

DISCLAIMER

Decision route to be decided by nominated members on Monday 12th April 2010. For further information see

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

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|---|----------------------------|---------------------------|-------------------------------------|------------|
| Delegated Report (Members Briefing) | | Analysis sheet | Expiry Date: | 12/04/2010 |
| | | N/A / attached | Consultation Expiry Date: | 31/03/2010 |
| Officer | | | Application Number(s) | |
| Hannah Parker | | | 2009/5159/P | |
| Application Address | | | Drawing Numbers | |
| Flat 2 7 Netherhall Gardens London NW3 5RN | | | See Decision Notice | |
| PO 3/4 | Area Team Signature | C&UD | Authorised Officer Signature | |
| | | | | |
| Proposal(s) | | | | |
| Erection of single storey ground floor extension to rear, enlargement of existing basement area, and replacement of basement door with a window to the front elevation of self contained flat (Class C3). | | | | |
| Recommendation(s): | | Grant Planning Permission | | |
| Application Type: | | Full Planning Permission | | |

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|------------------------------------|---|----|------------------|----|-------------------|----|
| Conditions or Reasons for Refusal: | Refer to Draft Decision Notice | | | | | |
| Informatives: | | | | | | |
| Consultations | | | | | | |
| Adjoining Occupiers: | No. notified | 12 | No. of responses | 02 | No. of objections | 02 |
| | | | No. Electronic | 00 | | |
| Summary of consultation responses: | <p>A site notice was displayed from the 10/03/2010 until the 31/03/2010. Responses were received from Flat 1, 7 Netherhall Gardens and 7b Netherhall Gardens raising the following points;</p> <ul style="list-style-type: none">• The South of the proposed extension replaces the party wall between the two properties. This would not be legal.• The proposed extension would seriously affect the light entering the adjacent sitting room at Flat 1 no.7 Netherhall Gardens• Loss of light and outlook to no.7B• Loss of planting, encroachment into garden area• Sense of open space will be reduced• Future use of the roof may be used as a terrace. <p><i>Council's response: The issues regarding the party wall although acknowledged are not a planning consideration. An informative has been added to remind the applicant of their obligations under the Party Wall Act. Also see assessment</i></p> <p>Thames Water requests that the applicant should incorporate within their proposal, protection to the property by installing for example, a non-return valve or other suitable device to avoid the risk of backflow at a later date, on the assumption that the sewerage network may surcharge to ground level during storm conditions.</p> | | | | | |
| CAAC/Local groups comments: | <p>Fitzjohns /Netherhall CAAC</p> <p>Basement to be extended is above ground at rear. Query to loss of trees; to be replaced?. Garden take up for north half of the property is acceptable.</p> <p><i>Council's response: The basement is not above ground level at the rear. See assessment</i></p> | | | | | |

Site Description

A 3-storey property, sub-divided into flats and located on the western side of Netherhall Gardens, which is located within the Fitzjohns/Netherhall conservation area. The application relates to the ground floor flat.

Relevant History

2006/3752/P Flat 2, 7 Netherhall Gardens Erection of a single-storey ground floor extension to the rear of the existing self-contained flat. Granted 27/10/2006

9005737, 7 Netherhall Gardens for the erection of a conservatory to Flat 2 at rear garden level and alterations to the terrace and garden steps.
Granted 14/05/1991

Relevant policies

Replacement Unitary Development Plan 2006

B1 General design principles
B3 Alterations and extensions
B7 Conservation areas
SD6 Neighbourhood Amenity
N5 Biodiversity

LDF Core Strategy and Development Policies

As the draft LDF Core Strategy and Development Policies documents have now been published, they are material planning considerations. However, as a matter of law, limited weight should be attached to them at this stage.

*CS14 Promoting high quality places and conserving our heritage
DP24 Securing High Quality Design
DP25 Conserving Camden's heritage
DP26 Managing the impact of the development on occupiers and neighbours*

Assessment

Proposal:

The application seeks permission for the erection of a single storey rear extension to provide additional accommodation and replacement of basement door with a window to the front elevation of the existing ground floor level flat.

Background

This application is a part resubmission of the previously approved application 2006/3752/P. Erection of a single-storey ground floor extension to the rear of the existing self-contained flat. The difference in this application is that there are works to the front elevation and the extension of the basement area.

Since the 2006 approval the Camden' guidance has not altered. The UDP used to assess the application is the same as the one used to assess the original proposal. The new LDF policy which now have limited weight do not bring in any significant changes to warrant a reassessment of the single storey extension part of the proposal.

Main considerations

- Impact on host building and conservation area
- Neighbourhood amenity

Impact on host building and conservation area

The proposed single storey rear extension will be 'L' shaped in order to retain natural light to both windows of a bedroom located within the rear part of the original house. Whilst the extension will be 6.6m wide, it will not be full-width and will maintain a 1.2m gap with the boundary shared with 7B Netherhall Gardens. The extension will project 5m from the rear elevation of Flat 2 and 4.1m from the rear elevation of the adjoining flat (Flat 1), to be level with the rear elevation of the existing conservatory. The development will appear as a subordinate addition in the context of the substantial parent building, and is considered to be acceptable in terms of bulk, massing and scale.

The topography of the site necessitates the erection of a terrace area to the rear of the extension. The terrace will be bounded by a 2m high boundary wall on the southern elevation to prevent overlooking and provide an element of privacy between the two properties. The terrace will project a further 2.5m from the extension and will result in the loss of some planting.

The works to the front elevation includes the replacement a door with a window. The works are located in a lightwell which is not widely visible from the public realm. This element is minor in scope and would not detrimentally impact the character and appearance of the host building and the wider conservation area.

The introduction of the window allows for the creation of a bedroom at basement level. A small amount of excavation (12m³) will take place in order to create a bathroom. The basement will not be visible from the exterior of the building. The basement extension due to its location is not considered to harm the host building or the conservation area.

Neighbourhood amenity

On the southern (side) elevation, the extension will comprise part of the party wall with the adjoining ground floor level flat (Flat 1). Whilst the extension may result in a small loss of light to the sitting room windows on the rear elevation, it is not considered that this loss would be to a degree that would cause detrimental harm to neighbour amenity such as to warrant the application being refused. Furthermore, the proposed extension will be located directly north of Flat 1 and it will therefore have a minimal, if any, impact on the amount of direct sunlight received to these windows. The doors serve a living room that is also lit by a similar partially glazed door opening on to the conservatory structure. The conservatory to Flat 1 comprises a lightweight structure that facilitates views through it and it is therefore considered that general outlook from the habitable rooms to the rear of the adjoining flat will not be unreasonably impaired.

The northern (side) elevation of the proposed extension will be set away from the boundary with 7B Netherhall Gardens by approximately 1.2m. By virtue of this set back, it is considered that the extension will not result in a detrimental loss of light or amenity to this property.

It is considered that the rear terrace will thus not facilitate overlooking of the adjoining property such that it would be harmful to their amenities.

The objection regarding the use of the roof of the extension is acknowledged and an additional condition will be added to this permission which ensures that the roof will be only accessed for maintenance purposes unless otherwise agreed by the Council.

The replacement of the door with the window on the front elevation will not adversely impact the amenity of the

adjoining properties. The window at 1m by 1.3m is considered of adequate proportions to allow sufficient daylight into the basement room. It will be accessed internally.

It is considered that the proposed works will not adversely impact on the amenity of the adjacent properties with regard to access to sunlight, daylight, or outlook and thus is considered to be consistent with Policy SD6 of the UDP.

Trees

The arboricultural report states that a Fig tree will require removal as a direct result of the proposals. This is considered to be acceptable as the tree (due to its limited size and position) does not make a significant contribution to the character of the conservation area. A second tree (T2 a Laburnum) will require protection. Trees T3 (sycamore) and T5 (Leylandii) are sufficiently far from the works not to be affected. T4 and T6, two small Ash trees in poor condition, are recommended for removal. These recommendations are considered to be acceptable and no further details are required. There is a sufficient tree canopy within the garden and no replanting is required for the trees removed. A reasonable sized garden will remain.

Recommendation Grant permission