

Delegated Report (members briefing)		Analysis sheet	Expiry Date:	26/09/2014
		N/A / attached	Consultation Expiry Date:	25/9/2014
Officer		Application Number(s)		
Obote Hope		2014/4029/P		
Application Address		Drawing Numbers		
27 Tanza Road London NW3 2UA		Please refer to decision notice		
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature	
Proposal(s)				
Variation of condition 3 (approved plans) of planning permission 2012/6136/P dated 09/01/13 (for alterations to existing property to include demolition of existing outbuilding and extension to lower ground floor at side and rear with terrace at ground floor level and external access stair from ground floor to garden), namely to increase the height of the existing rear fence following installation of slatted timber fence.				
Recommendation(s):		Grant Variation of Condition 3		
Application Type:		Variation or Removal of Condition(s)		

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	08	No. of responses	04	No. of objections	03
Summary of consultation responses:	<p>Site notice displayed from 03/09/2014 to 24/10/2014 Press notice displayed from 03/09/2014 to 24/09/2014</p> <p>Objections x 2 received from 25B and C Tanza Road are as follows:</p> <ul style="list-style-type: none"> • Find the proposed fence as an eye sore; For officer comment Please refer to paragraph 1.5.3: • The proposed fence is liken to a “Trellis” For officer comment please see the design section below: • The wall is likely to collapse as result of the timber structure It is not anticipated that the timber fence would lead to the collapsing as the proposed fence would be small and lightweight due to the size and material used in its construction • The reduction by 333mm would not deter any objection. For officer comment please refer to the design section 1.5 – 1.5.3 <p>Objection x 2 were received from 25A are as follows:</p> <ul style="list-style-type: none"> • The fence that has been erected is at the top of a garden party wall that is already over 7 feet in height on both sides; For officer comment please refer to paragraph 1.5.2 below: • With an additional three feet added by the fence our view to the northwest (towards the top of Parliament Hill has been completely obstructed For officer comment please refer to paragraph 1.6 below: • In any event, we’d ask that planning not be granted for this fence as it is (and will) having a very negative impact on our use of our garden and the views of the local amenities. For officer comment refer to paragraph 1.6.1 to 1.6.3 below 					
CAAC/Local groups* comments: *Please Specify	South Hill Park CAAC – no objection					

Site Description

The application site contains a 4-storey (lower ground, ground, first and second floor) semi-detached property on the north eastern side of Tanza Road. The property is currently vacant after being used for two flats. Planning permission was granted on 19/07/2012 for use as one single family dwellinghouse (reference 2012/2617/P).

The rear garden is enclosed by a brick wall which backs directly onto the Heath. A private access path runs along the northwest side of the application site boundary (adjacent to the boundary with the adjoining property at no 29 Tanza Road). The main entrance to the building is from the pavement level on Tanza Road.

The application site building is, like the vast majority of properties along Tanza Road, one of a pair of semi-detached properties. It is a pair with No. 25 (to the southeast of the application site). The property is located within South Hill Park Conservation Area and identified as making a positive contribution to the character and appearance of the conservation area. The site is not designated as Metropolitan Open Land but the rear garden is designated as private open space as it is adjacent to Hampstead Heath.

The property has two existing rear dormer windows at roof level and a greenhouse outbuilding in the rear garden on the boundary wall with number 29 Tanza Road.

Relevant History

2012/6136/P - Alterations to existing property to include demolition of existing outbuilding and extension to lower ground floor at side and rear with terrace at ground floor level and external access stair from ground floor to garden. Replacement of existing fenestration to front, rear and side elevations to all floors. Removal of existing 2 rear dormer windows and replacement with 1 dormer window with sunken roof terrace. Granted **09/01/2013**.

2011/6080/P - Use of the property as 2 residential units, one at lower ground, ground and first floor and one self-contained unit at second and third floor level (Class C3). Certificate of lawfulness granted **02/02/2012**

2012/2617/P – Conversion of two flats to form a single family dwelling house (Class C3). Planning permission granted **19/07/2012**.

2012/6169/C – Demolition of existing outbuilding. Withdrawn as CAC not required **04/01/2013**

Relevant policies

LDF Core Strategy and Development Policies

CS1 (Distribution of growth)

CS5 (Managing the impact of growth and development)

CS14 (Promoting high quality places and conserving our heritage)

CS15 (Protecting and improving our parks and open spaces & encouraging biodiversity)

CS19 (Delivering and monitoring the Core Strategy)

DP24 (Securing high quality design)

DP25 (Conserving Camden's heritage)

DP26 (Managing the impact of development on occupiers and neighbours)

Camden Planning Guidance 2011/13

South Hill Park Conservation Area Statement 2001

London Plan 2011

NPPF 2012

Assessment

1.1 Planning permission (ref: 2012/6136/P) was granted in January 2013 for: Alterations to existing property to include demolition of existing outbuilding and extension to lower ground floor at side and rear with terrace at ground floor level and external access stair from ground floor to garden. Replacement of existing fenestration to front, rear and side elevations to all floors. Removal of existing 2 rear dormer windows and replacement with 1 dormer window with sunken roof terrace. A

1.1.2 Minor material amendments are now sought, varying condition 3 (approved plans) to include a slated timber fence, which would increase the height of the boundary treatment to the rear of the property adjoining with No. 25. The Planning Practice Guidance on 'Flexible options for planning permissions' (March 2014) details at paragraph 017 that:

“there is no statutory definition of a 'minor material amendment' but it is likely to include any amendment where its scale and/or nature results in a development which is not substantially different from the one which has been approved.”

1.1.3 In determining such applications paragraph 019 of the guidance advises local planning authorities to consider:

“Development plan and material considerations, under section 38(6) of the 2004 Act, and conditions attached to the existing permission. Local planning authorities should, in making their decisions, focus their attention on national and development plan policies, and other material considerations which may have changed significantly since the original grant of permission”.

1.2 Revision

1.2.1 The height of the proposed fence was reduced from the originally proposed 2.3m in height to 1.8m after negotiation with the applicant/agent.

1.3 The current application seeks amendment to the permission. The proposed amendment is for:

- Surmounting of the slated timber fence to the existing boundary wall to the side/rear elevation;

1.4 The proposed amendments will be considered in terms of design and amenity. All other aspects of the proposal will remain the same. For a full assessment against all material considerations see the case officers report for previous application (ref: 2012/6136/P).

1.5 Design

1.5.1 On the east elevation the main change is the increased of the boundary fence to the east by approximately 0.3m from 1.5m to 1.8m.

1.5.2 On east elevation the existing brick pier is approximately 2.4m high and it's proposed to increase the height to 1.8m for additional security and privacy to the rear elevation. Furthermore planning legislation would permit a fence of 2m in height if to the side or rear elevation, where the existing fence is located.

1.5.3 The proposed fence would be constructed using slated timber that would allow natural light through the proposed slabs, which would match the aesthetics of the host building and wider conservation area.

1.6 Amenity

1.6.1 The proposed increase in height of the fence by 30 cm would not have a detrimental impact in terms of overshadowing, loss of light with the window of the neighbouring property, the is a door and window to the rear of the existing ground floor flat. However, the window would be furthest from the closet wing of the neighbouring property, and as such, would not have a detrimental impact. Furthermore, the rear of the site backs onto Parliament Hill Fields that is already contribute to some overshadowing to the rear of the property due to the mature trees. There is also a large boundary wall with no 29 that measures a minimum of approximately 3m high.

1.6.2 The orientation of the gardens along with the established trees to the rear indicates that there are elements of overshadowing to the rear due to the trees. However, it is not anticipated that as a result of the garden wall being increase would result in a detrimental impact with the neighbouring property in

regards to its visual impact.

1.6.3 The views to the rear would be retained at ground floor level as the increase height of the boundary fence would not material the neighbours fence to the rear elevation.

1.6.4 **Other matters**

1.6.5 Conditions

1.6.6 The Planning Practice Guidance on 'Flexible options for planning permissions' details at paragraph 015 that:

"A decision notice describing the new permission should be issued, setting out all of the conditions related to it. To assist with clarity decision notices for the grant of planning permission under section 73 should also repeat the relevant conditions from the original planning permission, unless they have already been discharged."

1.6.7 With this in mind each condition is briefly described below.

1.6.8 Condition 1 (timescale for implementation) has been modified to reflect that the applicant does not have a further 3 years to implement the permission. The Planning Practice Guidance on 'Flexible options for planning permissions' details at paragraph 015 that "As a section 73 application cannot be used to vary the time limit for implementation, this condition must remain unchanged from the original permission."

1.6.9 Condition 2 (matching materials) remains unaltered and is proposed to be repeated.

1.7.0 Condition 3 (approved plans) has been varied updated accordingly to detail the latest proposed plans and those which remain unaltered from 2012/6136/P.

1.7.1 Condition 4 (The rooflight on the rear roofslope) shall be a conservation type rooflight (flush with the slope of the roof) remain relevant, so will be repeated.

1.7.1 **Recommendation:**

Grant variation of condition 3

DISCLAIMER

Decision route to be decided by nominated members on Monday 10th November 2014. For further information, please go to www.camden.gov.uk and search for 'Members Briefing'.