

Delegated Report		Analysis sheet		Expiry Date:	29/10/2012
(Members Briefing)		N/A / attached		Consultation Expiry Date:	11/10/2012
Officer			Application Number(s)		
John Nicholls			2012/4384/P		
Application Address			Drawing Numbers		
Garden Flat 38 Elsworthy Road London NW3 3DL			See decision notice		
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature		
Proposal(s)					
Erection of conservatory to rear elevation and a residential outbuilding within garden at rear of existing 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	14	No. of responses	02	No. of objections	02
				No. Electronic	00		
Summary of consultation responses:		<p>A site notice was displayed on 14/9/2012 and press notice on 20/9/2012. As a result two letters of objection have been received which are summarised as follows:</p> <p><u>Design</u></p> <ul style="list-style-type: none"> Conservatory design is out of character with the existing building. Lack of details of materials and finishes to be used <p>See paragraph 2.1-2.3 for officer's comments.</p> <p><u>Amenity</u></p> <ul style="list-style-type: none"> Rooflight light spillage Overlooking issues between studio and upper floors of residential properties <p>See paragraph 3.1-3.4 for officer's comments.</p> <p><u>Biodiversity</u></p> <ul style="list-style-type: none"> Loss of green space in the CA without mitigating measures to replace it which will affect rain water run-off and drainage. <p>See paragraph 4.1 for officer's comments.</p> <p><u>Use</u></p> <ul style="list-style-type: none"> Use of the studio as an artists studio not appropriate <p>See paragraph 5.1 for officer's comments.</p> <p><u>Other matters</u></p> <ul style="list-style-type: none"> It is unclear how shower/toilet will be connected into the waste system Ownership of land relating to the proposed built development <p>See paragraph 6.1-6.2 for officer's comments.</p>					
CAAC/Local groups* comments: *Please Specify		<p>The Elsworthy CAAC has objected as follows:</p> <p>The replaced conservatory is out of keeping with the existing building. The garden house is against back garden developments.</p>					
Site Description							
<p>The property is a lower ground floor garden flat located mid-terrace on the northern side of Elsworthy Road. The host building has three upper floors and attic space which is divided into flats.</p> <p>The property is located within the Elsworthy Conservation Area and is considered to be a positive contributor. The property is not listed.</p>							

Relevant History

PE9800189R1 - Erection of a single storey rear glazed conservatory – Granted - 30/07/1998

Neighbouring extensions

34

2007/0505/P - The erection of a single storey building at end of rear garden to house artists studio for ancillary use to Flat 1 – Granted - 02/04/2007

2007/5273/P - Erection of single-storey building at end of rear garden to provide studio for ancillary use to Flat 1 and replacement of existing upper ground floor balcony and spiral staircase to rear of existing flat with larger balcony and staircase – Granted - 14/01/2008

40

2011/1546/P - Erection of a single-storey timber clad garden room and shed to replace existing shed as ancillary accommodation to lower ground floor flat – Granted - 01/06/2011

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

DP23 – Water

DP24 – Securing high quality design

DP25 – Conserving Camden's heritage

DP26 – Managing the impact of development on occupiers and neighbours

DP32 – Air quality and Camden's Clear Zone

Elsworthy Road Conservation Area Appraisal and Management Strategy 2009

Camden Planning Guidance: Design 2011

NDDF - 2012

Assessment

1.0 Proposal

- 1.1 The proposal includes the replacement of an existing conservatory and the erection of an outbuilding in the rear garden of the garden flat.

Amendments

- 1.2 As a result of discussions with officers, the proposal has been amended to lower the height of the rooflights on both of the structures and a green roof has been added to the outbuilding.

2.0 Design

- 2.1 The proposed conservatory measures 4.6m (wide) x 2.95m (deep) x 2.8-2.65m (high) and replaces a sloped glazed roof lean to style structure measuring 4.3m (w) x 3.1m (d) x 3.2m – 2.5m (h). The proposed structure has a solid roof with a 0.85m wide roof light which runs across the width adjacent to the rear elevation. The conservatory has a canopy which projects 0.85m out into the garden.
- 2.2 The garden structure measures 6m (w) x 3.6m (d) x 2.6m-2.8m (h). It will be full width and will also have a canopy facing towards the house measuring 0.85m off the structure.
- 2.3 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 therefore compliant with policy,

3.0 Amenity

Overlooking

- 3.1 The main amenity concern is overlooking from the proposed studio back into the upper floor windows of the flats above. Concern has already been raised that a neighbouring office located at the rear of the garden (No. 40) already causes overlooking issues and that the proposed studio room will exacerbate this matter.
- 3.2 The distance between upper floor windows and the garden studio is 11.5m and therefore within suggested Council guidelines for overlooking facing windows which is 18m. However, the studio is a space to work in and therefore isn't habitable space and therefore the impact of overlooking is lessened than if these were both habitable rooms. The amenity harm is not considered to be any worse than someone standing in the rear garden at present.
- 3.3 The addition of the canopy is considered to screen views both in and out of the windows up towards the upper floor flats should cut some of this overlooking. The applicant has also agreed to fit blinds in order to address this point further.

Light spillage

- 3.4 Concerns have been raised about light spillage from the rooflights. However, the existing glazed roof conservatory has far more impact in terms of potential light pollution than the proposed rooflights on both roofs of the proposed structures, which both measure 0.85m across. This is not considered to be worse than the as existing light spillage from the existing conservatory and there is considered acceptable.

4.0 Biodiversity – Green Roof

- 4.1 The application proposes a green roof on the roof of the outbuilding. This is welcomed as it

softens the impact of the proposal when viewed from the upper floors of neighbouring properties and encourages biodiversity into the area. In order to secure the provision of the green roof and a scheme of maintenance it is recommended that conditions are appended to any planning approval.

5.0 Use

- 5.1 The use of the outbuilding as a studio for working purposes is an acceptable use in the rear garden of the property. Working from home is not unlawful so long as it is ancillary to the use of the property as a dwelling. The use of the studio is therefore considered acceptable.

6.0 Other matters

- 6.1 A comment has been received over how the shower and toilet will be connected to the drainage system. This is not something that can be considered by the planning system and is a query better answered as and when the proposal is implemented by the Council's Building Control Division.
- 6.2 Another query raised is the proposed encroachment of the originally proposed sloped rooflight attached to the rear elevation into an area of the property perceived to fall outside the ownership of the applicant. This is a private matter between the two properties and not something that the planning system should deal with. The design has now also been sufficiently amended to prevent such a perceived encroachment.
- 6.3 Overall, the proposal is considered to preserve and enhance the character and appearance of the Elsworthy Conservation Area and would not cause amenity issues which are worse than those which already exist and is therefore in general compliance with policies DP24, DP25 and DP26 of Camden's Local Development Framework Plan 2010.

7.0 Recommendation: Grant Planning Permission

DISCLAIMER

Decision route to be decided by nominated members on Monday 22nd October 2012.
For further information please click [here](#).