

Delegated Report		Analysis sheet		Expiry Date:		21/09/2012	
		N/A / attached		Consultation Expiry Date:		31/08/2012	
Officer				Application Number(s)			
Craig Raybould				2012/3969/P			
Application Address				Drawing Numbers			
55 FORTESS ROAD LONDON NW5 1AD				Refer to draft decision notice			
PO 3/4		Area Team Signature		C&UD		Authorised Officer Signature	
Proposal(s)							
Minor material amendment to planning permission (ref: 2011/4297/P) dated 04/11/2011 (change of use from office use (Class B1) to flexible commercial use (Class A1/A2/B1) on front lower ground and ground floor levels, and residential use (Class C3) on rear lower ground & ground floor levels and upper floors to provide 1 x 2-bed and 3 x 1-bed units, including extension at rear second floor level above existing two storey extension, extension at rear lower ground floor level, installation of new dormers at rear roof level, and alterations to the shopfront) for the variation of condition 2 (development to be carried out in accordance with the approved plans) involving the provision of: Screened terrace and glazed doors at rear second floor level; increase in height by 0.7m of uppermost section of the closet wing extension at rear second floor level; and increase in width by 0.3m of dormer extension at rear roof level.							
Recommendation(s):		Grant the variation of condition 2 subject to a deed of variation to S106 Legal Agreement					
Application Type:		Variation of Condition					
Conditions or Reasons for Refusal:		Refer to Draft Decision Notice					
Informatives:							
Consultations							
Adjoining Occupiers:		No. notified	08	No. of responses	00	No. of objections	00
				No. electronic	00		
Summary of consultation responses:		A site notice was displayed from 10/08/2012 to 31/08/2012.					
CAAC/Local groups comments:		No comments have been received in respect of the proposals.					

Site Description

The application site is a three storey mixed use building located to the west of Fortress Road. It benefits from lawful use as office/mixed commercial use at lower ground and ground floor levels (Class A1/A2/B1) and residential flats on upper floors (Class C3).

The building consists of a timber framed glazed shopfront at ground floor level to the front elevation with traditional timber stallriser, transom bar, fascia panel and decorative console. To the front, upper floors are finished in a red brick with square headed stucco surrounds above windows (which comprise timber framed sliding sashes). The roof is pitched and finished in grey coloured slate tiles. To the rear elevation, the property is finished in a yellow stock brick and includes a projecting three storey closet wing extension rising to first floor level.

The property fronts a non-designated retail frontage on Fortress Road and adjoins residential properties located on Fortress Yard to the rear.

The building is not a listed building and it is not located within a conservation area.

Relevant History

Planning Applications

2011/4297/P: Planning permission was granted on 04/11/2011 for a change of use from office use (Class B1) to flexible commercial use (Class A1/A2/B1) on front lower ground and ground floor levels, and residential use (Class C3) on rear lower ground & ground floor levels and upper floors to provide 1 x 2-bed and 3 x 1-bed units, including extension at rear second floor level above existing two storey extension, extension at rear lower ground floor level, installation of new dormer at rear roof level, and alterations to the shopfront. It is this consent that the current application seeks minor material amendments to.

Enforcement History

EN12/0300: A planning enforcement investigation was opened on 13/04/2012 in respect of works not being carried out in accordance with the approved plans of planning permission dated 04/11/2011 (ref: 2011/4297/P) in respect an alleged roof terrace. Following intervention by the Planning Enforcement Team, an application for planning permission (the current application) was submitted for consideration by the Council.

Relevant policies

LDF Core Strategy and Development Policies

LDF Core Strategy

CS1 (Distribution of growth)

CS5 (Managing the impact of growth and development)

CS14 (Promoting high quality places and conserving our heritage)

LDF Development

DP24 (Securing high quality design)

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

Camden Planning Guidance 2011

CPG1 – Design

CPG6 - Amenity

London Plan 2011 (as amended)

NPPF 2012

Assessment

1. Proposals

1.1 Planning permission was granted following completion of a S106 Legal Agreement on 04/11/2011 (ref: 2011/4297/P) for a change of use of the property from office use (Class B1a) to flexible office/commercial use (Class A1/A2/B1) at lower ground and ground floor level to residential use on upper floors (Class C3). The application included physical works including a ground floor level extension, a second floor extension to the existing closet wing and a dormer extension to the rear.

1.2 Following a complaint received by the Council and subsequent investigations by the Planning Enforcement Team, it was confirmed that the scheme had not been implemented in accordance with the approved plans. The key differences being:

1. A section of the closet wing extension has been erected 0.7m higher than that approved to accommodate a parapet wall at rear third floor level;
2. Where a section of the closet wing extension has been set back, a screened roof terrace measuring 2.85m x 0.6m (1.71sqm) has been created at rear second floor level. The terrace is accessed via new bi-folding doors. The terrace is screened by the exterior facing brick wall that rises approximately 2m in height and an obscure glazed screen that has been positioned in line with the approved fenestration;
3. The dormer extension at roof level has been constructed 0.3m wider than that shown on the approved drawings.

1.3 Following an assessment of the works by the Planning Enforcement Team, the contravener (now the applicant) was advised to submit a minor material amendment application (S73 variation of condition) in an attempt to prevent formal enforcement proceedings taking place.

1.4 The key planning considerations of this application are:

- Design - The impact of the works on the appearance of the building;
- Amenity - The impact of the works on residential amenity;
- Procedural elements – Deed of variation of S106 Legal Agreement.

2. Analysis

Design

2.1 A section of the closet wing extension has been set back and increased in height by 0.7m. This increase appears to be accounted for by the creation of a parapet wall and brings the overall height of this part of the extension to the eaves of the building. Para 4.13 of CPG1 explains that rear extensions should terminate one full storey below the eaves of the existing building. The extension as built is contrary to this guidance, terminating at the level of the eaves. Notwithstanding this, the extension matches in height the existing closet wing extensions at nos. 53 and 51 which also have parapet walls. As a result, this element of the extension is in-keeping with the prevalent pattern of development to the rear of this group of buildings. This meets with para 4.12 of CPG1 which explains that the height of rear extensions should 'respect the existing pattern of rear extensions where they exist'. The increase in height in this element of the scheme is therefore considered acceptable.

2.2 The second floor element of the closet wing (referred to above) has been set back by 0.9m. The purpose of the set back is to create a small terrace area of 1.71m to rear. The terrace is accessed via bi-folding doors and is fully screened by the exterior wall (which rises to a height of approx. 2m) and the window opening, which is now a solid obscure glazed surface.

2.3 The arrangement of the terrace with a high wall and glazed opening is odd in itself. However, owing to the height of the screened wall and the size and positioning of the glazed opening (which matches the size and positioning of the existing fenestration) this part of the building does not look terrace like in appearance. Whilst it is an unusual design solution, the overall visual impact on the appearance of the building is minimal and allows the works to appear as a more intrinsic alteration to the host building.

2.4 The dormer extension at roof level has been increased in size from 2m to 2.3m in width. This minor enlargement has a negligible effect on the appearance of the works compared to that previously approved.

2.5 Taken as a whole, the increase in height, the arrangement and design of the roof terrace and the enlarged dormer windows comply with policies CS14 and DP24 and are considered acceptable in design terms.

Amenity

2.6 The increase in height of the closet wing extension by 0.7m is not considered to cause any significant additional overshadowing or sense of overbearing to adjoining properties in comparison with the approved scheme. Whilst the inclusion of a parapet can sometimes indicate an intended use as a roof terrace, the parapet rises to a height of only approx. 40cm from the roof of the closet wing and is not considered sufficient to facilitate the use of the roof as a terrace. What is more, the only access to this area would be through the small dormer windows, which would be extremely difficult.

2.7 The second floor terrace area is respectively small (at 1.71sqm) and would not be able accommodate a large group of people that would be capable of creating significant noise or disturbance to neighbours. What is more, the screening brick wall and obscure glazed window, rising to a height of approx. 2m is wholly sufficient to mitigate against perceived sense of overlooking into residential windows to the rear of Fortess Mews.

2.8 The dormer windows are not considered to create any amenity concerns and the proposals taken as a whole meet with policies CS5 and DP26.

Deed of Variation S106

2.9 Owing to a number of the proposed plans being updated to reflect the now sought changes to the approved scheme, a deed of variation s106 legal agreement is required to reflect the updated plans. The applicant has indicated a willingness to enter into this agreement.

3. Recommendation

3.1 For the above reasons, the scheme as built is considered acceptable in planning terms. It is recommended that a variation of condition 2 is granted to incorporate the plans showing the alterations set out in this application.

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