

Delegated Report (Member's Briefing)		Analysis sheet		Expiry Date:	21/10/2011
		N/A / attached		Consultation Expiry Date:	22/09/2011
Officer			Application Number(s)		
Fergus Freeney			2011/3896/P		
Application Address			Drawing Numbers		
309 West End Lane London NW6 1RD			See decision notice		
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature		
Proposal(s)					
Erection of a single storey rear extension and the installation of a retractable canopy, timber enclosure and planting boxes to the front of shop (Class A1)					
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	21	No. of responses	02	No. of objections	02
			No. electronic	02		
Summary of consultation responses:	<p>A site notice displayed for 21 days from 24/08/2011 and a press notice published on 01/09/2011. 2 objections have been received:</p> <ul style="list-style-type: none"> - The freeholder objects to the development and has not given their consent as it would prevent access to maintenance and drains, and block light to communal areas. - The extension may be used for cooking purposes <p><i><u>Officer Comments:</u> Disputes between freeholders/leaseholders with regards to ownership and breach of lease conditions are civil matters which the Council is unable to become involved in. The Council can only assess the application on whether it complies with planning policy and guidance.</i></p> <p><i>The use of the premises is subject to a planning enforcement case (see relevant history). However, this application relates solely to the canopy and rear infill extension and NOT the use of the premises. Any change to A3 use (which would include cooking of food, other than reheating) and installation of external extraction equipment would require planning consent.</i></p>					
CAAC/Local groups* comments: *Please Specify	<p>West End Green CAAC – Object on the grounds that the front treatment of the building is not in keeping with the historic appearance of West End Lane, the materials and size of the enclosure is overbearing and the fence is unacceptable.</p> <p><i><u>Officers report</u> - The projection of the canopy has been reduced to be in line with recent approvals at other properties in this part of West Hampstead (see relevant history). The boundary treatment has been reduced in height and is now permitted development (see paragraph 2.5), the planting boxes are modest in proportions and are also similar to those installed at other properties.</i></p>					

Site Description

The site is located on the west side of West End Lane, it comprises a mid terrace 4-storey property with retail use on the ground floor.

The site is not listed but is within the West End Green Conservation Area.

Relevant History

2003/3407/P - The enlargement of an existing single storey rear extension to a full width single storey rear extension. *Approved 02/02/2011*

2005/2639/P - Retention of the change of use from retail use (Class A1) to restaurant/cafe use (Classes A3) including the placing of tables and chairs in the forecourt. *Refused and Warning of Enforcement Action 17/08/2011*

Enforcement Case - EN11/0526 - Possible change of use from A1 to A3. *Case closed as Appeal upheld by Planning Inspectorate (see below).*

Appeal Decision - **APP/X5210/C/07/2057396** *Appeal allowed, the enforcement notice is quashed and planning permission is granted subject to the conditions set out in the Formal Decision.*

Relevant applications at neighbouring properties

295-297 West End Lane (2006/2524/P) - Remodelling of ground floor frontage with installation of a new glazed panels and doors, installation of new heaters and lighting to front façade, plus new raised parapet on single storey section, alterations to rear elevation including new doors, erection of new rooflight to flat roof, replacement of existing umbrellas in rear garden with two new larger umbrellas. *Granted 24/07/2006*

319 West End Lane (2007/2692/A) - The display of an internally illuminated fascia sign on the front elevation, an externally illuminated fascia sign on the north elevation and an internally illuminated logo over the entrance, including replacement of 2 awnings with new ones with the Pizza Express logo. *Approved 25/07/2007*

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

DP24 – Securing high quality design

DP25 – Conserving Camden's heritage

DP26 – Managing the impact of development on occupiers and neighbours

Camden Planning Guidance 2011

West End Green Conservation Area Statement

Assessment

1.0. Proposal:

1.1. Permission is sought for the following:

- The installation of a retractable awning to the shopfront.
- Installation of timber fencing and low level planters to the front forecourt.
- The erection of a single storey infill extension within a rear lightwell.

1.2. During the course of the determination period the proposal was revised to lower the height of the timber fencing to 1m and to reduce the projection of the awning from 4.5m to 2.75m.

2.0. Assessment:

2.1. Awning and front forecourt alterations

2.2. A retractable canvas awning would be installed below the existing fascia level, it would project 2.75m from the face of the building and be 2.7m above ground level. The projection of the awning has been reduced to be in line with similar awnings which have been granted permission 295-297 and 319

West End Lane (see relevant history).

2.3. Given that a number of other units at this part of the West End Lane have awnings, and it appears that this proposal would be replacing an existing awning, it is considered acceptable.

2.4. The new awning would have no impact on highway or pedestrian safety, it is set well back from the road and is more than 2.3m above ground level (the minimum required by Camden Planning Guidance)

2.5. At the boundaries of the private front forecourt low level fencing and planting would be installed. The timber fencing would be 1m in height; this would constitute permitted development under Class A of Part 2 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 as amended by the (No. 2) (England) Order 2008.

2.6. The planting boxes are modest in size and are not considered to impact upon the appearance of the host building or wider conservation area as they would not appear as prominent features on the street scene. Planning permission was granted for planting boxes at 295-297 West End Lane (see relevant history) in 2007, in this instance the boxes would be lower and smaller in scale.

3.0. Rear infill extension

3.1. A single storey infill extension would be erected within a small lightwell which extends the full height of the building and serves 309 and 311 West End Lane. Currently there is no access to the lightwell other than through a window, it is not able to be used in any meaningful way and appears as wasted space.

3.2. A similar infill extension has been built within on the side of the lightwell relating to 311 West End Lane (Granted permission on 09/11/1983 under ref: F4/16/J/36786), this further reduces the usefulness of the space. Given the depth of the lightwell (extending over 4 storeys) and its small dimensions on plan, there is no direct sunlight at ground floor level and overall daylight levels are severely compromised.

3.3. The extension would have a pitched roof so as not to intersect a window which faces out onto the courtyard. It appears that this window relates to an internal communal stairwell and will therefore not impact upon the outlook or light levels of a habitable room, nor would it have any impact on the amenity of occupiers living above.

4.0. Summary

4.1. The proposal is considered to comply with Local Development Framework Policies DP24, DP25 and DP26 and Camden Planning Guidance. The alterations to the front of the property are in keeping with other shopfronts in this part of West End Lane and the wider conservation area. Whilst the infill extension is to be erected in an area which is currently inaccessible and unused, with limited natural light, it will not impact upon the amenity of surrounding neighbours with regards to outlook, loss of privacy or daylight/sunlight.

Recommendation: Grant Planning Permission

DISCLAIMER

Decision route to be decided by nominated members on Monday 31st October 2011.

For further information see

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