

6 Elsworthy Terrace



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Rear elevation looking north



Rear elevation looking east

Delegated Report (Members Briefing)		Analysis sheet		Expiry Date:		28/08/2014	
		N/A / attached		Consultation Expiry Date:		N/A	
Officer				Application Number(s)			
Obote Hope				2014/4187/P			
Application Address				Drawing Numbers			
6 Elsworthy Terrace London NW3 3DR				Refer to draft decision notice			
PO 3/4		Area Team Signature		C&UD		Authorised Officer Signature	
Proposal(s)							
Erection of an outbuilding and the installation of 3 x rooflights, 2 x to rooflights to the rear and 1 x rooflight to the front elevation.							
Recommendation(s):		Grant certificate					
Application Type:		Certificate of Lawfulness (Proposed)					
Conditions or Reasons for Refusal:		Refer to Draft Decision Notice					
Informatives:							
Consultations							
Adjoining Occupiers:		No. notified	00	No. of responses	20	No. of objections	20
				No. Electronic	20		
Summary of consultation responses:		<p>Objections were received from the owners/occupiers of 2 Elsworthy Road, 4 Elsworthy Road, 6 Elsworthy, Flat C 10 Elsworthy Road, 16 Elsworthy Road, 2 x objections for Flat 10, 17/19 Elsworthy Road, 3 x unknown addresses, 27A Elsworthy Road, 2 Elsworthy Terrace 9 Elsworthy Terrace, 11 Elsworthy Terrace, 12A Elsworthy Terrace, 12C Elsworthy Terrace 13 Elsworthy Terrace, 14 Elsworthy Terrace, 91 King Henry's Road and Elsworthy Resident Association in regards to the basement extension. However, the proposed work has been omitted from the scheme.</p> <p>Residents also objected to the garden pavilion for the same reasons as Elsworthy Residence Association. These objections are summarised below.</p>					

<p>Local groups comments:</p>	<p>Objections from Elsworthy Resident Association are summarised as follows:</p> <ul style="list-style-type: none"> a) Threat to trees, both in gardens and the large planes in the street outside 6 and 7, Potential light pollution from the roof lights on the 'pavilion, Fear that emergency vehicles will no longer have access during construction; (Please refer to paragraph 1.1 – 1.3) b) The proposed pavilion floor space total gross external area of 45 m2 would take up half of the remaining soft landscaping in the rear garden and to be substantially higher than the boundary garden walls; (Please refer to paragraph 1.1 – 1.3) c) No details of the design or materials are given other than an indication of a flat roof with roof lights; Please refer to paragraph 4 below) a) Pitched roof as at no. 4 Elsworthy Terrace would be less obtrusive for all the houses that overlook the rear gardens and would not necessitate the roof lights that cause light pollution; (The propose outbuilding as submitted is to determine if the proposed garden pavilion is lawfull. Therefore, can only be assessed under Class E of the General Permitted Development Order 2008 as amended) b) Impairment of the views through to Primrose Hill from Elsworthy Road and from the rear of the houses in the Terrace caused by the 'pavilion' structure; (Please see officers comment below paragraph 1.2 below)

Site Description

The application site is located on the north-eastern side of Elsworthy Terrace close to Primrose Hill public open space. The site comprises a four storey single-family dwellinghouse, which has been extended at ground floor level at the rear, which adjoins a property with the boundary with Primrose Hill, located within the Elsworthy Conservation Area and is considered to make a positive contribution. It's stipulated in the Elsworthy Conservation area that the integral visual relationship with the complementary, open rural aspect of Primrose Hill is a marked characteristic of the Conservation Area it's acknowledged in the conservation area appraisal that any rear extensions or harmful alterations in the locations cited will be strongly discouraged.

The conservation area statement identifies the terrace as *pleasing eclectic mix of foreign architectural influences and traditional Victorian styles. For instance, Islamic pointed arches and Greek motifs on porticoes co-exist alongside geometric decoration in contrasting colours of brick, to create interest and enhance the special character of the buildings on both sides of the street. An architectural element of note is the gargoyle which hangs down from the corner turret of No 1 Elsworthy Terrace. Another feature is the continuous balcony with cast iron railings which until recently adorned the ground floor level of the entire rear elevation of Nos 2-6 on the east side of Elsworthy Terrace (the balcony of No 6 was recently removed as part of the construction of a new basement extension). The balconies are offset by curving walls connecting to the garden level.*

Elsworthy Terrace has different architectural styles on each side, but in streetscape terms retains a strong rhythm through coherent height, bulk and mass and uniform plot widths with generous front gardens. The end blocks, Nos 1 and 15 are much larger, in plot size and built form, and benefit from end of terrace windows which orientate the buildings more towards Elsworthy Road than Elsworthy Terrace. The gardens of Elsworthy Terrace have been maintained and there is no off-street parking. Road side trees are present but not characteristic of the streetscape and more trees are found within the front gardens, softening the townscape.

The conservation area contains residential properties with basement development Elsworthy Terrace has a

strong uniformity resulting from the tall terraces of Victorian townhouses. These are set back from the road and raised on basements. Historic elements of the streetscape include granite kerbs, York stone paving and the low boundary walls combined with hedges to create a softer streetscape than more traditional Victorian frontages with iron railings. The terrace possesses a complete line of mature trees on its eastern side which adds considerable interest to the streetscape. An original Edward VII post box is of historic significance.

Relevant History

2003/0040/P – Planning permission refused for: The erection of an additional rear dormer window within the existing mansard roof. **06/08/2003.**

PE9800822 – Application for Certificate of Established: Certificate of lawfulness for erection of single storey rear extension at ground floor level. **Withdrawn 11/01/1999**

PE9800822R1 - Application for Certificate of Established Use of the property as three separate non self-contained flats. *(No plans submitted). **Granted 11/02/1999**

Relevant policies

The scheme can only be assessed against the relevant planning legislation which is the Town and Country Planning Act 1990 and the Town and Country Planning (General Permitted Development)(Amendment)(No2)(England) Order 2008 (“GPDO”).

This is to determine whether it is permitted development and hence can go ahead without the specific grant of planning permission from the local planning authority. An assessment of its planning merits as to its acceptability under current policies is therefore not relevant or possible here, as it is purely a legal determination.

Assessment

1. Introduction

1.1 A certificate of lawfulness for proposed works has been submitted for consideration by the Council. The proposed works relates to a single dwelling house with “permitted development rights” (PD) for which, a Lawful Development Certificate is sought for garden pavilion and the addition of rooflights to the front and rear elevation.

1.2 The proposed works for a garden pavilion (outbuilding) is determined under Class E.

1.3 Rooflights/windows are under Class C of the General Permitted Development Order The Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008.

1.4 The original application includes the works for the excavation works to the basement. However, after discussin with the agent the proposal for the works to the basement has been removed from the the existing scheme in light of the refusal of the application 2014/2070/P for 24 Quadrant Grove which was for similiar works.

2.0 Assessment

OUTBUILDING

2.1 Class E of the GPDO, as amended, is particularly relevant the proposal. It gives provision for an outbuilding to be constructed within the curtilage of a single-family dwelling, with restrictions. In the section below is Class E in full with officer comments added in bold to denote how the proposal accords with each section:

(a) the total area of ground covered by buildings, enclosures and containers within the curtilage (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse); **The proposed outbuilding/garden pavilion would take up 48% of the garden area.**

(b) any part of the building, enclosure, pool or container would be situated on land forward of a wall forming the principal elevation of the original dwellinghouse; **The building would not be situated further forward than any wall which would be considered to form part of the principle elevation of the dwellinghouse.**

(c) the building would not have more than one storey; **The proposed outbuilding would not exceed a single storey and would not therefore conflict with part (c).**

(d) the height of the building, enclosure or container would exceed:

(i) 4m the case of a building with a dual-pitched roof,

(ii) 2.5 metres in the case of a building, enclosure or container within 2 metres of the boundary of the curtilage of the dwellinghouse, or

(iii) 3 metres in any other case;

The height of the total eaves of the outbuilding from ground level would not exceed the 2.5m threshold.

(f) the building, enclosure, pool or container would be situated within the curtilage of a listed building; **The site does not form part of the curtilage of Listed Building.**

(g) it would include the construction or provision of a veranda, balcony or raised platform; **Not applicable**

(h) it relates to a dwelling or a microwave antenna; **Not applicable**

(i) the capacity of the container would exceed 3,500 litres. **Not applicable**

ROOFLIGHTS

4.0 The proposal also sought works to the roof for the provision of 3 x Rooflights 1 to the front and 2 x rooflights to the rear elevation under Class C of the General Permitted Development Order The Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008; In the section below is Class C in full with officer comments added in bold to denote how the proposal accords with each section:

C.1 Development is not permitted by Class C if—

(a) the alteration would protrude more than 150 millimetres beyond the plane of the slope of the original roof when measured from the perpendicular with the external surface of the original roof; **Email confirmation stating that the rooflights would be less than 150mm**

(b) it would result in the highest part of the alteration being higher than the highest part of the original roof; or (c) it would consist of or include— **The highest part of the roof would remain unaltered**

(i) the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or

(ii) the installation, alteration or replacement of solar photovoltaics or solar thermal equipment. **N/A**

Conditions

C.2 Development is permitted by Class C subject to the condition that any window located on a roof slope forming a side elevation of the dwellinghouse shall be—

(a) obscure-glazed; and

(b) non-opening unless the parts of the window which can be opened are more than

1.7 metres above the floor of the room in which the window is installed. **The proposed rooflights relates to the front and rear elevation**

5.0 Conclusion

5.1 The proposed rooflights are permitted under Class C of Part 1 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 as amended by the (No. 2) (England) Order 2008.

5.2 The outbuilding is permitted under Class E of Part 1 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 as amended by the (No. 2) (England) Order 2008.

6.0 Recommendation

6.1 Grant Certificate of Lawfulness (Proposed)

DISCLAIMER

Decision route to be decided by nominated members on Monday 17th November 2014. For further information please go to www.camden.gov.uk and search for 'members briefing'

My John - Rhys Davies
83 Blackfriars Road
London
SE1 8HA

Application Ref: **2014/6860/P**
Please ask for: **Obote Hope**
Telephone: 020 7974 **2555**

4 November 2014

DRAFT

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990

Certificate of Lawfulness (Proposed) Granted

The Council hereby certifies that the development described in the First Schedule below, on the land specified in the Second Schedule below, would be lawful within the meaning of Section 192 of the Town and Country Planning Act 1990 as amended.

First Schedule:

The erection of a garden pavillion, installation of rooflights and the enlargement of window.
Drawing Nos: 2143 - L099, 2143 - L100, 2143 - P103, 2143 - P106, 2143 - P107, 2143 - P108, 2143 - L199, 2143 - L200, 2143 - P203, 2143 - P206, 2143 - P207, 2143 - P208.

Second Schedule:

6 Elsworthy Terrace
London
NW3 3DR

Reason for the Decision:

- 1 The outbuilding is permitted under Class E of Part 1 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 as amended by the (No. 2) (England) Order 2008.
- 2 The 2 x rooflights to the rear and 1 x rooflight to the front elevations are permitted under Class C of Part 1 of the Town and Country Planning (General Permitted Development) Order 1995, as amended by (No. 2) (England) Order 2008.



Informative(s):

- 1 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts which cover aspects including fire and emergency escape, access and facilities for people with disabilities and sound insulation between dwellings. You are advised to consult the Council's Building Control Service, Camden Town Hall, Argyle Street WC1H 8EQ, (tel: 020-7974 6941).
- 2 Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You are advised to consult the Council's Noise and Licensing Enforcement Team, Camden Town Hall, Argyle Street, WC1H 8EQ (Tel. No. 020 7974 4444 or on the website <http://www.camden.gov.uk/ccm/content/contacts/council-contacts/environment/contact-the-environmental-health-team.en> or seek prior approval under Section 61 of the Act if you anticipate any difficulty in carrying out construction other than within the hours stated above.

You can find advice about your rights of appeal at:

<http://www.planningportal.gov.uk/planning/appeals/guidance/guidancecontent>

Yours faithfully

Director of Culture & Environment

Notes

1. This certificate is issued solely for the purpose of Section 192 of the Town and Country Planning Act 1990 (as amended).
2. It certifies that the use*/operations*/matter* specified in the First Schedule taking place on the land described in the Second Schedule was*/would have been* lawful on the specified date and thus, was not*/would not have been* liable to enforcement action under Section 172 of the 1990 Act on that date.
3. This Certificate applies only to the extent of the use*/operations*/matter* described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any use*/operations*/matter* which is materially different from that described or which relates to other land may render the owner or occupier liable to enforcement action.

4. The effect of the Certificate is also qualified by the provision in Section 192(4) of the 1990 Act, as amended, which states that the lawfulness of a described use or operation is only conclusively presumed where there has been no material change, before the use is instituted or the operations begun, in any of the matters relevant to determining such lawfulness.

DRAFT

DECISION