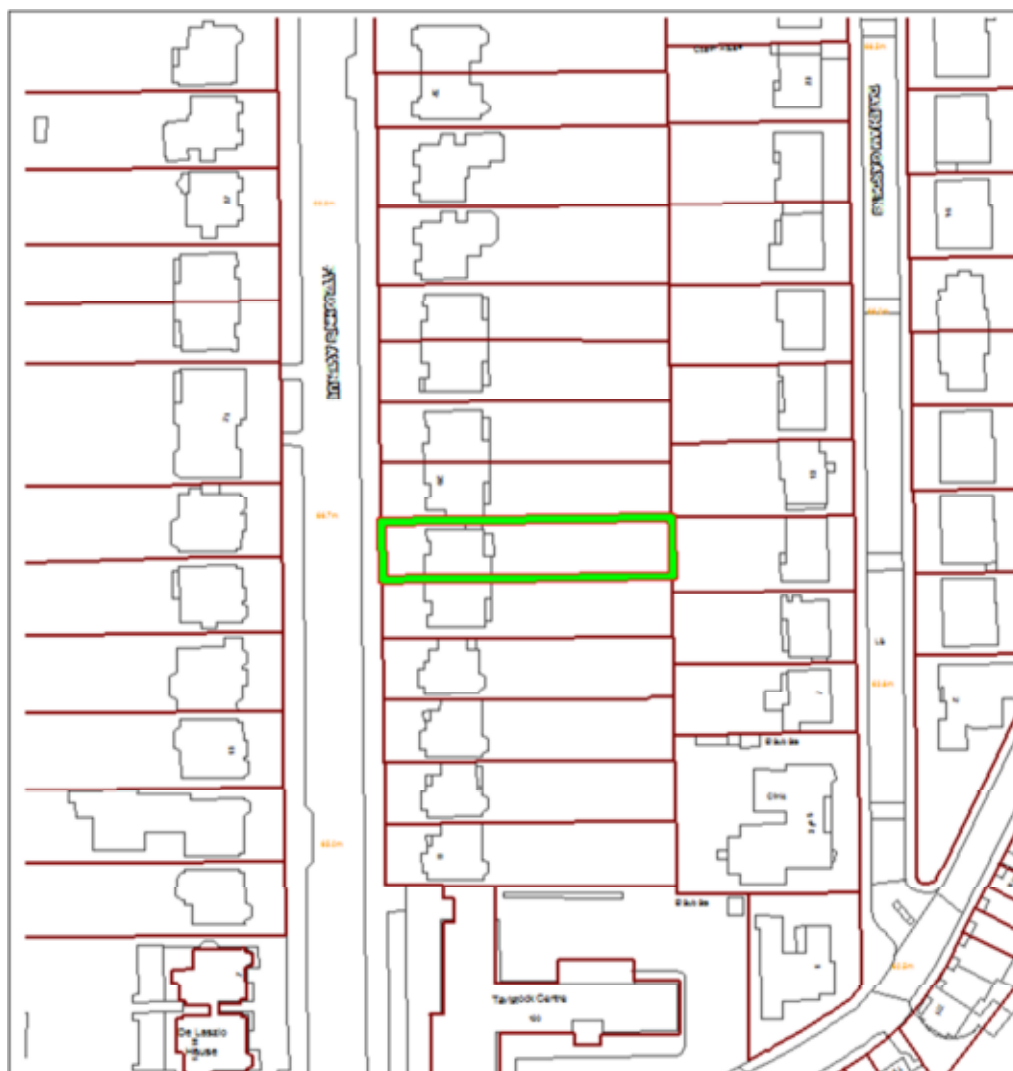


**18 Fitzjohns Avenue, London, NW3 5NA**

**2015/0515/P**



Site Location Plan



Rear Elevation



Rear Elevation

<b>Delegated Report</b> (Member's Briefing)		Analysis sheet		Expiry Date:		30/03/2015	
		N/A		Consultation Expiry Date:		19.3.15	
Officer				Application Number(s)			
Tendai Mutasa				2015/0515/P			
Application Address				Drawing Numbers			
Ground Floor Flat 18 Fitzjohn's Avenue London NW3 5NA				See Decision Notice			
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature				
<b>Proposal(s)</b>  Erection of a ground floor rear conservatory and new stores with roof terrace above, following demolition of existing conservatory and terrace.							
<b>Recommendation(s):</b>		<b>Grant Conditional 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>29</b>	No. of responses No. electronic	<b>05</b> <b>00</b>	No. of objections	<b>03</b>
<b>Summary of consultation responses:</b>		A site noticed was displayed from 25/02/2015 to 18/03/2015. The application was advertised in the Ham & High newspaper between 26/02/2015 and 18/03/2015.  <u>3 objections</u> have been received from owner/occupiers of the flats above. The main reasons for objection are summarised as follows:  <b>Design and amenity</b>  1. Precedent effect in Conservation area of proposed extension in rear garden, loss of garden space;  2. Description is misleading saying refurbishment of former conservatory  <b>General</b> 1. Extension would prevent the freeholder gaining access for maintenance purposes which currently exists at the side of the property, Tunnel-like effect of the new access to garden area making					



	<p>it difficult to transport heavy or bulky materials to the rear especially during repairs</p> <p><u>Officer Comment on Consultation responses:</u></p> <ol style="list-style-type: none"> <li>1. The rear extension proposed is of modest depth relative to the garden space to be retained; as such adequate rear garden space will be still be available.</li> <li>2. Application is being determined as a new addition/structure. No weight has been accorded to the assumed presence of a former conservatory.</li> </ol> <p>General</p> <ol style="list-style-type: none"> <li>1. Access to the rear garden and land ownership is a civil matter between the freeholder and leaseholders and cannot be considered as part of the planning application. The applicant has completed Certificate B of the application.</li> </ol> <p>For an assessment of design and amenity please see sections 2.2 and 2.3 below.</p>
CAAC/Local groups comments:	<p><u>Hampstead Heath Society</u> – Objected to the loss of the original railings but however agreed to withdraw the objection if the applicant agreed to replace the railings with existing and matching ones on all sides</p> <p><u>Officer Comment</u></p> <p>The applicant has submitted revised drawings and as such has fulfilled this objection. This will also be conditioned if planning permission is granted.</p>
<b>Site Description</b>	
<p>The subject site is located in Fitzjohns Avenue. The property is a semi-detached five storey building which has been subdivided into flats. The application site itself is the lower ground floor flat which shares the same garden access with the other flats though a side door. The building is mentioned as a building of significant importance and lies within the Fitzjohns and Netherhall Conservation Area.</p>	
<b>Relevant History</b>	
none	
<b>Relevant policies</b>	
<p><b>NPPF (2012)</b></p> <p>The London Plan March 2015, consolidated with alterations since 2011</p> <p><b>LDF Core Strategy and Development Policies (2011)</b></p> <p><b>LDF Core Strategy (2010)</b></p> <p>CS1 - Distribution of Growth</p> <p>CS5 – Managing the impact of growth and development</p> <p>CS14 – Promoting high quality places and conserving our heritage</p> <p><b>Development Policies</b></p>	

DP24 – Securing high quality design  
DP25 – Conserving Camden's heritage  
DP26 – Managing the impact of development on occupiers and neighbours

### **Camden Planning Guidance 2013**

CPG1: Design

CPG6: Amenity

### **Fitzjohns and Netherhall Conservation Area Appraisal and Management Strategy 2001**

## **Assessment**

### **1.0 Proposal**

- 1.1 The existing situation is a raised ground floor 2m deep rear balcony overhanging a verandah which has been glazed to act as a small conservatory for the lower ground floor flat. Planning permission is requested for its replacement by a larger raised terrace 5.2m deep with side trellis above a new ground floor rear conservatory extension, plus new stores on one side. The new terrace will project out beyond the existing verandah by 3.2m and extend further out across the side passage to abut the side garden all.
- 1.2 The proposed glazed rear conservatory with hardwood framing will be 34 square metres in gross area and measure 3.1m in height, 6.3m deep and 5-6m wide. The extended roof of the new conservatory will form the new extended terrace for the flat above.
- 1.3 The existing terrace which serves the flat above will be extended to the East and North elevations. As revised, following consultation requests, the existing railings will be re-used and matching railings added.
- 1.4 The existing stores to the northern elevation will be demolished and replaced under the reinstated roof terrace. Bricks will be used to match the existing property with the doors painted softwood.

### **2.0 Assessment**

- 2.1 The principal considerations material to the determination of this application are summarised as follows:

- Design and conservation
- Neighbour amenity

#### **2.2 Design and Conservation**

- 2.2.1 The Council's design policies are aimed at achieving the highest standard of design in all developments. The following considerations contained within policy DP24 are relevant to the application: development should consider the character, setting, context and the form and scale of neighbouring buildings, and the quality of materials to be used. Policy DP25 'Conserving Camden's Heritage' states that within conservation areas, the Council will only grant permission for development that 'preserves and enhances' its established character and appearance.

- 2.2.2 CPG1 design guidance recommends alterations take into account the character and design of the property and surroundings; windows, doors and materials should complement the existing building, and rear extensions should be secondary to the

main building.

2.2.3 The Fitzjohns and Netherhall Conservation area appraisal and management strategy advises that rear extensions will not be acceptable where they would diverge significantly from the historic pattern.

2.2.4 The proposed rear glazed conservatory is considered acceptable in scale, design and materials. The size, in terms of a width across half of the elevation and a depth behind the main building line of 3m, is not excessive; an adequate area of garden space remains. The proposed development would not be visible from the public realm and the proposed materials would give the extension a lightweight, contemporary appearance. It is considered to be of an appropriate subordinate size and scale that would sit comfortably with the host property and would preserve the character and appearance of the Fitzjohns and Netherhall Conservation Area. Its glazed nature would give it a lightweight appearance and would not be excessively bulky or adversely impact on the setting of the building. The materials are sympathetic to the host building with any brickwork to match the main property; aluminium framed windows and doors are considered acceptable at the rear of the property.

2.2.5 The replacement of the existing stores and repaving of the access would enhance the appearance of the rear/side elevation, therefore these works will not harm the conservation area.

2.2.6 The proposed terrace to the upper ground floor flat which is to be extended to the east and north of the property is considered to be acceptable as it will cause no harm to the building and neighbouring properties. As revised, the existing iron railings will now be re-used and replicated throughout the new terrace. This will also be secured by condition to any grant of planning permission.

### 2.3 Neighbour Amenity

2.3.1 Policy CS5 seeks to protect the amenity of Camden's residents by ensuring the impact of development is fully considered. Furthermore Policy DP26 seeks to ensure that development protects the quality of life of occupiers and neighbours by only granting permission to development that would not harm the amenity of neighbouring residents. This includes privacy, overlooking, outlook and implications on daylight and sunlight. CPG6 seeks for developments to be "designed to protect the privacy of both new and existing dwellings to a reasonable degree" and that the Council will "aim to minimise the impact of the loss of daylight caused by a development on the amenity of existing occupiers."

2.3.2 Given the location and shape of the proposed extension on the rear of the site and the separation distance between neighbouring properties at Nos.16 and 20 Fitzjohn's Avenue, the proposed extension would have no discernible impact on the amenity enjoyed by neighbouring occupiers specifically with regards to outlook, daylight and sunlight.

2.3.3 The existing balcony has a trellis privacy screen on its side facing no 20 and its own balcony. The new terrace will reuse this trellis along the new boundary adjoining the party wall. Thus the proposed extended terrace would not give rise to any further overlooking on the condition that this privacy screen is retained.

## 3.0 Recommendation

### 3.1 Grant Conditional Planning Permission.

#### **DISCLAIMER**

**Decision route to be decided by nominated members on Tuesday 5<sup>th</sup> May. For further information please go to [www.camden.gov.uk](http://www.camden.gov.uk) and search for 'members briefing'.**

Dr William Smith  
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London  
NW3 5NA

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Textlink 020 7974 6866

planning@camden.gov.uk  
www.camden.gov.uk/planning

Application Ref: **2015/0515/P**  
Please ask for: **Tendai Mutasa**  
Telephone: 020 7974 **2353**

30 April 2015

**DRAFT**

Dear Sir/Madam

## **DECISION**

Town and Country Planning Act 1990 (as amended)

### **Full Planning Permission Granted**

Address:  
**18 Fitzjohn's Avenue  
London  
NW3 5NA**

**DECISION**

#### Proposal:

Erection of a ground floor rear conservatory, new stores and terrace after demolition of existing raised ground floor terrace and stores .

Drawing Nos: Site Location Plan, Existing Section AA, Existing East Elevation, Proposed ground floor plan, Lower Ground Floor Plan, Railing Details, Proposed Section BB, Raised Ground Floor Plan, Upper Ground Floor Roof Plan, Proposed East Elevation, Design and Access Statement

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. In particular, the existing railings shall be re-used and additional matching railings shall match the existing in design throughout the new terrace.

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 policies 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: Site Location Plan, Existing Section AA, Existing East Elevation, Proposed ground floor plan, Lower Ground Floor Plan, Railing Details, Proposed Section BB, Raised Ground Floor Plan, Upper Ground Floor Roof Plan, Proposed East Elevation, Design and Access Statement

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

- 4 The use of the roof as a terrace shall not commence until the privacy trellis screen, as shown on the approved drawings, has been constructed. The screen shall be permanently retained thereafter.

Reason: In order to prevent unreasonable 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

**DRAFT**

**DECISION**