

DISCLAIMER

Decision route to be decided by nominated members on Monday 30th November 2009. For further information see

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

Delegated Report (Members Briefing)		Analysis sheet	Expiry Date:	09/11/2009
		N/A	Consultation Expiry Date:	21/10/09
Officer			Application Number(s)	
Tania Skelli-Yaoz			2009/4393/P	
Application Address			Drawing Numbers	
Fitzroy Yard Fitzroy Road London NW1 8TP			See decision notice	
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature	
Proposal(s)				
Amendments including the retention of a basement level, driveway metal gates, reinstatement of trellis to roof terrace, steel framed doors and windows and incorporation of part of the rear gardens of nos. 29 & 31, to planning permission reference 2005/0041/P granted on 20/05/2005 (for the alteration and extension, and change of use of former offices and studio flat into a single residential dwelling) and further amendments reference 2006/2146/P granted 24/07/2006.				
Recommendation(s):		Grant planning permission subject to Section 106		
Application Type:		Full Planning Permission		

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	84	No. of responses	18	No. of objections No. in Support No. commenting	16 01 01
Summary of consultation responses:	Support- 40 Chalcot Road: but concerns over disruption during construction.					
	Objections- Received fro the occupants of; basement flat at 10 Manley Street, 4a, 4b, 4b, 8a, 10 and 12 Manley Street, 36 Fitzroy rd, 45 Princess rd, Flt 2 @ 57 Fitzroy rd, 19 Chalcot Road, Flat 5 @ 47 Chalcot Road, 27 Fitzroy Rd, 47 Kingstown Street and 6 Primrose Hill Studios. The following points were raised.					
	Site notice not erected or erected late <i>Officers' comments:</i> a site notice was erected 30/09/09 and removed 21/10/09.					
	Raising of balustrade roof edge by 1ft and planting, may result in loss of light to 8+10 Manley St; in particular basement flat at 10 Manley Street <i>Officers' comments:</i> the trellis and plating has been approved previously in principle. The slight increase in height is not considered to result in loss of light or materially different from the previous permission. It is considered that the growth of the vegetation will be restricted by the size of the planters as approved.					
	Proposed green wall out of keeping with CA creating fortress-like appearance; loss of sightlines <i>Officers' comments:</i> Please see 'Assessment'; this has been omitted from proposal.					
	Light pollution by proposed lights which face onto bedrooms; 14 lights installed instead of 7 <i>Officers' comments:</i> Please see 'Assessment' under 'metal balustrade'.					
	Structures such as lights are concerned to be dangerous with winds to roof terrace of no. 10 Manley Street Disruption during construction over 4 years since 2006 Concerns over chemicals used on high level planting and swimming pool Smoke pollution potential from use of fireplaces <i>Officers' comments:</i> Not planning matters. The chimneys are as approved.					
	Metal trellis higher than approved <i>Officers' comments:</i> Please see 'Assessment'.					
	Concerns over parties to be held on roof terrace in the future <i>Officers' comments:</i> No evidence has been found with regard to this and would have to be controlled by the Noise Team if and when occurs.					

Internal mechanical stair from swimming pool to terrace

Officers' comments: the stairs are internal to the approved structure and not visible from the public realm, no harm to amenity.

Noise nuisance to result from electric metal gates and cars waiting to enter

Officers' comments: Car parking is as approved in principle. Gates are considered unlikely to result in noise. It is not a requirement to ask for acoustic report for this type of development.

Loss of rear gardens of nos. 29 & 31 Fitzroy Road by incorporation into site boundary and hard surfaced for car parking use, also resulting in being harmful to character of CA; contrary to policies and objective to retain family accommodation in 29 & 31 especially objectionable when loss is to car parking

Officers' comments: annexed garden areas previously used by another single-family unit and therefore no change of use requiring planning permission has taken place. A condition would restrict additional off-street parking.

Additional parking spaces to site

Officers' comments: 2 parking space shown as previously granted in 2004. Please see further notes under 'transport issues'.

Loss of privacy and overlooking: balcony overlooking no. 27's rear garden was to have an obscure glass screen, instead a metal rail has been erected which offers no privacy

Officers' comments: Area conditioned as referred to in 'Assessment'.

Concerns over the use of site as gallery

Officers' comments: the site is to be used as a single-dwelling-house. The use as museum/gallery will require pp.

**Lack of open space (bushes and roof grass doesn't qualify) against policy
Copper roof to create heat and glare in summer
Concerns over loss of creative industry to a luxury mansion**

Officers' comments: Principle of development, open space and copper roof as previously approved. Roof terrace considered as open space.

Basement excavation is ecologically unsound, concerns over effect on water table

Officers' comments: Basement complies with the current Camden Planning Guidance (CPG; section 40) and basements guidance, as no habitable rooms are proposed. Primrose Hill Studios are all listed but there is no evidence of any damage to them.

Access/Rights of way issues: access to nos. 29 & 31 and rear of no. 6 Primrose Hill Studios through Fitzroy Yard [Access to rear no. 6 PH Studio blocked 03/09.]

Officers' comments: It is noted that the site boundary at the point of conflict is unchanged from the previous pp. There are no Planning controls/powers over rights of way. This is a civil matter.

	<p>Large metal gates, security system and further set of inner gates further down the driveway alien to CA <u>Officers' comments:</u> Please see 'Assessment'.</p> <p>Previous s.106 agreement car-capped the site <u>Officers' comments:</u> this was tied to a previous pp ref. 2004/3169/P which has not been implemented. Current standards would not require this as the site has a PTAL rating of 2.</p>
CAAC/Local Councillor comments:	<p>Cllr P Callaghan- Objection. Concerns over the overdevelopment of site, retrospective application for pp for basement and loss of rear gardens.</p> <p><u>Officer comments:</u> The alterations to boundary treatment and gates are not considered to result in overdevelopment.</p> <p>Primrose Hill CAAC: Proposed amendments are not considered minor; object to removal of rear gardens to 29+31 for reasons of loss of amenity; object to destruction of rear boundary walls; provision of previous rear garden area as parking; solid gates to street frontage contrary to CA character and did not exist before; green wall; additional height of perimeter wall, harmful to 4-10 Manley Street; lighting proposal results in light pollution; high level planting of trees; no objection in principle to basement excavation but request access to hydrological report.</p> <p>The Primrose Hill CAAC expanded on the previous objection in a second letter, amplifying the concerns regarding the unauthorised gate, the loss of private amenity space from two houses in Fitzroy Road and the boundary lighting. With regard to the gate, there are two distinct types of access in the CA. One, between the blocks of building, the other through arches within the building. The <i>Primrose Hill conservation area statement</i>, includes as 'Significant Views' those 'into mews and alleyways from principal and secondary roads.' The gate results in the loss of one of these views.</p> <p><u>Officers' Comments:</u> Please see comments in previous section and below.</p>

Site Description

The application site is an unlisted private backland building in the Primrose Hill conservation area, accessed from Fitzroy Road. The original building in Fitzroy Yard (29A Fitzroy Road) is a 1960s purpose built studio/office with residential use on the first floor. The building fills the entire site to the rear of the block formed by Fitzroy Road, Chalcot Road, Manley Street and Primrose Hill Studios and is constructed of rendered blockwork, with copper roofs, and large areas of glazing to walls and atria. The site appears to have been undeveloped prior to the 1935 OS.

The previous residential use on the first floor consisted of a three-bedroom dwelling with an ancillary housekeeper's flat, and a self-contained studio-style flat (a total of two dwellings). The recent planning permission dated 2005 and 2006 have been implemented and construction is currently undergoing on site.

The site is not listed and lies within the Primrose Hill Conservation Area. It is also the subject of an 'article 4 direction' restricting permitted development rights.

Relevant History

2006/2146/P Amendments to planning permission ref: 2005/0041/P for alterations and extensions, and change of use of former offices and studio flat into a single residential dwelling. Granted 24/7/06.

2005/0041/P Planning permission for alterations and extensions, and change of use of former offices and studio flat into a single residential dwelling. Granted at Committee 20/05/2005.

2004/3169/P Planning permission for the change of use from part offices and part residential to wholly residential to create a six-bedroom dwellinghouse, together with the partial demolition at roof level and reconstruction within the existing envelope incorporating a new courtyard garden area and 2 car parking spaces. Granted under delegated authority September 2004.

History adj. properties:

No. 31 - 2007/2189/P Change of use and works to convert two flats into one single dwelling and replacement of windows and doors to the rear (C3). G 05/07/2007

No. 29 - 2005/2496/P Conversion of 4 flats to single family dwelling involving alterations to existing windows and installation of new windows. G 01/08/2005

Relevant policies

London Borough of Camden Replacement Unitary Development Plan 2006:

SD1 – Quality of life
SD6 – Amenity of neighbours and occupiers
SD7 – Light pollution
T7 – Off-street parking
T12 – Works affecting highways
B1 – General design principles
B3 – Alterations and extensions
B7 – Conservation areas
Appendix 6

'New Basement Development' – Guidance Note Feb 2009.
Primrose Hill Conservation Area Statement

Assessment

Permission is sought for amendments to an existing permission for a dwelling to include a new basement, the incorporation of the rear gardens of nos. 29 and 31 Fitzroy Road to the site area, new driveway gates, reinstatement of steel trellis to roof terrace and alterations to external opening materials. The current application represents amendments to the July 2006 approval. Most of the above elements have already been implemented.

The principle of the development has been agreed previously, so this report is solely concerned with the external changes to the scheme, which are summarised in the design and access statement:

- **Alteration of door / window material and fenestration pattern from timber to steel** – the approved windows and doors were hardwood timber. Slim, steel framed fenestration and doors have instead been installed. This is considered to work well with the semi-industrial nature of the building, and is not considered to detract from the character or appearance of the building or conservation area. No objections.
- **Incorporation of rears of 29 and 31 Fitzroy Road into the boundary of the development** - it is considered that the removal of the rear boundary walls as has been undertaken falls within permitted development. The use of the annexed areas is to remain as open amenity space by another single dwelling unit and therefore does not require planning permission as no change of use has taken place. Clearly, any further proposals to build on this area would require planning permission and would be subject to the usual considerations in terms of the relationship between the two forms of development. It is not considered that the demolition of the rear walls requires Conservation Area Consent as it is not considered to result in substantial demolition. The amendment to the site boundaries raise transport issues which are summarised below.
- **New gates** – new plain, dark-painted steel gates have been installed at the entrance to the passageway, below the retained concrete sign, and set back from the front face of the adjacent terrace. Backland developments are characteristic of this part of the conservation area, and accesses to them from the street are varied, some incorporating gates and some not. The conservation area statement highlights that, “alleyway accesses are generally contemporary with the 19th century development of the area and are either located discreetly between the residential terrace properties on the main roads or through the terraces via gated archways.”
- The presence of a gate in principle is acceptable, and well preceded in the area, hence the mention in the relevant part of the CAS of alleyway accesses *‘located discreetly between the residential terrace properties on the main roads or through the terraces via gated archways. Consequently these developments are largely hidden from view’*. The design of the gate is simple and utilitarian, sitting beneath a pre-existing lintel. Its size and location is therefore appropriate and relate to an existing structure. The material and detailed design is representative of the functional character that the back land site had historically, and so retains the sense of hierarchy between the frontage buildings and those at the back.
- Whilst a number of other approaches could be taken, for instance a solid timber gate that might appear to be of higher design quality, it is considered that the proposed gate does preserve the character and appearance of the conservation area. It is worth noting that there is an identical gate further along Fitzroy Road, painted light blue, that has been in existence for a number of years. Whilst not as smart as a more recent timber additions on Gloucester Avenue, it does provide reference to the functional nature and uses of these back land sites which is of historic interest.

- The reference by the CAAC to the 'Significant Views' section of the conservation area statement is noted. However, due the length and narrowness of the alley, views of the back land site were very limited prior to the installation of the gates. Given this, and the acceptability of the gates in principle as discussed above, it is not considered that the loss of these views could warrant refusal.
- A green wall was originally proposed to be installed above the gate was considered unacceptable and has been deleted from the scheme.
- **Reinstatement of metal balustrade** – the original balustrade was beyond repair and has been reconstructed in facsimile and reinstated in the same position. This is not considered to have a significant impact on the character of the scheme. It is noted that the trellis has been raised by some 0.15m; this is not considered harmful to the amenity of adjoining occupiers.
- 14 lights which were not shown on the previous permitted drawings have also been reinstated as part of the above trellis. These existed to the same or higher number as part of the original trellis. This is therefore not considered to introduce a new element to this scheme. The approved planting will provide protection from light pollution.
- **Basement** – A basement with a floorspace of approximately 62.5sqm has been excavated under the dwelling, to be used for storage and plant. This has no impact on the external envelope of the building and as such does not create any issues in design terms. It is not considered that a hydrological report is required. The site is not in an area known to be at risk of flooding. The guidance notes that the impact on ground water may be a concern where consecutive basements are built and given that the basement occupies a small fraction of the building's footprint, this would not be an issue here.
- **Rooflight** – A rooflight on the east elevation has been re-positioned. This would not result in any significant amenity issues. Several other rooflights have been deleted from the scheme.

Transport issues-

The site is located in Fitzroy Yard off Fitzroy Road near Primrose Hill town-centre. There is existing vehicular access to the site and it is proposed to maintain this access. The site has a Public Transport Accessibility Level (PTAL) of 2. The approved scheme consists of a single-dwelling house incorporating a new courtyard garden area and 2 enclosed car parking spaces and the proposals look to amend the previously granted planning permission by the incorporation of part of the rear gardens of numbers 29 and 31 Fitzroy Road.

Highways Works Immediately Surrounding the Site:

The existing vehicle crossover outside the location interrupts the continuous surface of the footway immediately adjacent, making it difficult for pedestrians (especially those with pushchairs or luggage) to walk along the street. In order to mitigate the impact of this damage to a public footway, and to tie the development into the surrounding urban environment, a financial contribution should be required to repave the footway directly outside the vehicle access to this location in a continuous footway style. This is in accordance with policy T12.

It is noted that the footway immediately outside the vehicle access to this site has recently been reconstructed by the private developer. This reconstruction does not comply with Camden's standards for a continuous footway and is also illegal as it is public footway and therefore needs to be reconstructed by one of Camden's dedicated contractors. Therefore, a contribution (£2,000) for the repaving of the crossover in a continuous footway type is still required.

This work and any other work that needs to be undertaken within the highway reservation will need to be

secured through a Section 106 (Town and Country Planning Act 1990) Agreement with the Council. The Council will undertake all works within the highway reservation, at the cost to the developer. An added benefit of the highways works is that damage caused to the highway in the area of the proposed highways works during construction can be repaired. This s106 obligation should also require plans demonstrating interface levels between development thresholds and the Public Highway to be submitted to and approved by the Highway Authority prior to implementation. The Highway Authority reserves the right to construct the adjoining Public Highway (carriageway, footway and/or verge) to levels it considers appropriate.

Car parking:

The annexation of the former rear gardens of nos. 29 & 31 has resulted in new open space. The area has already been hard and soft landscaped. Some of the hard landscaped areas are considered to enable car parking, in particular to the rear of no. 31 and possibly other areas where hard landscaping has been provided. The previously approved 2 enclosed car parking spaces are retained and shown on plan. Previous planning permission (2006/2146/P) has allowed the above 2 parking spaces together with a 3rd within an internal garage. While the current scheme has omitted the garage it is considered that a maximum of 3 parking spaces can be allowed on site, in line with current parking standards (Appendix 6 of the UDP) and the previous approval. As such, it is recommended to condition the landscaping of the annexed area in order to ensure that additional potential car parking space is removed by design, in accordance with policy T7.

Other issues-

Proposed section HH, which illustrates the north-western external elevation of the site which faces the rear of the Fitzroy Road properties, shows an approved terrace accessed from the master bedroom and en-suite. It is proposed to introduce a steel trellis with planting in-lieu of what seems a previously approved obscure screen in order to provide privacy to the occupiers of no. 27 Fitzroy Road. While it is acknowledged that this would architecturally be in keeping with the main trellis to the roof terrace it is not considered to ensure privacy. It is therefore recommended to condition this element in order to ensure the protection of amenity in this area, in accordance with policy SD6. It is noted that a similar terrace facing the rear of 12-14 Manley Street has already been previously granted with a steel trellis and planting and the only change to this is the current amendment to the roof trellis (i.e. minor increase in height). This does not therefore need to be re-visited by condition.

Other elements incorporated into this application are the removal of the swimming pool fireplace, removal of roof terrace enclosure and new vehicular/pedestrian entry gates within the site. These are not visible from the public realm, are minor adjustments to the scheme and are considered acceptable as such.

In summary, the amendments as revised are considered to preserve the character and appearance of the conservation area and comply with policies B1, B3 and B7. The proposal is also considered to protect the amenity of adjoining occupiers subject to conditions and therefore complies with policies SD1 and SD6. It is therefore recommended to grant planning permission subject to a section 106 legal agreement.