

Delegated Report (Member's Briefing)		Analysis sheet		Expiry Date:	05/10/2006
		N/A		Consultation Expiry Date:	13/09/2006
Officer			Application Number(s)		
Bethany Arbery			2006/3724/P		
Application Address			Drawing Numbers		
Garden Duplex Flat 7 Gainsborough Gardens London NW3 1BJ			Refer to draft decision notice.		
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature	Date:	
Proposal(s)					
Erection of balcony at rear upper ground floor level with ornamental metal railing and metal spiral staircase to garden, installation of two sets of French doors in existing window openings at rear upper ground floor level and one set at rear lower ground floor level, and infilling of existing window on side elevation in connection with existing garden flat (Class C3).					
Recommendation(s):		Grant conditional permission.			
Application Type:		Full Planning Permission			

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	09	No. of responses	01	No. of objections	01
Summary of consultation responses:	<p>The occupier of 8 Gainsborough Gardens (our records indicate that there are 4 Flats at this property, but they do not state which one they occupy) have raised objection to the proposal on the following grounds:</p> <ul style="list-style-type: none">Misleading application description; <i>Response:</i> The application form referred to a ‘spiral stair link from ground floor to garden at the rear’. Prior to registration and consultation the Council amended the description of development to that referred to above. It clearly identifies the extent of the works shown in the drawings for which planning permission is sought.Unclear and incomplete drawings of the proposed works; <i>Response:</i> The existing and proposed metrically scaled drawings (plans, sections and elevations) provide a sufficient level of information for the Council to assess the proposed works.Loss of outlook; <i>Response:</i> In order to prevent overlooking to No. 8 a privacy screen is required at the western end of the proposed balcony. This will obstruct views from a window in the flank elevation of the upper ground floor level bay window. However, the glazing on the rear elevation and on the second return of the bay will maintain an open aspect and allow natural light to enter the room it serves. Were this to be the sole window serving the room then the Council would object to the proximity and impact of the privacy screen on this window.Harm the architectural integrity of the building; and <i>Response:</i> As the objector acknowledges in their letter the original building has undergone significant alterations in the past including the addition of a lower ground floor level extension and the replacement of the original windows at No.8. It is therefore considered that this modest sized and appropriately design balcony would harm the architectural integrity of the building.Harm the character of the conservation area; <i>Response:</i> The proposed alterations, with the exception of the blocked up window in the flank elevation, will not be visible from Gainsborough Gardens. Given the distance of the property from Christchurch Hill to the rear it is unlikely that the proposed balcony will be immediately visible. The changes will be visible from the path which runs behind the rear boundary wall from Christchurch Hill to Heath Side Road. However, it is considered that the proposal will not have a detrimental impact on the character and appearance of conservation area.					
CAAC comments:	Hampstead CAAC No objection.					

Site Description

The application site is located on the southern side of Gainsborough Gardens adjacent to Preacher's Hill. The property is semi-detached (with 8) and comprises lower ground, upper ground and two upper floors (including roof storey). The building has been converted into three self-contained flats for which approval was granted in 1951. The building is not listed, but is situated within the Hampstead Conservation Area. The building is identified by the Conservation Area Statement as one that makes a positive contribution to the Conservation Area.

Relevant History

2006/2450/P

Planning permission was refused on 01.08.06 for the erection of a balcony at rear upper ground floor level with ornamental metal railing [to match that of the first floor] and a metal spiral staircase to garden, installation of two sets of French doors in existing window openings at rear upper ground floor level and one set at rear lower ground floor level, and infill an existing small window on the side elevation. The application was refused on the grounds of loss of privacy to the occupiers of 8 Gainsborough Gardens

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.

London Borough of Camden Unitary Development Plan (2006)

- S1/S2 Sustainable development
- SD6 Amenity of occupiers and
- B1 General design principles
- B3 Alterations and extensions
- B7 Conservation areas

Supplementary Planning Guidance (2002) and (2006)

Roofs and terraces

Hampstead Conservation Area Statement

Assessment

This application follows refusal of a similar scheme on 01.08.06. The current proposal is for the following works

- Erection of a balcony with ornamental railings at rear upper ground floor level with spiral staircase providing access to the garden;
- Installation of two sets of timber framed French doors in the existing window openings at rear upper ground floor level;
- Installation of a set of timber framed French doors at rear lower ground floor level; and
- Infilling of window with brick on side elevation.

The only difference between this and the earlier proposal is the relationship of the balcony to the neighbouring property. In the earlier application the balcony abutted the projecting window of the neighbouring property. In the current proposal it is set 1.0m away from the side elevation of the projecting window.

Design

Gainsborough Gardens was laid out in 1882 on the site of the old spa buildings and their pleasure grounds with a fine group of Arts and Crafts villas of red brick enriched by tile hanging and white painted woodwork encircling the mature, well-maintained gardens in the centre. A number of the best examples (3 & 4) by EJ May (1884) have been statutorily listed. The gardens are also protected by the London Squares Preservation Act 1931.

The objector states that this pair (7 & 8) were originally designed by a known architect in an asymmetrical manner with different elevations and details front and rear. However, as the objector acknowledges there has been an incongruous extension added at lower ground floor level and replacement windows installed to No. 8. These works have had a harmful impact on the architectural integrity of the building. Given the existing situation, the proposed installation of balcony at rear upper ground floor level of No. 7 will have no significant impact on the architectural integrity of the existing balcony, subject to it being suitably sized and designed.

The proposed balcony is to extend to the depth of the rear projecting window of No. 8. The spiral staircase is to protrude slightly further out from this elevation. It is considered that the protrusion beyond the established building line will not be detrimental to the appearance of the rear façade as the spiral staircase is not a solid structure. The existing railings on the eastern pair of windows are to remain unchanged. The railings for the balcony are to match the railings of the existing first floor level extension. This detailed design is therefore considered to be acceptable. It is recommended that a condition be imposed requiring the submission of details of the proposed privacy screen to ensure that it is suitably designed. The alterations to the upper ground floor level fenestration will not have a noticeable impact on the appearance of the rear façade. The alterations at lower ground floor level are sympathetic to the design of the original fenestration of the building.

The proposed alterations will not be visible from Gainsborough Gardens apart from the blocking up of a small window in the flank elevation. The removal of this window is considered appropriate, and the wall would be bricked up using matching bricks. Given the distance of the rear elevation of this property from Christchurch Hill to the rear it is unlikely that the proposed balcony will be immediately visible. The changes will be visible from the path which runs behind the rear boundary wall from Christchurch Hill to Heath Side Road. However, it is considered that the proposal will not have a detrimental impact on the character and appearance of the building or the conservation area and therefore this is considered to be acceptable.

Amenity

Both 7 and 8 Gainsborough Gardens have high level windows on their rear elevations and existing balconies at rear first floor level. Subsequently, there is already mutual overlooking between these properties to the rear gardens. It is considered that the proposed upper ground floor level balcony would not have a significant detrimental impact on the privacy of the garden of No. 8.

8 Gainsborough Gardens has a flank window in the rear upper ground floor level projection which faces towards no. 7. This is what would be termed a 'bad neighbour window' as it is located on the boundary line with another property and faces into the grounds of the neighbouring property. The flank window would be overlooked by the proposed balcony, but as it is now to be set away the occupiers would not face the same level of intrusion as they did with the earlier scheme. It is considered that if a privacy screen were to be installed at the western end of the balcony it would prevent any overlooking to the neighbouring property. It would not adversely affect light and outlook to the neighbouring property as this room is lit by a number of other windows on the rear elevation of the projecting bay.

Recommendation: Grant conditional permission.

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