

Delegated Report (Members Briefing)		Analysis sheet		Expiry Date:	27/12/2011
		N/A		Consultation Expiry Date:	15/12/2011
Officer			Application Number(s)		
Nicola Tulley			2011/4798/P		
Application Address			Drawing Numbers		
28 Ellerdale Road London NW3 6BB			Site location plan; Drawing no (prefix 28ER11/) 01; 11; 02; 12; 03; 13; 04; 14; 05; 15; 06; 16;		
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature		
Proposal(s)					
Amendments to planning permission granted on 31/07/06 (2006/1961/P) as amended on 08/09/08 (2008/2400/P) for erection of erection of a new lower ground floor plus 3-storey dwelling house, with integral garage, namely enlargement of rear upper ground floor terrace and creation of terraces at first and second floor level with timber decking and glass balustrading and alterations to fenestration at rear first and second floor level.					
Recommendation(s):		Grant conditional planning permission			
Application Type:		Householder Application			

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	00	No. of responses	01	No. of objections	01
			No. Electronic	00		
Summary of consultation responses:	<p>A site notice was displayed from 18/11/2011 to 09/12/2011.</p> <p>Press notice of the application was advertised on 24/11/2011.</p> <p>One letter of objection has been received from Number 30 Ellerdale Road the following issues have been raised:</p> <ul style="list-style-type: none"> At second floor level there should have been Juliette balconies at either side of the approved terrace with 1.8m high privacy screens. What has been built is a hardwood deck running the full width of the dwelling-house, the intention being that the occupants would be free to use the entire length of this area and confirmed by the glass gates as indicated on plans. This would be at variance with the approval of 2008 which sought to protect residential amenity. At first floor level each of the three bedrooms as approved were to have Juliette balconies. What has been constructed is an area of timber decking running the full width of the dwelling-house with a clear glass balustrade for use as a terrace. Strong objection has been raised to a violation of privacy which was prohibited by condition in the 2008 permission. The full width terraces are in breach of planning policy DP26 and CPG6 which seeks to ensure that amenity is protected from overlooking into neighbouring habitable room windows and the area of garden which is closest to the dwelling-house. The rear elevation of the dwelling-house has been dramatically altered from the brises soleil which were approved in the 2008 application. <p>Officer response: These issues are considered in the assessment below.</p>					
CAAC/Local groups* comments: *Please Specify	Fitzjohns and Netherhall CAAC The Heath and Hampstead Society has raised objection to the proposals 'object and notify of committee date'					

Site Description

The subject site is a three storey dwelling-house located towards the southern end of Ellerdale Road, close to the junction of Arkwright Road and is within Fitzjohns & Netherhall conservation area. The area is predominately residential with two and three storey detached and semi-detached dwelling-houses.

Relevant History

Planning history

2010/5413/P: Granted, Installation of 2 x entrance gates to front elevation of existing dwelling house (Class C3).

2008/2400/P: Granted, Amendments to planning permission granted on 31/07/2006 under 2006/1961/P for the erection of a new lower ground floor plus 3-storey dwelling house, with integral garage, involving changes to the rear building line at first floor level, to include a green roof at first floor level and roof terrace at second floor level; namely changes to the fenestration and balustrading and enlargement of the basement

2006/1961/P & 2006/1962/C: Granted, The erection of a new lower ground floor plus 3-storey dwelling house, with integral garage.

2005/4781/P & 2005/4783/C: Refused, Demolition of existing 2-storey house and erection of a new 3-storey plus basement dwelling-house with an integral garage and a rear roof terrace at upper ground floor level and enclosed front terrace at 2nd floor level.

TP29817: Conditional, The erection of a single-storey dwelling-house, with a dental surgery at No. 28, Ellerdale Road, Hampstead.

Enforcement history

EN09/0503: Not building new house to approved plans too high - new side window.

EN09/0602: Erection of satellite dish - (visible from road in conservation area). Case closed – breach ceased

Relevant policies

The London Plan: Spatial Development Strategy for Greater London: 2011

LDF Core Strategy and Development Policies 2010

Core 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

DP25 Conserving Camden's heritage

DP26 Managing the impact of development on occupiers and neighbours

Camden Planning Guidance 2011

CPG1 Design

CPG6 Amenity

Fitzjohns & Netherhall conservation area appraisal and management plan

Assessment

As indicated above, the site gained planning consent in 2006 (2006/1961/P) to demolish the existing property and construct a three storey dwelling-house with basement. This was amended in 2008 (2008/2400/P) involving changes to the rear building line at first floor level and to include a green roof at first floor level and roof terrace at second floor level; namely changes to the fenestration and balustrading and enlargement of the basement. The building has not been constructed in accordance with approved amendments and the current application seeks to rectify this.

Proposals:

- **Extension of rear terrace at upper ground floor level**

The upper ground floor terrace adjacent to Number 30 Ellerdale Road is approximately 3.9m in depth and 4.3m wide and is secured by a 1.1m high glass balustrade. The original approval at the subject site, reference 2006/1961/P, gave planning consent for this depth whilst the approved amended plan, reference 2008/2400/P, reduced the depth of the rear terrace to approximately 2.5m. This depth was considered acceptable under planning reference 2006/1961/P. To prevent undue overlooking into Number 30 an obscured glass privacy screen of 1.5m would be needed. This shall be conditioned.

- **Creation of terraces at first and second floor level with timber decking and glass balustrading**

At first floor level a green sedum roof was approved under the amended 2008/2400/P which was the width of the dwelling-house and 1.2m in depth. The dimensions have not changed but the roof material has been altered to timber decking with 1.1m high frameless glass balustrade to provide additional outdoor amenity. The alterations in this instance are not considered to have an adverse impact upon the character and appearance of the rear elevation and are in general accordance with policies DP24 & DP25. In terms of neighbouring amenity the 1.8m obscured glass screens should be maintained to ensure that the amenities of neighbouring occupiers are not adversely impacted. This shall be secured by condition.

A terrace was approved under reference 2008/2400/P at second floor level which was sited centrally, with sedum green roofs sited at either side. The dwelling-house as constructed replaced the sedum roof with timber decking and in this instance is not considered detrimental to the nature of the previously approved proposals given the proportion of soft landscaping at the subject site and surrounding area. In addition, the extended timber decking would not raise additional issues of overlooking as the terrace area, as approved would not be extended. Although the applicant has specified that the terrace at this level is secured by lockable glass gates, a condition will be attached securing that the glass balustrade is fixed and should be complied within a period of 3 months.

- **Alterations to fenestration**

The previously approved detailing of windows under planning reference 2008/2400/P, at first and second floor levels, have been altered. At first floor level the detailing has been altered from four panes per glazed section to two panes. At second floor level glazing at either side of the terrace has been altered from four panes to a single pane of frameless glazing. The changes would not harm the character and appearance of the dwelling-house and are therefore deemed acceptable.

At upper ground and first floor levels a timber brissolei was approved which acted as a partial cover to the projecting floors. Whilst these have not been constructed, their removal from the scheme is not deemed detrimental to the finished structure and would relieve an element of bulk to the rear elevation.

Conclusion

Overall the alterations to the previously amended proposal would not be detrimental to the character and appearance of the newly constructed dwelling-house. The privacy screens at upper levels will be conditioned to maintain neighbouring

amenity. An additional privacy screen shall be erected at the side of the upper ground terrace facing Number 30.

Recommendation: Approval with warning of enforcement action to be taken if works are not carried out within a period of 3 months.

DISCLAIMER

**Decision route to be decided by nominated members on Monday 19th December 2011.
For further information see**

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