

2015/3901/P – Garden & Ground Floor Flats, 20 Fitzjohn's Avenue

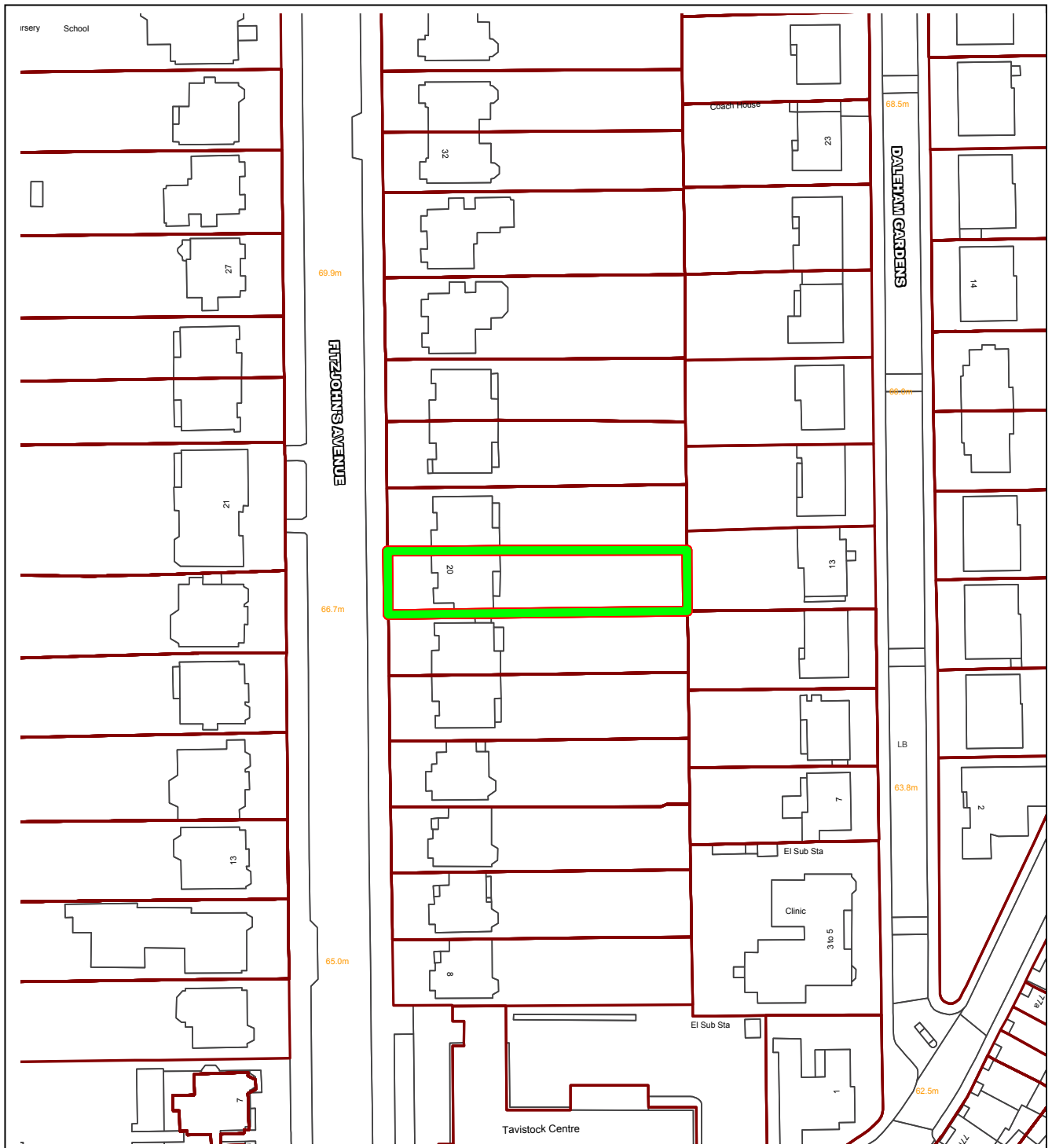


Photo 1: Front of property – view from street



Photo 2: Rear of property – existing external stair and balcony



Photo 3: Rear of property – view of Pear tree and proximity with nos. 20 and 18 (lower rear windows of no. 18 hidden behind tree)



Photo 4: Rear of property – boundary fence between no. 18 and 20



Photo 5: Aerial view – showing large rear gardens, trees & boundaries



Photo 6: Rear of property – view towards rear of garden (taken from approximate position of outermost edge of proposed extension)



Image 7: Rear of property – proposed computer generated image



Delegated Report (Members' Briefing)		Analysis sheet		Expiry Date:	25/09/2015
		N/A		Consultation Expiry Date:	13/08/2015
Officer			Application Number(s)		
Tony Young			2015/3901/P		
Application Address			Drawing Numbers		
Garden & Ground Floor Flats 20 Fitzjohn's Avenue London NW3 5NA			Refer to draft decision notice		
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature		
Proposal(s)					
Erection of single storey rear extension at lower ground floor level with green roof, relocation of external garden access stairs to the left-hand side of garden, and alterations to balcony railings.					
Recommendation(s):		Grant conditional planning permission			
Application Type:		Full Planning Permission			

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	25	No. of responses	09	No. of objections	06
					No. of supports	03
Summary of consultation responses:	<p>Press notice published from 23/07/2015 to 13/08/2015 Site notice displayed from 22/07/2015 to 12/08/2015</p> <p>2 objections received by the occupiers of Flats B and C (no. 18), 3 objections received by the occupiers of Flats A, D and E (no. 22), and 1 objection received by the occupier of Flat 2 (no. 20). These are summarized as follows:</p> <p>1. Property is recognised as a positive contributor within the conservation area so special consideration must be given.</p> <p><u>Officer response:</u> <i>Special attention has been given both as a positive contributor and as the property sits within the Fitzjohns and Netherhall conservation area (see paragraph 5 which applies throughout the report).</i></p> <p>2. Extension of terrace would lead to privacy, overlooking & noise issues (for both nos. 18 & 22) / concern that terrace will be higher than terrace at no. 18.</p> <p><u>Officer response:</u> <i>the proposals do <u>not</u> include a roof terrace and a condition would be attached to ensure that this is the case - see paragraphs 15 (Green roof) and 21-22 (Overlooking / loss of privacy / noise)</i></p> <p>3. Modern design, appearance & materials are out of place with Victorian Terrace / too highly glazed & will result in glare / size of extension and terrace would make it extremely obtrusive / harmony of rear elevations will be ruined.</p> <p><u>Officer response:</u> <i>see paragraphs 7-14 (Design and conservation) which considers the proposed design and materials to be used.</i></p> <p>4. Pear tree should be retained and protected.</p> <p><u>Officer response:</u> <i>see paragraphs 19-20 (Trees) which considers the proposed loss of a pear tree.</i></p> <p>5. Full width extension will lead to loss of light for lower ground and ground floors of adjoining property (No. 22) and loss of daylight to basement flat, particularly in the winter when the sun is well to the south all day.</p> <p><u>Officer response:</u> <i>the extension isn't full width (see paragraphs 7-14, Rear extension) and also paragraphs 21-26 (Amenity) which considers the impact of the proposals on the amenity of neighbouring properties.</i></p> <p>6. Concerns that moving staircase closer to boundary of no. 18 will involve removal of vegetation, reduction in privacy, and result in pathway beside the boundary fence.</p> <p><u>Officer response:</u> <i>the proposals would <u>not</u> involve any loss of vegetation to no. 18 nor any alteration to the boundary, and no new pathway is proposed</i></p>					

	<p>- see paragraphs 16-17 (<i>External garden access_stair</i>) and paragraph 22 (<i>Amenity</i>) which considers the impact of the proposed relocated stair.</p> <p>7. Reduced garden space for other residents and lack of privacy in garden.</p> <p><u>Officer response:</u> see paragraph 8 (<i>Rear extension</i>) and 21-22 (<i>Overlooking, loss of privacy, noise</i>) which considers the impact of the proposals on the size of the garden and privacy issues.</p> <p>8. Development would lower the value of flat (at no. 22).</p> <p><u>Officer response:</u> the impact on property prices is not a relevant planning consideration and cannot be taken into account when assessing the proposals.</p> <p>3 letters/emails of support were received from occupiers of garden flat (no. 16) and owner/occupier(s) at no. 20. These are summarized as follows:</p> <ol style="list-style-type: none"> 1. Extension intrudes only modestly into garden space 2. Clean modernist design more appropriate than cheap historic imitations / design easy on the eye and light in structure / design sympathetic to existing building 3. Privacy is not affected / no loss of sunlight or daylight / no loss of privacy in garden given its' size 4. Acceptable height & depth of extension / volume & size are proportionate 5. Extension at no. 18 now sets precedent.
<p>CAAC/Local groups* comments: *Please Specify</p>	<p><u>Fitzjohn's / Netherhall CAAC:</u> No response</p>

Site Description

The building dates to the mid-19th century and is part of a Victorian row of mainly four and five storey semi-detached red brick and terracotta houses with large rear gardens. The property is located between Maresfield Gardens to the west and Daleham Gardens to the east.

The application site sits within Fitzjohns and Netherhall Conservation Area. The building is not listed, but is identified as making a positive contribution to the conservation area.

Relevant History

TP/34444/3283 - The conversion of 20, Fitzjohn's Avenue, Hampstead. Granted 26/08/1946

9 Fitzjohn's Avenue

2012/6451/P: Change of use from hostel for temporary accommodation of homeless families (Class C1) to single-family dwelling house (Class C3). Granted subject to legal agreement 26/04/2013

18 Fitzjohn's Avenue

2015/0515/P Erection of a ground floor rear conservatory and new stores with roof terrace above, following demolition of existing conservatory and terrace. Granted 06/05/2015

Relevant policies

National Planning Policy Framework 2012

Paragraphs 14, 17, 56 -67, 126 -141

London Plan March 2015, consolidated with alterations since 2011

Policies 7.4, 7.6 and 7.8

LDF Core Strategy and Development Policies 2010

CS5 (Managing the impact of growth and development)

CS13 (Tackling climate change through promoting higher environmental standards)

CS14 (Promoting high quality places and conserving our heritage)

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

CS16 (Improving Camden's health and well-being)
DP22 (Promoting sustainable design and construction)
DP23 (Water)
DP24 (Securing high quality design)
DP25 (Conserving Camden's heritage)
DP26 (Managing the impact of development on occupiers and neighbours)
DP32 (Air quality and Camden's Clear Zone)

Fitzjohns and Netherhall conservation area appraisal and management strategy (February 2001)

Camden Planning Guidance 2013

Assessment

Proposal

1. Planning permission is sought for the erection of single storey rear extension at lower ground floor level with green roof, relocation of external garden access stairs to the left-hand side of garden, and alterations to balcony railings.

Revisions

2. The proposals have been revised following receipt of consultation responses from neighbours and occupiers at the host property. The drawings have been altered to show more clearly that no roof terrace is proposed and that a green roof would be introduced instead. The existing black cast iron external garden stairs that were to be replaced, would now be retained in a relocated position.

Assessment

3. The main planning considerations are considered to be:-
 - the impact of the proposal on the character of the building and the conservation area; and
 - the impact of the proposal on the amenity of neighbouring properties;

Design and conservation

4. Consideration is firstly given to the principle of whether a rear extension is possible in this location. A recent planning permission at the neighbouring property at no. 18 (2015/0515/P dated 06/05/2015) has been granted for the '*erection of a ground floor rear conservatory and new stores with roof terrace above, following demolition of existing conservatory and terrace*'. While the particular circumstances and characteristics of this permission are not wholly comparable to the proposals for no. 20, and without prejudice to these proposals, it is considered that the principle of whether a rear extension is possible is established by this permission.
5. Secondly, when assessing the specific proposals for no. 20 in this application, it is recognised that special attention must be given to the Fitzjohns and Netherhall Conservation Area Statement (adopted February 2001) which states with regard to rear extensions that they "can alter the balance and harmony of a property or a group of properties by insensitive scale, design and inappropriate materials" and recognises the property as a positive contributor within the conservation area.
6. The rear of the wider row of houses (of which the host property is part) is characterised by a substantially regular profile, largely unimpaired by extensions along most of the length of the terrace and with very few projections out from the main buildings except for a few examples of some small conservatories (though a recent permission has been approved for 6.3m deep rear conservatory at the neighbouring property, 18 Fitzjohn's Avenue). Special attention has been given to the proposed rear extension and the relocation of the external staircase and alterations to balcony railings, as they will have an impact on the established building line in this location and the traditional character of this group of neighbouring properties.

Rear extension

7. The proposed single storey rear extension would measure 3.4m in height, 3.2m in depth, and 9.6m in width.
8. Camden Planning Guidance (CPG1 – *Design: 4. Extensions, alterations and conservatories*) requires that extensions should be subordinate to the original building in terms of scale and situation. The existing four-storey main building and sizeable rear garden (approximately 30m long and 13m wide) are considered to be sufficiently large to accommodate an extension of the size proposed while still retaining a reasonably sized garden and the open character of the existing natural landscaping. Further, it is noted that the rear conservatory approved at the neighbouring property (18 Fitzjohn's Avenue) extends significantly further into the rear garden given its' 6.3m depth.
9. The glazed elements of the extension (sliding doors, window panels, and part of the roof nearest the boundary with no. 22) are supported within a dark aluminium frame which provides strong visual support to the upper floors of the building, as well as, giving a distinct sense of solidity to the rear extension itself. The extension occupies only part of the rear elevation and is not full-width. The framing is considered acceptable. The extension would include a type of glass with a significantly reduced reflective percentage in order to minimise glare levels.
10. Further, the design of the rear extension respects the proportions of the existing main building in so far as it is single storey and isn't visible from the street.
11. With regard to the existing building line, the property currently has a stepped or staggered rear building line which the Council would normally wish to preserve in so far as any new extension would be encouraged to replicate this. The proposed rear extension would extend forward as a flat or uniform building line. However, the three solid vertical lines of aluminium framing and metal cladding, with recessed glass, would provide sub-division that would visually softens the proposed building line. As such, the width of the extension would visually respect the proportions of the main building behind. Furthermore, there are examples of full-width extensions that have glazing supported by framing that have been approved nearby (9 Fitzjohn's Avenue – ref: 2012/6451/P).
12. Although the rear extension would be of a modern design, it is considered that the contemporary appearance would sit comfortably within the host property and would not be out of place with the wider traditional Victorian rear terrace. The mix of glazed elements within solid framing would give the extension a balanced appearance and would not appear excessively bulky. Given the size and scale of the proposed extension, it would not dominate the host building but would appear subordinate. The double glazed windows and doors in metal frame and dark aluminium materials would be sympathetic to the host building and the bronzed metal colour would blend in with the red brickwork of the Victorian building and terrace.
13. It is also noted that there is an established pattern of rear decorative balconies amongst some of the properties stretching from nos. 16 to 26 which give these properties a consistent and distinct character. The host property (no. 20) also has this type of balcony enclosed within white timber railings at rear upper ground floor level. The proposals would retain this balcony with only minor alterations to a small section of the white timber railings enclosing it, and so would preserve the character of the host building and wider terrace alongside the proposed contemporary addition below.
14. The design and material of the proposed extension would have an appropriate relationship with the host building and wider terrace, and would be preserve the character and appearance of the Fitzjohns and Netherhall Conservation Area.

Green roof

15. The proposed green roof will occupy part of the roof (approximately 18.5sqm) with the remainder being a glazed roof. A condition would be included to ensure that the green roof includes an acceptable diversity of species and planting, and that it is suitably designed and maintained. Further, with the concerns expressed by occupiers, neighbours and adjoining occupiers in mind, a condition would be attached to prevent the use of the roof as terrace in order to protect neighbouring amenity.

External garden access stairs

16. An existing external garden access stair links the upper ground floor flat with the communal garden area below. The stair is approximately 4.1m in length and 3.4m in height. The proposals would relocate the existing black cast iron stair approximately 1.8m to the south of the current position.
17. Though not an original external stair, the existing black cast iron material and colour would be retained in order to preserve a traditional element at the rear (along with the retained balcony and railings) to complement the contemporary proposed addition. The relocated stair would be approximately 2m away from the boundary wall of no. 18 and would not impact on an existing side access route to the rear garden from the street.

Balcony railings

18. The proposals to relocate the external garden access stairs would involve alterations to the existing white timber balcony railings that currently surround the rear balcony at upper ground floor level. It is proposed that a section of white railing is removed (approximately 1.5m in length) to allow access from the upper ground floor flat to the garden via the proposed newly located stairs, and with a section of railing restored (approximately 1.6m in length) to the gap left by the proposed removal of the existing stair. The proposed alterations to the balcony railings would be acceptable.

Trees

19. The proposal would require the removal of a pear tree that is located in the rear garden within 3m of the host property and adjacent to the boundary fence with no. 22. A tree survey was submitted with this application. A structural report has also been submitted which advises the tree is resulting in damage to the existing rear bay, wall and drainage system. The main trunk is covered in ivy which has grown into the lower crown. The pear tree is not considered to be of particular significance within the local surroundings or conservation area.
20. A condition would be attached to this permission to ensure that a suitable replacement tree would be planted.

Amenity

Overlooking / loss of privacy / noise

21. The proposals do not include a roof terrace and a condition would be included to ensure that the roof is not used as a terrace. The proposals do not include any side windows that might intrude upon the privacy of the adjoining neighbours. The impact in terms of noise or privacy would not be any worse than the current situation.
22. The possible impact of the proposed relocation of the garden access stair on overlooking or loss of privacy would not be significantly greater than is currently experienced from the existing external stair as the proposed stair will be of the same height and length. The stair would move closer to the boundary with no. 18, however, the relocated stair would be approximately 2m away from the boundary fence itself, and therefore any impact from overlooking or loss of privacy would be minimal.

Outlook / daylight and sunlight

23. Given the proposed position of the rear extension in relation to the neighbouring property, no. 18, the proposed extension would have no discernible impact on amenity in terms of outlook or loss of daylight / sunlight.
24. The wall of the proposed extension nearest the boundary fence with no. 22 would measure 3.4m in height and 3.2m in depth. The boundary fence itself is approximately 1.9m in height and would be approximately 0.65m away the proposed extension. The rear lower ground floor window nearest the proposed extension would be approximately 1.5m from the edge of the extension. This ground floor room benefits from two windows so the impact of the proposals on the outlook from this room would be

minimal. Furthermore, given this window's proximity to the existing boundary fence and pear tree, the additional height of the extension would not unduly impact on the amenity of the neighbouring ground floor flat in terms of daylight and sunlight.

25. In order to address the amenity of no. 22, the applicant has revised the dimensions of the extension from their initial proposals in order to set it back from the boundary fence by a further 0.4m (to approximately 0.65m) and also reduced the depth by 0.4m (to approximately 3.2m).
26. Overall, it is therefore considered that the amenities of existing neighbouring occupiers are not unduly impacted in terms of overlooking, outlook and loss of daylight/sunlight, in accordance with policies CPG6 (*amenity*) and DP26 (*Managing the impact of development on occupiers and neighbours*).

Recommendation

27. Grant planning permission.

DISCLAIMER

Decision route to be decided by nominated members on Monday 21st September 2015.
For further information please click [here](#)

Mr Pravin Muthiah
Coupdeville
Unit 1A
Woodstock Studios
36 Woodstock Grove
Shepherds Bush
London
W12 8LE

Application Ref: **2015/3901/P**
Please ask for: **Tony Young**
Telephone: 020 7974 **2687**

17 September 2015

DRAFT

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Full Planning Permission Granted

Address:
Garden & Ground Floor Flats
20 Fitzjohn's Avenue
London
NW3 5NA

DECISION

Proposal:

Erection of single storey rear extension at lower ground floor level with green roof, relocation of external garden access stairs to the left-hand side of garden, and alterations to balcony railings.

Drawing Nos: Site location & site plan (S-01); EX-01 to EX-03 (inclusive), EX-04 Rev A, EX-05 Rev A, EX-06 & EX-07; PL-01 Rev C, PL-02 Rev C, PL-03 Rev B, PL-04 Rev D, PL-05 Rev D, PL-06 Rev D; Arboricultural report (April 2015) & email (25/08/2015) from Urban Green; Structural report from QED Structures Ltd (03/07/2015); Design & access statement (June 2015) & General Design Notes document (received 24/08/2015); supporting visual images (received 09/07/2015).

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 (Promoting high quality places and conserving our heritage) of the London Borough of Camden Local Development Framework Core Strategy and policy DP24 (Securing high quality design) and DP25 (Conserving Camden's heritage) 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 & site plan (S-01); EX-01 to EX-03 (inclusive), EX-04 Rev A, EX-05 Rev A, EX-06 & EX-07; PL-01 Rev C, PL-02 Rev C, PL-03 Rev B, PL-04 Rev D, PL-05 Rev D, PL-06 Rev D; Arboricultural report (April 2015) & email (25/08/2015) from Urban Green; Structural report from QED Structures Ltd (03/07/2015); Design & access statement (June 2015) & General Design Notes document (received 24/08/2015); supporting visual images (received 09/07/2015).

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

- 4 Prior to commencement of the relevant part of the development, a plan showing details of the green roof including species, planting density, substrate and a section at scale 1:20 showing that adequate depth is available in terms of the construction and long term viability of the green roof, and a programme for a scheme of maintenance shall be submitted to and approved in writing by the local planning authority. The green roof shall be fully provided in accordance with the approved details prior to first occupation and thereafter retained and maintained in accordance with the approved scheme of maintenance.

Reason: To ensure that the green roof is suitably designed and maintained in accordance with the requirements of policies CS13 (Tackling climate change through promoting higher environmental standards), CS14 (Promoting high quality places and conserving our heritage), CS15 (Protecting and improving our parks and open spaces and encouraging biodiversity) and CS16 (Improving Camden's health and well-being) of the London Borough of Camden Local Development Framework Core Strategy and policies DP22 (Promoting sustainable design and construction), DP23 (Water), DP24 (Securing high quality design) and DP32 (Air quality and Camden's Clear Zone) of the London Borough of Camden Local Development Framework Development Policies.

- 5 Prior to the commencement of any works on site and to the end of the next available planting season, replacement tree planting shall be carried out in

accordance with details of replanting species, position, date and size, where applicable, that have first been submitted to and approved by the local planning authority in writing.

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 policies CS14 (Promoting high quality places and conserving our heritage) and CS15 (Protecting and improving our parks and open spaces and encouraging biodiversity) of the London Borough of Camden Local Development Framework Core Strategy.

- 6 Prior to the commencement of any works on site, details demonstrating how trees to be retained shall be protected during construction work shall be submitted to and approved by the Council in writing. 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 (Protecting and improving our parks and open spaces and encouraging biodiversity) of the London Borough of Camden Local Development Framework Core Strategy.

- 7 The roof hereby approved area shall not be used as a roof terrace and shall only be accessed for maintenance purposes.

Reason: In order to prevent unreasonable overlooking of neighbouring premises in accordance with the requirements of policy CS5 (Managing the impact of growth and development) of the London Borough of Camden Local Development Framework Core Strategy and policy DP26 (Managing the impact of development on occupiers and neighbours) 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