

2014/7005/P
Land to rear of
46 Fitzjohn's Avenue

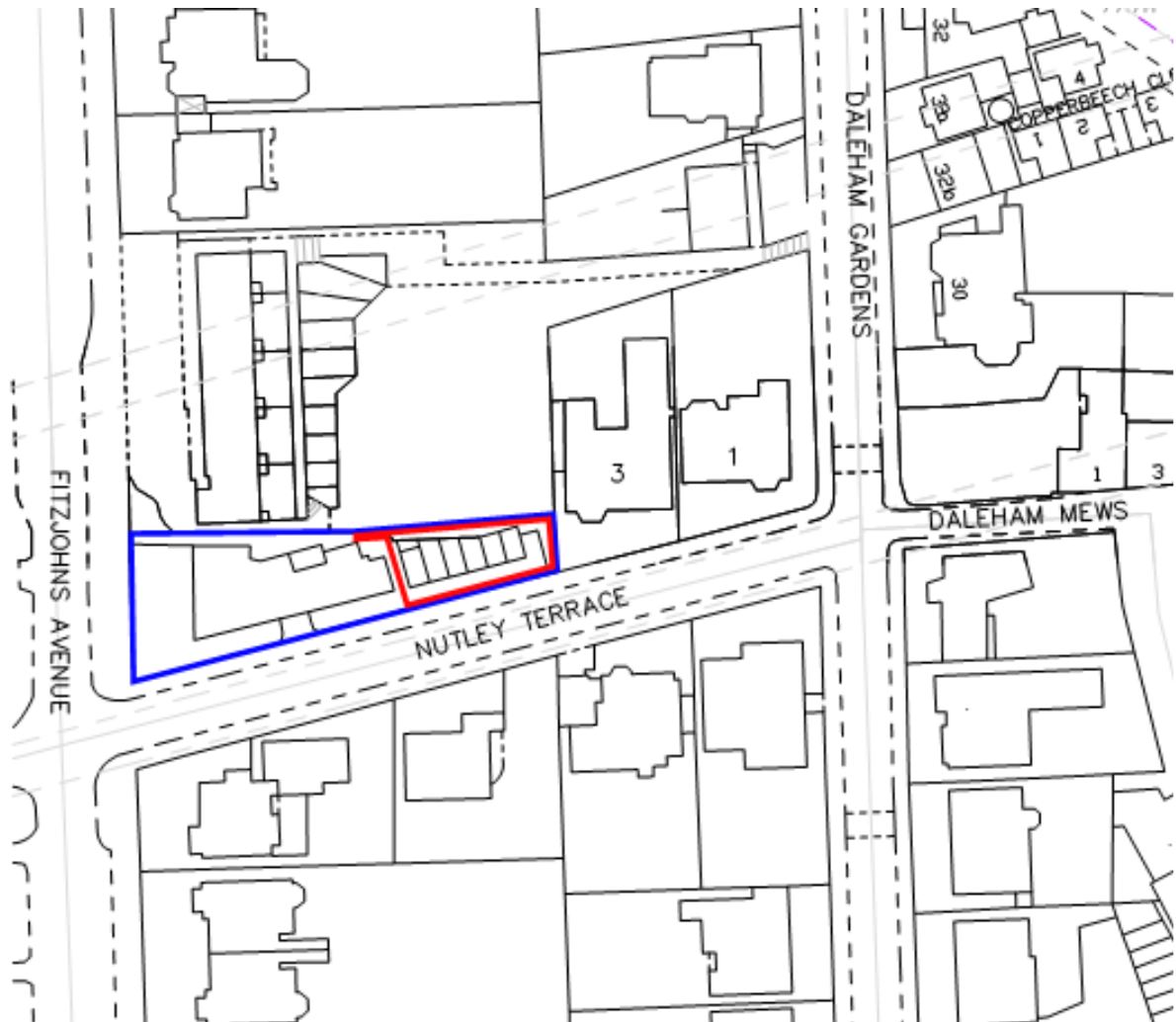




Photo 1: Development during construction



Photo 2: Development near completion



Photo 3 – Development as built showing increase in boundary wall as it joins 3 Nutley Terrace



Photo 4: View from within the development on the east elevation (Facing No.3 Nutley Terrace) through door previously approved.



Photo 5: East elevation showing new window



Photo 6: View from rear of development looking towards 3 Nutley Terrace.



Photo 7: Relationship with No.3 Nutley Terrace

Delegated Report (Members Briefing)		Analysis sheet		Expiry Date:		09/02/2015	
		N/A		Consultation Expiry Date:		03/02/2015	
Officer				Application Number(s)			
Seonaid Carr				2014/7005/P			
Application Address				Drawing Numbers			
Land to rear of Fitzjohns House (fronting Nutley Terrace) 46 Fitzjohns Avenue London NW3 5LU				See draft decision notice			
PO 3/4		Area Team Signature		C&UD		Authorised Officer Signature	
Proposal(s)							
Variation of condition 1 (approved plans) of planning permission 2012/2793/P dated 25/07/2012 (alterations during construction of permission 2007/6230/P), namely to create a patio at basement level of House B, install timber enclosures to the front elevation, reduce size of rooflights in front of each property, alterations to the windows, increase height of boundary wall with 3 Nutley Terrace, replace glazed element at 3 rd floor with rendered wall and install a rooflight to 3 rd floor of House A.							
Recommendation(s):		Grant variation of condition subject to a Deed of Variation					
Application Type:		Variation or Removal of Condition(s)					
Conditions or Reasons for Refusal:		Refer to Draft Decision Notice					
Informatives:							
Consultations							
Adjoining Occupiers:		No. notified	44	No. of responses No. Electronic	04 04	No. of objections	03
Summary of consultation responses:		<p>A press notice was published on 08 January 2015 expiring 29 January 2015 and a site notice was displayed on 02 January 2015 expiring 23 January 2015.</p> <p>Three letters of objection have been received a summary of which is provided below:</p> <ul style="list-style-type: none"> The plans attached to the submission indicate works already completed, they do not show any indication of the exterior work to 46 Fitzjohn's Avenue. Full elevations of the intended exterior works 					

should be provided.

- Object to the small patio added with BBQ facilities and opening glazed doors facing flats 2,4 and 6 of 3 Nutley Terrace – the introduction of the entertaining space will increase potential for noise and parties at the point nearest 3 Nutley Terrace. Increase smoke from the BBQ will come into my terrace. This is the apparent reason the boundary wall has been raised without consent.
- The timber clad enclosure to the front garden for meters is proposed in the location where the trees were to be restored, where are these to be located.
- I object to any further windows on the east wall facing 3 Nutley Terrace, none of the east windows have been replaced with frosted glass as required by the planning permission. We request bars are placed on the windows as currently play is restricted.
- Object to the increased height of the boundary wall.
- The change in brick from red to white is totally out of keeping with the street and not consistent with the illustrations provided.
- Failure to replant the trees at the rear and sides of the property. The development led to the emergency removal of one large trees damaged by earthworks and damage to the forestry behind the site.
- The work to the pavement fronting 3 Nutley Terrace to repair the damaged paving was conducted some 2 weeks ago, the paving has been broken and simply patched. The works would require full restoration of the pavement.
- Our property should be cleaned due to the dust and pollution due to the works.
- The developer has requested a number of changes which have already been built so this request is after fact.

One letter of comment has been received which note that the work has been finished for some months. Also the air conditioning unit is unsightly.

Officer response:

- The application does not include alterations to No.46 Fitzjohn's Avenue it is in relation to the development to the rear which was previously garages.
- Issues of design are assessed within Section 2.
- Matters of amenity impact are assessed within Section 4.
- Tree and landscaping are assessed within Section 5.
- The parent application did not secure a highways contribution to mitigate the impact of the development on the adjoining highway. It would be unreasonable to secure it at this stage as this is a minor material amendment application.
- This application is seeking to regularise the situation with the current development so the works are largely retrospective.

CAAC comments:

Fitzjohn's/Netherhall CAAC have been consulted however no response has been received.

Site Description

The application site is located to the rear of No.46 Fitzjohn's Avenue and prior to the existing development which is the subject of this application consisted of a block of six lock-up garages. The site is located to the northern side of Nutley Terrace, between Fitzjohn's Avenue and Daleham Gardens. The garages were constructed at the same time as Fitzjohn's House, a 1940s, red brick block of flats immediately to the west of the site, situated on the corner of Fitzjohn's Avenue and Nutley Terrace.

The application site is within the Fitzjohns/ Netherhall Conservation Area.

Relevant History

2007/6230/P - Redevelopment of the site by the erection of a part 3 and part 4 storey building with basement to accommodate two new residential units (Use Class C3) comprising one 2-bed unit at basement to second floor levels and one 4-bed unit at basement to third floor levels with roof terraces at second and third floor levels, and 5 garages at ground floor level, following the demolition of existing garages. Application approved by the Development Control Committee subject to a Section 106 legal agreement.

2011/4124/P - Details of hard & soft landscaping, green roof, windows and external cladding materials required by conditions 2, 4, 7 & 8 of planning permission dated 19/11/2008 (Ref. 2007/6230/P) for (Redevelopment of the garages at rear of Fitzjohn's House, by the erection of a part 3 and part 4 storey building with basement to accommodate two new residential units (Use Class C3) comprising one 2-bed unit at basement to second floor levels and one 4-bed unit at basement to third floor levels with roof terraces at second and third floor levels, and 5 garages at ground floor level, following the demolition of existing garages). Application approved.

2012/0659/P - Amendment to planning permission granted 19/11/08 (ref: 2007/6230/P) for the erection of a part 3 and part 4 storey building with basement to accommodate two new residential units (Class C3), namely enlargement of basement area. Application approved.

2012/1849/P - Alterations to boundary treatment and relocation of refuse storage from adjacent to garages on Nutley Terrace to rear of main building and erection of new bin enclosures, in association with use of building as flats (Class C3).

2012/2793/P - Alterations during the course of construction to planning permission granted 19/11/08 (ref: 2007/6230/P) for redevelopment of the site by the erection of a part 3 and part 4 storey building with basement to accommodate two new residential units (Use Class C3) comprising one 2-bed unit at basement to second floor levels and one 4-bed unit at basement to third floor levels with roof terraces at second and third floor levels, and 5 garages at ground floor level, following the demolition of existing garages, namely, changing House A garage 1 to an office ancillary to Unit A, replacement of glazed roof of House A to a green roof, erection of a louvred/brick extension at rear first floor level to accommodate air conditioning and creation of new louvred enclosure at ground floor level (adjacent to east elevation) to accommodate air conditioning and addition of overhead lift on the roof of each house, and alterations to rear façade treatment at rear third floor level. Application approved.

Relevant policies

The National Planning Policy Framework (2012)

The London Plan March 2015, consolidated with alterations since 2011

LDF Core Strategy and Development Policies 2010

CS5 Managing the impact of growth and development

CS11 Promoting sustainable and efficient travel

CS14 Promoting high quality places and conserving our heritage

CS15 Protecting and improving our parks and open spaces and encouraging biodiversity

DP18 Parking standards and limiting the availability of car parking
DP24 Securing high quality design
DP25 Conserving Camden's heritage
DP26 Managing the impact of development on occupiers and neighbours
DP27 Basements and lightwells
DP28 Noise and Vibration

Camden Planning Guidance (2013)

CPG 1 Design
CPG2 Housing
CPG 4 Basements
CPG7 Transport

Fitzjohns and Netherhall Conservation Area Appraisal and Management Strategy 2001

Assessment

1. Proposal

1.1. The development which was permitted under applications 2007/6230/P and the subsequent amended application 2012/2793/P have been implemented. This application is seeking further amendments to what has previously been approved.

1.2. This application seeks permission for the following changes:

- Formation of a patio to House B basement level with openable glazing above.
- Erection of a timber enclosure at ground floor for the electrical and gas meters.
- Reduction in glass rooflights in front of each house entrance to ground floor level.
- Installation of new window to the east elevation of House B at first floor level.
- 130mm increase in height of the boundary wall adjacent to 3 Nutley Terrace, to match the height of the 1st floor timber balustrade.
- Change to the openable size of windows at first floor level.
- Replacement of the glazed elements at 3rd floor with solid wall in render finish.
- Reduction in the size of windows to the rear elevation.
- New maintenance staircase behind the glass elevation in House A at 3rd floor level with openable skylight above to allow for maintenance access to the roof-top.

2. Design

2.1. The proposed patio at basement level would measure 2.5sqm, as such it would be a minor amendment to the development. There would be an openable rooflight above to allow fresh air into the basement level. It is considered this amendment is relatively minor and no objection is raised.

2.2. The proposed timber enclosures located to the front of Houses A and B to house electricity meters are considered to be minor additions to the front of the development. The structures would be of a modest height (1.5m) in the context of the development site and adjoining properties and would be constructed in timber, a sympathetic material for the conservation area. Furthermore the enclosure would be topped with planters which would soften their appearance.

2.3. The reduction in the amount of glazing to the front of houses A and B is considered to be a non-material amendment to the development given its nature. No objection is raised to this aspect of the proposal.

2.4. The new window to the eastern elevation of the first is considered to be a minor amendment to the development. The new window would be a sympathetic addition to the east elevation and

- would be in keeping with the character of the development. As such no objection is raised.
- 2.5. The application is seeking approval to raise the boundary wall between the application site and No.3 Nutley Terrace to 4.2m in height. The proposal would increase the height of the wall by two brick courses. Therefore the previous development has already established the principle of having a high wall in this location. It is considered the proposed increase in height would not be so great as to cause concern.
 - 2.6. To the rear elevation it is proposed to reduce the size of the window apertures to the rear at all elevations. The proposed amendments would retain a good solid to void ratio and would not detract from the overall character of the rear elevation. It is considered the proposed amendments are minor and no objection is raised in terms of design.
 - 2.7. To the 3rd floor it is proposed to replace the previously approved glazed element with a solid render wall to enable the living area of House A to be enlarged. In terms of design, the proposal to have a solid wall at this level is not considered to harm the character of the development and is considered to be an acceptable amendment to the proposal.
 - 2.8. To the roof level of House A, it is proposed to install a new openable rooflight as an internal stair will be provided internally for maintenance access. The proposed rooflight is a sympathetic addition to the property which would not impact on the character of the approved scheme. As such no objection is raised.

3. Basement

- 3.1. The current application does not increase the basement area over and above that which was previously approved within application 2012/0659/P.

4. Amenity

- 4.1. Neighbours have objected to the introduction of a BBQ area within the patio which neighbours 3 Nutley Terrace. The use of an external amenity area for BBQs or social gatherings is characteristic of residential areas. Any excess noise or disturbance can be referred to the police or Council's Environmental Health team. The current application does not alter the size of the terraces to the upper floors, the new patio at basement level measures 2.5sqm and would be located at basement level with an openable rooflight. Therefore the revised proposals are not considered to lead to an increase in noise and disturbance any more than the approved development.
- 4.2. The development would include a new window to the side (east) elevation of House B, this window would serve a bathroom, the window would measure 0.3m wide. It is not considered necessary to secure this new window as obscure glazed and non-opening as on the same elevation is a door which leads onto a terrace which was approved as part of the previous applications. As such the relationship with the neighbouring property has been assessed as part of the application and deemed acceptable. Bathrooms are areas where people tend to spend less waking time and seek their own privacy. The introduction of a slender window is not going to lead to an increased loss of privacy to neighbouring residents any more than the approved terrace.

5. Trees and landscaping

- 5.1. An objection has been received in relation to the location of the proposed electric and gas meter enclosure. The objection notes that the enclosure would be located where the previous applications (2007/6230/P and 2012/2793/P) has approved the location of replacement trees. However reviewing the previous plans 5NT/101C and 5NT_P101 there were not to be replacement trees in this location but planters. As shown on the proposed Section A A plan there would be planters located above the proposed.
- 5.2. Application 2011/4124/P, which included details of the landscaping approved a plan which

showed the use of bamboo to the front planters, however given the situation has changed and the planters would now be raised, it is unlikely bamboo would be used and a condition is recommended requiring details of the planting to be used within the planters.

5.3. With regard to replacement trees, the development would be bound by the original conditions of permission 2007/6230/P, condition 3 of the original condition required that should any trees or areas of planting within a 5 years period of completion of development die, are removed or become seriously damaged or diseased they shall be replaced as soon as is reasonably possible. As such should any trees need replacing the development is bound by this condition. Officers will request the enforcement team follow up on this point to ensure the condition is adhered to.

6. Conclusion

6.1. In light of the above, the proposed amendments to the development are considered acceptable and would result in a development of a high quality which would respect its context and would not cause harm to the character and appearance of the conservation area nor would it harm the amenity enjoyed by neighbouring residents.

7. Recommendation

7.1. Grant variation of condition subject to conditions and Deed of Variation.

DISCLAIMER

Decision route to be decided by nominated members on 13th April 2015. For further information please go to www.camden.gov.uk and search for 'members briefing'

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Application Ref: **2014/7005/P**

09 April 2015

Dear Sir/Madam

DRAFT
FOR INFORMATION ONLY - THIS IS NOT A FORMAL DECISION
Town and Country Planning Act 1990 (as amended)

DECISION SUBJECT TO A SECTION 106 LEGAL AGREEMENT

Address:

Fitzjohns House
46 Fitzjohns Avenue
London
NW3 5LU

DECISION
Proposal: Variation of condition 1 (approved plans) of planning permission 2012/2793/P dated 25/07/2012 (alterations during construction of permission 2007/6230/P), namely to create a patio at basement level of House B, install timber enclosures to the front elevation, reduce size of rooflights in front of each property, alterations to the windows, increase height of boundary wall with 3 Nutley Terrace, replace glazed element at 3rd floor with rendered wall and install a rooflight to 3rd floor of House A.

Drawing Nos:

Superseded Plans: 5NT_P101, 5NT_P102, 5NT_P103, 5NT_P201, 5NT_P202, 5NT_P203, 5NT_P204, 5NT_P301, 5NT_P302,
Revised plans: 5NT/FP101, 5NT/FP102, 5NT/FP103, 5NT/FP201, 5NT/FP202, 5NT/FP203, 5NT/FP204, 5NT/FP301 and 5NT/FP302

The Council has considered your application and decided to grant permission subject to the conditions and informatives (if applicable) listed below **AND** subject to the successful conclusion of a Section 106 Legal Agreement.

The matter has been referred to the Council's Legal Department and you will be contacted shortly. If you wish to discuss the matter please contact **Aidan Brookes** in the Legal Department on **020 7 974 1947**.

Once the Legal Agreement has been concluded, the formal decision letter will be sent to you.

Condition(s) and Reason(s):

- 1 For the purposes of this decision, condition no.1 of planning permission 2012/2793/P shall be replaced with the following condition:

REPLACEMENT CONDITION 1

The development hereby permitted shall be carried out in accordance with the following approved plans: (prefix 5NT) (Dated January 2007) S101A; S201A; S301A; X101A; Arboricultural Report; Rainwater Storage Specification; Site Layout analysis for Daylight and Sunlight (prefix 5NT) (Dated May 2012) 5NT/FP101, 5NT/FP102, 5NT/FP103, 5NT/FP201, 5NT/FP202, 5NT/FP203, 5NT/FP204, 5NT/FP301 and 5NT/FP302, Noise assessment produced by 'paceconsult' dated 27th February 2012.

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

- 2 For the purposes of this decision, the following condition shall be added to planning permission 2012/2793/P:

CONDITION 8

Within 6 months of the date of this decision notice, full details of the soft landscaping to be used within the hereby approved planters which top the electric and gas meters shall be submitted to and approved by the local planning authority in writing. The relevant part of the works shall not be carried out otherwise than in accordance with the details thus approved.

Reason: To ensure that the development achieves a high quality of landscaping which contributes to the visual amenity and character of the area in accordance with the requirements of policy CS14 and CS15 of the London Borough of Camden Local Development Framework Core Strategy and policy DP24 of the London Borough of Camden Local Development Framework Development Policies.

Informative(s):

- 1 This approval under Section 73 of the 1990 Act effectively varying the relevant condition of the previous planning permission is subject otherwise to the same terms, drawings, conditions and obligations as attached to the previous planning permission reference 2012/2793/P.

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.

Yours faithfully

Culture and Environment Directorate

DRAFT

DECISION