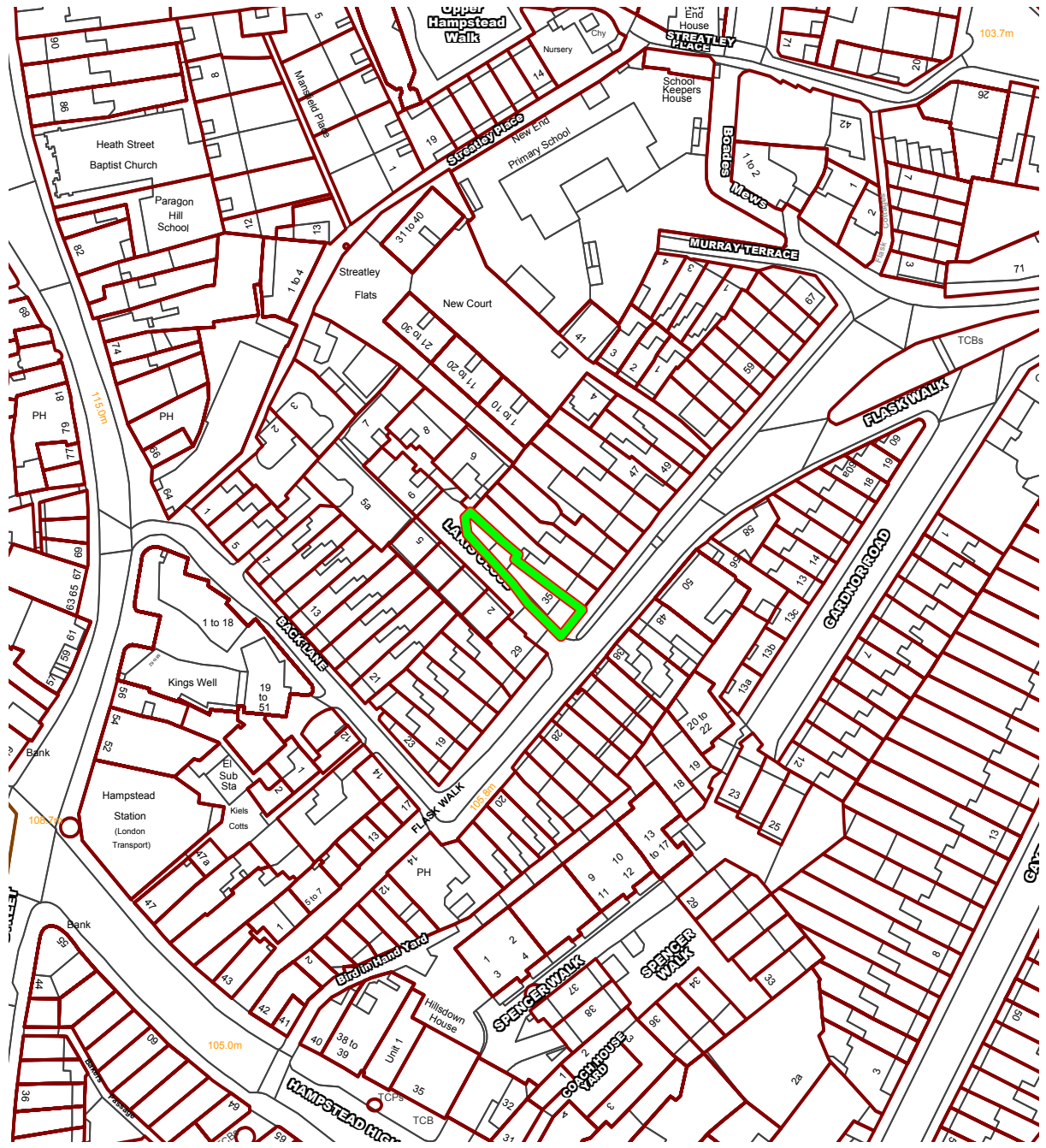


35 Flask Walk



Site Photos



Front elevation of application site to right, with Lakis Close to the left of frame



Application site with outbuilding to left side of frame



Application site on right, viewed from Lakis Close



View back to main house with Lakis Close properties to the right



Location of built up elevation (extension of larger element to right by 1.3m but retaining the same height) – Lakis Close buildings to the rear of shot.



View back to properties in Flask Walk from lower flat roof



Existing Outbuilding, viewed from main house



Silver Birch tree adjacent to rear wall of outbuilding (right) viewed from Lakis Close

Delegated Report (Members Briefing)		Analysis sheet	Expiry Date:	26/11/2014
		N/A / attached	Consultation Expiry Date:	13/11/2014
Officer			Application Number(s)	
Neil Collins			2014/6213/P & 2014/6564/L	
Application Address			Drawing Numbers	
35 Flask Walk London NW3 1HH			See draft Decision Notice	
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature	
Proposal(s)				
Extension to the garden annex to provide accommodation on two levels, construction of a covered walkway in the garden courtyard and minor alterations to main single family dwelling house (Class C3).				
Recommendation(s):	<ul style="list-style-type: none"> (i) Grant conditional planning permission and (ii) Grant listed building consent 			
Application Type:	Householder Application Listed Building Consent			

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	13	No. of responses	27	No. of objections	12
			No. electronic	12		
Summary of consultation responses:	<p>Site notice: 22/10/2014 – 12/11/2014 Press notice: 23/10/2014 – 13/11/2014</p> <p>27 Letters of objection have been received (which come from 12 properties, 11 of which neighbour the site, including: 29, 34, 37, 39 and 41 Flask Walk, numbers 2, 3, 4, 8, 9 Lakis Close (in addition, 37 Redington Road and are made on the following grounds:</p> <ol style="list-style-type: none"> 1. Parking would be impacted from additional accommodation; 2. Increased light pollution; 3. Unacceptable noise disturbance; 4. Loss of view; 5. The works are out of character with the listed building; 6. The proposal would likely create a separate dwelling within the outbuilding; 7. The proposal would result in overdevelopment and overcrowding; 8. Rainwater would drain onto Lakis Close; 9. The roof of the building should not be used as recreational space due to the overlooking that would occur; 10. The proposal would result in a poor amount of outdoor garden space; 11. A Silver Birch Tree would be effected by the proposed excavation; 12. 35 Flask Walk has no right of access ove land in Lakis Close. <p><i>Officer Response:</i></p> <ol style="list-style-type: none"> 1. <i>The impact upon parking in the vicinity has been considered. Residents living at the application site would be able to apply for resident’s on-street parking permits without restriction. The existing outbuilding could be converted to form additional habitable space without the requirement for planning permission and the small amount of additional space provided through extension is not considered to be significant when compared to the existing arrangement;</i> 2. <i>The proposal would not result in a significantly different arrangement in terms of light pollution, as windows within habitable areas would remain in a similar position in relation to neighbouring dwellings;</i> 3. <i>The existing outbuilding has been in use until recently as an artist’s studio (incidental to the enjoyment of the dwellinghouse). The proposal would not grant any change of use of the outbuilding, which would continue to be used either as primary residential accommodation or ancillary uses. As such, the proposal would not be significantly different to the existing arrangement;</i> 4. <i>Loss of view is not a material planning consideration. The impact of the proposal upon outlook is discussed in para. 2.3.1;</i> 					

5. *The proposal has been considered by the Conservation Officer, who has concluded that the proposed works would not harm the special interest of the listed building and would return the fenestration to its original arrangement;*
6. *Planning permission is not sought for a change of use of the outbuilding on the site. The existing outbuilding is in residential use and could be used for any purposes incidental to the enjoyment of the dwellinghouse, as it has done historically. This includes use for habitable living accommodation that is part of the larger planning unit and planning permission would be required to form a self-contained unit.*
7. *Adopted planning policy seeks to make the full and efficient use of land for residential purposes. The existing outbuilding could be used as habitable living accommodation without the requirement for planning permission and the small proposed extension of the outbuilding would be minor in nature. As such, the use is not considered to cause overintensification of the use of the site or would have any significant impact upon local services;*
8. *The applicant has clarified that neither would any rainwater discharge onto Lakis Close, nor would any rainwater goods overhang the boundary of the site;*
9. *The proposal omits the use of an access stair to the roof of the building, which currently exists and provides an opportunity for intrusion to neighbouring privacy, and would be an improvement. A condition has been attached to ensure that no part of the roof of the proposed building be used to form a terrace;*
10. *The resulting garden space would amount to approximately 19.7 sq metres and would exceed the London Plan minimum standards for outdoors space, which requires 5 sq m for a 1-2 person dwelling and an additional 1 sq metre for every additional occupant;*
11. *Please see paras. 2.5.1 and 2.5.2 below*
12. *Rights of access are a civil matter and are not a material consideration in the determination of planning applications.*

Hampstead CAAC

No response received

Lakis Close and Flask Walk Residents Associations

The Resident's Associations object on the following grounds:

1. The design is inappropriate for the building and area;
2. Loss of light, privacy and outlook to neighbouring dwellings;
3. Light pollution;
4. Concerns with creation of self-contained accommodation;

Officer response:

1. *Please see paras. 2.2.1 to 2.2.5 below;*
2. *Please see paras, 2.3.1 to 2.3.3 below:*
3. *The proposal would not result in a significantly different arrangement in terms of light pollution, as windows within habitable areas would remain in a similar position in relation to neighbouring dwellings;*
4. *The existing outbuilding is in residential use and could be used for any purposes incidental to the enjoyment of the dwellinghouse, as it has done historically. This includes use for habitable living accommodation that is part of the larger planning unit and planning permission would be required to form a self-contained unit.*

CAAC/Local groups*

comments:

*Please Specify

Site Description

The application site is located on the northern side of Flask Walk, adjacent to Lakis Close, and accommodates a two-storey terraced cottage, which is Grade II Listed. The property is a single family dwelling (Class C3). The facing materials are brick, with a slate roof and timber sliding sash windows.

To the rear, the site accommodates an existing outbuilding, which has until recently been in use as an ancillary artist studio. The outbuilding comprises a mezzanine floor level within and a single outlook on its southern elevation back towards the main house. It has a flat roof on two levels; 3m at the front and 4.4m at the rear (at its highest point). The higher element is set back from the front by 3.3m. The lower flat roof is accessible via existing permanent external metal stairs on the south west corner.

The property is located within the Hampstead Conservation Area. It is identified as making a positive contribution to the character of the conservation area within the adopted Hampstead Conservation Area Statement.

Relevant History

There is no relevant planning history for the site.

Relevant policies

NPPF2012

London Plan March 2015 consolidated with amendments since 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

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

DP24 – Securing high quality design

DP25 – Conserving Camden's heritage

DP26 – Managing the impact of development on occupiers and neighbours

DP27 – Basements and Lightwells

Camden Planning Guidance (as amended 2013)

CPG1: Design (2014)

CPG4: Basements and Lightwells (2013)

CPG6: Amenity (2011)

Hampstead Conservation Area Statement

Assessment

1.0 PROPOSAL

- 1.1 Planning permission is sought for extension and alteration of an existing outbuilding within the rear garden of the site. The resulting outbuilding would be similar in scale to the existing, but would have a reduced set back for the taller element from the front elevation; reduced from 3.3m to a 2m set back. Otherwise, the resulting structure would stand at the same height above ground level; 3m and 4.4m.
- 1.2 The proposal would include a covered walkway structure linking the main house to the outbuilding and provide an alternative level side access to the property. The flank (outer) wall of the structure would replace the existing 1.9m high garden wall with a 2.1m high wall, with a pitched roof rising to 2.5m.
- 1.3 The resulting outbuilding would be similar in form to the existing, comprising windows on the southern elevation. The building would comprise two storeys and would be set slightly below ground level (1.4m at its lowest). New facing materials would match the existing where appropriate, but a new sedum green roof is proposed for the flat roof of the outbuilding.
- 1.4 The proposal seeks alterations to the main listed building to incorporate the linking structure and would replace existing modern full height doors on the rear elevation with a traditional painting timber sliding sash window.

2.0 ASSESSMENT

2.1 The material considerations for this application are summarised as follows:

- Design and Heritage;
- Amenity of neighbouring residential occupants; and
- Impact of excavation.

2.2 Design and Heritage

- 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 that 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 existing outbuilding is a modern addition to this site and makes a neutral contribution to the special interest of the listed building. Improvement of its appearance is welcomed in the interest of the site and the wider Hampstead Conservation Area. Whilst the extended outbuilding would provide more substantial accommodation, this would be achieved partly by lowering the ground floor and setting the building down into the site. As a result, the proposed replacement building would be similar in scale and form to the existing above ground level and would not result in any significant alteration to the appearance of the site.

2.2.4 The outbuilding is mainly appreciated from the site itself and neighbouring private land and is only partially visible from the street. There would be no significant change to public views of the structure, other than a small amount of additional brickwork on the Lakis Road elevation. A condition is recommended requiring the the brick to match the existing structure to ensure consistency in the appearance.

Special Interest of the Listed Building

2.2.5 The proposal would impact upon the listed building through alteration required to incorporate the linking structure. A new timber sliding sash window is proposed to replace full height doors on the rear elevation. The existing doors were later additions and and modern in appearance; their replacement is not contested. The minor intervention within the building is not considered to result in any detrimental impact upon the special interest of the listed building and, coupled with the benefits of improved disability access, is considered to be acceptable. A condition is recommended requiring details of new windows and doors, in the interest of heritage protection.

2.3 Amenity of neighbouring residential occupants

Daylight / Sunlight / Outlook

2.3.1 The proposed replacement building would add a small amount of additional bulk compared to the existing, derived from a lesser set-back of the taller element from the lower. This would result in an additional 1.3m length of 4.4m high side walls. As such, the impact of this additional mass has been considered in terms of light and outlook for neighbouring occupants. The proposed additional mass would not be exceed the height of a 25 degree elevated line drawn from the lowest of neighbouring residential windows (both in Lakis Close and on Flask Walk). As such, in accordance with adopted planning guidance in CPG 6: Amenity, and BRE guidance, further testing of the impact upon daylight / sunlight is not required. To conclude, it is not considered that the proposal would have a significant impact upon existing residential windows neighbouring the site in terms of light or outlook.

Privacy

2.3.2 The existing outbuilding has an outlook back towards houses in Flask Walk from the ground floor and from windows on the recessed taller element. The existing building comprises a small mezzanine level within, which allows views from the upper windows back to neighbouring properties and the main house. The proposed replacement building seeks to establish a more substantial first floor, although still within the same footprint of the existing. Given that the existing building already provides an outlook from the upper windows, there would be no significant difference in terms of overlooking.

2.3.3 The existing building includes a permanent stair access to the lower flat roof. As such, the potential for intrusion into neighbouring properties is significant. The proposed replacement building would remove this access and would result in an improvement upon the privacy that the neighbouring occupants enjoy.

2.4 Excavation

2.4.1 The proposal would involve the lowering of the ground floor within the outbuilding, in order to provide improved head heights. The application has been supplemented by a structural report, which provides further explanation as to the methods of undertaking underpinning and to construct a new lowered raft foundation. The details demonstrate that the amount of

excavation, which would be to a maximum depth of 1.4m, would not be significant.

2.4.2 In accordance with policy DP27 (Basements and Lightwells) and the guidance set out in CPG4 Basements and Lightwells, the proposed excavation would neither provide a new basement level, nor extend an existing one. Coupled with the very small amount of excavation proposed, the submitted information demonstrates that the proposed excavation would meet the requirements of adopted policy and accompanying guidance.

2.5 Impact upon trees

2.5.1 There is a Silver Birch tree located approximately 800mm from the rear wall of the outbuilding. Tree Officers have been consulted with regard to the impact upon the tree, taking into account its proximity to the outbuilding. Given the depth of the existing building and the weight of the load on the soil below the existing building, no significant root presence is envisaged within the footprint of the building.

2.5.2 The applicant has confirmed that investigative works could be undertaken prior to works commencing and that, in the event of roots being discovered, the part of the building nearest to the tree would not be lowered in order to protect the root system of the tree. To ensure the tree is protected in accordance with policies CS6 and DP25, a condition is recommended requiring the approval of a) a methodology for investigation of root presence and b) any mitigation measures, including a revised design and/or location of foundations, prior to works commencing. In the event that revisions to the foundations are required, there would be no impact upon the appearance of the structure above ground level. This is considered to be suitable to ensure the tree is protected in accordance with adopted policy, in the interest of the appearance and biodiversity of the site and conservation area.

3.0 **Recommendation: Grant Conditional Planning Permission and Listed Building Consent**

DISCLAIMER

Decision route to be decided by nominated members on Monday 6th July 2015. For further information please go to www.camden.gov.uk and search for 'members briefing'.

Adrian Salt
Adrian Salt & Pang Limited
13a Lanark Road
London
W9 1DD

Application Ref: **2014/6213/P**
Please ask for: **Neil Collins**
Telephone: 020 7974 4215

2 July 2015

DRAFT

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Householder Application Granted

Address:
**35 Flask Walk
London
NW3 1HH**

DECISION

Proposal:

Extension to the garden annex to provide accommodation on two levels, construction of a covered walkway in the garden courtyard and minor alterations to main single family dwellinghouse (Use Class C3).

Drawing Nos: Fig.1 Rev A; Fig.2 Rev A; Fig.3; Fig.4; Fig.5; Fig.6; Fig.7; Fig.8; Fig.9; Fig 10; Fig.11; Fig.12; Fig.13; Fig.14; Listed Building Design and Access Statement, prepared by Adrian Salt and Pang Limited, dated September 2014; and 108091-REP-001.

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: Fig.1 Rev A; Fig.2 Rev A; Fig.3; Fig.4; Fig.5; Fig.6; Fig.7; Fig.8; Fig.9; Fig 10; Fig.11; Fig.12; Fig.13; Fig.14; Listed Building Design and Access Statement, prepared by Adrian Salt and Pang Limited, dated September 2014; and 108091-REP-001.

Reason:

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

- 4 Detailed drawings, or samples of materials as appropriate, in respect of the following, shall be submitted to and approved in writing by the local planning authority before the relevant part of the work is begun:
 - a) Details including sections at 1:10 of all windows (including jambs, head and cill), ventilation grills, external doors
 - b) Manufacturer's specification details of all facing materials (to be submitted to the Local Planning Authority) and samples of those materials (to be provided on site).

The relevant part of the works shall be carried out in accordance with the details thus approved and all approved samples shall be retained on site during the course of the works.

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.

- 5 The roof of the outbuilding, hereby approved, shall not be used as a roof terrace, and any access shall be for maintenance purposes only.

Reason: In order to prevent any detrimental impacts of overlooking and/or noise and disturbance of the neighbouring premises in accordance with the requirement 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.

6 Prior to the commencement of any works on site, the following details shall be submitted to and approved by the local planning authority:

a) a methodology for investigation of root presence below the existing structure;

b) findings of the investigation required by part a) and details of any mitigation measures demonstrating how trees to be retained shall be protected during construction including, if necessary, the revised design of foundations and associated excavation works.

Such details shall follow guidelines and standards set out in BS5837:2012 "Trees in Relation to Construction". All trees on the site, or parts of trees growing from adjoining sites, unless shown on the permitted drawings as being removed, shall be retained and protected from damage in accordance with the approved protection details.

Reason: To ensure that the development will not have an adverse effect on existing trees and in order to maintain the character and amenity of the area in accordance with the requirements of policy CS15 of the London Borough of Camden Local Development Framework Core Strategy.

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

Adrian Salt & Pang Limited
13a Lanark Road
London
W9 1DDApplication Ref: **2014/6564/L**
Please ask for: **Neil Collins**
Telephone: 020 7974 **4215**

1 July 2015

DRAFT

Dear Sir/Madam

DECISION

Planning (Listed Building and Conservation Areas) Act 1990

Listed Building Consent GrantedAddress:
**35 Flask Walk
London
NW3 1HH****DECISION**

Proposal:

Extension to the garden annex to provide accommodation on two levels, construction of a covered walkway in the garden courtyard and minor internal and external alterations to main single family dwelling house (Class C3).

Drawing Nos: Fig.1 Rev A; Fig.2 Rev A; Fig.3; Fig.4; Fig.5; Fig.6; Fig.7; Fig.8; Fig.9; Fig 10; Fig.11; Fig.12; Fig.13; Fig.14; Listed Building Design and Access Statement, prepared by Adrian Salt and Pang Limited, dated September 2014; and 108091-REP-001

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

Conditions And Reasons:

- 1 The works hereby permitted shall be begun not later than the end of three years from the date of this consent.



Reason: In order to comply with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

- 2 The works hereby approved are only those specifically indicated on the drawings referred to above.

Reason: In order to safeguard the special architectural and historic interest of the building in accordance with the requirements of policy CS14 of the London Borough of Camden Local Development Framework Core Strategy and policy DP25 of the London Borough of Camden Local Development Framework Development Policies.

- 3 All new external and internal works and finishes and works of making good to the retained fabric, shall match the existing adjacent work with regard to the methods used and to material, colour, texture and profile, unless shown otherwise on the approved drawings.

Reason: In order to safeguard the special architectural and historic interest of the building in accordance with the requirements of policy CS14 of the London Borough of Camden Local Development Framework Core Strategy and policy DP25 of the London Borough of Camden Local Development Framework Development Policies.

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