed design have any impact on the general openness of the rear garden. Moreover, the use of a consistent pattern of glazing and treatment of the walls results in an improved relationship

between the two structures, the main house and the wider conservation area. These clear lines and simple yet elegant design, produce a building of exemplary architectural quality that compliments the property and wider conservation area.

- 4.24 Contrary to the suggestion in reason (c), the built scheme has a positive relationship with the character and appearance of the main house and the wider conservation area. Despite its length, the modest width and height of the extension and its lightweight design is clearly subservient to the substantial four storey brick built house.
- 4.25 Furthermore this high quality modern design is becoming characteristic of the area in its own right, as noted in the 2011 committee report (Ref: 2010/6786 & 2010/6791), which states:

'Furthermore the largely glazed rear additions to properties along this side of Elsworthy Road is a locally common feature (ref 22 and 26 Elsworthy Road) and therefore the presence of such a feature in the rear garden is not considered to add a sufficiently uncharacteristic feature to this part of the Conservation Area to detract from its character and appearance.'

- 4.26 It is considered that these design principles also apply to the glazed link between the two approved structures.

Glazed Link

- 4.27 It appears that the primary reason why LBC consider that the built scheme is overly dominant is due to its overall length, which is a result of the link constructed between the two approved structures. However, the link itself is a discrete, light-weight structure that is obscured from many angles by the two structures that it links. This is particularly true of elevated vantage points.
- 4.28 The impact of this link is not considered to reduce the general openness of the garden, as it encloses an area that would otherwise have been enclosed on three sides by the boundary wall with neighbours at no. 26, the end of the rear extension and the beginning of the garden studio. This area would otherwise be kept clear of vegetation and paved to provide an accessible route between the approved rear extension and garden studio.
- 4.29 We also consider that the creation of the link further reduces any detrimental impact that could be caused by the occupiers walking between the two permitted structures on a regular basis. The link should be supported as it prevents potential noise break out and therefore protects the amenity of neighbours.
- 4.30 It is important to note that the garden remains a large and open amenity space, with more than 65% of the original rear garden area being retained. At 23 m long (with a minimum width of 4.5m) and a total area of 148 sq m the garden is still considered to be large by London standards and by the standards of many properties within the Elsworthy Road Conservation Area.

4.31 Finally the green roof of the rear extension contributes to the ecology and appearance of the garden area, particularly when viewed from above. This should be taken into account when considering the impact of the scheme on the character and openness of the garden.

Reason D:

4.32 Reason (d) of the enforcement notice states that:

“The timber canopy by reason of its size, bulk, and location within a garden which is already subject to significant development, fails to preserve and enhance the character and appearance of the conservation area which is contrary to policies CS14, DP24 and DP25 of the Local Development Plan Document 2010.”

4.33 The timber canopy/ pergola has almost no impact on the openness of the rear garden as it is supported on very thin timber legs (approximately 8cm x 8cm in diameter). As such movement through and enjoyment of the garden is unimpeded by the canopy. As well as providing an area of shade, the canopy also provides an area of privacy and is therefore of benefit to surrounding residents, reducing views of the glazed link from the elevated patio at No. 22 Elsworthy Road and into the windows that face onto the garden.

4.34 The canopy is built from timber. When viewed from above this means that residents of upper floor flats see a slatted timber surface instead of stone paving. The pergola also provides a structure for climbing plants to grow on and as such will form an integral and traditional garden feature consistent with the character and appearance of the conservation area.

5 Conclusion

- 5.1 The appeal should be allowed as the built scheme does not have a detrimental impact on the amenity of neighbours, the openness of the garden, the character and appearance of the main house or the wider conservation area.
- 5.2 The glazed link between the two approved structures is light weight, discrete and partially obscured by the structures surrounding it. The glazed link does not reduce the openness of the garden as it is built on an area that would otherwise be enclosed on three sides.
- 5.3 The built scheme would not result in an increase in light spillage compared with the approved schemes. The glazed link does not feature any internal lighting, relying on natural light and the internal lighting of the adjoining rooms.
- 5.4 The minor alterations to the approved rear extension and studio have a positive impact on the appearance of the site. Taken as a whole the extension provides an elegant addition of exemplary architectural quality that draws on the materials and appearance of the rear elevation of the main house, whilst remaining subordinate and distinct from it.
- 5.5 The design and materials of the timber canopy are consistent with the appearance of traditional garden structures; whilst the canopy's slim supporting legs mean it has no impact on the general openness of the rear garden.

Appendix 1 – Copy of the Enforcement Notice

THE LONDON BOROUGH OF CAMDEN

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)

ENFORCEMENT NOTICE

OF **24 Elsworthy Road**
London
NW3 3DL

1. **THIS IS A FORMAL NOTICE** which is issued by the Council because it appears to them that there has been a breach of planning control, under Section 171 A (1) (a) of the above Act, at the land described below. They consider that it is expedient to issue this notice, having regard to the provisions of the development plan and to other material planning considerations. The Explanatory Note at the end of the Notice and the enclosures to which it refers contain important additional information.

2. **THE LAND AFFECTED**

Land at: 24 Elsworthy Road, London NW3 3DL

as shown, for the purposes of identification only, outlined in black on the attached plan.

3. **THE BREACH OF PLANNING CONTROL ALLEGED**

Without Planning Permission:

- 1) The erection of a 18.5m single storey rear extension along the boundary with no. 26 Elsworthy Road
- 2) The erection of a timber canopy

4. **REASONS FOR ISSUING THIS NOTICE:**

- (a) The work outlined above have been carried out within the last 4 years.
- (b) The single storey extension due to it extensive glazing would result in increased levels of lighting and activity from the garden area would adversely impact the upper floor flats. This is contrary to policy CS5 and DP26 of the Local Development Framework Development Plan Document 2010.
- (c) The single storey rear extension by reason of its excessive size bulk and footprint and detailed design would be overly dominant and detract from the general openness of the rear garden and fail to preserve the general openness of the rear garden detracting from the character and appearance of the host building and the wider conservation area. This is

contrary to policies CS14, DP24 and DP25 of the Local Development Framework Development Plan Document 2010

- (d) The timber canopy by reason of its size, bulk and location within a garden which is already subject to significant development, fails to preserve and enhance the character and appearance of the conservation area which is contrary to policies CS14, DP24 and DP25 of the Local Development Framework Development Plan Document 2010

The Council do not consider that planning permission should be given because planning conditions could not overcome these problems.

5. WHAT YOU ARE REQUIRED TO DO

Within 6 months of the Notice taking effect:


- 1) Demolish the unauthorised extension along the boundary with no. 26 Elsworthy Road
- 2) Make good any damage caused by the removal of the extension or
- 3) Implement any of the following Planning permissions
 - 2010/6791/P -The erection of a single storey studio adjacent to boundary with 26 Elsworthy Road in rear garden of lower ground floor flat (Class C3).
 - 2010/6786/P - The erection of a single storey studio towards boundary with properties on King Henry's Road in rear garden of lower ground floor flat (Class C3).
 - 2010/2982/P Erection of a single storey side and rear extension and installation of new window openings to front and rear bays of the lower ground floor flat (Class C3) (works concerning rear extension)
- 4) Remove timber canopy and make good damage caused by its removal

6. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on **11 October 2013** unless an appeal is made against it beforehand.

DATED: 30 August 2013

Signed.....



Head of Legal Services, on behalf of the London Borough of Camden, Town Hall, Judd Street, London WC1H 9LP.

Note Pursuant to Regulation 5 of the Town and Country (Enforcement Notices and Appeals) (England) Regulations 2002

If you appeal against the notice on Ground (a) "That planning permission should be granted for what is alleged in the enforcement notice, or that the condition which is alleged not to have been complied with should be discharged" there is a fee payable under Regulation 10 of the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012/No.2920 for the deemed application for the planning permission for the development alleged to be in breach of planning control in the enforcement notice.

The fee is payable twice to the "London Borough of Camden", as the Local Planning Authority.

If you wish to appeal under Ground (a), the fee payable to the "London Borough of Camden" should accompany the copy of the appeal form sent to the Council at the following address:

Culture and Environment Department, Planning Services, London Borough of Camden, Argyle Street, London WC1H 8EQ.

The fee is £385.00.

The TOTAL FEE payable is £770.00 (i.e. £385.00 x 2)

ANNEX

YOUR RIGHT OF APPEAL

You can appeal against this notice, but any appeal must be received or posted in time to be received by the Secretary of State before **11 October 2013**.

- (a) Send a copy of your appeal to the Secretary of State if you decide to appeal, together with a copy of this enforcement notice.
- (b) Send a second copy of the appeal form and notice to the Council at:

**Planning Services
Culture and Environment Department
London Borough of Camden
Town hall
Argyle Street
London WC1H 8EQ**

WHAT HAPPENS IF YOU DO NOT APPEAL

If you do not appeal against this enforcement notice, it will take effect on **11 October 2013**, and you must then ensure that the required steps for complying with it, for which you may held responsible, are taken within the period specified in the notice. Failure to comply with an enforcement notice, which has taken effect, can result in prosecution and/or remedial action by the Council.

24 Elsworthy Road, London NW3 3DL



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Punjabi
ਜਗ੍ਹਗੀ: ਇਹ ਫਾਰਮ ਸਾਡੇ ਕੋਲ ਭੇਜਣ ਲਈ ਖਾਸ ਮਿਆਦ ਹੈ। ਇਸ ਮਿਆਦ ਦਾ ਸਮਾਂ ਪੂਰਾ ਹੋ ਜਾਣ ਤੋਂ ਪਹਿਲਾਂ ਇਹ ਫਾਰਮ ਸਾਡੇ ਕੋਲ ਨਾਜ਼ਮੀ ਤੌਰ ਤੇ ਪਹੁੰਚ ਜਾਣਾ ਚਾਹੀਦਾ ਹੈ। ਜੇ ਤੁਹਾਨੂੰ ਇਹ ਫਾਰਮ ਭਰਨ ਲਈ ਮਦਦ ਦੀ ਲੋੜ ਹੈ, ਤਾਂ ਅਸੀਂ ਤੁਹਾਨੂੰ ਸੁਝਾਉਂਦੇ ਹਾਂ ਕਿ ਤੁਸੀਂ ਇਹਦੇ ਬਾਰੇ ਕਿਸੇ ਤੋਂ ਸਲਾਹ ਲਓ।

Gujarati
મહત્વનું : અમને આ ફોર્મ મોકલવા માટે સમય મર્યાદા છે. આ સમય મર્યાદા પૂરી થાય તે પહેલાં અમને તે મળી જવું જ જોઈએ. જો તમને આ ફોર્મ ભરવા માટે મદદની જરૂર હોય તો અમે તમને સલાહ મેળવવાનું સૂચન કરીએ છીએ.

Hindi
आवश्यक : इस फॉर्म को हमारे पास भिजवाने की एक समय-सीमा है। उस समय-सीमा के बीतने से पहले हमें यह फॉर्म अवश्य मिल जाना चाहिए। यदि आपको इस फॉर्म को भरने में सहायता चाहिए, तो हमारा सुझाव है कि आप किसी की सलाह लें। -

Urdu
اجم: اس فارم کو ہمیں بھیجنے کے لئے وقت کی ایک سیما ہے۔ اس سیما کے گزرنے سے پہلے پہلے ہمیں یہ لازمی طور پر مل جانا چاہیے۔ اگر اس فارم کو بھرنے میں آپ کو مدد کی ضرورت ہے تو ہماری رائے ہے کہ آپ مشورہ حاصل کریں۔

Bengali
জরুরী: এই ফর্ম আমাদের কাছে পাঠানোর একটা সময়সীমা আছে। এই সময়সীমা শেষ হবার আগেই এটা অবশ্যই আমাদের কাছে পৌঁছাতে হবে। এই ফর্ম পূরণ করার যদি আপনার সাহায্যের দরকার হয় তাহলে আমাদের পুস্তক, কারো পরামর্শ নিন।

Chinese
重要通知: 把这份表格寄回给我们是有时间限制的。我们必须在规定时间内收到这份表格。假若你需要别人帮助你填写这份表格, 我们建议你寻求指导。

English
IMPORTANT: There is a time limit for sending this form to us. We must receive it before the time expires. If you need help filling in this form, we suggest you get advice.

Appendix 2 – Background to the Appeal

Although the lower ground floor flat possesses a large rear garden, prior to the construction of this scheme the flat was comparatively small. In seeking to improve the living space to suit an expanding family several planning applications were made to Camden Council.

These applications include an application for a side and rear extension to the house (2010/2982/P); two consents granted for studio buildings in the rear garden (2010/6791/P and 2010/6786/P); and a refusal for a proposed garden studio and basement application (2010/4812/P).

The applicant originally erected the timber cladding on the studio building. However, this did not weather well and was removed. The applicant then added a glass link to the rear extension and studio and treated the studio in a white render, which is consistent with the permitted treatment of the rear extension and the rear of the property. Whilst not in accordance with the approved plans, we consider that these amendments produce a design of 'appropriate innovation' (Paragraph 58 NPPF) of exemplary architectural quality.

This section details the key local planning policies referred to in the Council's enforcement notice and notes the key points of relevance to the structures. These policies relate to three main considerations:

- protecting residential amenity;
- promoting high quality design; and
- conserving Camden's heritage.

Policies CS5 and DP26

Reason (b) of the enforcement notice cites council policies CS5 '*Managing the impact of growth and development*' (Core Strategy) and DP26 '*Managing the impact of development on occupiers and neighbours*' (Development Policies). As the wording of the reason implies both these policies relate to the protection of residential amenity.

Part d of policy CS5 states particular consideration will be given to: '*protecting and enhancing our environment and heritage and the amenity and quality of life of local communities*'. The explanation of the policy includes a section on protecting amenity (paragraphs 5.7 and 5.8). It states: '*We will expect development to avoid harmful effects on the amenity of existing and future occupiers and nearby properties or, where this is not possible, to take appropriate measures to minimise potential negative impacts*'.

Policy DP26 specifically relates to 'managing the impact of development on occupiers and neighbours' and list the factors that the Council will consider. These include 'sunlight, daylight and artificial light levels' (part C); and 'noise and vibration levels' (part d). The policy's explanation includes a paragraph (paragraph 26.4) relating to artificial lighting levels, which notes that '*Lighting should only illuminate the intended area and not affect or impact on its surrounding*'. The paragraph also refers to Camden's Planning Guidance supplementary document for further detail on lighting.

Policies CS14, DP24 AND DP25

Reasons (c) and (d) of the enforcement notice cite council policies CS14, DP24 and DP25. These policies relate to design quality and the protection of heritage assets.

Policy CS14 seeks to ensure that '*buildings are attractive, safe and easy to use*' by requiring (amongst other things) that development is of the highest standard of design, respects local context and character; and preserves and enhances conservation areas. These principles are expanded in policies DP24 and DP25.

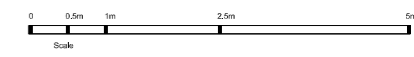
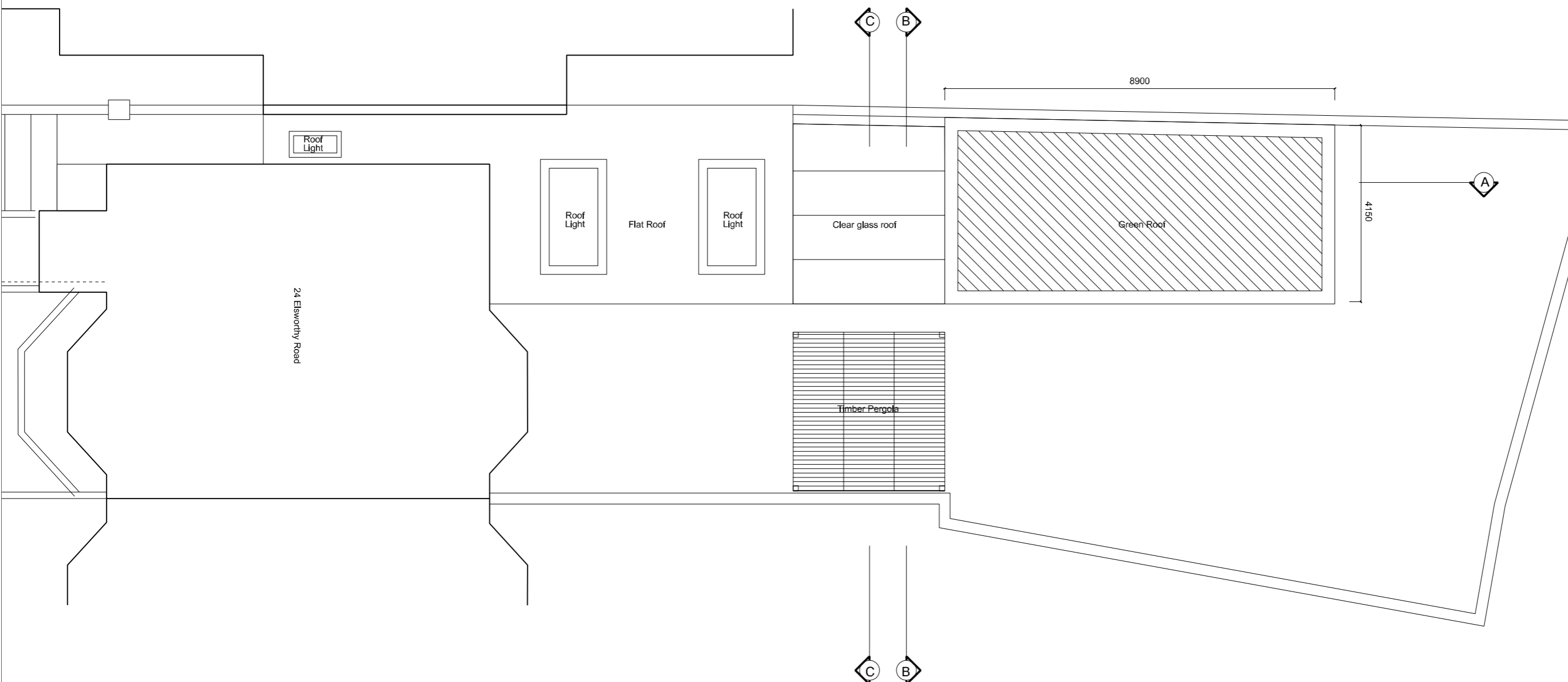
Policy DP24 (Securing High Quality Design) sets out how the quality of design will be considered. Of relevance are the consideration of the context of neighbouring buildings, the character and proportions of the existing building, the quality of materials used and the provision of appropriate amenity space.

Policy DP25 sets out how the character of Camden's conservations area will be maintained. Of relevance the policy notes that: the Council will only permit development that preserves

and enhances the character and appearance of the conservation area; will take account of conservation area statements appraisals and management plans when assessing applications; and will preserve trees and garden spaces which contribute to the character of a conservation area and which provide a setting for Camden's architectural heritage.

Appendix 4 - Drawings of the Built Scheme

GENERAL NOTES



Notes
Do not scale from drawings.
Errors to be reported immediately to the Architect.
To be read in conjunction with all relevant Architect's,
Services and Structural Engineers' drawings.
All existing site, tree and building information has been compiled from
different sources. All dimensions to be checked on site.

Rev.	Rev.	Description
------	------	-------------

JASON GOOD
ARCHITECTURE

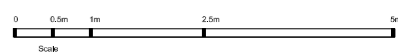
The Old Stables
Danemore Lane
South Godstone
Surrey, RH3 8JF
T 07901718877
www.jasongood.co.uk

ISSUED FOR PLANNING

Project	24 Elsworthy Road London, NW3 3DL	Project No.	24 ER
Client	-	Date	01/10/2013
Scale / Format	1:50 / A1_1:100/A3	Drawn	-
CAD Reference	-	Checked	-
Drawing Name	General Arrangement Roof Plan As-Built	Approved	-
Issue	-	Issue	-
Drawing No.	24 ER_20_100		

Roof Plan

GENERAL NOTES



Notes
Do not scale from drawings.
Errors to be reported immediately to the Architect.
To be read in conjunction with all relevant Architect's,
Services and Structural Engineers' drawings.
All existing site, tree and building information has been compiled from
different sources. All dimensions to be checked on site.

Rev. Rev. Description

JASON GOOD
ARCHITECTURE

The Old Stables
Canemore Lane
South Godstone
Surrey, RH3 8JF
T 07901718877
www.jasongood.co.uk

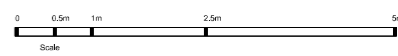
ISSUED FOR PLANNING

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Client	-		
Date	01/10/2013	Drawn	-
Scale / Format	1:50 / A1_1:100/A3	Checked	-
CAD Reference	-	Approved	-
Drawing Name	General Arrangement East Elevations As-Built	Drawing No.	24 ER_10_200

East Elevation



GENERAL NOTES



Notes
Do not scale from drawings.
Errors to be reported immediately to the Architect.
To be read in conjunction with all relevant Architect's,
Services and Structural Engineers' drawings.
All existing site, tree and building information has been compiled from
different sources. All dimensions to be checked on site.

Rev. Rev. Description

JASON GOOD
ARCHITECTURE

The Old Stables
Canemore Lane
South Godstone
Surrey, RH3 8JF
T 07901718877
www.jasongood.co.uk

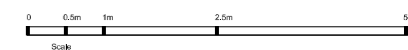
ISSUED FOR PLANNING

Project	24 Elsworthy Road London, NW3 3DL	Project No.	24 ER
Client	-		
Date	01/10/2013	Drawn	-
Scale / Format	1:50 / A1_1:100/A3	Checked	-
CAD Reference	-	Approved	-
Drawing Name	General Arrangement Section A-A As-Built	Drawing No.	24 ER_10_400



Section A-A

GENERAL NOTES



Notes
Do not scale from drawings.
Errors to be reported immediately to the Architect.
To be read in conjunction with all relevant Architect's, Services and Structural Engineers' drawings.
All existing site, tree and building information has been compiled from different sources. All dimensions to be checked on site.

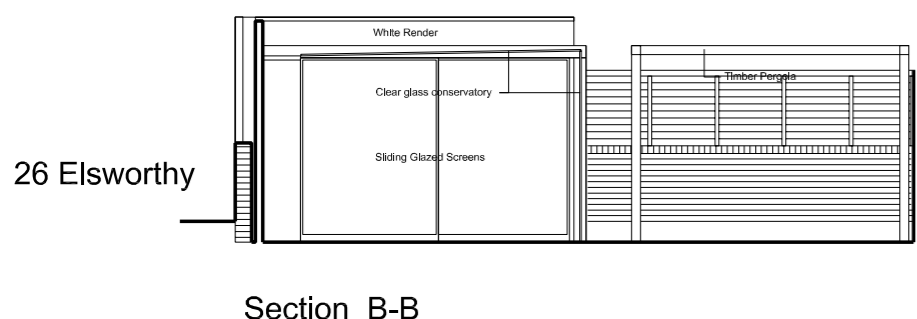
Rev.	Rev.	Description

JASON GOOD
ARCHITECTURE

The Old Stables
Damemore Lane
South Godstone
Surrey, RH8 8JF
T 07901718877
www.jasongood.co.uk

ISSUED FOR PLANNING

Project 24 Elsworthy Road London, NW3 3DL	Project No. 24 ER
Client -	
Date 01/10/2013	Drawn -
Scale / Format 1:50 / A1_1:100/A3	Checked -
CAD Reference -	Approved -
Drawing Name General Arrangement Section B-B & Section C-C As Built	Drawing No. 24 ER_10_500



Section B-B

Section B-B



Section C-C

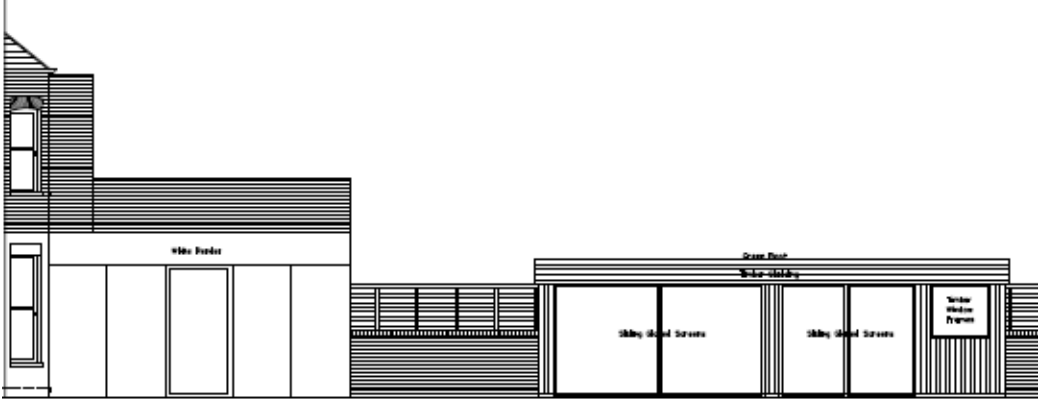
26 Elsworthy

22 Elsworthy

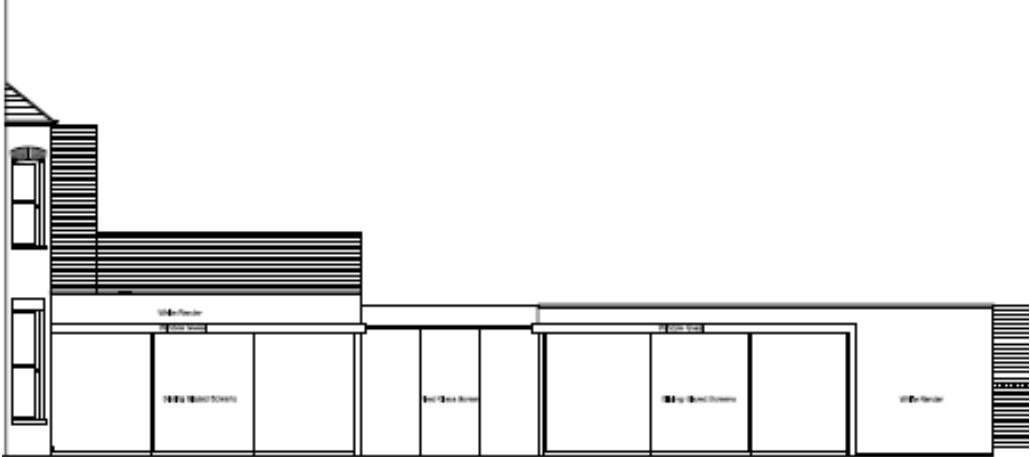
22 Elsworthy

26 Elsworthy

1. Side Elevation Showing Approved Rear Extension and Approved Studio



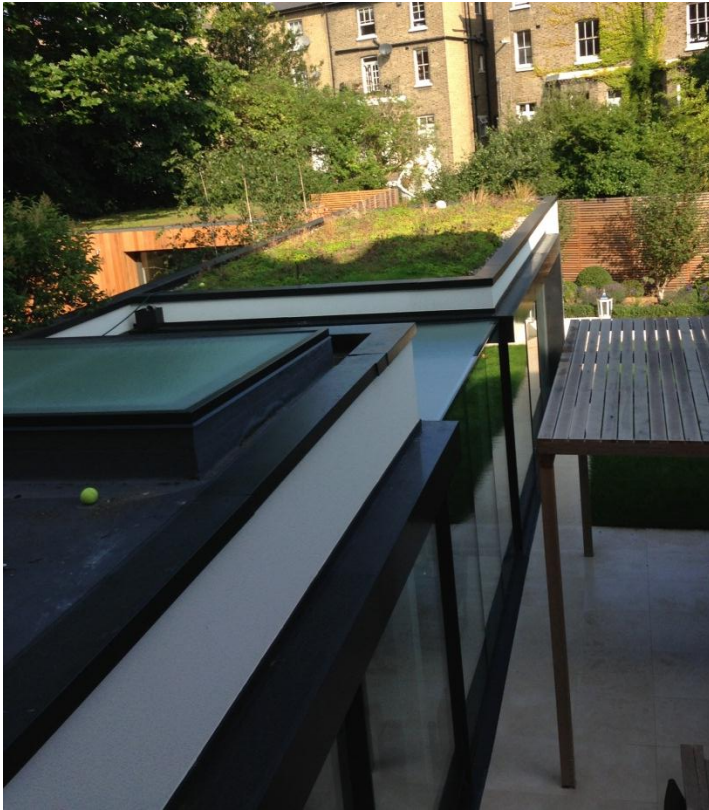
2. Side Elevation Showing Built Scheme, including glazed link



3. Photo Showing Roof of the Structures without the glazed link (from position A)



4. Photo Showing Roof of built scheme from above (position A)



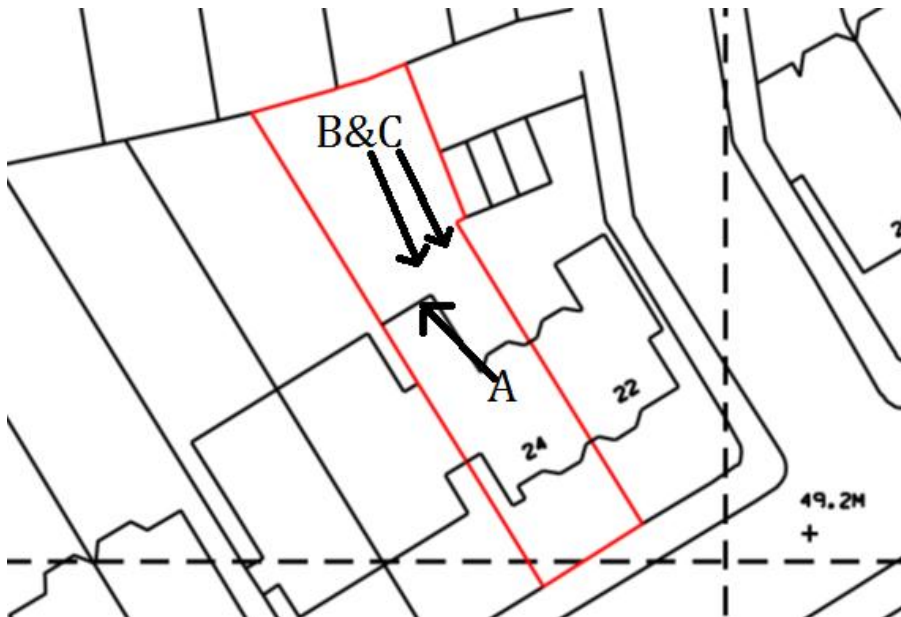
5. Photo Showing Built Scheme, including glazed link (from position B)



6. Photo showing Built Scheme (from position C)



5. Site Map showing location that photos were taken from



Appendix 6 - Approved Single Storey Rear Extension Scheme (2010/2982)

Mr Nicholas Brill
Brill + Owen Architects
Grove House
2B Lichfield Grove
London
N3 2JP

Application Ref: **2010/2982/P**
Please ask for: **Gavin Sexton**
Telephone: 020 7974 **3231**

10 August 2010

Dear Sir/Madam

DECISION

Town and Country Planning Acts 1990 (as amended)
Town and Country Planning (General Development Procedure) Order 1995
Town and Country Planning (Applications) Regulations 1988

Full Planning Permission Granted

Address:
24 Elsworthy Road
London
NW3 3DL

Proposal:

Erection of a single storey side and rear extension and installation of new window openings to front and rear bays of the lower ground floor flat (Class C3).

Drawing Nos: 09/709 P01A, P02, P03, P04, P05, P06, P07, P08, P09, SUR05A, SUR06, SUR07, SUR08, SUR09, SUR10, SUR11 Section A, SUR11 Section B; email from David Crosthwaite (dated 27 July 2010);

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 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 B1 and B7 of the London Borough of Camden Replacement Unitary Development Plan 2006.

- 3 The development hereby permitted shall be carried out in accordance with the following approved plans 09/709 P01A, P02, P03, P04, P05, P06, P07, P08, P09, SUR05A, SUR06, SUR07, SUR08, SUR09, SUR10, SUR11 Section A, SUR11 Section B; email from David Crosthwaite (dated 27 July 2010);

Reason:

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

Informative(s):

- 1 Reasons for granting permission.

The proposed development is in general accordance with the policy requirements of the London Borough of Camden Replacement Unitary Development Plan 2006, with particular regard to policies B1 (General Design Principles), B3 (Alterations and Extensions), B7 (Conservation Areas) and SD6 (Amenity for Occupiers and Neighbours). For a more detailed understanding of the reasons for the granting of this planning permission, please refer to the officers report.

- 2 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts which 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, Argyle Street WC1H 8EQ, (tel: 020-7974 2363).
- 3 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.
- 4 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 are advised to consult the Council's Planning and Public Protection Division (Compliance and Enforcement Team), Camden Town Hall, Argyle Street, WC1H 8EQ (Tel. No. 020 7974 5613 or by email ppp@camden.gov.uk or on the website www.camden.gov.uk/pollution) or seek prior approval under Section 61 of

the Act if you anticipate any difficulty in carrying out construction other than within the hours stated above.

Disclaimer

This is an internet copy for information purposes. If you require a copy of the signed original please contact the Culture and Environment Department on (020) 7974 5613

Delegated Report		Analysis sheet		Expiry Date:		19/08/2010	
Members Briefing		N/A / attached		Consultation Expiry Date:		30/07/2010	
Officer				Application Number(s)			
Gavin Sexton				2010/2982/P			
Application Address				Drawing Numbers			
24 Elsworthy Road London NW3 3DL				See decision notice			
PO 3/4		Area Team Signature		C&UD		Authorised Officer Signature	
Proposal(s)							
Erection of a single storey side and rear extension and installation of new window openings to front and rear bays of the lower ground floor flat (Class C3).							
Recommendation(s):		Grant planning permission					
Application Type:		Full Planning Permission					
Conditions or Reasons for Refusal:		Refer to Draft Decision Notice					
Informatives:							
Consultations							
Adjoining Occupiers:		No. notified	10	No. of responses	01	No. of objections	00
				No. electronic	00		
Summary of consultation responses:		On 9.7.10 a respondent from 25 Woronzow Road requested that the details of the proposals be put online. They were available online from 12.7.10.					
CAAC/Local groups* comments: <small>*Please Specify</small>		Elsworthy CAAC: No objection to new windows front and rear. Side extension should be clear of boundary line. Architecture not sympathetic to existing building.					
Site Description							
4 storey semi sub-divided into flats on the north side of Elsworthy Road near to its junction with Elsworthy Terrace. The site is within the Elsworthy CA.							
Relevant History							
26 Elsworthy Road : 2006/3774/P: Permission granted in Nov 2006 for "Erection of a single storey extension at rear lower ground floor level with balustrade and privacy screen to facilitate the use of the flat roof as a terrace, plus erection of a two storey lower ground and ground floor level side extension all for the existing maisonette."							
2004/4852/P Permission granted in Dec 2004 for erection of a full width single storey rear extension to the lower and upper ground floor maisonette at garden level with roof terrace, balustrading and roof light above.							
22 Elsworthy (adjoining) : 1998 permission granted for a single storey extension to rear and side of house at ground floor level.							

Relevant policies

Replacement Unitary Development Plan 2006

- B1 General Design Principles
- B3 Alterations and Extensions
- B7 Conservation Areas
- SD6 Amenity for Occupiers and Neighbours

Camden Planning Guidance 2006

LDF Core Strategy and Development Policies

As the draft LDF Core Strategy and Development Policies documents have now been published, they are material planning considerations. However, as a matter of law, limited weight should be attached to them at this stage.

- CS1 - Distribution of growth
- CS5 - Managing the impact of growth and development
- CS14 - Promoting high quality places and conserving our heritage
- DP24 - Securing high quality design
- DP25 - Conserving Camden's heritage
- DP26 - Managing the impact of development on occupiers and neighbours

Assessment

The application proposes the addition of a single storey flat roofed side and rear extension to the garden level flat, with the insertion of new window openings in the front and rear bays. Proposals to construct a new bin store have been withdrawn. The key issues for consideration are the impact of the proposals in design terms on the host building and the CA and the implications for neighbouring amenity.

Design: The proposed extension would infill approx 5m of the side passageway to a height of approx 3.2m on the applicant side of the boundary and approx 2.8m on the neighbouring side, would project c. 6m into the rear garden from the rear elevation. It would be set apart from the existing rear bay, thus retaining this feature, although new timber framed windows would be inserted into the bay. The flat roof would have two large rooflights fitted. The side extension would retain a significant visual gap between 24 and 26 and the views into the rear garden.

The extension would be contemporary in appearance, with frameless glazing and a render finish to the elevations. The rear element of the extension would be finished in render to match the existing garden level elevation, with frameless glazing. The front elevation of the side element would be finished in London stock with timber framed door, materials to match the neighbouring extension. The new window openings in the front bay would be timber to match existing.

Although significant in size the extension would remain subordinate to the main building, would retain the majority of the sizeable rear garden and would match the depth of the neighbouring extension. The design is considered to respect and preserve the features of the original dwelling and consequently preserve the character and appearance of the Conservation Area. The design is acceptable in townscape/design terms.

Amenity: The extension would be set against the boundary wall. The neighbouring extension at 26 has a small window facing 24 and a rear facing door. However these are screened to an extent by the existing fence. The bulk of the new extension would have some impact on the sunlight and daylight to these opening in 26, but the majority of the floorspace in the neighbouring extension is lit by extensive rear full height windows. For this reason there would also be little significant loss of outlook from the windows at garden level in 26.

The extension would have no impact on neighbours at 22. By virtue of their relative location and level the rooflights are considered unlikely to provide significant light trespass or pollution into the windows of the upper floor flats. Overall the proposals would protect the amenity of neighbours to an acceptable degree and are consistent with policy SD6.

Recommend: Grant approval.

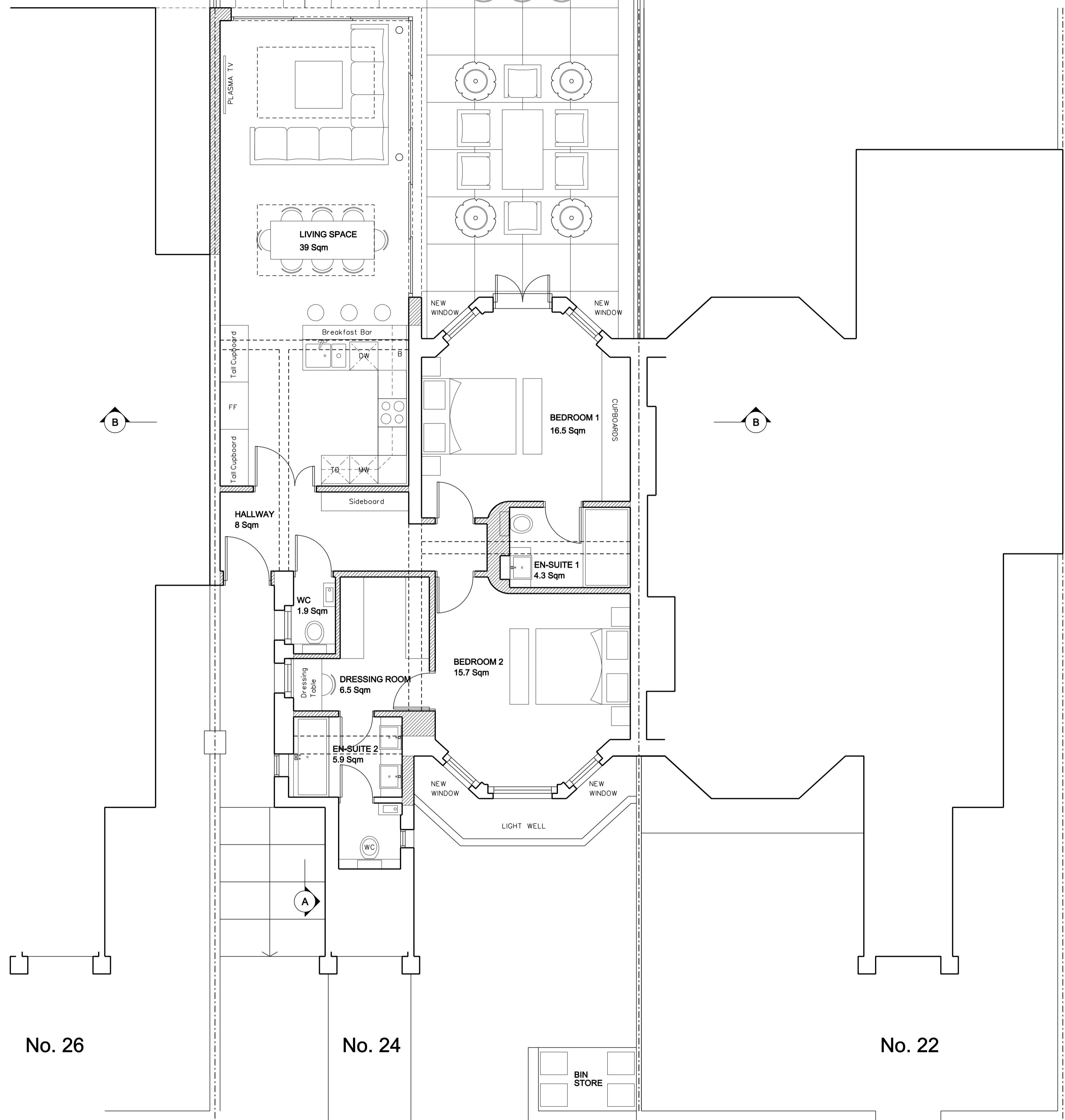
DISCLAIMER

Decision route to be decided by nominated members on Monday 9th August 2010.

For further information see

<http://www.camden.gov.uk/ccm/navigation/environment/planning-and-built-environment/planning-applications/development-control-members-briefing/>

Rear extensions to line through with rear extension next door at No 26 and 28

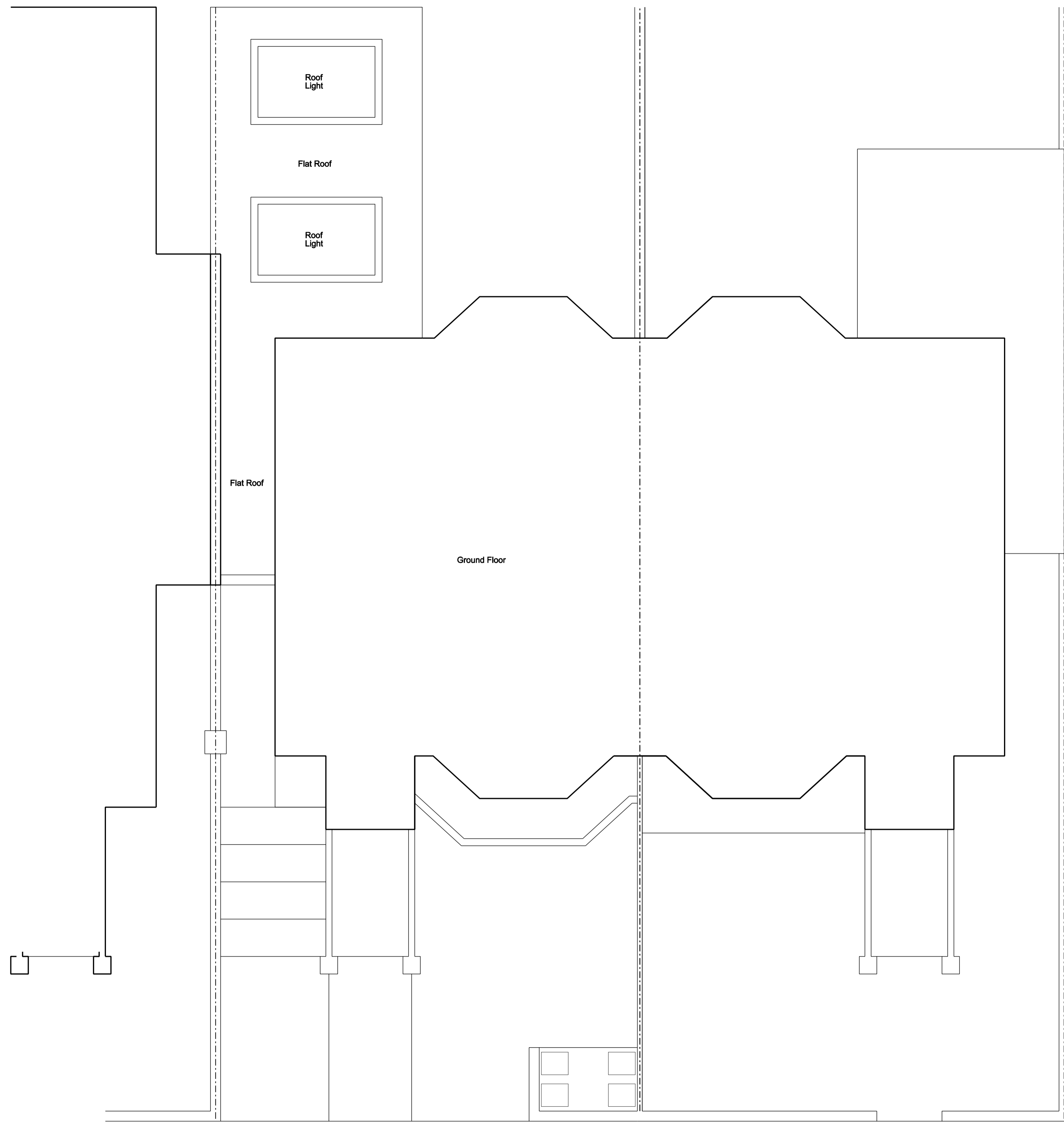


No. 26

No. 24

No. 22

REVISIONS		
CLIENT		
BEN GRANT		
JOB TITLE		
REAR AND SIDE EXTENSION 24 ELSWORTHY ROAD LONDON NW3 3DL		
DRAWING TITLE		
LOWER GROUND FLOOR PLAN PROPOSED		
SCALE	DATE	DRAWN
1:50@A1	2010	DJC
BRILL ■ OWEN CHARTERED ARCHITECTS Grove House, 28 Lichfield Grove, London N3 2JP Telephone: 020 8349 0037 Fax: 020 8349 0092 E-mail architects@brillowen.co.uk		
09/709		P01A



REVISIONS

CLIENT

BEN GRANT

JOB TITLE

**REAR AND SIDE EXTENSION
24 ELSWORTHY ROAD
LONDON NW3 3DL**

DRAWING TITLE

**GROUND FLOOR PLAN
PROPOSED**

SCALE	DATE	DATE	DRAWN
1:50@A1	2010		DJC

BRILL ■ OWEN
 CHARTERED ARCHITECTS
 Grove House, 28 Lichfield Grove, London N3 2JP
 Telephone: 020 8349 0037 Fax: 020 8349 0092
 E-mail architects@brillowen.co.uk

09/709	P02
---------------	------------



28

26

24

22

Side extension in matching facing brickwork with brick on edge on tile creasing parapet. New front door to match existing.

New side bay windows to match existing and line through with windows above.

REVISIONS

CLIENT
BEN GRANT

JOB TITLE
**REAR AND SIDE EXTENSION
24 ELSWORTHY ROAD
LONDON NW3 3DL**

DRAWING TITLE
**FRONT ELEVATION
PROPOSED**

SCALE 1:50@A1	DATE 2010	DRAWN DJC
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BRILL ■ OWEN
CHARTERED ARCHITECTS
Grove House, 2B Lichfield Grove, London N3 2JP
Telephone: 020 8349 0037 Fax: 020 8349 0092
E-mail architects@brillowen.co.uk

09/709	P03
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REVISIONS

CLIENT

BEN GRANT

JOB TITLE

**REAR AND SIDE EXTENSION
24 ELSWORTHY ROAD
LONDON NW3 3DL**

DRAWING TITLE

**WEST SIDE ELEVATION
PROPOSED**

SCALE	DATE	DRAWN
1:50@A1	2010	DJC

BRILL ■ OWEN
 CHARTERED ARCHITECTS
 Grove House, 2B Lichfield Grove, London N3 2JP
 Telephone: 020 8349 0037 Fax: 020 8349 0092
 E-mail architects@brillowen.co.uk

09/709

P04



22

24

26

28

French door cillowered by 300mm to take account of new ground level, door length to increase all materials to be as existing. Door head and fan light to remain as existing. New side bay windows to match existing windows and line through with windows above.

Painted Render

Rear ground level reduced by 300mm across width of site. New rear extension with white painted rendered structure to match existing and sliding folding PPC metal framed doors.

REVISIONS

CLIENT

BEN GRANT

JOB TITLE

**REAR AND SIDE EXTENSION
24 ELSWORTHY ROAD
LONDON NW3 3DL**

DRAWING TITLE

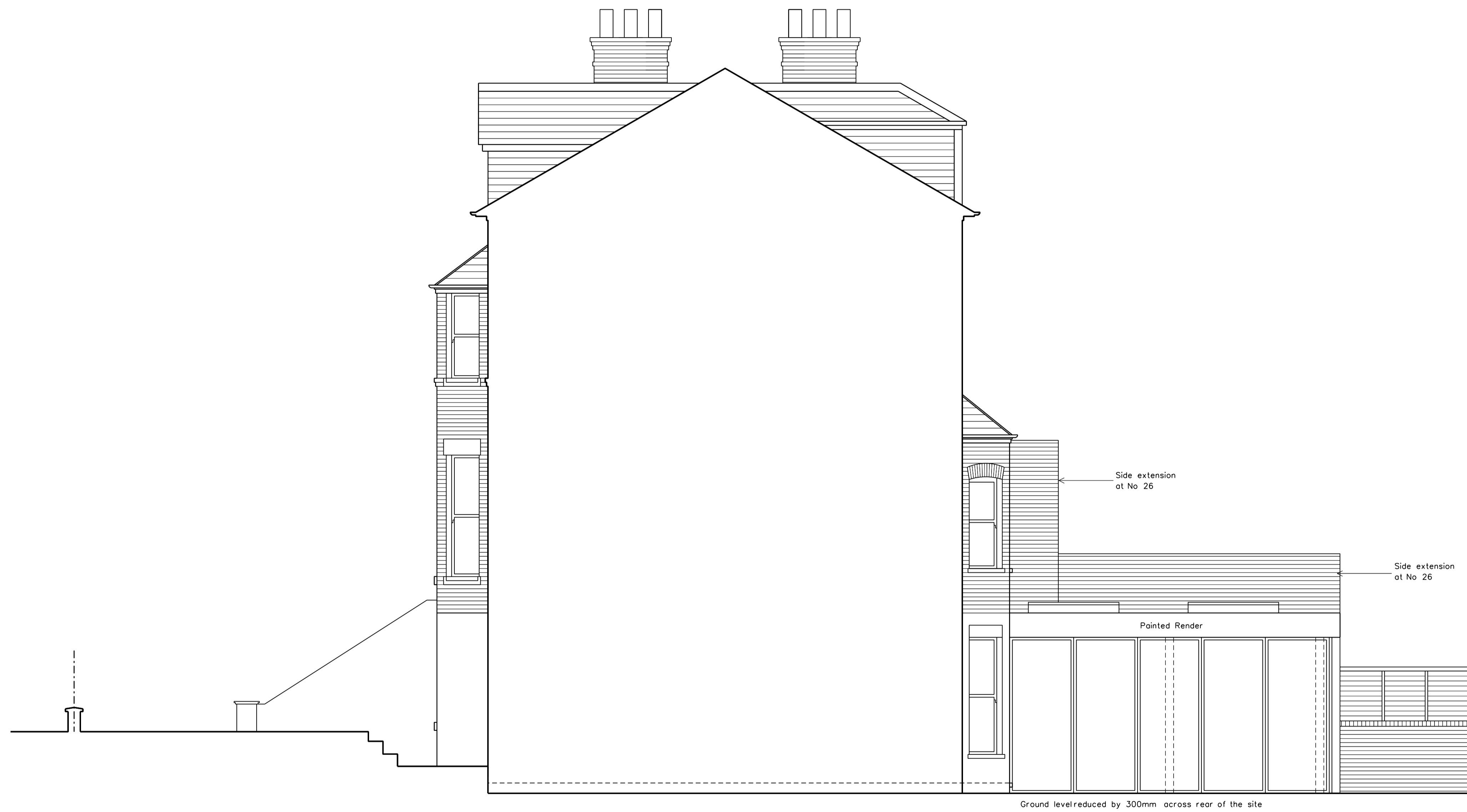
**REAR ELEVATION
PROPOSED**

SCALE 1:50@A1	DATE 2010	DRAWN DJC
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BRILL ■ OWEN
CHARTERED ARCHITECTS
Grove House, 28 Lichfield Grove, London N3 2JP
Telephone: 020 8349 0037 Fax: 020 8349 0092
E-mail architects@brillowen.co.uk

09/709

P05



Ground level reduced by 300mm across rear of the site

New rear extension with white painted rendered structure
to match existing and sliding folding PPC metal framed doors.

REVISIONS

CLIENT

BEN GRANT

JOB TITLE

**REAR AND SIDE EXTENSION
24 ELSWORTHY ROAD
LONDON NW3 3DL**

DRAWING TITLE

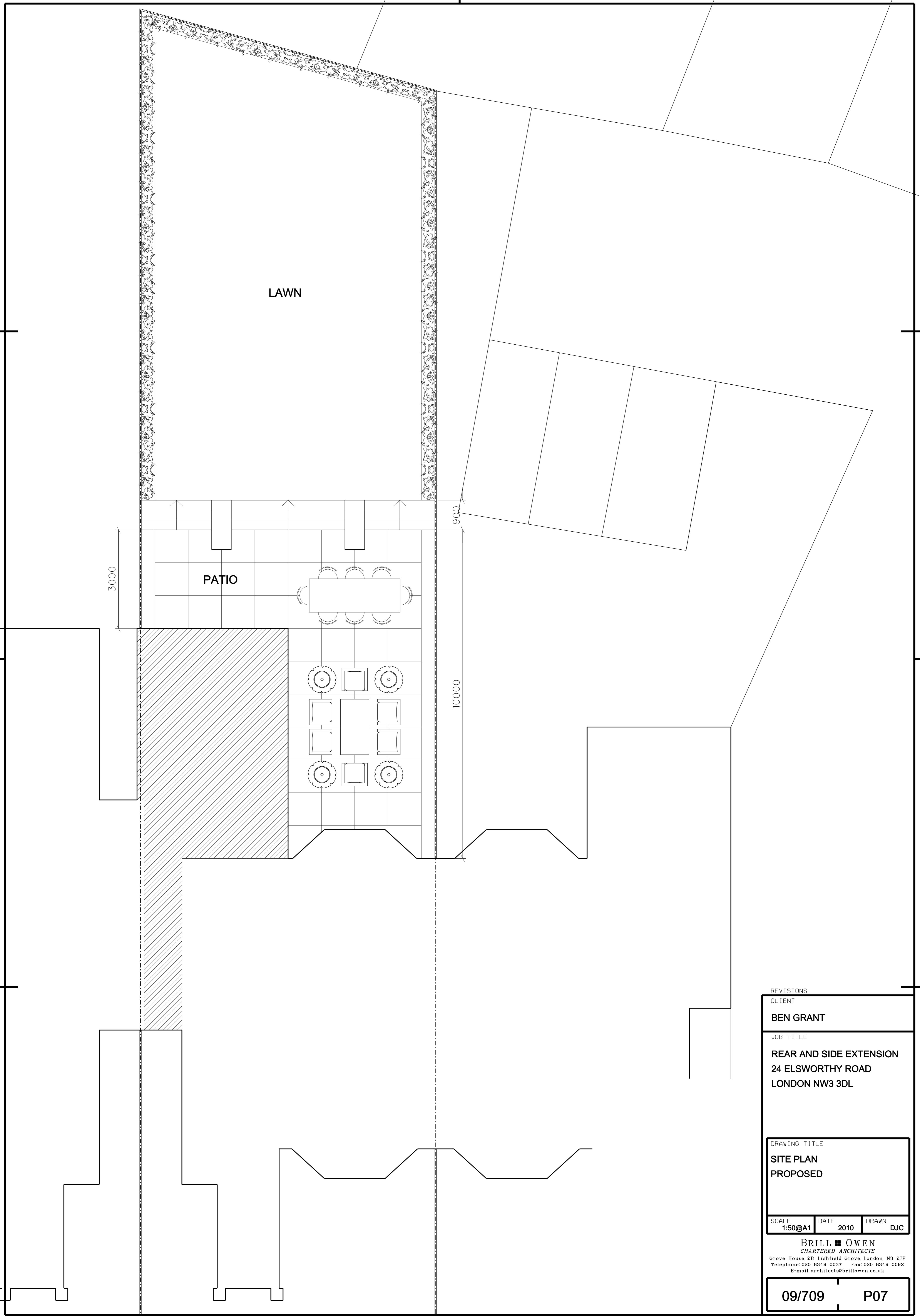
**EAST SIDE ELEVATION
PROPOSED**

SCALE	DATE	DRAWN
1:50@A1	2010	DJC

BRILL ■ OWEN
 CHARTERED ARCHITECTS
 Grove House, 2B Lichfield Grove, London N3 2JP
 Telephone: 020 8349 0037 Fax: 020 8349 0092
 E-mail architects@brillowen.co.uk

09/709

P06



LAWN

PATIO

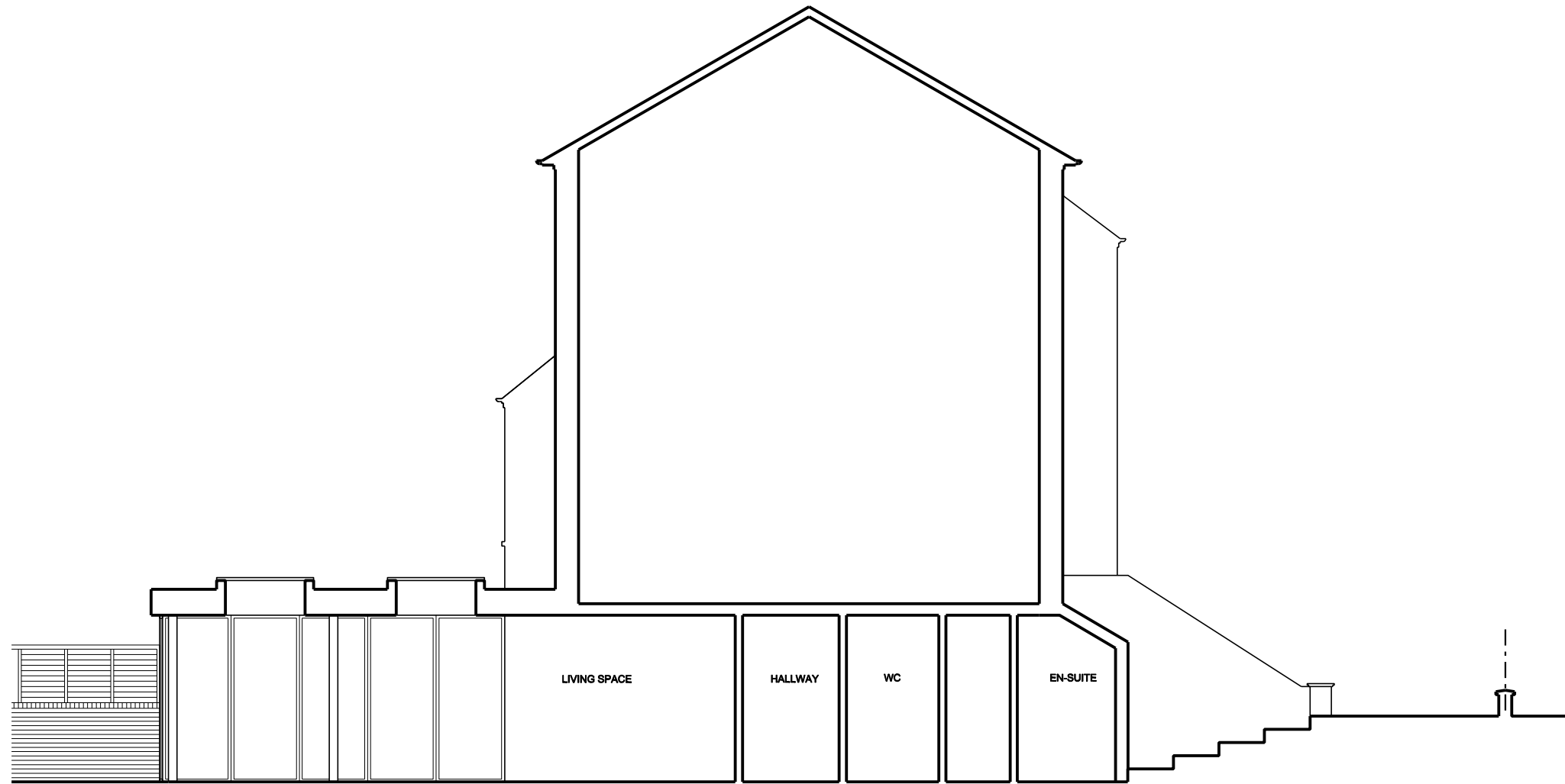
3000

900

10000

REVISIONS		
CLIENT		
BEN GRANT		
JOB TITLE		
REAR AND SIDE EXTENSION 24 ELSWORTHY ROAD LONDON NW3 3DL		
DRAWING TITLE		
SITE PLAN PROPOSED		
SCALE	DATE	DRAWN
1:50@A1	2010	DJC
BRILL ■ OWEN CHARTERED ARCHITECTS Grove House, 2B Lichfield Grove, London N3 2JP Telephone: 020 8349 0037 Fax: 020 8349 0092 E-mail: architects@brillowen.co.uk		
09/709	P07	

A1 594 x 841



REVISIONS

CLIENT
BEN GRANT

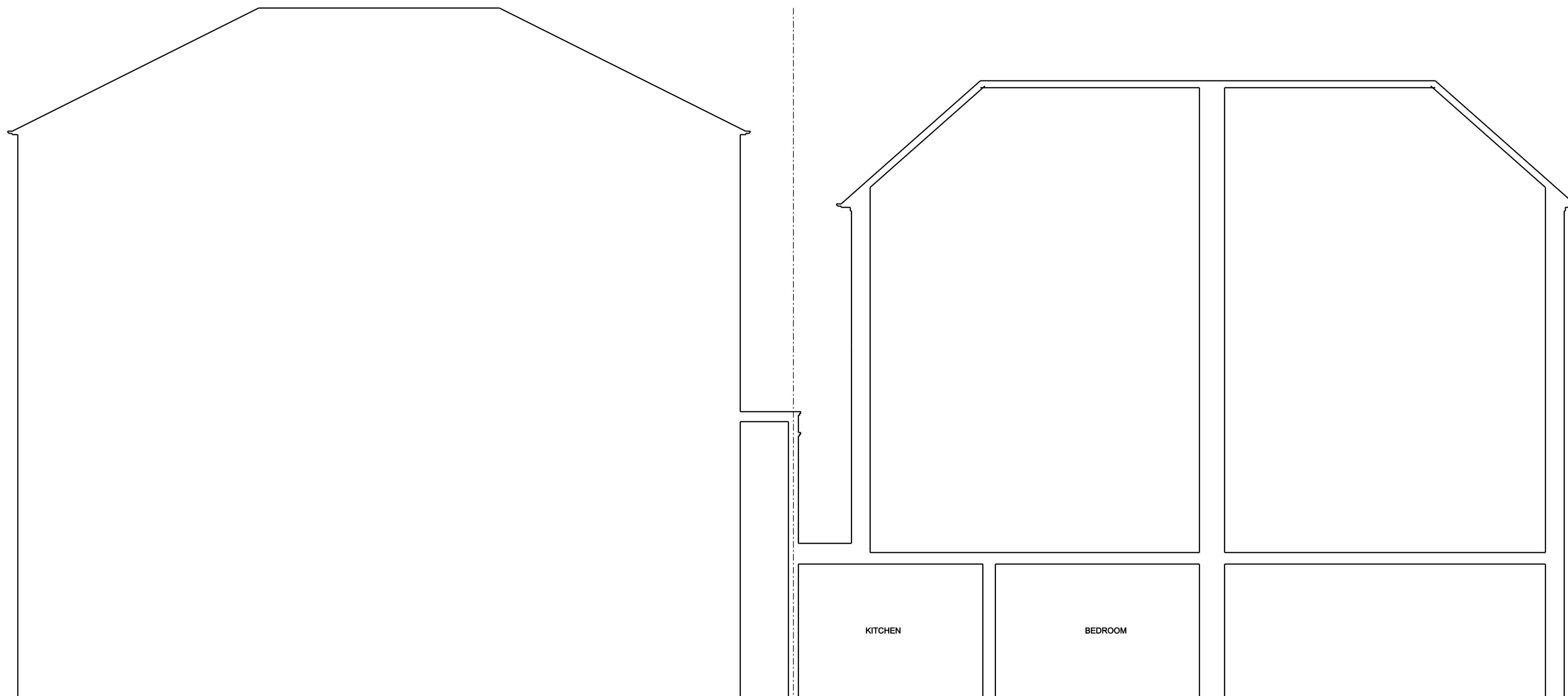
JOB TITLE
**REAR AND SIDE EXTENSION
 24 ELSWORTHY ROAD
 LONDON NW3 3DL**

DRAWING TITLE
SECTION A PROPOSED

SCALE 1:50@A1	DATE 2010	DRAWN DJC
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BRILL ■ OWEN
 CHARTERED ARCHITECTS
 Grove House, 28 Lichfield Grove, London N3 2JP
 Telephone: 020 8349 0037 Fax: 020 8349 0092
 E-mail architects@brillowen.co.uk

09/709	P08
---------------	------------



28

26

24

22

KITCHEN

BEDROOM

REVISIONS

CLIENT

BEN GRANT

JOB TITLE

**REAR AND SIDE EXTENSION
24 ELSWORTHY ROAD
LONDON NW3 3DL**

DRAWING TITLE

SECTION B PROPOSED

SCALE	DATE	DRAWN
1:50@A1	2010	DJC

BRILL ■ OWEN
CHARTERED ARCHITECTS
 Grove House, 2B Lichfield Grove, London N3 2JP
 Telephone: 020 8349 0037 Fax: 020 8349 0092
 E-mail architects@brillowen.co.uk

09/709	P09
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Appendix 7 - Approved Single Storey Studio Building Scheme (2010/6791)

Mr Nicholas Brill
Brill + Owen Architects
Grove House
2B Lichfield Grove
London
N3 2JP

Application Ref: **2010/6791/P**
Please ask for: **Gavin Sexton**
Telephone: 020 7974 **3231**

14 March 2011

Dear Sir/Madam

DECISION

Town and Country Planning Acts 1990 (as amended)
Town and Country Planning (General Development Procedure) Order 1995
Town and Country Planning (Applications) Regulations 1988

Full Planning Permission Granted

Address:
24 Elsworthy Road
London
NW3 3DL

Proposal:

The erection of a single storey studio adjacent to boundary with 26 Elsworthy Road in rear garden of lower ground floor flat (Class C3).

Drawing Nos: 09/709/Loc01; Sur10; Sur11; Sur12; Sur16; P201a; P202a; P203a; P204a; P205b; P206b;

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 09/709/Loc01; Sur10; Sur11; Sur12; Sur16; P201a; P202a; P203a; P204a; P205b; P206b;

Reason:

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

- 3 The studio building hereby approved shall not be used for any purposes other than as ancillary to the garden level flat.

Reason: In order to protect the amenity of neighbouring properties, in accordance with policy CS5 of the London Borough of Camden Local Development Framework Core Strategy and DP26 of the Development Framework Development Policies.

- 4 Prior to the first occupation of the building a plan showing details of the green roof including species, planting density, substrate and a section at scale 1:20 showing that adequate depth is available in terms of the construction and long term viability of the green roof, and a programme for an initial scheme of maintenance shall be submitted to and approved in writing by the local planning authority. The green roof shall be fully provided in accordance with the approved details prior to first occupation and thereafter retained and maintained in accordance with the approved scheme of maintenance.

Reason: To ensure that the green roof is suitably designed and maintained in accordance with the requirements of policies CS13, CS14, CS15 and CS16 of the London Borough of Camden Local Development Framework Core Strategy and policies DP22, DP23 and DP24 of the London Borough of Camden Local Development Framework Development Policies.

Informative(s):

- 1 Reasons for granting permission.

The proposed development is in general accordance with the London Borough of Camden Local Development Framework Core Strategy, with particular regard to policies CS1 (Distribution of growth), CS5 (Managing the impact of growth and development), CS13 (Tackling climate change through promoting higher environmental standards), CS14 (Promoting high quality places and conserving our heritage), CS15 (Protecting and improving our parks and open spaces and encouraging biodiversity) and CS16 (Improving Camden's health and well-being) and the London Borough of Camden Local Development Framework Development Policies, with particular regard to policies DP22 (Promoting sustainable design and construction), DP23 (Water), DP24 (Securing high quality design), DP25 (Conserving Camden's heritage) and DP26 (Managing the impact of development on occupiers and neighbours). For a more detailed understanding of the reasons for the granting of this planning permission, please refer to the officer's report.

- 2 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts which 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, Argyle Street WC1H 8EQ, (tel: 020-7974 2363).
- 3 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 are advised to consult the Council's Planning and Public Protection Division (Compliance and Enforcement Team), Camden Town Hall, Argyle Street, WC1H 8EQ (Tel. No. 020 7974 5613 or by email ppp@camden.gov.uk or on the website www.camden.gov.uk/pollution) or seek prior approval under Section 61 of the Act if you anticipate any difficulty in carrying out construction other than within the hours stated above.
- 4 Please note that this permission is considered to present an alternative proposal to permission 2010/6786/P. Only one of the permissions 2010/6791/P or 2010/6786/P may be implemented on site.

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Delegated Report Members Briefing	Analysis sheet		Expiry Date:	09/02/2011		
	N/A / attached		Consultation Expiry Date:	31/01/2011 <i>Re-consult: 01/03/2011</i>		
Officer			Application Number(s)			
Gavin Sexton			2010/6786/P 2010/6791/P			
Application Address			Drawing Numbers			
24 Elsworthy Road London NW3 3DL			Refer to decision notices			
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature			
Proposal(s)						
2010/6786/P: The erection of a single storey studio towards boundary with properties on King Henry's Road in rear garden of lower ground floor flat (Class C3).						
2010/6791/P: The erection of a single storey studio adjacent to boundary with 26 Elsworthy Road in rear garden of lower ground floor flat (Class C3).						
<i>This report was presented at Members Briefing on 7th Feb 2011. Consequently 2010/6786/p was approved under delegated powers. However an administrative problem with 2010/6791/p required a re-consultation. The changes to this report which have resulted following that re-consultation are identified in bold italics.</i>						
Recommendation(s):	2010/6786/P: Grant planning permission 2010/6791/P: Grant planning permission					
Application Type:	Full Planning Permission					
Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	16	No. of responses No. electronic	03 00	No. of objections	03

<p>Summary of consultation responses:</p>	<p>Responses from 22 Elsworthy Road, Flats in 91 and 93 King Henry's Road</p> <ul style="list-style-type: none"> • Studio includes large expanse of glass facing rear 22 Elsworthy which will be a nuisance due to light pollution • If approved owner will re-apply for garden re-development • Would reject this application on height, size and mass and possible loss of trees but if studio met with neighbours approval would not object • Mature trees have been felled which has impact on adjoining properties and Conservation Area • Previous planning application made on basis of new landscaping which is not the case • Application at 34 Elsworthy Road included mature trees in landscaping proposals • Proposed building is out of scale which massively increases living area of original property • Studio is close to 93 KH Road with resultant views into rear windows much closer than is currently the case • Previous application had more detail about screening. <p>Objections which relate to previously refused scheme:</p> <ul style="list-style-type: none"> • Sunken lightwell will also discharge light • Plant will cause noise nuisance
--	---

<p>CAAC/Local groups* comments: *Please Specify</p>	<p>Elsworthy CAAC – <i>objection made during re-consultation</i></p> <p><i>Proposed studio is too large and intrusive to neighbouring properties. Overdevelopment results in serious loss of garden space.</i></p> <p>Elsworthy Residents Assoc: No response.</p>
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Site Description

4 storey semi sub-divided into flats on the north side of Elsworthy Road near to its junction with Elsworthy Terrace. The site is within the Elsworthy CA. At the time of application the rear garden has been cleared of all vegetation and trees.

Relevant History

Feb 2011: Permission granted for 2010/6786/P: The erection of a single storey studio towards boundary with properties on King Henry's Road in rear garden of lower ground floor flat (Class C3).

July 2010: Permission **granted** (2010/2982/P) for Erection of a single storey side and rear extension and installation of new window openings to front and rear bays of the lower ground floor flat (Class C3).

Nov 2010 : Permission was **refused** (2010/4812/P) for "The erection of a single storey studio with basement in rear garden to lower ground floor flat (Class C3)." Reasons for refusal included:
"The proposed garden studio building, by reason of its scale, bulk, and design, would be detrimental to the visual amenity and character of the rear garden area and the character and appearance of the Conservation Area" and
"The proposed basement development, by reason of its footprint which leaves insufficient margin for sustaining growth of trees characteristic of the area, would be detrimental to the contribution made by the rear garden landscaping to the character and appearance of the conservation area"

April 2010 : **No objection** was raised for tree works (2010/1607/T) for "REAR GARDEN: 1x Plum - Fell and remove stumps 2 x Sycamore - Fell and remove stumps 1 x Bay - Fell and remove stumps 1 x Pyracantha - fell and remove stumps"

34 Elsworthy Road

2007/0505/P: Permission granted in april 2004 for "The erection of a single storey building at end of

rear garden to house artists studio for ancillary use to Flat 1.”

Relevant policies

LDF Core Strategy and Development Policies

CS1 (Distribution of growth)

CS5 (Managing the impact of growth and development)

CS13 (Tackling climate change through promoting higher environmental standards)

CS14 (Promoting high quality places and conserving our heritage)

CS15 (Protecting and improving our parks and open spaces and encouraging biodiversity)

DP22 (Promoting sustainable design and construction)

DP23 (Water)

DP24 (Securing high quality design)

DP25 (Conserving Camden's heritage)

DP26 (Managing the impact of development on occupiers and neighbours)

Assessment

This report assesses two concurrent applications for rear garden studio buildings of similar design and floorspace. The key issues for consideration are the impact of the proposals in design terms on the host building and the CA and the implications for neighbouring amenity.

Case A: Studio placed lengthways along the side boundary with 26 Elsworthy Road (2010/6791/p)

Location : The studio would be 37sqm (gross) in floorspace located 3.8m from the nearest point of the rear boundary with properties on King Henry's Road and set adjacent to the boundary with 26 Elsworthy. The timber clad structure with extensive glazed screens facing towards the host property and East towards 22 Elsworthy Road would provide 2.4m internal headheight within a total structure height of c.2.8m. The structure would be visible for 400mm above the existing fence with 26 Elsworthy and would run for approx 9m along the length of the fence. The location of the studio would retain an open area of garden to the East which would be evident in views from upper floors of neighbouring properties and which would preserve the rear garden character of this part of the Conservation Area.

Design: The studio would be modestly taller than the garden boundaries and an acceptable height for a rear garden building. While the proposed building has a significant footprint the majority of the rear garden space would be retained (approx 180sqm), even with the construction of the rear extension to the garden flat. The proposals are approx 25% smaller than the refused studio building and are considered to be close to the maximum acceptable size appropriate to preserving the character and appearance of the conservation area.

The timber cladding is considered an appropriate cladding material for a rear garden structure such as this. The areas of glazing would give the structure a lightweight appearance on the East elevation. The applicant has amended the proposals to include a green roof to the structure in order to mitigate the impact of the loss of garden space. The green roof would be added within the proposed roof profile in order to minimise the impact on the overall height of the structure. The addition of the green roof welcomed. A condition requiring the details of the planting and maintenance scheme would be added.

Amenity: The south windows would face towards the rear of the host property, at a distance of approx 11m from the rear upper floor windows of other flats in the building. The approved rear extension would be sited between the studio and the host building and would screen the views from the studio back towards the main building. In the event that the rear extension is not constructed it is considered that the views back from the garden level building to the upper floors would still be limited and insufficiently adverse to merit refusal of the case. Similarly the views from the studio into the upper floors of neighbouring 22 Elsworthy would be from a distance of c.15m which would be sufficiently far to minimise the impact on the privacy of occupants and is acceptable.

Case B: Studio placed widthways across the rear garden(2010/6786/p) towards boundary with properties on King Henry's Road.

Location : The studio would be slightly larger than the case assessed above at 40sqm (gross) in floorspace, located across the width of the rear garden approx 3m from the nearest point of the rear boundary with properties on King Henry's Road and approx 15m from the main building on the application site. The timber clad structure would be 8m wide with extensive glazed screens facing towards the host property and additional glazing facing North towards 91 and 93 KH Road. It would provide 2.4m internal headheight within a total structure height of c.2.7m. The structure would be visible for 400mm above the existing fence with the rear gardens of KH Road. The location of the studio would retain an open area of garden to the South with sufficient clearance for mature trees to the north on the boundary with KH Road and to the east with 22 Elsworthy.

Design: The studio would be modestly taller than the garden boundaries and an acceptable height for a rear garden building. While the proposed building has a significant footprint the majority of the rear garden space would be retained (approx 170sqm), even with the construction of the rear extension to the garden flat. The proposals are approx 20% smaller than the refused studio building and are considered to be at the upper limit in terms of size appropriate to preserving the character and appearance of the conservation area.

The timber cladding is considered an appropriate cladding material for a rear garden structure such as this. The areas of glazing would give the structure a lightweight appearance on the South elevation. As with the above proposal the applicant has added a green roof. A condition would be added securing the details.

Amenity: The south windows would face towards the rear of the host property, at a distance of approx 16m from the rear upper floor windows of other flats in the building. Similarly the views from the studio into the upper floors of neighbouring 22 Elsworthy would be from a distance of c.17m. These distances are considered sufficiently far to minimise the impact on the privacy of occupants and is acceptable. Views to the North into the rear of properties on King Henry's Road would be at a distance of at least 25m, with views limited by the relative proximity of the rear fence. The distance is considered unlikely to lead to a significant loss of privacy and is acceptable in terms of DP26.

As the studio units are both of significant size it is considered appropriate to add a condition restricting their use to be ancillary to the garden flat in order to protect the amenity of neighbours.

Other concerns:

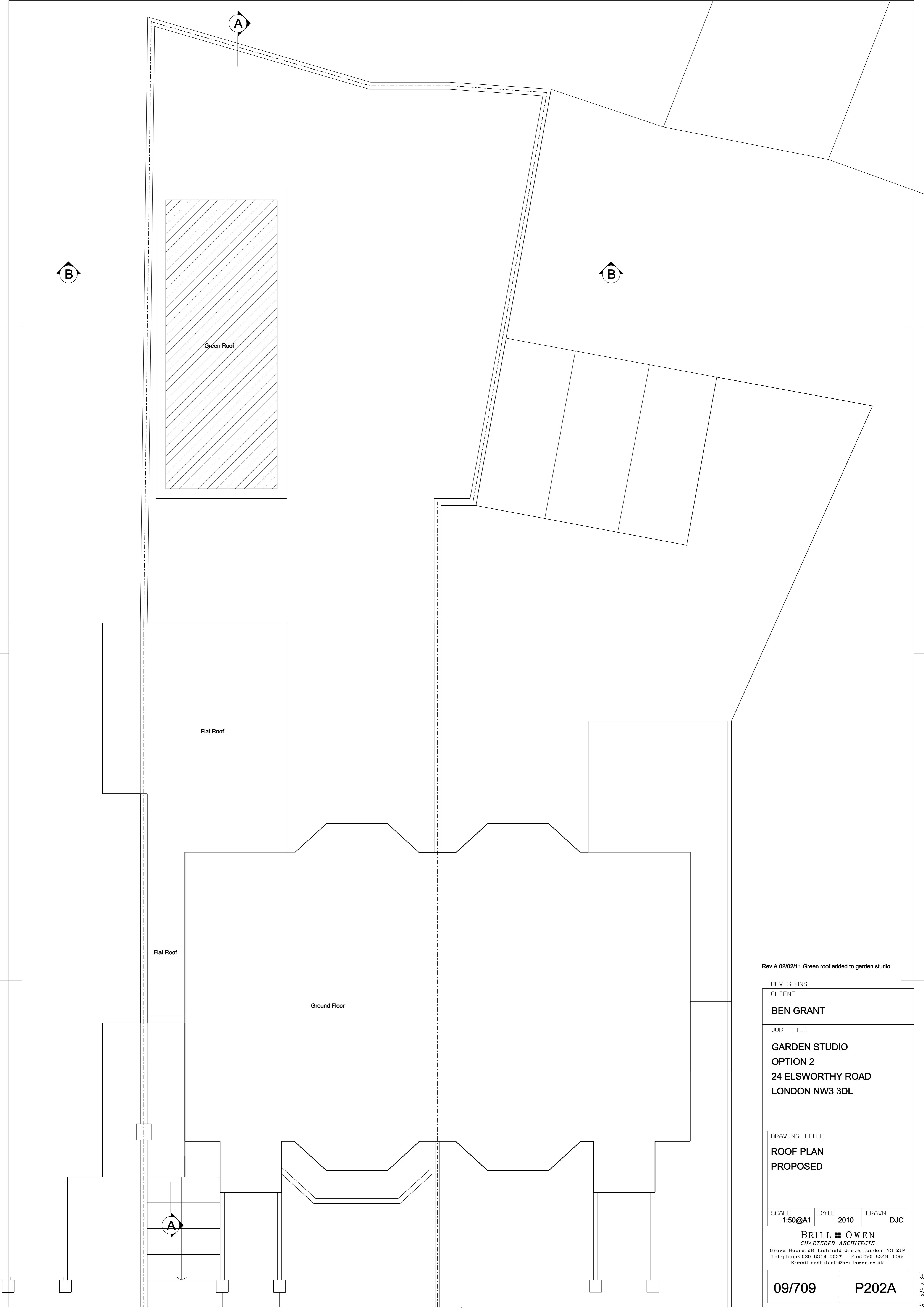
Planting: The previously refused basement scheme proposed landscaping treatment for the rear garden which would be required following the excavation of the garden. The previously approved scheme for the rear extension included no details of planting or landscaping. The applicant has indicated an area of planting to the north of the widthways studio. However as the proposals do not involve significant works to that area of the garden and the design proposals are acceptable on amenity grounds without the need for further vegetative screening it is not considered appropriate to add a condition requiring details of soft landscaping.

Light pollution: While the studios would both have extensive areas of south or east facing glazing which is likely to highlight the presence of the structure if illuminated from within at night, it is not considered that the lighting would lead to sufficient light trespass or glare to constitute light pollution. Furthermore largely glazed rear additions to properties along this side of Elsworthy Road is a locally common feature (ref 22 and 26 Elsworthy Road) and therefore the presence of such a feature in the rear garden is not considered to add a sufficiently uncharacteristic feature to this part of the Conservation Area to detract from its character and appearance.

Recommend: Grant approval.

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Rev A 02/02/11 Green roof added to garden studio

REVISIONS

CLIENT

BEN GRANT

JOB TITLE

**GARDEN STUDIO
OPTION 2
24 ELSWORTHY ROAD
LONDON NW3 3DL**

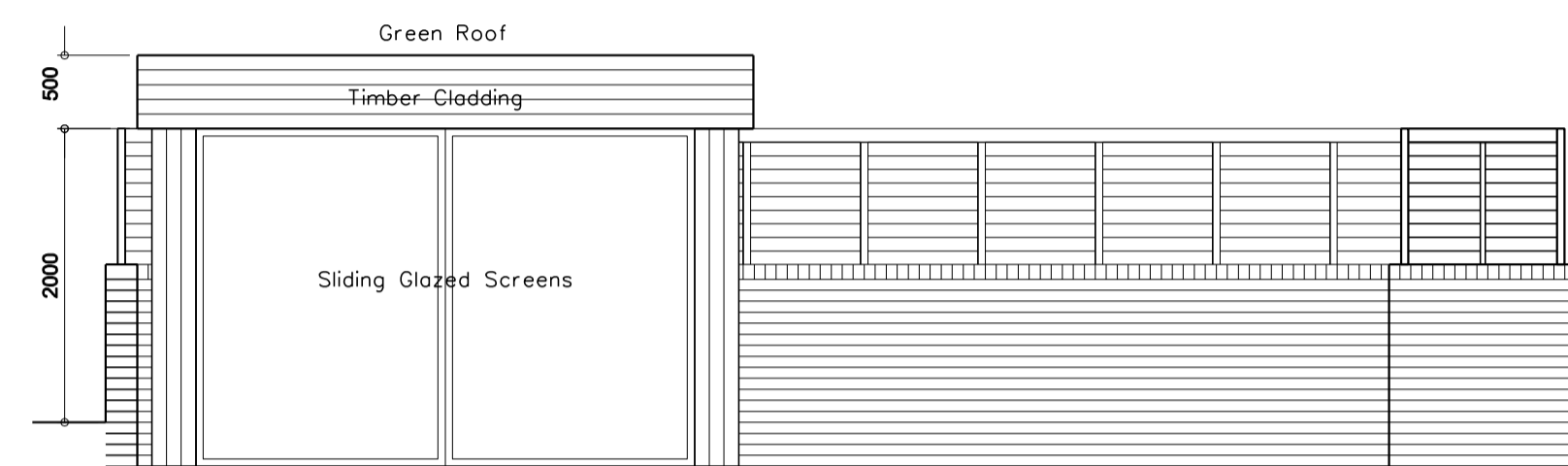
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**ROOF PLAN
PROPOSED**

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BRILL ■ OWEN
 CHARTERED ARCHITECTS
 Grove House, 2B Lichfield Grove, London N3 2JP
 Telephone: 020 8349 0037 Fax: 020 8349 0092
 E-mail: architects@brillowen.co.uk

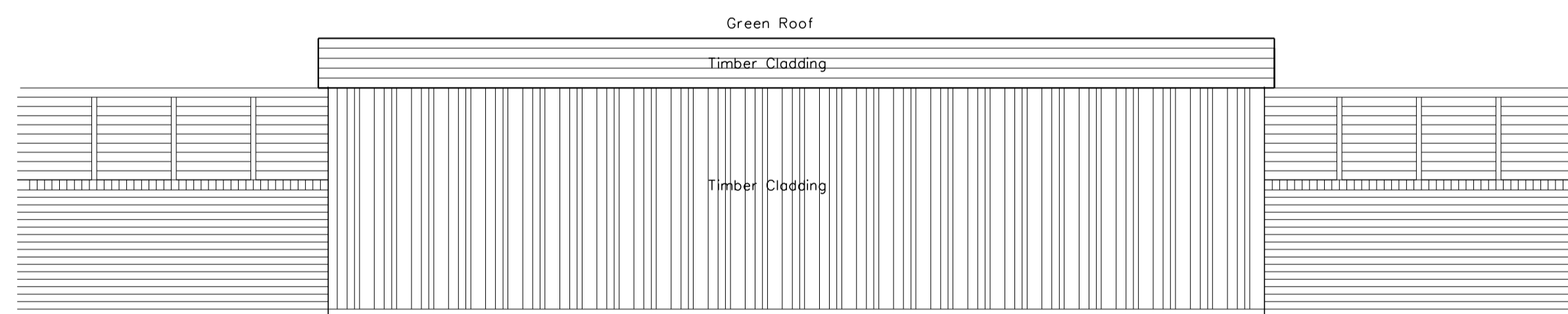
09/709	P202A
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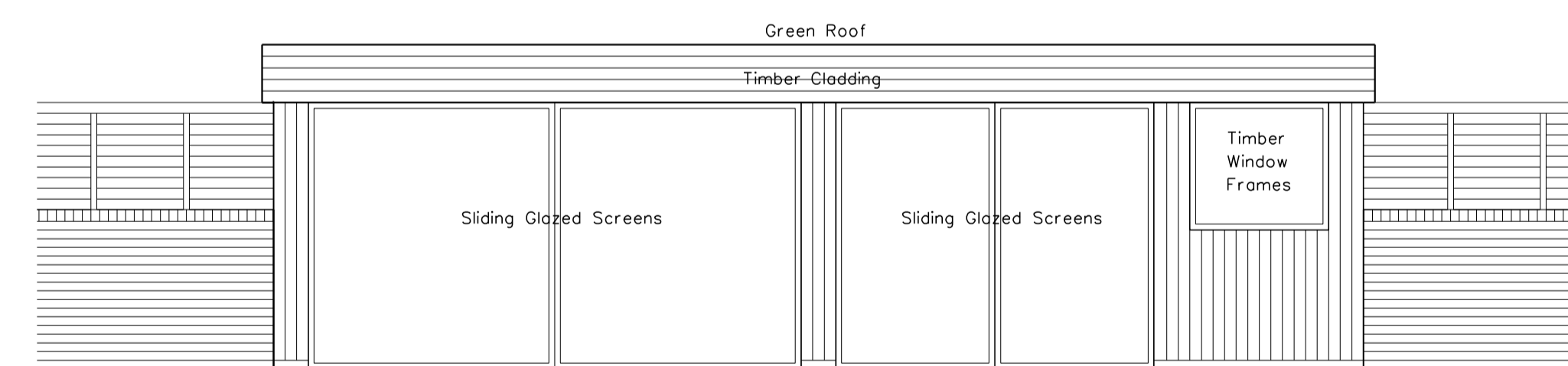
FRONT ELEVATION



REAR ELEVATION



WEST ELEVATION



EAST ELEVATION

REV B 04/02/11 WEST AND EAST ELEVATIONS RELABELLED
 REV A 02/02/11 PROPOSED ROOF RAISED BY 100MM TO ACCOMMODATE GREEN ROOF

REVISIONS

CLIENT

BEN GRANT

JOB TITLE

**GARDEN STUDIO
 OPTION 2
 24 ELSWORTHY ROAD
 LONDON NW3 3DL**

DRAWING TITLE

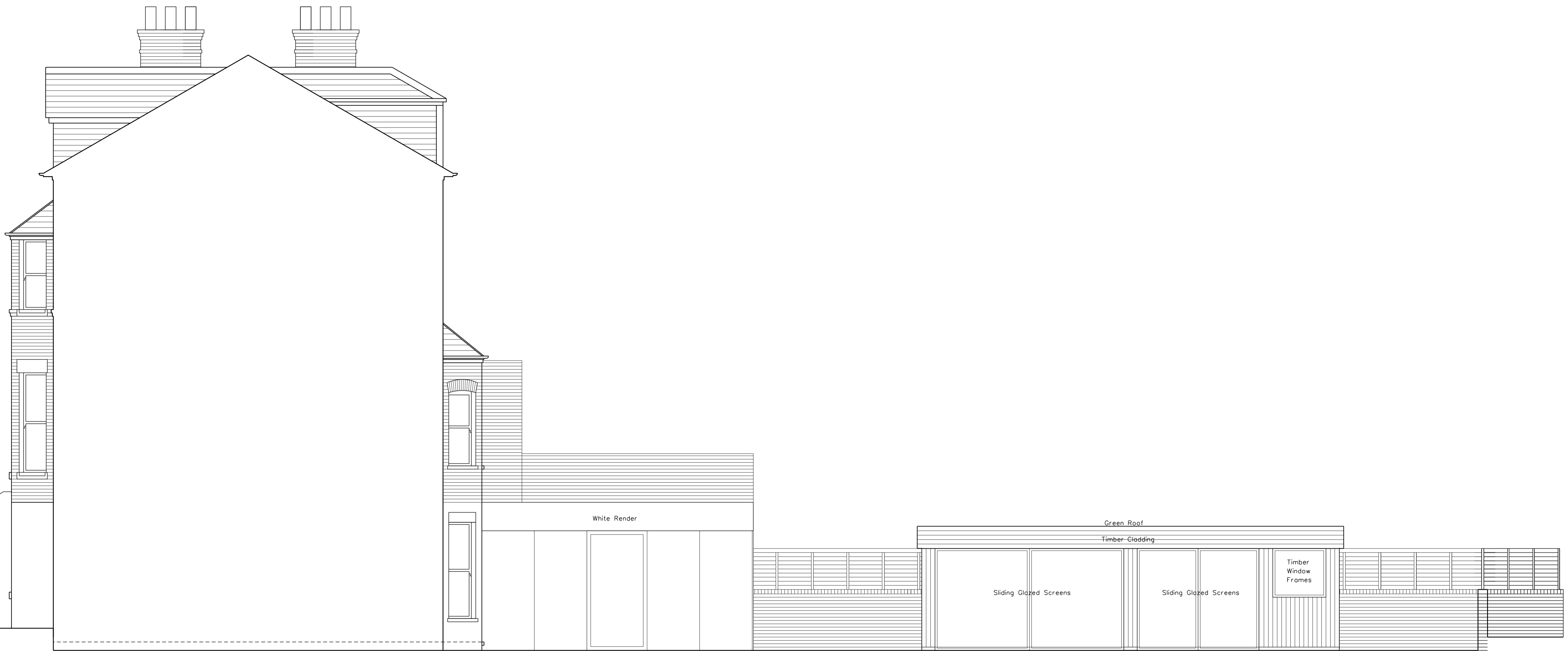
PROPOSED ELEVATIONS

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BRILL ■ OWEN
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09/709

P205B



EAST ELEVATION

REV B 04/02/11 EAST ELEVATION SHOWN IN PLACE OF WEST ELEVATION

REV A 02/02/11 PROPOSED ROOF RAISED BY 100MM TO ACCOMMODATE GREEN ROOF

REVISIONS

CLIENT

BEN GRANT

JOB TITLE

**GARDEN STUDIO
OPTION 2
24 ELSWORTHY ROAD
LONDON NW3 3DL**

DRAWING TITLE

**EAST SIDE ELEVATION
PROPOSED**

SCALE	DATE	DRAWN
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09/709	P206B
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REV A 02/02/11 PROPOSED ROOF RAISED
100MM TO ACCOMMODATE GREEN ROOF

REVISIONS

CLIENT

BEN GRANT

JOB TITLE

**GARDEN STUDIO
OPTION 2
24 ELSWORTHY ROAD
LONDON NW3 3DL**

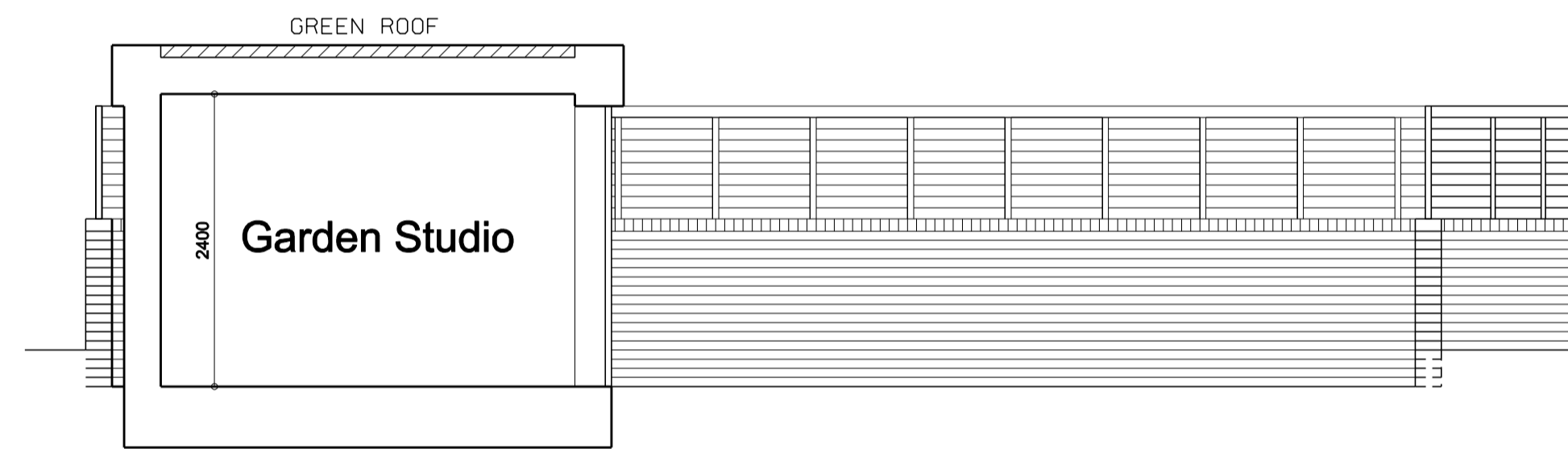
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**SECTION AA
PROPOSED**

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09/709	P203A
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REV A 02/02/11 PROPOSED ROOF RAISED
100MM TO ACCOMMODATE GREEN ROOF

REVISIONS

CLIENT

BEN GRANT

JOB TITLE

**GARDEN STUDIO
OPTION 2
24 ELSWORTHY ROAD
LONDON NW3 3DL**

DRAWING TITLE

**SECTION BB
PROPOSED**

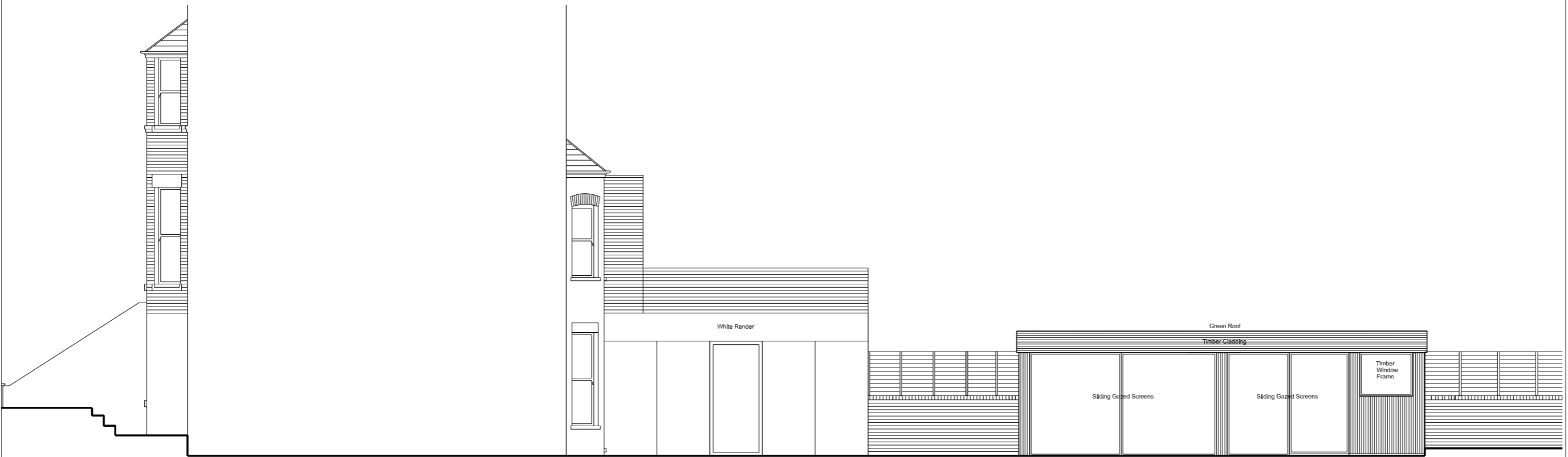
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09/709

P204A

Appendix 8 – Comparison Drawings (Approved vs As Built)



East Elevation

Planning for Extension
2010/2982/P Granted

Planning for Studio
2010/6791/P Granted

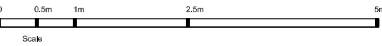
GENERAL NOTES



East Elevation

Extension As Built

Studio As Built



Notes
Do not scale from drawings.
Errors to be reported immediately to the Architect.
To be read in conjunction with all relevant Architect's,
Services and Structural Engineers' drawings.
All existing site, tree and building information has been compiled from
different sources. All dimensions to be checked on site.

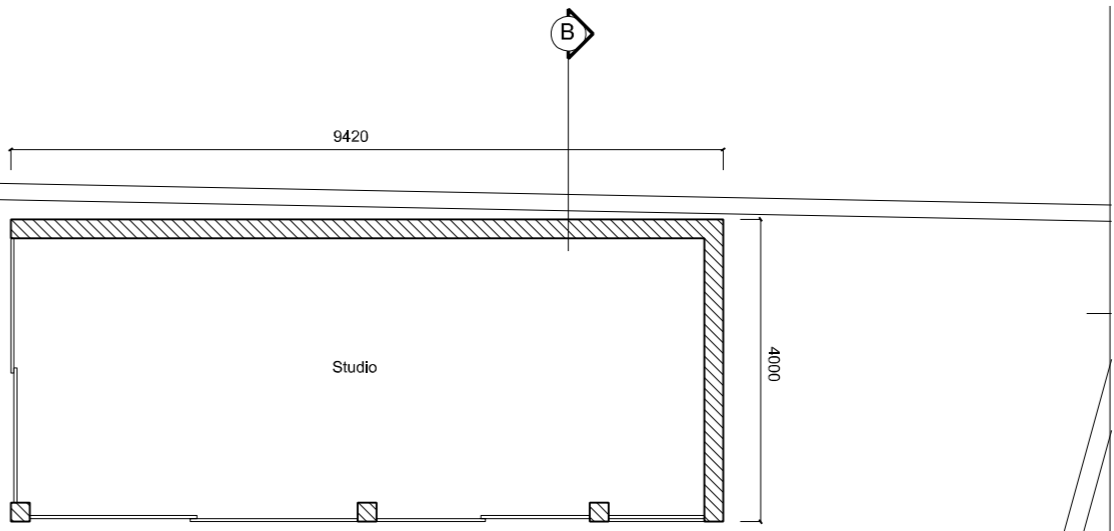
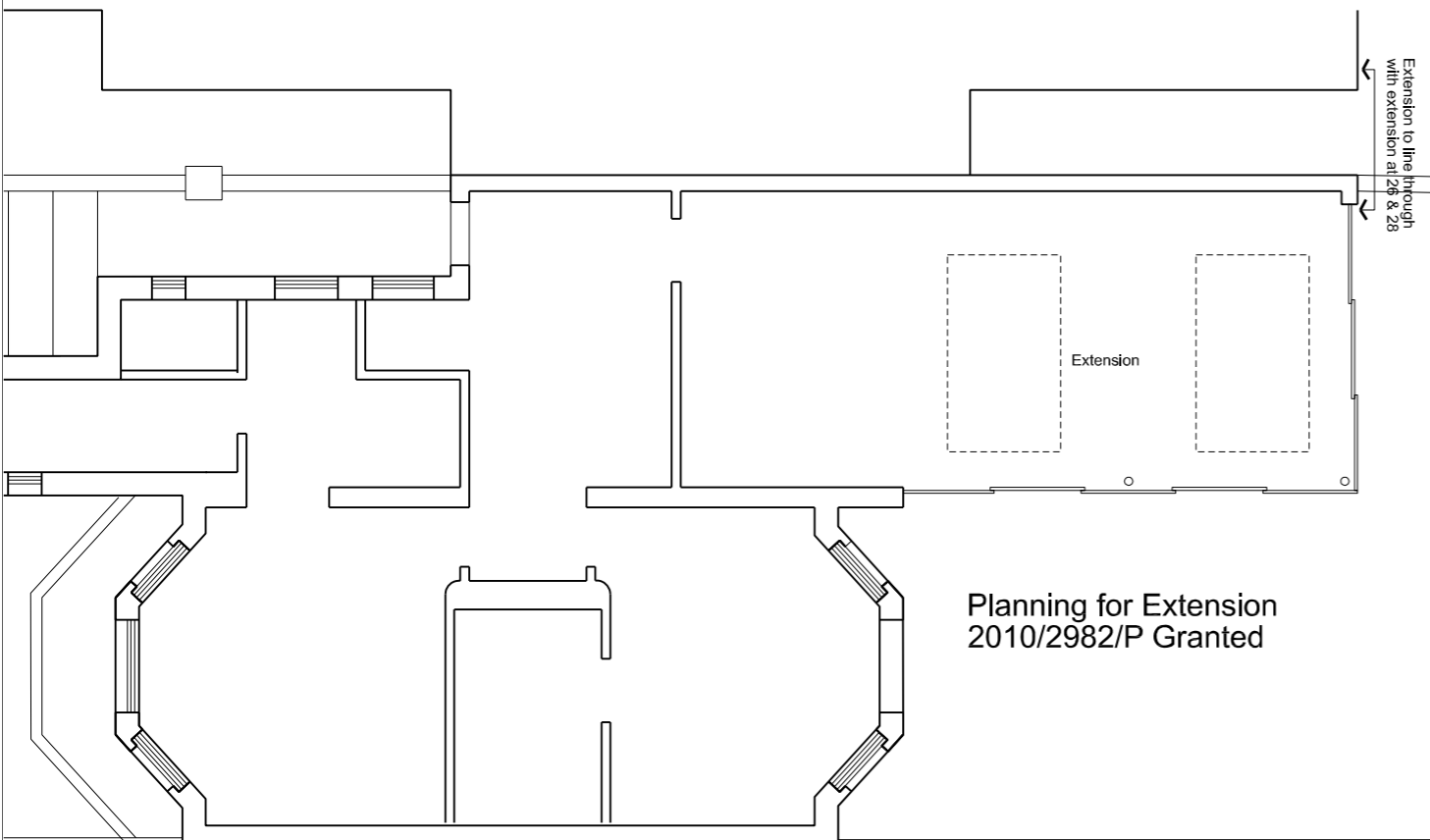
Rev.	Rev.	Description
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ISSUED FOR PLANNING

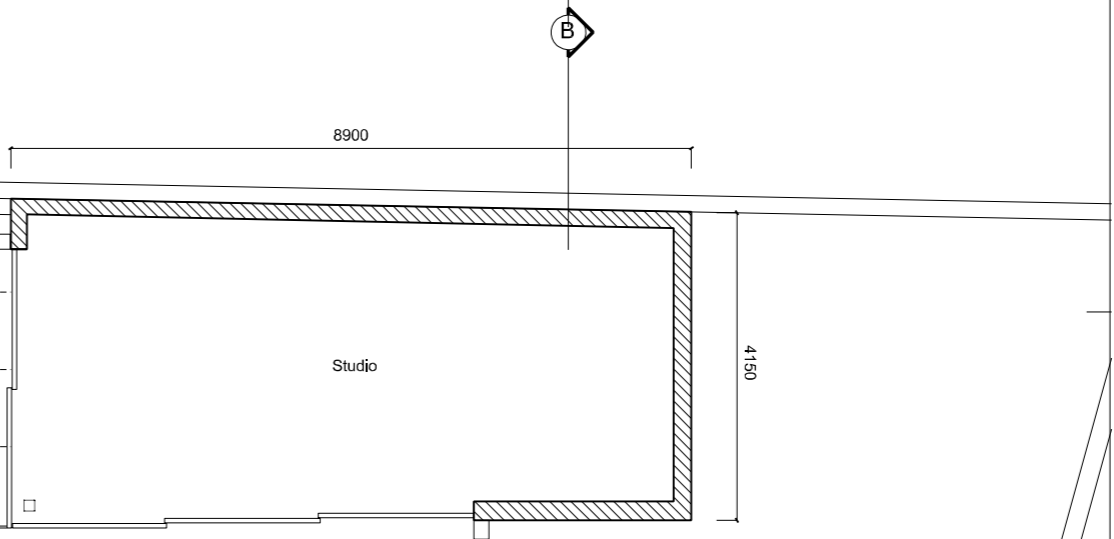
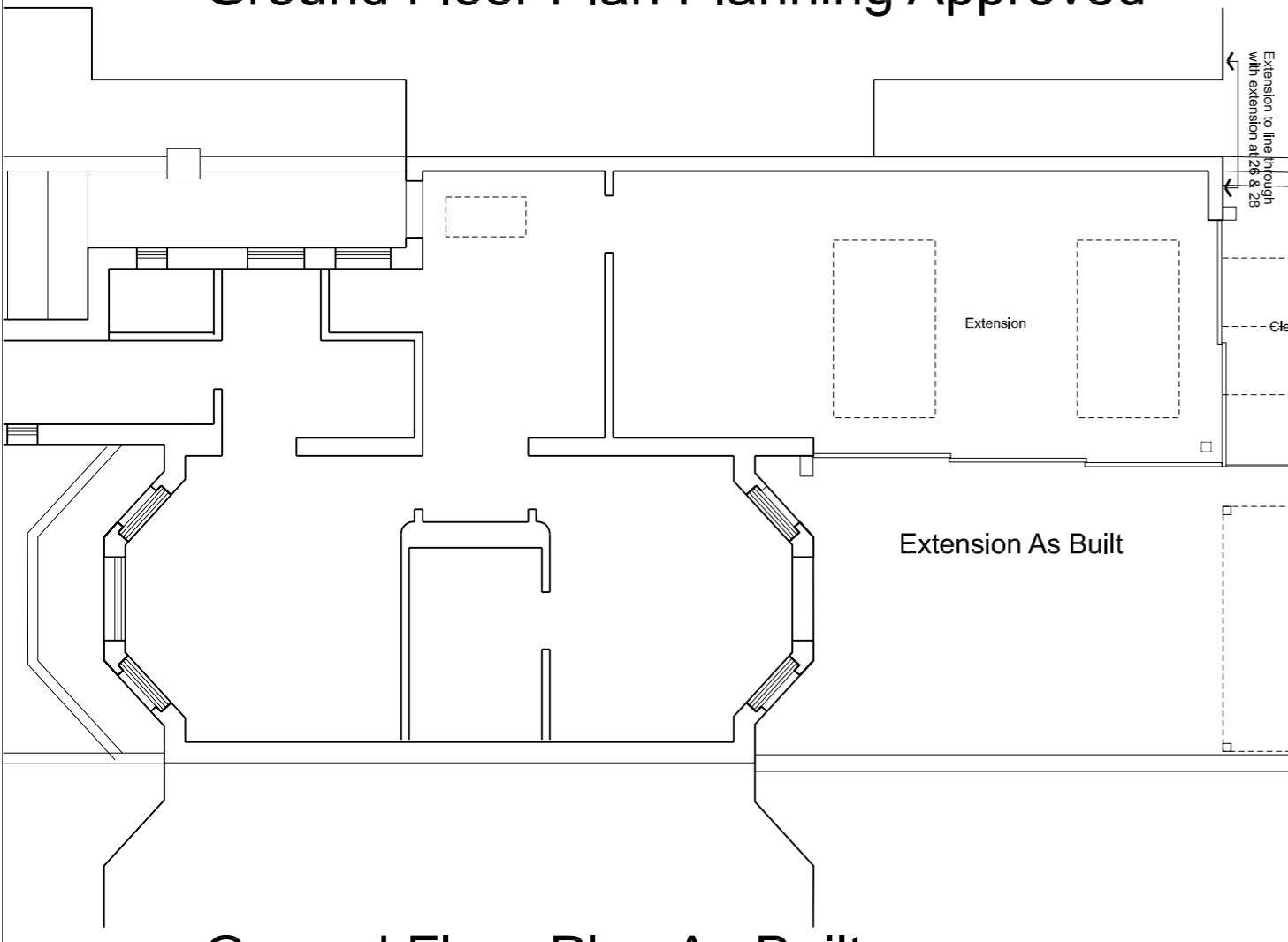
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Client -	
Date 01/10/2013	Drawn -
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	Approved -
Drawing Name General Arrangement	Drawing No. 24 ER_50_400
East Elevations Comparison Approved and As Built	



Planning for Extension
2010/2982/P Granted

Planning for Studio
2010/6791/P Granted

Ground Floor Plan Planning Approved



Extension As Built

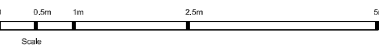
Studio As Built

Timber Pergola

Clear glass roof above

Ground Floor Plan As Built

GENERAL NOTES



Notes
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Project 24 Elsworthy Road London, NW3 3DL	Project No. 24 ER
Client -	
Date 01/10/2013	Drawn -
Scale / Format 1:50 / A1_1:100/A3	Checked -
CAD Reference -	Approved -
Drawing Name General Arrangement Ground Floor Plans Approved and As Built	Drawing No. 24_ER_50_200

GENERAL NOTES



Rear Elevation

Planning for Extension
2010/2982/P Granted



Notes
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Services and Structural Engineers' drawings.
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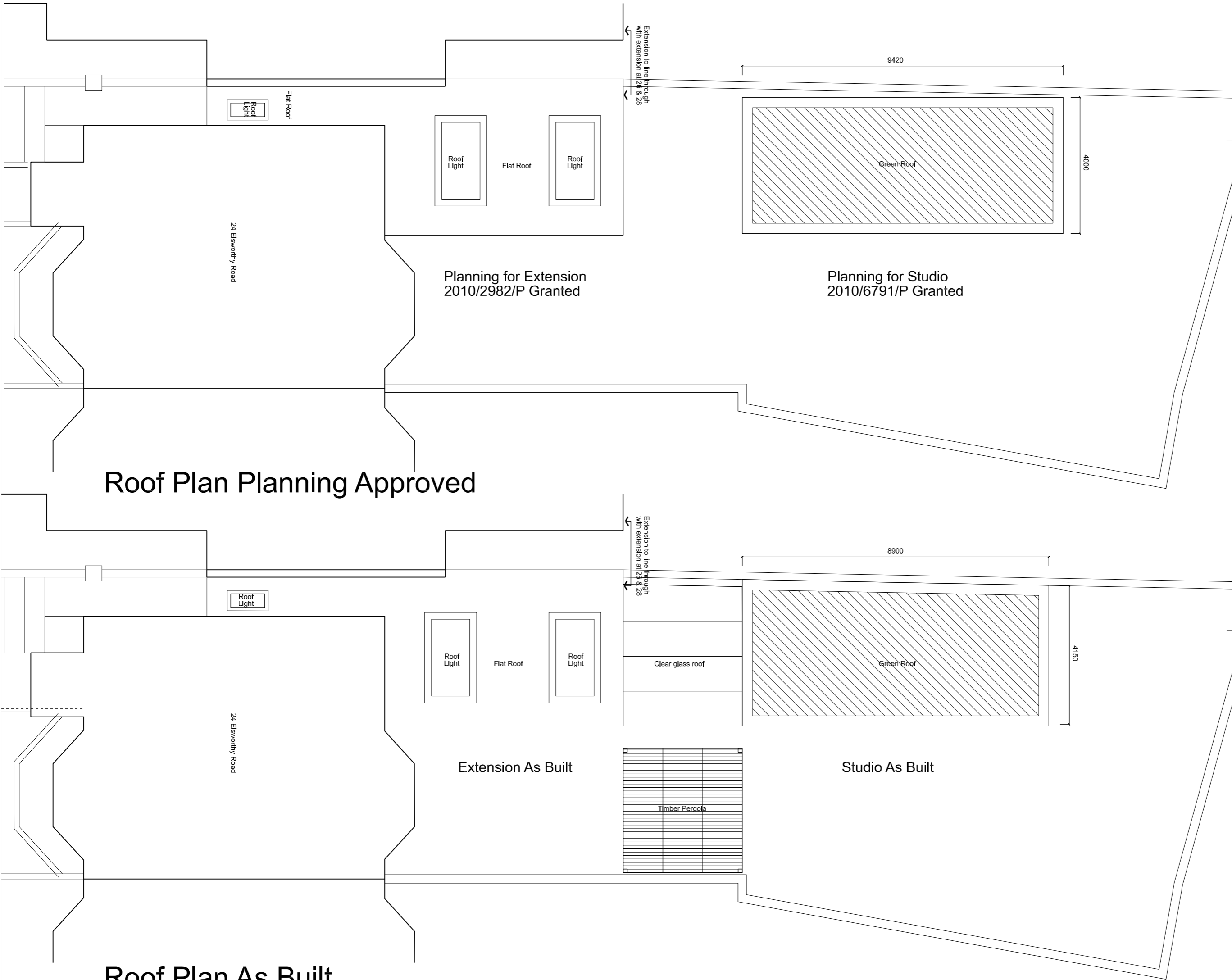
ISSUED FOR PLANNING

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Client -	
Date 01/10/2013	Drawn -
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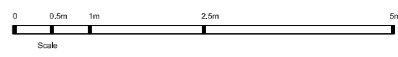


Rear Elevation

Extension As Built



GENERAL NOTES



Notes

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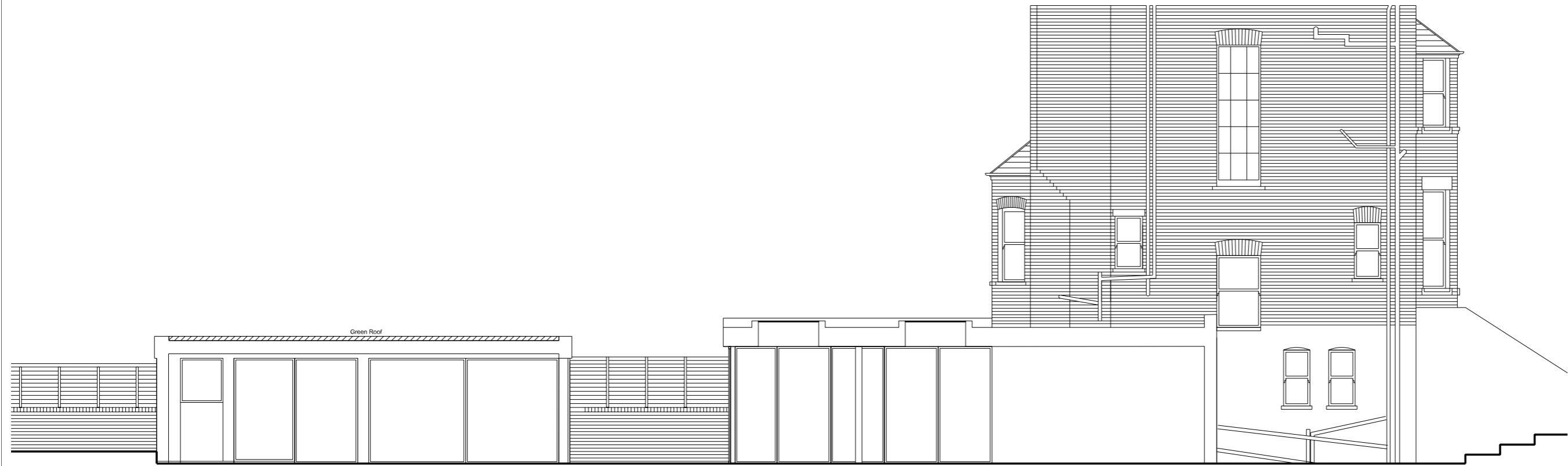
ISSUED FOR PLANNING

Project 24 Elsworth Road London, NW3 3DL	Project No. 24 ER
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Client -	Drawn -	Issue -
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Date 01/10/2013	Drawn -	Issue -
Scale / Format 1:50 / A1_1:100/A3	Checked -	-
CAD Reference -	Approved -	-

Drawing Name General Arrangement Roof Plans Approved and As Built	Drawing No. 24_ER_50_100
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Planning for Studio
2010/6791/P Granted

Planning for Extension
2010/2982/P Granted

Section A-A

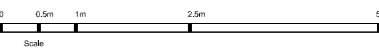


Studio As Built

Extension As Built

Section A-A

GENERAL NOTES



Notes

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Project 24 Elsworthy Road London, NW3 3DL	Project No. 24 ER
Client -	
Date 01/10/2013	Drawn -
Scale / Format 1:50 / A1_1:100/A3	Checked -
CAD Reference -	Approved -
Drawing Name General Arrangement Section A-A Comparison Approved and As Built	Drawing No. 24 ER_50_500

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