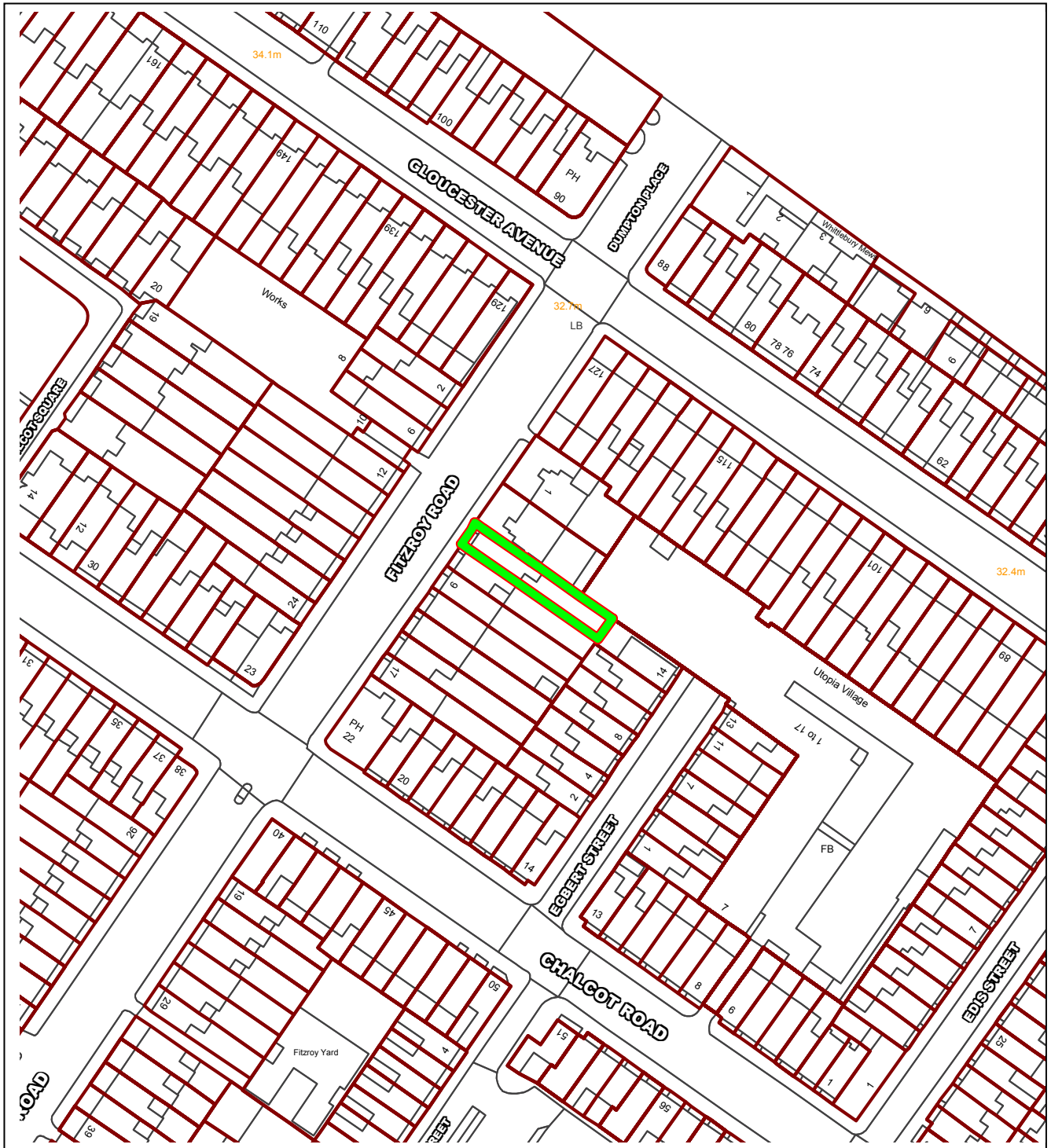


5a Fitzroy Road



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1. Front of peroperty



2. Rear of property towards garden



3. Rear elevation of building



4. Rear elevation of building in context with rear of nos. 7 & 9 Fitzroy Road



5. View towards rear of garden



6. View towards rear of garden and northern boundary with Utopia village



7. T1

Delegated Report (Members' briefing)		Analysis sheet N/A	Expiry Date: 21/09/2015
			Consultation Expiry Date: 27/08/2015
Officer		Application Number(s)	
Tania Skelli-Yaoz		2015/3766/P	
Application Address		Drawing Numbers	
5A Fitzroy Road London NW1 8TU		See decision notice	
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature
Proposal(s)			
Front lightwell part infill with replacement main entrance, external alterations to rear and side elevations and erection of outbuilding in rear garden.			
Recommendation(s):	Grant planning permission		
Application Type:	Full Planning Permission		

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	10	No. of responses	02	No. of objections	01
			No. electronic	00		
Summary of consultation responses:	<p>A site notice was erected on the 31st of July 2015 and the proposal was advertised in the Press on the 6th August 2015. 10 neighbours were notified of the proposal by post.</p> <p>1 objection and 1 comment were received from adjoining occupiers with the key points of concern summarised as follows:</p> <ul style="list-style-type: none"> - Risk to TPO tree in grounds of no. 7 (identified as T1) - Proposed excavation (360mm) risks failure to party wall and garden wall - Loss of vegetation to rear - loss of natural screening to industrial building behind (utopia village) - Loss of privacy from outbuilding - Would like to see replacement tree/s and green roof to outbuilding <p>Officers' comments:</p> <ul style="list-style-type: none"> - See Trees assessment below - See sections 1.14 and 3.4 below - With regards to loss of vegetation, screening and privacy please see sections 3.3 and 4.2. - Green roof and new tree details are conditioned - no underpinning proposed and no intrusive structural new foundations 					
CAAC comments:	<p><u>Primrose Hill Conservation Area Advisory Committee:</u> Objection</p> <p>The proposed loss of garden space, from 80sqm to 44.5sqm, is excessive. It seems to be suggested that because the property adjoining the rear garden is a building, this infill is acceptable. But that argument would allow the cumulative attrition, step-by-step, of all the gardens in this terrace, which would clearly be against Camden's policy statement at CPG1 4.22 that 'may detract from the generally soft and green nature of gardens and other open space, contributing to the loss of amenity for existing and future residents of the property.' The question is then, at what point does the 'green' area begin, and how far can it be lost here. Loss of close to half the 'green' space cannot be acceptable and would set a very dangerous precedent for ecological loss, including loss of permeability, in the conservation area.</p> <p>The inappropriate alterations – clumsy and disproportionate – to the rear elevation neither enhance nor preserve the character and appearance of the conservation area.</p> <p>Officers' Comments:</p> <p><i>The existing garden area is 86-100sqm in total. The outbuilding is 17sqm and the remaining garden area will be at least half (considering the open nature of the surrounding patio) retaining some 70sqm of open garden. The proposal will therefore still retain a significant amount of garden space and is in accordance with policy.</i></p>					

Site Description

The subject site is located on the east side of Fitzroy Road. The property is a lower ground 2-bed flat within a terraced property with an average size garden (approx. 86sqm). The rear garden currently includes a small shed and has sole use of the LG flat. To the rear and east of the site, within the property boundaries of no. 7 Fitzroy Road are 2x TPO trees: T1: Tree of Heaven and T2: Cherry. Access to the garden is via the flat only.

The property is not listed but located within the Primrose Hill Conservation Area.

Relevant History

Adjoining sites:

9 Fitzroy Road

2013/7740/P Planning permission granted on 07/03/2014 for the installation of single storey timber outbuilding in rear garden.

11 Fitzroy Road

2007/3602/P Planning permission granted on 13/09/2007 for the erection of a single storey summer house at the bottom of the rear garden of the dwelling house.

17 Fitzroy Road

2011/0776/P Planning permission granted on 05/04/2011 for the erection of single-storey, conservatory-style rear extension at lower ground floor level to existing flat (Class C3)

19 Fitzroy Road

2012/5316/P Planning permission granted on 26/11/2012 for the alterations to front lightwell including new staircase, creation of cupboard under stairs, opening up of vault to create bike store and installation of glazed screen and door below ground floor entrance all in connection with existing residential dwelling (Class C3).

Relevant policies

National Planning Policy Framework 2012

The London Plan 2015, consolidated with amendments since 2011

LDF Core Strategy and Development Policies 2010

- CS5 (Managing the impact of growth and development)
- CS14 (Promoting high quality places and conserving our heritage)
- DP24 (Securing high quality design)
- DP25 (Conserving Camden's heritage)
- DP26 (Managing the impact of development on occupiers and neighbours)

Camden Planning Guidance 2011 (Updated 2015)

- CPG1 (Design)
- CPG6 (Amenity)

Primrose Hill conservation area statement 2000

Assessment

1.0 Proposal

1.1 Planning permission is sought for:

1.1.1 The erection of a rear garden timber outbuilding. The outbuilding is to be used as a gym and additional accommodation and would be 6.2 long x 2.8m wide (17sqm) and 2.5m high at the tallest point with a green flat roof. The building is to be built adjacent to the northern boundary, flanking the side wall of the Utopia Village party wall, both sides are set back from the boundaries. The outbuilding is proposed with a small raised deck area to its south and west. The outbuilding is proposed with fully glazed elevations to its south and west.

1.1.2 Alterations to the lower ground floor rear elevations to include new fenestration (metal, glass and timber) to all openings.

1.1.3 Infill of 1x front vault to be used as storage and part infill of front lightwell, under stairs, to allow for re-positioning of front door and free circulation with the front vault.

1.1.4 Lowering of rear floor level by 260mm in the extended part of the building (not main original part). This was revised to be reduced from the original 360mm.

2.0 Assessment

The main planning issues to be considered are the impact of the proposal in terms of design and conservation and the impact of the proposal on the amenity of neighbours.

3.0 Design & Conservation

3.1 Camden Planning Guidance states that the construction of garden buildings, including sheds, stand-alone green houses and other structures in rear gardens, can often have a significant impact upon the character of an area. The Council therefore seek to ensure the siting, location, scale and design of the proposed development has a minimal visual impact on, and is visually subordinate to, the host and surrounding gardens.

3.2 The proposed outbuilding is of a reasonable size and scale (17sqm; without surrounding patio) and the property would retain a reasonably sized garden (69sqm = more than half) where mature vegetation could be sustained, as required by policy and guidance. [The garden (86sqm) is measured from the eastern end to the start of the patio outside the rear elevation and therefore is closer to 100sqm.] A similar sized outbuilding was recently approved at no. 9 Fitzroy Road (18sqm). Its height is reasonable at 2.5m, lower than the neighbouring approved outbuilding and is supplemented with a green roof to enhance its appearance in its environment.

3.3 The proposed wood material is considered appropriate for a back garden development and would assist to integrate the structure in the garden, minimising its visual impact. Given its location, at the far / northern end of the garden, the outbuilding is not considered harmful to the character and appearance of the property or the conservation area generally. Specifically, its siting along the blank side wall of the rear of Utopia Village will retain long views from the first floor flat (above the subject property) towards the rear of 14 Egbert Street.

3.3 The alterations to the rear elevation include replacement windows of two styles. The windows are proposed to match the existing materials within the building and include a large glazed bay window which is not of traditional glazing pattern, however, similar examples of recent development can be seen along the rear of the terrace at no. 7 and no. 9 at higher levels (upper ground floor). The alterations will include the replacement of non-historic fenestration and the tidying-up of unsightly pipework. The alterations to the front also follow similar examples in the area. They will not be readily seen unless viewed from the top of the lightwell and are considered in keeping with the building and the area. Accordingly, these works are considered to conserve and enhance the character and appearance of the property or the conservation area generally.

3.4 The proposed lowering of the rear floor by 2.6cm is considered minimal. It will not involve underpinning and is not considered to require further supplementary information such as a Basement Impact Assessment. Any structural issues will be addressed under the Party Wall Act.

4.0 Amenity

4.1 CPG6 Amenity states: "Development should be designed to protect the privacy of both new and existing dwellings to a reasonable degree. Spaces that are overlooked lack privacy. Therefore, new buildings, extensions, roof terraces, balconies and the location of new windows should be carefully designed to avoid overlooking. The degree of overlooking depends on the distance and the horizontal and vertical angles of view.

The most sensitive areas to overlooking are:

- Living rooms;
- Bedrooms;
- Kitchens; and
- The part of a garden nearest to the house.

4.2 The studio is sensitively sited to the rear of the rear garden and is located sufficiently away from window openings and immediate rear garden area to the rear of surrounding neighbouring properties as not to create any overshadowing, loss of daylight or sunlight, overlooking or a loss of or privacy to any adjoining neighbouring occupiers. The patio and seating area to the front of the outbuilding is considered in a location and scale that is reasonable in its setting in a residential garden and is not considered to result in additional overlooking necessarily. Due to its size it is unlikely to create adverse noise and disturbance to surrounding neighbouring properties. In any instance these may be covered by Environmental Health legislation should they arise at any point.

4.3 As mentioned above, the proposal result in the retention of at least half of its original size of garden and therefore would allow sufficient space for outdoor amenity for future occupiers.

4.4 The impacts of the vault to the front would not affect either the host property or any neighbouring occupiers.

4.5 Accordingly, the proposal is not considered to result in an adverse impact of the amenity of future occupiers and the existing surrounding occupiers in the area and therefore complies with policy DP26.

5.0 Trees/biodiversity

5.1 The development has potential to adversely affect two offsite trees, most notably T1, the larger of the two. In order to address this concern the outbuilding is proposed without traditional invasive foundations but with bearing pads, electrical services routed via the northern boundary and protection of T1 during construction. This was assessed by the tree Officer and considered acceptable.

5.2 Details of the green roof and replacement / new tree (to replace some of the vegetation and young non TPO trees) are recommended to be conditioned.

6.0 Recommendation

6.1 In summary, it is considered that the proposal would comply with relevant design and amenity policies and consequently approval is recommended subject to conditions.

DISCLAIMER

Decision route to be decided by nominated members on [12th October 2015]. For further information please go to www.camden.gov.uk and search for 'members briefing'

Mr Enric Torner
37D Dancer Road
London
SW6 4DU

Application Ref: **2015/3766/P**
Please ask for: **Tania Skelli-Yaoz**
Telephone: 020 7974 **6829**

7 October 2015

DRAFT

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Full Planning Permission Granted

Address:
5A Fitzroy Road
London
NW1 8TU

DECISION

Proposal:

Front lightwell part infill with replacement main entrance, external alterations to rear and side elevations and erection of outbuilding in rear garden.

Drawing Nos: Site location plan, (As existing:) Fitz-ExGA00-P1, Fitz-ExGA00-P1, Fitz-ExGS01-P1, Fitz-ExGE01-P1, (As proposed:) Fitz-GA00-P1, Fitz-GA00-P2, Fitz-GS01-P2, Fitz-GE01-P2, Supplementary information: Bauder Technical Data Sheet, Arboricultural Impact Assessment ref. P2353.1.3 dated 6th October 2015, Design & Access Statement June 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 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: Site location plan, (As existing:) Fitz-ExGA00-P1, Fitz-ExGA00-P1, Fitz-ExGS01-P1, Fitz-ExGE01-P1, (As proposed:) Fitz-GA00-P1, Fitz-GA00-P2, Fitz-GS01-P2, Fitz-GE01-P2, Supplementary information: Bauder Technical Data Sheet, Arboricultural Impact Assessment ref. P2353.1.3 dated 6th October 2015, Design & Access Statement June 2015.

Reason:

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

- 4 Prior 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, 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.

- 5 Prior to the first occupation of the building 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, CS14, CS15 and CS16 of the London Borough of Camden Local Development Framework Core Strategy and policies DP22, DP23, DP24 and DP32 of the London Borough of Camden Local Development Framework Development Policies.

- 6 The outbuilding hereby approved shall only be used for purposes incidental to the residential use of No. 5 Fitzroy Road and shall not be used as a separate independent Class C3 dwelling.

Reason: To ensure that the outbuilding does not adversely affect the amenity of adjoining residential premises and is not used for unauthorised purposes, in accordance with policies CS1 (Distribution of growth), CS5 (Managing the impact of growth and development), CS6 (Providing quality homes), DP2 (Making full use of Camden's capacity for housing), DP5 (Homes of different sizes), DP6 (Lifetime homes and wheelchair homes) and DP26 (Managing the impact of development on occupiers and neighbours) of the London Borough of Camden Local Development Framework Core Strategy.

- 7 All work shall be carried out in accordance with the relevant recommendations of British Standard 3998: 2010. (Recommendation for Tree Work)

Reason: To ensure the preservation of the amenity value and health of the tree(s).

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

DRAFT

DECISION