

Delegated Report		Analysis sheet		Expiry Date:	11/02/2011	
				Consultation Expiry Date:		
Officer			Application Number(s)			
Jenny Fisher			2011/0243/P			
Application Address			Drawing Numbers			
59 Netherhall Gardens London NW3 5RE			Refer to decision letter			
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature			
Proposal(s)						
Amendments to increase the lower ground floor level by 300mm and related reconfiguration of internal floor levels, and to extend into existing recessed areas by 300mm within the rear elevation pursuant to planning permission dated 13/8/2009 (ref. 2008/3343/P) for scheme 2: partial demolition, basement excavation, extension including the west wing 5.5m. extended to the rear, to the existing building (comprising 9 flats) to provide 8 residential units (2 x 4-bed, 3 x 3-bed and 3 x 2- bed) together with the repositioning of the existing vehicle access from the highway.						
Recommendation(s):		Approve non material amendments				
Application Type:		Non Material Amendments				
Conditions or Reasons for Refusal:		Refer to Draft Decision Notice				
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	00	No. of responses	00	No. of objections	00
			No. electronic	00		
Summary of consultation responses:						
CAAC/Local groups* comments: *Please Specify						

Site Description

The site is located on the north side of Netherhall Gardens, close to the junction with Maresfield Gardens. This is a basement and 3-storey detached house which displays many architectural features typical of the area, including bay windows, pitched roofs and the use of London stock brick.

The house, built in the 19th Century, is a substantial size; it remained in single family occupation until 1946 when it was converted to nine self-contained flats. As is typical with houses in this street, the property occupies almost the full width of the plot, and so an appreciation of the sides, depth and three dimensional character of the property cannot be fully achieved from the street. To the front, driveways, entrance gates, front hedges and front gardens created by a recessed front elevation are all common. The front (south) elevation is asymmetrical and is divided into two sections, the main house to the west and a former coach house to the east dominated by an archway that leads to a stable courtyard. Sloping rear gardens follow the topography of the area.

The site falls within the Fitzjohns/Netherhall Conservation Area. No. 59 is one of a group of buildings (nos. 47-55 and 59-63 (no. 55 is adjacent to no. 59)) identified as making a positive contribution to the special character and appearance of the conservation area. No. 50 on the opposite side of the road is Grade II listed.

Relevant History

13/08/2009 (2008/3343/P) Planning permission for:

Partial demolition, excavation of the basement, and extension to the existing building comprising (4 x 1-bed, 3 x 2-bed and 2 x 2 bed) self-contained flats, to provide 8 residential units (1 x 4-bed, 4 x 3-bed and 3 x 2-bed), together with the repositioning of the existing vehicle access from the highway.

The approved scheme retained most of the external walls and roof with the approved demolition mostly limited to the internal structure and a rear canted bay. This level of demolition was considered not substantial enough to require conservation area consent.

Works are currently on site. A greater amount of demolition has taken place than approved and has reached a level which is considered to be substantial and therefore requires conservation area consent. The roof and the rear façade have been mostly demolished along with more internal structure than approved.

An enforcement case has been opened (EN10/0620, 28/06/10) and Conservation Area Consent was sought for retrospective demolition and some further demolition proposed. Effectively the proposal is now a façade retention scheme with front and side walls retained, and with roof, rear facades and internal structure rebuilt. All demolished roof and walls not covered by the planning permission are proposed to be rebuilt in facsimile as shown on the approved drawings. This will be secured by a time limited commitment and detailing conditions via a legal agreement. Officers consider that a new planning permission is not required as existing one is still implementable.

09/06/2010 (2009/5167/P) Approved:

Submission of details of the hard and soft landscaping enclosure of unbuilt open areas and details of the trees on site pursuant to conditions 3 and 5 for planning permission granted 13/08/2009 (application reference 2008/3343) for Scheme 2: Partial demolition, basement excavation, extension including the west wing 5.5m. extended to the rear, to the existing building (comprising 9 flats) to provide 8 residential units (2 x 4-bed, 3 x 3-bed and 3 x 2-bed) together with the repositioning of the existing vehicle access from the highway.

21/12/2010 (2010/4047/C) Conservation Area Consent for:

Partial demolition of existing buildings on the site in connection with the implementation of planning permission reference 2008/3343/P (dated 13/08/2009) for a basement excavation, extension including the west wing 5.5m extended to the rear, to the existing building (comprising 9 flats) to provide 8 residential units (2 x 4-bed, 3 x 3-bed and 3 x 2-bed) together with the repositioning of the existing vehicle access from the highway.

December 2010: A series of e-mailed discussions between the applicant's agent and the Council's Enforcement Officer. The two items that form the subject of the application were discussed, not the raised roof ridge.

Relevant policies

LDF Core Strategy and Development Policies

Core Strategy

CS14 Conserving our Heritage

Development Policies

DP25 Conserving Camden's Heritage.

Assessment

A mechanism to make non-material amendments to planning permissions was introduced via s.190 of the Planning Act 2008, which inserts s.96A in the TCPA 1990. Section 190 commenced on 1st October 2009.

There is no statutory definition of 'non-material'. This is because it is so dependent on the context of the overall scheme. The L.P.A. must be satisfied that the amendment sought is non-material in order to grant an application under s.96A.

The applicant has submitted an application for a non material amendment following the grant of planning permission and conservation area consent referred to in the 'History' section of the report above.

Amendment

Applicant advised to withdraw drawings that show alterations to roof ridge.

Proposed West elevation

10m. length of the roof ridge raised by 0.4m. This would bring the ridge up to the same height as the remaining section of the west elevation roof ridge.

Approved drawing E_W_G200_003_OPO2 rev. A shows the ridge stepped down by 0.4m.

This alteration is also shown on the drawing of the East Elevation; the ridge of the taller west elevation is visible behind the east elevation.

Applicant advised that this would be a material alteration. It is noted that Existing West Elevation drawing XE_W_JA12_003 rev.A and Proposed West Elevation drawing E_W_G200_003_OPO2 Rev. A were submitted with application 2008/3343 and were included in the list of approved drawings.

Proposed

Internal Alterations

Revisions to finished floor levels at ground, first and second floor levels to allow a greater floor to ceiling height for units within the roof space.

At lower ground level the entire footprint of the building would be excavated to a depth of 300mm. The floor to ceiling height would be marginally increased up through the building.

The amendment is proposed to improve the quality of space in the lower ground floor units and to maximise light for units facing into lightwells.

The height of the building would not be raised. The length of windows at lower ground floor level would be increased marginally, but this would hardly be discernable. It is considered that what is proposed would not represent a material amendment to the approved scheme.

Rear elevation

Two recessed areas would be altered; as approved they would be set – back 3.5m. from the main building line, as amended the set-back would be 3m. from the main building line. This would extend up through lower ground; ground and first floor levels.

The applicant has proposed this amendment to allow more light into rooms to the rear at these levels.

This would have very impact on the appearance of the rear elevation proposed and it is considered that it would represent a non-material amendment to the approved scheme.

Recommend – proposals non material

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