

Mr RICHARD COHEN  
RICHARD COHEN  
47 HOLMEFIELD COURT  
BELSIZE GROVE  
London  
NW3 4TT

Application Ref: **2015/6898/P**  
Please ask for: **Matthias Gentet**  
Telephone: 020 7974 **5961**

11 February 2016

Dear Sir/Madam

## **DECISION**

Town and Country Planning Act 1990 (as amended)

### **Full Planning Permission Granted**

Address:

**Flat 2**  
**104 Fitzjohn's Avenue**  
**London**  
**NW3 6NT**

Proposal:

Erection of single storey rear extension, replacement of existing doors and windows with new doors and double glazed windows to front and rear elevations, relocation of front door, rebuilding of the existing brick front boundary wall and replacement of timber gate, hard and soft landscaping, excavation in the rear garden, enlargement of rear garden access steps and enlargement of terrace area, erection of bin store in the front garden, addition of timber cladding to existing rear boundary walls and external lighting, all in connection with ground floor flat (Class C3).

Drawing Nos: Email from Farmer Will Gardens (dated 14/01/2016); Site Location Plan; [1512] - 0520 Rev B - Design and Access Statement; 0550 Rev B; 0590 (Tree Report - 07/12/2015); 1010 Rev B; 1015 Rev D; 1020 Rev C; 1025 Rev A; 1029 Rev B; 1030 Rev D; 1035 Rev B; 1031 Rev A; SK0010 Rev A (page 1 to 3); 160114 - 3D View of Glass Barrier; 160122 - Rear Courtyard Backfill - Sketches

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: Email from Farmer Will Gardens (dated 14/01/2016); Site Location Plan; [1512] 0520 Rev B - Design and Access Statement; 0550 Rev B; 0590 (Tree Report - 07/12/2015); 1010 Rev B; 1015 Rev D; 1020 Rev C; 1025 rev A; 1029 Rev B; 1030 Rev D; 1035 Rev B; 1031 Rev A; SK0010 Rev A (page 1 to 3); 160114 - 3D View of Glass Barrier; 160122 - Rear Courtyard Backfill - Sketches

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

- 4 All hard and soft landscaping works shall be carried out in accordance with the approved landscape details. Any trees or areas of planting which, within a period of 5 years from the completion of the development, die, are removed or become seriously damaged or diseased, shall be replaced as soon as is reasonably possible and, in any case, by not later than the end of the following planting season, with others of similar size and species, unless the local planning authority gives written consent to any variation.

Reason: To ensure that the landscaping is carried out within a reasonable period and to maintain a high quality of visual amenity in the scheme in accordance with the requirements of policy CS14 and 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.

Informative(s):

- 1 Reasons for granting permission.

The existing non-original windows and doors would be replaced by double glazed timber frame sash windows and doors and would unify the appearance of the

building. This would enhance the character and appearance of the building and would be considered acceptable.

The proposal would include the rebuilding of the front boundary wall that is currently bowing out over the pavement. It would be built in facsimile to the existing boundary wall and would therefore be supported. A condition would be attached to ensure that all materials match the existing.

The infill extension on the rear elevation is modest in size and would not harm the character or appearance of the building.

The other works including the erection of a bin store and the landscaping of the front and rear gardens. The bin store would not project above the front boundary wall and would be of an acceptable design. Its location would not have a detrimental impact on the Lime tree in the front garden.

Extensive excavation works in the rear garden have already taken place prior to the determination of the application to construct the widened garden stairs. This encroachment into the rear garden is considered unacceptable as well as detrimental to the safety and stability of the lime tree. An informative has been attached reminding the applicant that the rear garden level excavation must not be any more than 1.8m in line with the proposed ground floor plan.

The proposed glass balustrade in the rear garden is not of traditional material or design and would be seen as inappropriate. A small brick wall would be more in keeping with the conservation area and the host building. However, taking into consideration the rear garden which provides a rather secluded environment surrounded by boundary walls, trees, a garage and its position away from view from the street, the addition of the glass balustrade can be viewed as acceptable in this instance only despite its non-traditional material and design but must not be seen to set a precedent for similar proposals in other locations.

The proposal will preserve and enhance the appearance and character of the host building, and surrounding conservation area.

The development would have no adverse impact on the adjoining neighbours' amenity in terms of loss of light, outlook or privacy.

The site's planning history was taken into account when coming to this decision. One objection was received that has been taken into consideration when coming to this decision.

Special attention has been paid to the desirability of preserving or enhancing the character or appearance of the conservation area, under s.72 of the Listed Buildings and Conservation Areas Act 1990 as amended by the Enterprise and Regulatory Reform Act (ERR) 2013.

As such, the proposed development is in general accordance with policies CS5 and CS14 of the London Borough of Camden Local Development Framework Core Strategy, and policies DP24, DP25 and DP26 of the London Borough of Camden

Local Development Framework Development Policies. The proposed development also accords with policies 7.4, 7.6 and 7.8 of the London Plan 2015 consolidated with alterations since 2011; and paragraphs 14, 17, 56 -68, 126 -141 of the National Planning Policy Framework.

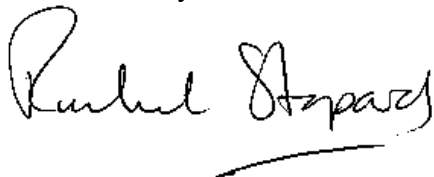
- 2 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts which cover aspects including fire and emergency escape, access and facilities for people with disabilities and sound insulation between dwellings. You are advised to consult the Council's Building Control Service, Camden Town Hall, Argyle Street WC1H 8EQ, (tel: 020-7974 6941).
- 3 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.
- 4 The applicant is reminded that the rear garden levels should be reinstated in accordance with the approved proposed ground floor plan no: 1512 - 1030 rev D. Failure to comply with the approved plan could result in enforcement action being taken.

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



Rachel Stopard  
Director of Culture & Environment