

<b>Delegated Report</b>		<b>Analysis sheet</b>		<b>Expiry Date:</b>		<b>03/07/2015</b>	
<b>(Members Briefing)</b>		N/A		<b>Consultation Expiry Date:</b>		<b>11/06/2015</b>	
<b>Officer</b>				<b>Application Number</b>			
Anna Roe				2015/2465/P			
<b>Application Address</b>				<b>Drawing Numbers</b>			
Flat 1, 19 Fitzjohns Avenue NW3 5JY				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</b>							
Creation of rear balcony at ground floor level.							
<b>Recommendation:</b>		Grant planning permission subject to conditions					
<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>30</b>	No. of responses	<b>2</b>	No. of objections	<b>2</b>
<b>Summary of consultation responses:</b>	<p>30 neighbouring occupiers were notified of the application. A Press Notice was also placed in the Camden New Journal on 21/05/2015 (expiring on 11/06/2015) and a Site Notice was displayed between 15/05/2015 and 05/06/2015.</p> <p>A response was received from the owner/occupiers of the Garden Flat, 19 Fitzjohns Avenue who commented that:</p> <ul style="list-style-type: none"> <li>- The proposed balcony will over-hang a large section of our patio and patio doors, the natural position for outdoor furniture.</li> <li>- Compared to the other apartments in the building, the ceiling height in the garden flat is lower.</li> <li>- Given the above, the proposal is considered harmful to amenity in terms of loss of privacy, outlook, daylight and sunlight.</li> <li>- Inadequate daylight is already an issue because of the flat's position at lower ground floor level.</li> </ul> <p>Officers response:</p> <ul style="list-style-type: none"> <li>- The proposed balcony would measure 1.5m x 4.3m, in line with the existing balconies.</li> <li>- Elevational plans show the ceiling height of the garden flat to be 3m, 0.7m lower than the apartments above.</li> <li>- Amenity concerns are addressed in section 4 of this report.</li> </ul> <p>A response was received from Cllr Siobhan Baillie who commented that:</p> <ul style="list-style-type: none"> <li>- The proposed balcony would be harmful to the amenity of the occupiers of the garden flat in terms of loss of privacy, outlook, daylight and sunlight and would result in increased overlooking, overshadowing and noise.</li> <li>- The proposal would contravene DP 26.</li> <li>- Flat 1 has previously extended their property along the north side elevation resulting in loss of light to the garden flat, the proposed balcony would exacerbate the issue.</li> <li>- The part of the garden nearest the house is well used by the occupants of the garden flat.</li> <li>- The applicant has not considered the impact of the proposal on the amenity of the neighbouring occupiers.</li> <li>- The ceiling height in the garden flat is lower compared to the other apartments in the building, consequently the existing balconies are well spaced out and have no impact on the amenity of the neighbouring occupiers.</li> <li>- The occupant of the garden flat was not notified in writing about the application and has had limited time to seek professional advice.</li> </ul> <p>Officers response:</p> <ul style="list-style-type: none"> <li>- Amenity concerns are addressed in section 4 of this report.</li> <li>- The agent discusses the impact of the proposal on the amenity of the neighbouring occupiers in the Design and Access Statement.</li> <li>- The occupant of the garden flat was notified in writing and a site notice displayed outside the property between 15/05/2015 and 05/06/2015. Neighbouring occupiers were given 21 days in which to respond, the statutory period for all such applications.</li> </ul>					

**Local group comments:**

The Heath and Hampstead Society have objected to the application.

- The society initially objected to the fourth floor balcony, however this is not part of the application and was permitted under application no. 2014/2878/P. They the objected to a first floor balcony.

Officers response:

- Having been informed that a fourth floor balcony was not part of the application, the society then stated that the balcony at first floor level was less objectionable, but agreed with the concerns raised by the neighbour in the garden flat. It is assumed that the society is objecting to the proposed ground floor balcony and not the existing first floor balcony; confirmation was sought, but not received.
- Amenity concerns are addressed in section 4 of this report.

## Site Description

The application site is located on the western side of Fitzjohns Avenue and comprises a detached four storey Victorian property with substantial rear garden.

The property has been subdivided into five self-contained flats and this application relates to flat 1, at ground floor level.

The property is bounded by comparable residential dwellings.

The three flats above the application site all have rear balconies of a comparable scale and design.

Flat 1 is the only flat in the building without access to private external amenity space. Planning permission was previously granted under application no. PW9702912R1 for the erection of a rear balcony and staircase at Flat 1, 19 Fitzjohns Avenue, however this permission has since expired.

The property is not listed but falls within the Fitzjohns Netherhall Conservation Area.

## Relevant History

9501495 - Construction of a covered balcony at first floor level to the rear. 19 Fitzjohns Avenue. Refused 11 November 1995.

P9600060 - Alteration of rear window at second floor level to make french door and erection of balcony to rear window. Flat 2, 19 Fitzjohns Avenue. Refusal 23 October 1996.

PW9702912R1 - Erection of balcony and staircase at rear, from upper ground floor to garden level. 19 Fitzjohns Avenue. Granted 13 February 1998.

PWX0002423 - Erection of a balcony at rear third floor level. 19 Fitzjohns Avenue. Granted 31 July 2000.

2014/2878/P - Erection of dormer extensions on north (side) elevation, new dormer extensions in between the two roof slopes enlargement of existing dormers on south (side) elevation, installation of balustrade associated with proposed rear roof terrace and the installation of 6 new roof lights and 1 enlarged roof light. Flat 4 19 Fitzjohns Avenue. Granted 30 July 2014.

There is no record of planning permission for the first floor rear balcony at Flat 3 19 Fitzjohns Avenue, however drawing no. 0031 (PL) 01 submitted in connection with application PWX0002423 suggests that the unauthorised use has continued for four years without any enforcement action being taken and has become lawful in planning terms under the Planning and Compensation Act 1991.

## Relevant policies

National Planning Policy Framework 2012

The London Plan 2015, consolidated with amendments since 2011

Camden LDF Core Strategy 2010

CS5 Managing the impact of growth and development

CS14 Promoting high quality places and conserving our heritage

Camden Development Policies 2010

DP24 Securing high quality design

DP25 Conserving Camden's heritage

DP26 Managing the impact of development on occupiers and neighbours

DP28 Noise and vibration

Camden Planning Guidance (updated 2013)

CPG1 Design

CPG6 Amenity

Conservation Area Statement: Fitzjohns/Netherhall (adopted 2001)

## Assessment

### 1. Proposal:

1.1 The proposal involves the creation of a rear balcony at ground floor level. The proposed balcony would be constructed of reconstituted stone with a cast iron balustrade. The original white painted glazed timber window would be replaced with a white painted double glazed timber door.

1.2 The balcony would measure 1.5m x 4.3m x 1.3m high.

1.3 The balcony would be located on the northern side of the subject site, proximate to 21 Fitzjohns Avenue.

### 2. Assessment:

2.1 The principle considerations material to determining the application are as follows:

- Design
- Amenity

### 3. Design

3.1 The proposed rear balcony and associated alteration are subordinate in scale and location to the host building and reflects the design and form of the existing rear balconies at this site, continuing the established pattern of development.

3.2 The choice of materials and colours in the form of a reconstituted stone platform, black steel balustrade and white painted glazed timber door, visually blends with the existing building.

3.3 The proposal is located on a minor façade and is not visible from the wider public realm, given this the proposal is not considered harmful to the character or appearance of the host building, street scene or the Fitzjohns Netherhall Conservation Area.

### 4. Amenity

4.1 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.

4.2 Given that the proposal mirrors the established pattern of development it is not considered harmful to the visual amenity of the neighbouring occupiers as viewed from the communal exterior space. Furthermore, by virtue of its position, the proposal is not judged to be visible from the windows of the host building.

4.3 The proposed balcony would project 1.5m from the rear elevation, and be 700mm above double French doors of the garden flat below. BRE guidelines advise that daylight can be affected by balconies depending on the relationship of the balcony with any windows below, the type of window, and whether outlook is already obstructed. The French doors are full height with windows on either side so provide more light than a standard window would. Furthermore, as outlook from the French doors to the flat below is otherwise unobstructed, the balcony, due to its depth and height, is not considered to significantly affect daylight this property.

4.4 Given its scale and position on the host building, the proposal is judged to have a negligible impact upon the level of sunlight into the kitchen of the garden flat.

4.5 By virtue of its size the proposed balcony would be unable to accommodate many individuals, hence unlikely to generate noise sufficient to impact upon the amenity of any adjoining residence.

4.6 With regard to privacy, there is already significant overlooking from existing rear balconies and windows.

### 5 Conclusion

5.1 It is considered that the proposed development would respect the character and appearance of the host building and conservation area, whilst ensuring that the residential amenity of neighbouring occupiers will not be significantly

harmed.

**6 Recommendation:** Grant Planning Permission

**DISCLAIMER**

**Decision route to be decided by nominated members on Monday 22<sup>nd</sup> June 2015. For further information please click [here](#)**