

<b>Delegated Report</b>		<b>Analysis sheet</b>		<b>Expiry Date:</b>	<b>25/09/2014</b>
<b>(Members Briefing)</b>		N/A / attached		<b>Consultation Expiry Date:</b>	<b>22/08/2014</b>
<b>Officer</b>			<b>Application Number(s)</b>		
Obote Hope			2014/4504/P		
<b>Application Address</b>			<b>Drawing Numbers</b>		
Garden Flat 38 Elsworthy Road London NW3 3DL			See decision notice		
<b>PO 3/4</b>	<b>Area Team Signature</b>	<b>C&amp;UD</b>	<b>Authorised Officer Signature</b>		
<b>Proposal(s)</b>					
Variation of condition 3 (approved drawings) to extend projecting canopy to side of extension pursuant to granted permission reference 2012/4384/P dated 24/10/12 for; erection of conservatory and residential outbuilding within garden at rear of existing flat (Class C3).					
<b>Recommendation(s):</b>		<b>Grant Planning Permission</b>			
<b>Application Type:</b>		<b>Full Planning Permission</b>			

<b>Conditions or Reasons for Refusal:</b>	<b>Refer to Draft Decision Notice</b>					
<b>Informatives:</b>						
<b>Consultations</b>						
<b>Adjoining Occupiers:</b>	No. notified	<b>14</b>	No. of responses	<b>02</b>	No. of objections	<b>02</b>
			No. Electronic	<b>02</b>		
<b>Summary of consultation responses:</b>	<p>A site notice was displayed on 14/9/2012 and press notice on 20/9/2012. As a result two letters of objection have been received which are summarised as follows:</p> <p><u>Two objections were received from the 40 Elsworthy Road are as follows:</u></p> <ul style="list-style-type: none"> <li>• The proposed canopy extends beyond the party wall and is not within the boundaries of Number 38, so the application is not relevant.</li> <li>• I would question in any case whether this is legal</li> </ul> <p><b><u>Officers comments</u></b></p> <ul style="list-style-type: none"> <li>• The proposed works relates to the extension and not the outbuilding as indicated in the annotated photo submitted with the application, unfortunately, the outbuilding does not form part of this planning application. Furthermore, party wall agreement is a civil matter between both parties.</li> </ul> <p><u>Two Objections were received from the Flat 2 38Elsworthy Road are as follows:</u></p> <ul style="list-style-type: none"> <li>• The conservatory extension overhang the boundaries of the neighbouring property;</li> <li>• The extension does not fully comply with the of original planning approval;</li> <li>• Require reasons as to why the green roof was not a condition for the extension, like it's for the outbuilding;</li> <li>• We would like to question the use of the term conservatory as being principal glazed structure, traditionally used for growing plants. It's accepted that a conservatory should have at least 50% of its external wall and 75% formed from translucent material;</li> <li>• Objections were also submitted in regards to the non-compliance to the original consent for the outbuilding and conservatory.</li> </ul> <p><b><u>Officers comments</u></b></p> <ul style="list-style-type: none"> <li>• The application is within the existing boundary of the property which was extended to cover the existing side patio area;</li> <li>• The application was made due to an enforcement complaint; please see the enforcement section below and it's agreed that the works was not built in accordance with the approved plans in regards to both the extension and the outbuilding. However, all the necessary applications for the approval of details have been received and will be accessed on a case by case basis;</li> <li>• The application was discussed in detailed with both the applicant and agent and a condition will be attached for the provision of a green</li> </ul>					

	<p>roof;</p> <ul style="list-style-type: none"> <li>• A common factor in many descriptions is of a glazed structure often used for growing plants, and sometimes reference is made to it being an extension, but there is no indication as to the amount of glazing that should exist for the structure to be considered as a conservatory. It must also be borne in mind that at no point do the regulations stipulate what the space should be used for, albeit various uses are suggested in the dictionary descriptions. Therefore, In the interest of national consistency of interpretation, the guidance on levels of glazing contained in the superseded Approved Document L1B 2006 still gives a valid basis for a decision. In other words an 'exempt conservatory' should: <ul style="list-style-type: none"> <li>A. have at least 50% of external wall area formed</li> <li>B. from translucent materials (not including walls</li> <li>C. within 1 metre of boundary*)</li> <li>D. have at least 75% of roof area formed from</li> <li>E. translucent materials</li> <li>F. be at ground level</li> <li>G. Be effectively thermally separated** from the main part of the dwelling.</li> </ul> </li> <li>• Planning consent is being sought for the hangover element of the extension and not to the overall extension and outbuilding as approved in 2012.</li> </ul>
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<p><b>CAAC/Local groups* comments:</b> *Please Specify</p>	<p>No comment was received from Elsworthy CAAC</p>
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**Site Description**

The property is a lower ground floor garden flat located mid-terrace on the northern side of Elsworthy Road. The host building has three upper floors and attic space which is divided into flats.

The property is located within the Elsworthy Conservation Area and is considered to be a positive contributor. The property is not listed.

**Relevant History**

**2012/4384/P** - Erection of conservatory to rear elevation and a residential outbuilding within garden at rear of existing flat (Class C3) Granted **24/10/2012**.

**PE9800189R1** - Erection of a single storey rear glazed conservatory – Granted - **30/07/1998**

**EN14/0640** - Not in accordance with approved scheme. Case remains opened

## Relevant policies

### LDF Core Strategy and Development Policies

CS5 – Managing the impact of growth and development  
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

Elsworthy Road Conservation Area Appraisal and Management Strategy 2009  
Camden Planning Guidance: Design 2011  
NPPF - 2012

## Assessment

1.0 The application seeks to make amendments to the elevations of the studio building which was granted consent under reference 2012/4384/P. The application seeks to regularise the design issues of the overhang to the side elevation with number 42 Elsworthy Road.

1.1 The Enforcement Complaint takes issue with the design of the extension as built and the Council's enforcement team has invited a planning application.

### Design and appearance

2.0 The overhang would project approximately 0.6m in width and would be approximately 0.5m from the neighbouring boundary wall. The conservatory has been built in such a way that the design of the roof provide structural support to the canopy and would therefore require a complete rebuild should it be refused, and as such, the refusal of the small overhang on this occasion would not be warranted.

### Amenity

3.0 The neighbouring amenities were assessed in the original application for the erection of the extension and outbuilding would not harm neighbour amenity in terms of overlooking.

3.1 To limit the visual impact of the overhang to the flats above, it's proposed to condition the existing flat roof to be green.

### Recommendation :

Grant Variation of Condition 3