

Delegated Report		Analysis sheet		Expiry Date:		17/07/2007	
		N/A / attached		Consultation Expiry Date:		04/07/2007	
Officer				Application Number(s)			
Sheri Waddell				2007/2207/P			
Application Address				Drawing Numbers			
128 Finchley Road London NW3 5HT				See decision notice			
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature				
Proposal(s)							
Increase in height of, and minor elevational alterations to, the second floor side extension as a revision to planning permission granted 07/10/05 (reference 2005/2210/P) for erection of a side extension at second floor level on north-western side to provide additional accommodation for the existing Class D1 use (non-residential institution).							
Recommendation(s):		Grant permission					
Application Type:		Full Planning Permission					
Conditions:		Refer to Draft Decision Notice					
Informatives:							
Consultations							
Adjoining Occupiers:	No. notified	00	No. of responses No. electronic	00 00	No. of objections	00	
Summary of consultation responses:	SN displayed [expiry date 4/7] – No response.						
CAAC comments:	Fitzjohns/Netherhall CAAC – no objection.						
Site Description							
<p>The site is located on the north-eastern side of Finchley Road, and at the junction of Finchley Road and Netherhall Gardens. The site comprises of nos. 126 and 128 Finchley Road.</p> <p>No.126 is the vacant area between nos. 124 and 128, and is currently used as a courtyard and provides access to the side of the building at no.128, and it accommodate one large 'plum' tree. No. 128 accommodates a 4-storey red brick building with high gables in the Queen Anne revival style (it was formerly a bank), and the Optimax Eye Clinic occupies it, as medical consulting rooms (Class D1). The roof of this building is steeply pitched with a clay tile covering, and has ornately detailed chimneystacks. A 2-storey addition has been erected at the rear of the building, following a planning permission in 1977. This addition has a flat roof on which it is proposed to erect the second floor extension that forms part of this application.</p> <p>No. 124 is a modern 6-storey office building.</p> <p>The adjoining property to the rear, 2A Netherhall Gardens, has a high blank flank wall facing the rear of the site, and is in residential use.</p> <p>There is an existing vehicular access to the rear of the site from Netherhall Gardens, and a large area of car parking within a central "courtyard". The parking area that is proposed to be formed at no. 126 will be accessed from this existing access/parking area.</p>							

The site lies within the Swiss Cottage/Finchley Road Major Shopping Centre and within the Fitzjohns/Netherhall conservation area (CA), designated 1/3/1984. It is not a listed building. The site is listed under nos.126-128 in the Conservation Area Statement as making a positive contribution to the CA.

Relevant History

No.126

1992 – PP (9201052) GRANTED subject to conditions for erection of a single storey extension with parking for three vehicles on the flat roof, together with landscaping for medical use in conjunction with Eye Clinic between nos. 124A and 128 Finchley Road.

1993 – Conservation Area Consent (9260118) GRANTED for demolition of part of the boundary wall.

1995 – PP (9401607) GRANTED for continued use of the ground floor as medical consulting rooms (Class D1) and the change of use of the first floor from office (Class B1) to medical consulting rooms (Class D1).

1999 – PP (PW9802780) REFUSED for the erection of 6-storey building comprising retail on the ground floor and six flats on the upper floors, including glazing over a passage way to the rear.

2000 – PP (PWX0002026) REFUSED for the erection of a 5-storey building comprising retail on the ground floor and 4 flats on the upper floors, including glazing over a passage way to the rear.

Jul 2002 – APPEAL DISMISSED for PP (PWX0103552 – REFUSED June 2001) for erection of 2-storey infill building with D1 unit at ground floor and office use on first floor.

Jul 2002 – APPEAL DISMISSED for PP (PWX0103553 – REFUSED June 2001) for erection of 4-storey infill building with D1 unit at ground floor and office use on first and second floors and residential (2 bed flat) on third floor.

No.128

1991 – PP (9101083) GRANTED for change of use of ground floor only from bank (Class A2) to medical consulting rooms (Class D1).

1995 – PP (9401607) GRANTED for continued use of the ground floor as medical consulting rooms (Class D1) and the change of use of the first floor from office (Class B1) to medical consulting rooms (Class D1).

Feb 2001 – PP (PWX0002930) REFUSED for the erection of a second floor extension at the rear to accommodate additional office space ancillary to the use of the premises as the Optimax Eye Clinic. APPEAL DISMISSED – August 2001.

June 2001 – PP (PWX0103394) REFUSED for erection of rear/side extension at second floor level to accommodate additional ancillary office accommodation for Optimax Eye Clinic.

Oct 2005 – PP (2005/2210/P) GRANTED for the erection of a side extension at second floor level on north-western side at no.128, and erection of a ground floor extension with shopfront, incorporating parking spaces on its roof with access and new gates to the rear and railings and a planting screen to the front at no.126, to provide additional accommodation for the existing Class D1 use (non-residential institution).

Relevant policies

Set out below are the UDP policies that the proposals have primarily been assessed against, together with officers' view as to whether or not each policy listed has been complied with. However it should be noted that recommendations are based on assessment of the proposals against the development plan taken as a whole together with other material considerations.

Replacement UDP 2006

S1/S2 – sustainable development

SD6 – amenity for neighbours and occupiers

B1 – general design principles; B3 – alterations and extensions; B7 – conservation areas

Fitzjohns/Netherhall CAS

Camden Planning Guidance 2006

Assessment

The scheme that was approved in October 2005 [2005/2210/P] was the third submission for a second floor extension to provide ancillary office accommodation for the building. The first one was refused by the Council and dismissed by the Planning Inspectorate in 2001 (PWX0002930). The Council refused the second one in 2001. One of the key material considerations that arose from this history was the Inspector's decision letter dated 31st August 2001 in respect of the first refusal. The Inspector considered that the proposed extension was not subordinate, and it was particularly relevant in the consideration of the scheme that was approved to note the following:

- the set back from the façade of the main building was only 0.1m;
- the infilling of much of the gap between nos. 128 and 2a Netherhall Gardens would erode the perception of the two as separate buildings in views across Netherhall Gardens and Finchley Road, thereby compromising the distinctive appearance of no. 128;
- the flat roofed extension would appear incongruous against the steeply pitched roof of the main building and the pitched roof of the existing rear addition; and
- the extension would interfere with views from Netherhall Gardens of the roof of the main building and the ornate chimney stacks on it.

The detailed design and form of the extension was therefore critical to the ultimate approval.

The current scheme proposes to increase the height of the extension by 500mm, in order to reduce the change in floor level between the new extension and the main building from 1.0m in the approved scheme to 0.5m. The height of the extension is increased by 500mm – this entails raising the tiled roof such that it is of a uniform height [previously there was an increased height at the rear to give adequate headroom over the accessway]. In elevational terms, there is a small increase in the height of the brickwork, with the additional height being mainly taken up in the glazed elevations.

It is considered that these changes respect the parameters that the Inspectorate laid down for an acceptable extension, and that they will not adversely affect either the appearance of the building or the character and appearance of the conservation area. They also do not raise any amenity issues for adjoining development.

Recommendation: Grant permission.