

## 2 Gardnor Road – Site location plan



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## 2 Gardnor Road – Pictures



Rear lower ground floor



Rear view towards no. 3 Gardnor Road



Rear towards no. 1 Gardnor Road



Views of garden area



View from ground floor window.

<b>Delegated Report</b>		<b>Analysis sheet</b>		<b>Expiry Date:</b>		<b>09/02/2015</b>	
<b>(Members Briefing)</b>		N/A / attached		<b>Consultation Expiry Date:</b>		14/01/2015	
<b>Officer</b>				<b>Application Number(s)</b>			
Carlos Martin				2014/7688/P			
<b>Application Address</b>				<b>Drawing Numbers</b>			
Flat 1 2 Gardnor Road London NW3 1HA				Refer to draft 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>							
Erection of single storey rear extension at lower ground floor level, installation of timber sash windows to front bay window at ground and lower ground floors, replacement of front brick fence with black iron railings, and installation of rear Juliet balcony at ground floor level.							
<b>Recommendation(s):</b>		<b>Grant planning permission</b>					
<b>Application Type:</b>		<b>Full Planning Permission</b>					

Conditions or Reasons for Refusal:	<b>Refer to Draft Decision Notice</b>					
Informatives:						
<b>Consultations</b>						
Adjoining Occupiers:	No. notified	<b>09</b>	No. of responses	<b>03</b>	No. of objections	<b>03</b>
			No. Electronic	<b>03</b>		
<b>Summary of consultation responses:</b>	<p>Press notice published from 24/12/2014 to 12/01/2015  Site notice displayed from 23/1/20214 to 13/01/2015.</p> <p>3 objections received from the occupiers of 1 &amp; 5 Gardnor Road and 1x unspecified, based on the following grounds:</p> <ol style="list-style-type: none"> <li>1. This flat is part of a 12 house terrace remaining intact since its construction in 1869, and forming part of a conservation area. At this end of the road, the original rear extensions are small, and at the other end slightly larger, but in no instance has any subsequent rear extension been allowed to project beyond the face of the original one. This application proposes to build beyond this existing rear face for the first time within this terrace, and would create a dangerous precedent of over-development. All gardens are already tiny, and amenity space would be severely reduced.</li> <li>2. This looks like an attempt to create a first floor outside terrace coming off the new bedroom suite french doors. This is an extension to an already existing extension which is not common in Gardnor Road. The proposed extension is an increase to the existing extension of 1.9m the original extension is only 1.1m. This is hardly a modest increase in size from the original as implied by the applicant.</li> <li>3. The proposed Garden wild flower roof will need maintenance and access. This will be a loss of privacy for both No.1 and No.3 Gardnor road. These are the adjoining properties and will be severely impacted by the size of this extension. A wild flower green roof far from looking attractive will look a mess in very short order.</li> <li>4. The size of this rear extension will take up the majority of No.2 Garden and look out of character with all the other properties. The height of the proposed new extension is above the existing boundary walls of both adjoining houses.</li> <li>5. Juliet balconies are not a common feature or in line with local character. I have seen this type of balcony used before in few cases but only where it is at first floor level and above and only where it is of a suspended nature with no direct access onto a same level roof terrace.</li> <li>6. The Hampstead Conservation Area is a designated heritage asset. The Council has identified the application building as a positive contributor to it and so it is a non-designated heritage asset. NPPF requires an analysis of the effect of a proposal on heritage assets. It is surprising (and contrary to NPPF para 128) that the application was validated without a Heritage Asset Significance Appraisal.</li> <li>7. The application property's rear return is identical to many other properties in its terrace and is clearly visible from many dwellings in Gardnor Road and Gayton Road at the rear. The proposal involves a full width extension at both lower ground and upper ground levels and associated demolition that would materially alter the building's historic form. This is inconsistent with CAS Policies H26 and H27. The proposed full width projection will disrupt the consistent rear building line along Gardnor Road, which has few fluctuations and is unspoiled. This would have a significantly harmful impact on the character and appearance of this section of the terrace. This is contrary to CAS Policy H28, which states that rear extensions will not be acceptable where they would spoil a uniform rear elevation of an unspoilt terrace or group of buildings. This will cause a harmful effect on the character of the Conservation Area and It follows that the proposal is contrary to LDF Policy</li> </ol>					

DP25 (Conserving Camden's Heritage) as it fails to preserve and enhance the character and appearance of the Conservation Area. It is also at odds with NPPF para 134 in that no substantial public benefits that outweigh the harm identified have been demonstrated. As there are no similar full width extensions in this part of the terrace there are obvious concerns that the proposal would constitute a precedent for further proposals. If this application was permitted, the Council would find it very difficult to resist the whole of the rear of the terrace being similarly transformed. This would be materially harmful to the positive contribution the terrace makes to the CA.

8. While the proposed extension is outside the RPA of the cherry tree in the rear garden shown on the section above, this is required to be felled because the side wall needs to be refurbished and the rear wall rebuilt. The arboricultural report by Simon Pryce confirms that the works to the wall would damage the tree. The report argues the tree is of little value and so that if it were lost, no harm would arise, to the character and appearance of the Conservation Area. However, it contains little assessment why it places the tree in category U (remove). There is no assessment of the life expectancy of the tree and the report simply indicates it is barely significant specimen with no potential to improve. Existing landscaping contributes to the special character of the Hampstead Conservation Area. The loss of the cherry tree is unacceptable and the application should be refused particularly because the cherry tree is the only tree in the garden and has special amenity value. The application is contrary to CAS Policy H45 which requires all trees which contribute to the character or appearance of the Conservation Area to be retained and protected. It requires developers to demonstrate that no trees will be lost or damaged before, during or after development.

Officer's comments:

1. Although the lower ground floor extension projects beyond the rear building line, it does so by approx. 2.0m and its overall size and scale are considered to be subordinate to the host building and therefore in line with planning guidance for rear extensions. The remaining garden space would have a depth of approx. 5.0m, which is considered acceptable for a 1bd flat.
2. The originally proposed ground floor extension has been removed from the scheme at officers' request.
3. A condition to provide details of the green roof should be included in any permission to ensure the viability of the green roof. A further condition to prevent the use of the green roof as a terrace will also be included in order to protect the privacy of neighbouring properties.
4. The majority of the rear garden space will be preserved (i.e. approx. 25.0 sq m against the 12.5 sq m of the proposed extension). The height of the extension would only project marginally above the height of the existing boundary walls, thus no significant impact on the amenity of the adjoining properties is expected.
5. A similar Juliet balcony in the same location was approved in 2013 at no. 12 (see history section below).
6. Heritage assessments are only required for listed buildings.
7. There are a couple of recent precedents within this terrace of full width extensions at lower ground floor level. The proposed full width extension is therefore not considered to be out of keeping with the existing pattern of development in this terrace. Due to the height of the existing boundary walls the proposed extension would have limited visibility from neighbouring gardens and given that the rear of the building above lower ground floor level would not change it is considered that the integrity of the building would not be compromised nor would the character and appearance of the conservation area be harmed, in line with the aforementioned CAS policies.
8. The cherry tree in the rear garden of 2 Gardnor Road is category U in line with

	<p>BS5837:2012, Trees in relation to design demolition and construction. Category U trees are poor quality trees with a safe useful life expectancy of less than ten years. The tree's useful life expectancy is further reduced as a result of its close proximity to boundary walls. The tree is of low/zero visibility from the public realm and its loss is not considered to be detrimental to the character of this part of the conservation area. The tree is unlikely to be affected by the development due to its distance from the proposed extension but due to its poor condition its removal and a replacement tree planted in a more suitable position, as per the arboricultural report submitted, is recommended.</p>
<p><b>CAAC/Local groups* comments:</b> *Please Specify</p>	<p>Hampstead CAAC: No response.</p> <p>Gayton Residents Association: Objects on the following grounds:</p> <ol style="list-style-type: none"> <li>1. This proposal will disrupt the rear building line which is a preserved feature of this 19th century terrace.</li> <li>2. The bulk of this proposed development is out of keeping with this terrace.</li> <li>3. The proposed balcony and 'green roof' will cause unacceptable overlooking and loss of amenity for neighbours in Gayton Road.</li> </ol> <p><u>Officer's comments:</u></p> <ol style="list-style-type: none"> <li>1. As per point no. 7 of officer's comments above.</li> <li>2. The bulk of the proposed extension has been substantially reduced by the removal of the ground floor extension.</li> <li>3. As port point no. 3 of officer's comments above.</li> </ol>

## Site Description

The site is a 4 storey end of terrace property on the south side of Gardnor Road. The site falls within the Hampstead Conservation Area but is not listed. The garden of the property backs onto the gardens of houses in Gayton Road.

## Relevant History

### Application site:

E7/9/21/14714: Pp refused for conversion of 2 Gardnor Road into four self-contained flats. 29/03/1973

17793: Pp granted for change of use of 2 Gardnor Road to three self-contained dwelling units. 04/02/1974

36963: Pp granted for the formation of a mansard roof extension to provide additional accommodation for the top flat. 21/11/1983

### Neighbouring sites:

2013/7266/P: pp granted for the erection of a single storey rear infill extension at lower ground floor level with roof terrace and metal balustrade at ground floor level at no. 8 Gardnor Road. 14/01/2014

2008/4952/P: Pp granted for a single storey rear extension at lower ground floor level at no. 13 Gardnor Road. 16/12/2008

2013/4653/P: Pp granted for replacement of sash window with French doors and Juliette balcony at upper ground floor level and widening of lower ground floor French doors on rear elevation of 12 Gardnor Road. 17/09/2013

## Relevant policies

### **NPPF 2012**

### **London Plan 2011**

### **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

DP24 Securing High Quality Design

DP25 Conserving Camden's heritage

DP26 Managing the Impact of Development on Occupiers and Neighbours

### **Camden Planning Guidance**

CPG1 (design) 2013

CPG6 (amenity) 2011

### **Hampstead Conservation Area Statement 2001**

## Assessment

### Proposal

1. Planning permission is sought for the following alterations:
  - a. Erection of a full-width single storey rear extension at lower ground level. The extension would be constructed using brick to match existing and would have aluminium doors. It would measure 3.0m deep and would have a height of 2.8metres and would feature a green roof.
  - b. At the rear ground floor level it is proposed to replace an existing window with a set of French doors and Juliet balcony.
  - c. At the front it is proposed to replace the existing upvc windows of the bay window at lower ground and ground floor level with traditional sashes, and to erect new metal railings along the front boundary.
2. This application is assessed in terms of design and impact on the Hampstead Conservation Area and the impact on the amenity of nearby residential occupiers.

### Amendments

3. Following officers' advice, the application has been revised with the applicant proposing a single storey extension instead of a two-storey extension as originally proposed. The two storey extension was considered to be out of keeping with the existing terrace and would not comply with policies DP24 and DP25.

### Design and conservation

4. Policy DP24 states that extensions and alterations should respect the form, proportions and character of the building and should be subordinate to the original building in terms of scale and situation. Under Development Policy DP25, Camden will only permit development within conservation areas that preserves or enhances the character and appearance of the area.
5. The extension would be restricted to single storey only. There would be no views of the extension from the public realm and it is considered to cause no harm to the host building or the Hampstead conservation area while an acceptable and an adequate outdoor garden area would be retained after extending.
6. The proposed green roof is welcomed, as it would improve the biodiversity of the area and would help to mitigate the visual impact of the extension from neighbouring upper floors windows. However, a condition to provide further details should be requested in order to ensure its long term viability.
7. The lowering of the sill and the insertion of French doors with fanlight at ground floor level would keep the vertical emphasis of the existing windows on the rear elevation. The design of the Juliet Balcony is sympathetic to the host property. The material of the doors (timber) and the detailed design is considered appropriate and preserves the character of the conservation area.
8. The proposed alterations to the front are welcome and would enhance the character and appearance of this part of the conservation area by removing an unsympathetic material and installing traditional sash windows.

### Amenity

9. As the proposed works are located at lower ground floor level, and the lower ground courtyard space is surrounded by high walls, it is considered that the works would not adversely impact on the amenity of the adjacent properties with regard to overlooking, visual bulk or sense of enclosure, and thus is considered to be consistent with policy.
10. The proposed new Juliet balcony would not offer significant new views than the existing window and therefore its impact in terms of loss of privacy would be marginal. However, a condition to prevent the use of the green roof as terrace is recommended to ensure the privacy of neighbours is duly protected.

### Recommendation

11. Grant subject to conditions.

**Decision route to be decided by nominated members on Monday 16<sup>th</sup> February 2015.  
For further information please go to [www.camden.gov.uk](http://www.camden.gov.uk) and search for 'members  
briefing'.**

Mr. Lior Brosh  
Brosh Architects  
31 Burghley Avenue  
Borehamwood  
Herts  
WD6 2JL

Application Ref: **2014/7688/P**  
Please ask for: **Carlos Martin**  
Telephone: 020 7974 2717

11 February 2015

# DRAFT

Dear Sir/Madam

## DECISION

Town and Country Planning Act 1990 (as amended)

### Full Planning Permission Granted

Address:  
**Flat 1  
2 Gardnor Road  
London  
NW3 1HA**

# DECISION

#### Proposal:

Erection of single storey rear extension at lower ground floor level, installation of timber sash windows to front bay window at ground and lower ground floors, replacement of front brick fence with black iron railings, and installation of rear Juliet balcony at ground floor level.

Drawing Nos: 2GAR-001 rev P1; -003 rev P1; -004 rev P1; -020 rev P1; -021 rev P1; -030 rev P1; -031 rev P1; -101 rev P3; -200 rev P3; -201 rev P1; -300 rev P1; -301 rev P3; -800 rev P1; -801 rev P1; Arboriculture Report 14/12; & D&A Statement by Brosh Architects.

The Council has considered your application and decided to grant permission subject to the following condition(s):

#### Condition(s) and Reason(s):

- 1 The development hereby permitted must be begun not later than the end of three years from the date of this permission.



Reason: In order to comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 All new external work shall be carried out in materials that resemble, as closely as possible, in colour and texture those of the existing building, unless otherwise specified in the approved application.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policy CS14 of the London Borough of Camden Local Development Framework Core Strategy and policy DP24 and DP25 of the London Borough of Camden Local Development Framework Development Policies.

- 3 The development hereby permitted shall be carried out in accordance with the following approved plans: 2GAR-001 rev P1; -003 rev P1; -004 rev P1; -020 rev P1; -021 rev P1; -030 rev P1; -031 rev P1; -101 rev P3; -200 rev P3; -201 rev P1; -300 rev P1; -301 rev P3; -800 rev P1; -801 rev P1; Arboriculture Report 14/12; & D&A Statement by Brosh Architects.

Reason: For the avoidance of doubt and in the interest of proper planning.

- 4 Full details in respect of the green roof in the area indicated on the approved roof plan (including species, planting density, substrate, section at scale 1:20 and a programme for a scheme of maintenance) shall be submitted to and approved by the local planning authority before the relevant part of the development commences. The buildings shall not be occupied until the approved details have been implemented and these works shall be permanently retained and maintained thereafter.

Reason: In order to ensure the development undertakes reasonable measures to take account of biodiversity and the water environment in accordance with policies CS13, CS15 and CS16 of the London Borough of Camden Local Development Framework Core Strategy and policies DP22, DP23 and DP32 of the London Borough of Camden Local Development Framework Development Policies.

- 5 The hereby approved flat roof shall not be used as a terrace or seating out area unless otherwise approved in writing by the local planning authority.

Reason: In order to prevent overlooking of neighbouring premises in accordance with the requirements of policy CS5 of the London Borough of Camden Local Development Framework Core Strategy and policy DP26 of the London Borough of Camden Local Development Framework Development Policies.

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 Compliance and Enforcement team [Regulatory Services], 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.

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.

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

**DECISION**