

Delegated Report		Analysis sheet		Expiry Date:	10/02/2012
		N/A / attached		Consultation Expiry Date:	11/01/2012
Officer			Application Number(s)		
David Glasgow			2011/6277/P		
Application Address			Drawing Numbers		
Flat 1 and Flat 3 37 Fortess Road London NW5 1AD			Refer Draft Decision Notice		
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature		
Proposal(s)					
Erection of a single storey rear extension with a roof terrace.					
Recommendation(s):		Refuse planning permission			
Application Type:		Full Planning Permission			

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	30	No. of responses	00	No. of objections	03
			No. electronic	00		
Summary of consultation responses:	<p>The occupiers of 30 adjoining properties were notified of the application in writing. The occupiers of flats 1, 2, and 3/35 Fortress Road objected to the proposal. The objections are summarized as follows:</p> <ul style="list-style-type: none"> • No detail to the plans to enable assessment of impact. • The extension and terrace will overlook our back garden and affect our right to light • There are no other examples of building on garden space like this down the entire Victorian Terrace and this would set a worrying precedent • In conjunction with an existing application for a Maisonette at the same address (which we haven't currently objected to) this constitutes overdevelopment of the site. • Application reference to parking spaces (1) being retained contradicts the planning application 2011/5304/P previously submitted. <p>Officer Comment: see assessment section below.</p>					
CAAC/Local groups* comments: *Please Specify	N/A					

Site Description

The application site is a 4 storey residential terrace located on the western side of Fortress Road. The site is not within a conservation area but is opposite a Grade II listed residential terrace at 44-98 Fortress Road. The immediate area is predominantly residential with the Kentish Town Centre located nearby at the southern end of Fortress Road. There is a single storey sheltered housing block located to the rear of the site close to the rear boundary.

Relevant History

2011/5304/P - The erection of a 2 storey side extension at ground and first floor level for the provision of a x1 bedroom self contained maisonette, the installation of a new balcony to the rear first floor elevation, refuse storage facility to the front ground floor elevation and a roof lantern at second floor level all in connection with the use as residential flat (Class C3). Under consideration.

2011/3023/P - Erection of side extension at ground, first second and third floor level to create 3x 1-bed flats, extension at lower ground and second floor level and mansard roof extension to rear of existing building (Class C3), creation of terraces at ground, first and third floor on rear elevation and second floor front elevation and alterations to windows at second floor on rear elevation. Withdrawn 09/08/2011

2004/5075/P Conversion of a three-bedroom flat into two flats; (1 x two-bed flat and 1 x studio flat) at ground level. refused 28 Jan 2005

PE9606156 The erection of a timber frame conservatory at first floor level. approved 29 April 1997

PE9606157 Erection of first floor extension to provide additional bedroom. approved 29 April 1997

9501319 Change of use from offices to five residential units; the erection of a mansard roof extension; the formation of a rear roof terrace at first floor level; alterations to the rear elevation; the provision of a new refuse enclosure; the erection of a new screen; the retention of alterations to the elevations and a rear balcony at second floor level. approved 12 April 1996

8903189 Erection of a roof extension at third floor level for use for B1 office. allowed at appeal 26 Jan 1990

8802362 Part refurbishment and part redevelopment including the erection of a four storey building at 37-39 Fortress Road and change of use of the premises to an office use within Class B1 of the Town and Country Planning (Use Classes

Relevant policies

LDF Core Strategy and Development Policies

CS5 – Managing the impact of growth and development

CS14 – Promoting high quality places and conserving our heritage

Development Policies

DP24 – Securing high quality design

DP26 – Managing the impact of development on occupiers and neighbours

Camden Planning Guidance 2011

Assessment

Proposal

It is proposed to erect a single storey rear extension to the lower ground floor flat measuring 4.673m in depth, 4.165m in width, 3.2m in height with a 1.2 balustrade above to create a terrace accessed via the existing rear doors of the ground floor flat (Flat 3) which currently serve a Juliette balcony. The host building has a stepped profile to the rear, with Flat 1 located 6.0m from the rear boundary and Flat 2 approximately 13.0m. The extension would be located to the rear of Flat 1 resulting in a set back from the rear boundary of between 1.5 and 1.0m and be set 4.5m and 3.5m away from the northern and southern boundaries respectively

Design

Camden Planning Guidance states that rear extensions should be designed to:

- be secondary to the building being extended, in terms of location, form, scale, proportions, dimensions and detailing;
- respect and preserve the original design and proportions of the building, including its architectural period and style and established building lines;
- respect and preserve existing architectural features, such as projecting bays, decorative balconies or chimney stacks;
- respect and preserve the historic pattern and established townscape of the surrounding area, including the ratio of built to inbuilt space;
- retain the open character of existing natural landscaping and garden amenity; and materials should be sympathetic to the existing building.
- retain the open character of existing natural landscaping and garden amenity, including that of neighbouring properties, proportionate to that of the surrounding area.

The host building is differentiated from the remainder of the terrace (with the exception of neighbouring 35 Fortess Road) by its significant bulk, two-storey massing at the rear and considerably deeper rearward projection. The subject site is also approximately twice the width of others in the terrace and as such, despite the existing large building footprint, still benefits from a relatively large open garden space of 104sqm, presently shared between Flats 1 and 2. The proposal would result in the building footprint being extended to within 1.0m of the rear boundary, separating the existing garden space into two distinct sections. Most of the garden would still be allocated to Flat 1 with a small courtyard allocated to flat two. The reconfiguration of the garden does not require planning permission and is not considered as part of the application.

Although subordinate to and respectful of the character of the host building, the proposed extension would project significantly further rearward than any other extensions in the terrace and could not be said to respect the established building lines. However, the subject site (along with No. 35) already projects significantly deeper than the rest of the terrace and is considered to have its own distinct character in this context. As such the additional rearward projection of the proposed extension is not considered to dramatically alter the existing character of the host building or the terrace. Furthermore the site is not located within a conservation area nor is the rear of the site subject to public or significant private views. Overall, the proposal is not considered to harm the character and appearance of the host building, terrace or wider area.

Amenity

Sunlight/daylight and outlook

The extension has a modest height of 3.2m and would be set 4.5m and 3.5m away from the northern and southern boundaries respectively. As such it is not considered that the extension would result in any demonstrable loss of sunlight, daylight or outlook to neighbouring windows at 35 or 39 Fortess Road. No 16 Burghley Road is located within 0.5m of the the rear boundary and boundary wall, however the proposed extension would be offset diagonally from the rear facing windows of this property which are also served by skylights. Due to this offset and its modest single storey height the proposed extension is not considered to result in any additional loss of sunlight, daylight or outlook to rear facing windows of this property.

Amenity Space

CPG requires rear extensions to allow for the retention of a reasonable size garden which is typically accepted as being at least 50% of the existing garden space. The main issues with the usability of the garden space at

the property arise from the internal layout of the individual flats and the external allocation of the available space. The Internal layout of existing flats and garden fencing below 2.0m, do not require planning permission and as such are not considered as part of the assessment.

Although the location of the extension in the middle site, necessitated by the arrangement of the ground floor flats, would somewhat restrict the usability of the remaining open space, the extension would occupy less than 20% of the existing garden space and overall is considered reasonable in line with CPG requirements.

Overlooking

Chapter 6 of the Camden Planning Guidance states that development should be designed to protect the privacy of both new and existing dwellings to a reasonable degree with the most sensitive areas to overlooking being:

- Living rooms;
- Bedrooms;
- Kitchens; and
- The part of a garden nearest to the house.

The rear garden is already subject to a degree of overlooking from upper floor windows and first floor terraces at the subject site and the neighbouring first floor balcony at No. 35 Fortress Road. However, the introduction of the new terrace is considered to result in significantly greater and more harmful overlooking of this garden space and habitable room windows.

The terrace would serve Flat 3 on the upper ground floor, providing opportunity for direct overlooking into the ground floor rear reception room and private garden space of Flat 1 on the lower ground floor. Although some degree of overlooking of the garden is afforded by the existing 1.0m deep first floor balcony at number 35 adjacent to the boundary, the proposed terrace is considered to significantly worsen this situation due to its usable area and the viewing angle afforded by its rearward projection.

No. 16 Burghley Road to the rear of the site contains rear facing windows with a section of glazed roof within 1.5m of the edge of the proposed terrace. Users of the terrace would also directly overlook these windows and roof lights.

As the entirety of the extension would project beyond the rear building lines of the neighbouring properties to each side (No's 35 and 39) although setback 3.5 and 4.5m respectively from these boundaries, due to its position, the terrace would afford direct overlooking of the private areas of garden and ground floor habitable room windows of both of these properties. Although the angle of overlooking would be relatively obtuse, this would represent a new element of overlooking in the terrace and is still considered sufficient to result in demonstrable harm to the amenities of occupiers of these neighbouring properties.

Overall the proposal is not considered to comply with DP26 and CPG. It is not considered that conditioning the installation of privacy screening could overcome these overlooking issues as the amount of screening required would be likely to change the character of the proposal so significantly as to necessitate the submission of a new planning application.

Recommendation

Refuse Planning Permission

Disclaimer

This is an internet copy for information purposes. If you require a copy of the signed original please telephone Contact Camden on (020) 7974 4444