

Delegated Report (Members Briefing)		Analysis sheet		Expiry Date:		27/09/2010	
		N/A / attached		Consultation Expiry Date:		07/09/2010	
Officer				Application Number(s)			
Rob Willis				2010/3968/P			
Application Address				Drawing Numbers			
Flat 2 12 Fitzjohn's Avenue London NW3 5NA				See Decision Notice			
PO 3/4		Area Team Signature		C&UD		Authorised Officer Signature	
Proposal(s)							
Alterations to windows at rear and side elevations to first floor flat (Class C3).							
Recommendation(s):		Grant Planning Permission					
Application Type:		Full Planning Permission					
Conditions:		Refer to Draft Decision Notice					
Informatives:							
Consultations							
Adjoining Occupiers:		No. notified	18	No. of responses No. Electronic	07 00	No. of objections	07
Summary of consultation responses:		<p>Nos. 10, 12 (Flat 2), 14 (Flats C and E), 15 Fitzjohns Avenue; 7 Daleham Gardens (Flats 1 and 2)</p> <p>Objections received to the proposals on the following grounds:</p> <ul style="list-style-type: none"> The proposed enlargement of the rear window would lead to increased overlooking and noise. Proposed changes to the window to the rear elevation would increase the extent to which no.12 overlooks neighbouring gardens, with a resulting lack of privacy. This must not result in the creation of a terrace, as at the ground floor level. The proposed new window on the north elevation would directly face windows to 14 C Fitzjohns Avenue, which already suffers from flue gases and other odours emitted from pipes protruding from no. 12. Would also have an impact in terms of noise. It would set a dangerous precedent – there should be no new windows created. The proposed new window on the south elevation would present overlooking issues, and could vent kitchen odours <p><i>Officer comment: Those who made representations also objected to the new roof terrace on the parapet of no.12 and the replacement of the sash window at the rear top floor with double glass doors and balcony railing. Respondents commented that they present an unacceptable overlooking problem and damage the character of a historic building. These have not been given planning consent and are currently subject to an enforcement investigation but are shown on the 'existing' elevation drawings. Also note that an occupant of 7 Daleham Gardens has questioned whether the objectors from no.7 Daleham Gardens actually live at this address.</i></p>					
CAAC comments:		Fitzjohns Netherhall CAAC: Response received – no objections.					

Site Description

12 Fitzjohn's Avenue is situated on the east side of Fitzjohns Avenue. It comprises a substantial brick-built detached Victorian house that has been sub-divided into flats. It is not listed but is in the Fitzjohns Netherhall Conservation Area.

Relevant History

No relevant planning applications.

The premises is currently subject to investigation by Camden's Planning Enforcement team in relation to works to a top floor rear window and the installation of a roof terrace that may have taken place without the necessary planning consents. Neither of these works relate to Flat 2.

Relevant policies

Replacement Unitary Development Plan 2006

SD6 Amenity for occupiers and neighbours

B1 General design principles

B3 Alterations and extensions

B7 Conservation areas

LDF Core Strategy and Development Policies

The Inspector's Report into the Camden Local Development Framework Core Strategy and Development Policies Development Plan documents ("DPDs") was published on 13th September and found the policies in the DPDs to be sound.

This means "considerable weight" can now be given to these LDF policies even though at this stage they have yet to be formally adopted by the Council. Where there is a conflict between UDP policies and these LDF policies the Planning Inspectorate would consider it reasonable to follow the latter.

However prior to formal adoption UDP policies should still be taken into account as the Council's adopted Development Plan.

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

Assessment

The application proposes the following:

- Re-insertion of a blocked-up 1st floor window to the north (side) elevation;
- Relocation of existing 1st floor window on the south (side) elevation; and
- Enlargement of two existing 1st floor windows to the east (rear) elevation.

The main issues raised by these proposals relate to design and amenity.

Design

South and north elevation

It is considered that the proposed windows to the south and north elevations would have a minimal impact on the appearance of the host building and the character and appearance of the conservation area. They would hardly be visible from the public realm, nor from adjacent properties (with the exception of Flat C, 14 Fitzjohns Avenue, which would directly face the proposed window to the north elevation). The proposed windows would match existing in terms of materials (timber frame sash) and would be sized to match the existing first window on the south elevation (which it is to replace) and the existing 1st floor blocked up opening on the north elevation (which is to be reinstated). The proposed north and south (side) elevation windows therefore raise no concerns in relation to design.

It is also noted that the window to be removed (and relocated) on the south elevation would be blocked up using brick to match existing.

East elevation

The proposed 1st floor window enlargement to the east (rear) elevation relates to a bay that has three windows. The central window is full length, with shorter windows to either side. The application seeks to extend the glazing of the two shorter windows in order to create two further full length openings.

The windows of the host building and neighbouring properties vary in terms of size and shape, with a variety of sash and tilt opening windows. Some windows on other properties also appear to be made from uPVC.

The proposed enlarged windows would align with and broadly reflect the fenestration pattern of the existing ground floor windows below; with four panes aligned vertically (5 are aligned vertically on the equivalent ground floor windows). The windows would comprise painted timber with an opening fanlight, again matching the equivalent ground floor windows below.

Given that the windows are to the rear of the property, that the windows of the host building and surrounding buildings vary in size and detail, and that the proposed replacement would broadly match other windows in terms of design and materials, it is considered that they are considered acceptable in design terms.

Amenity

The main amenity issue raised by the proposed new/ enlarged windows relates to the creation of new views as a result of the works, which could lead to overlooking and consequent harm to the privacy of neighbouring occupiers. An assessment is carried out for each of the proposed windows below.

South elevation

It is considered that the proposed relocation of the existing first floor window on the south (side) elevation would not raise any amenity issues, as the newly located window would not face any side windows of the adjacent property (no.14 Fitzjohn's Avenue), and would therefore not affect privacy in the neighbouring premises.

North elevation

The proposed new (reinstated) window to the north elevation would face directly into a side window of the adjacent property, no.10 Fitzjohn's Avenue at a distance of approximately 1 metre. However, the applicant has revised the proposed plans so that the proposed sash window would be obscure glazed and non-opening. This would prevent views into the adjacent premises, removing the potential for problems regarding privacy and overlooking.

East elevation

The proposed increase in the glazed area to the east elevation windows would slightly extend views downwards into the rear garden at no. 14 Fitzjohn's Avenue (the garden to the host building is a shared garden and is already overlooked by a number of separate flats in the property). However, given the angle of additional view that would be created, any impact on private amenity at no.14 would be minimal. Furthermore, there are existing balconies to the rear of no. 12 Fitzjohn's Avenue at ground and second floor levels: these already allow for considerable overlooking of the adjacent garden at no.14. It is therefore considered that the proposed window enlargement to the east elevation would not have an unacceptable impact in terms of overlooking and privacy.

Enforcement issues

A number of respondents raised objections to works taking place elsewhere on the host building (a rear window on the top (2nd) floor and a roof terrace) that have not been given planning permission. These works do not relate to Flat 2, and therefore have not been considered as part of this application. Camden's Planning Enforcement team is currently investigating these issues.

It is noted that the 'existing' and 'proposed' plans show railings to the roof of the property: an informative will be added to the Decision Notice stating that these railings are not part of the approved scheme, and that enforcement investigation is currently underway to assess their legitimacy in planning terms. Similarly, the planning condition relating to the approved plans will emphasise that the permission relates only to the proposed windows of Flat 2.

Conclusion

The application is considered to be acceptable in terms of design and amenity.

Recommend approval.

DISCLAIMER

Decision route to be decided by nominated members on Monday 27th September 2010.

For further information see

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