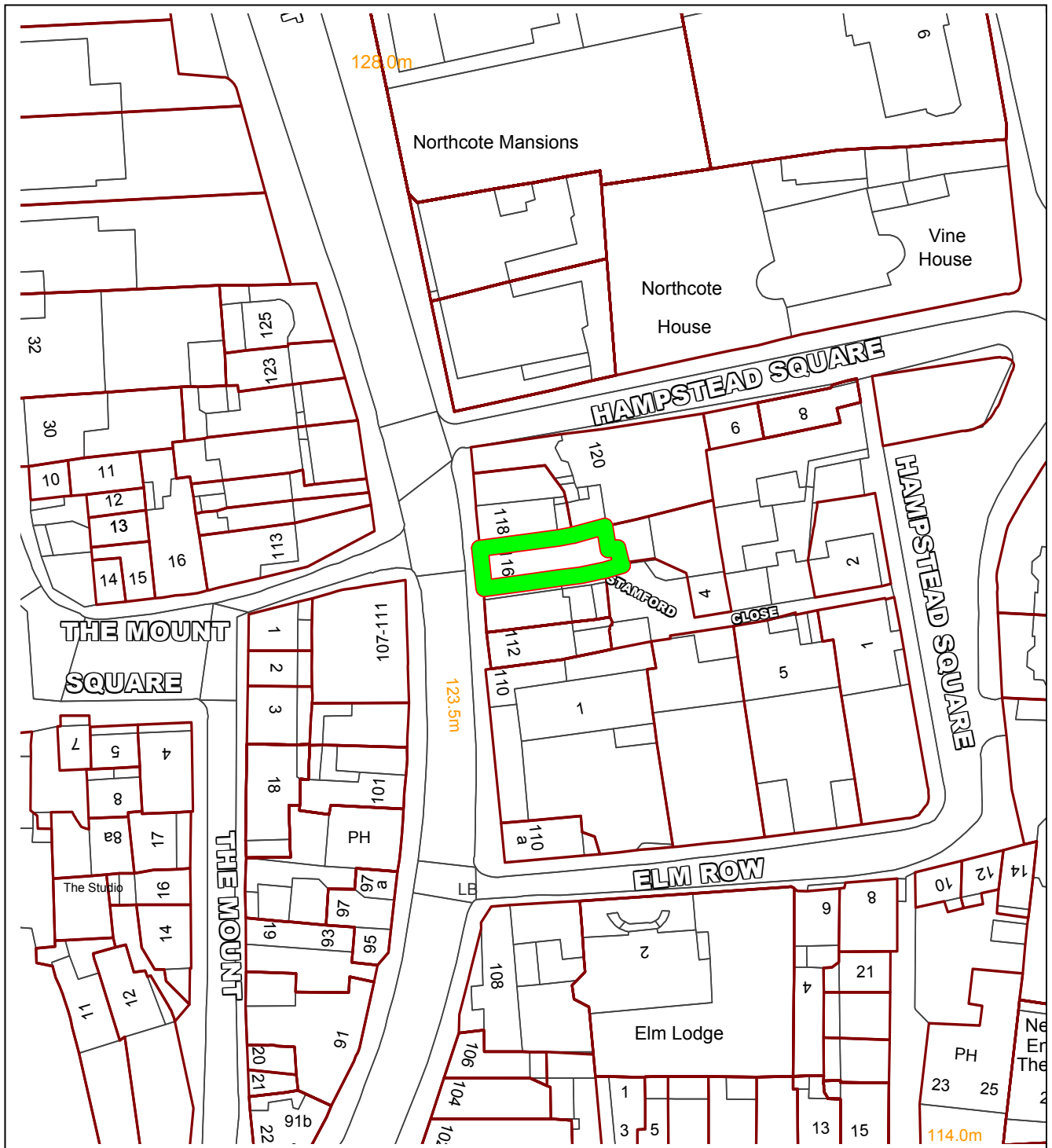


116 Heath Street – Site location plan



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116 Heath Street – Pictures



1. Birds eye view of Stamford Close. Red arrow points at application site.



2. Rear of 116 Heath Street.



3. Rear/ side views of 116 Heath Street.



4. Stamford Close.



5. View of Stamford Close from passage from Heath Street.

Delegated Report (Members Briefing)		Analysis sheet		Expiry Date:	19/04/2016
		N/A / attached		Consultation Expiry Date:	
Officer			Application Number(s)		
Carlos Martin			2016/1012/P		
Application Address			Drawing Numbers		
116 Heath Street London NW3 1DR			Refer to draft decision notice		
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature		
Proposal(s) Erection of single storey rear extension to replace existing timber structure and replacement of obscure glass windows to south and east elevations of existing extension with new part obscure/ part clear glass windows.					
Recommendation(s):		Grant planning permission subject to conditions			
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	03	No. of objections	03
Summary of consultation responses:	<p>Press notice published from 24/03/2016 to 14/04/2016 Site notice displayed from 23/03/2016 to 13/04/2016</p> <p>3 objections received from the owners/occupiers of 116A Heath Street, 4 Hampstead Square & 1 Elm Row, raising the following issues:</p> <ol style="list-style-type: none">1. The owner of the lease is in breach of the lease he has collected money for damp proofing and not carried it out. He has also omitted to pay his due to the building insurance. In my experience once planning permission has been requested by someone in breach of contract or default, the Council should not consider it until the matter has been clarified.2. It does not describe how the beams for the roofing will be done. It does not state if the coping stones are an identical height to the internal flooring or ceiling.3. There has been none of the usual posters or letters to neighbours which traditionally go out to anyone who might be adversely affected by a planning application.4. I consider this to be over-development. Its location and bulk is inappropriate and will further diminish the character of the Conservation Area.5. The proposal creates additional and increased overlooking into neighbouring properties. The part obscured windows are inappropriate; the proposed east-facing windows are situated on the boundary line and will look straight into the private garden of 4 Hampstead Sq and parts of the house from a closer distance.6. Any solid walls are not acceptable due to the proposed location and the effect of further blocking out sunlight and daylight from neighbouring properties.7. As the proposed necessitates construction on the property line it will undoubtedly create nuisance, disruption, noise & dirt to be inflicted. Also concerned about the rain and surface water disposal provisions; they are not clarified.8. The fact that numbers 114 & 112 Heath Street maintained their rear open spaces and this did not happen at number 116 Heath Street should be noted. The solid bulk and mass of the proposed to be added at that height.9. There are also concerns about the threat to the ground stability that this proposal may cause.10. The application seeks permission from you to build a third floor over what was essentially and originally garden walls.					

	<p><u>Officer's comments:</u></p> <ol style="list-style-type: none"> 1. Ownership issues are not planning matters. The granting of planning permission does not override any other permission that the applicant may need to carry out the development. 2. The application proposes a flat felt roof. 3. According to our records, the consultation was carried out with consultation letters sent to anyone sharing a boundary with the site and site and press notices published/displayed. 4. The proposed extension is designed to match the existing and given its moderate size and scale it is not considered to be overdevelopment. 5. The proposed windows are obscure glazed up to a height of 1.7m from floor level. This will prevent any overlooking into neighbouring properties while allowing additional natural light into the room, thus reducing the need to rely on artificial light, which is promoted by the overall sustainability emphasis of Camden's LDF. 6. It is not considered that the modest size and scale of the proposed extension would result in any significant loss of light to no. 4 Hampstead Square. The extension would be approx. 2m high by 2m wide and 1.7m deep. With these dimensions the impact of the proposal on natural light levels would be marginal, especially given its location against a considerably higher building. 7. Disturbance during building works is not a valid planning objection. However, any permission will have a condition attached to remind the applicant about building hours. Party wall legislation is likely to cover any boundary issues, including surface water disposal. 8. It is noted that nos. 112 and 114 have retained their garden space. In the case of no. 116, this was lost due to it being a commercial property. Given the small area that the extension proposes to cover, it is not considered that it would constitute a useful outdoor amenity space. 9. If planning permission is granted, the proposal will have to pass building regulations, which will ensure that the works are carried out safely. 10. It is acknowledged that the site has been extensively altered. However, the proposed extension is not considered to detrimentally affect the host building due to its modest size and sympathetic design which matches the existing extension.
<p>CAAC/Local groups* comments: *Please Specify</p>	<p>Hampstead CAAC: No response.</p>

Site Description

The application site relates to a 4-storey property located on the east side of Heath Street, with commercial use on the ground floor (currently being converted into a dental surgery, Class D1) and residential accommodation above (Class C3). The rear of the property faces toward Stamford Close, a courtyard off Hampstead Square. The site is not listed but falls within the Hampstead Conservation Area and has been identified as making a positive contribution to the character and appearance of the CA.

Relevant History

2015/4156/P: Change of use of ground and lower ground floor from restaurant (A3) to dental surgery (D1). **Granted** 01/10/2015.

2010/6091/P: Retention of single storey ground floor wooden trellis structure with pvc roof on rear elevation of existing restaurant (Class A3). **Refused** 11/01/2011.

Reasons for refusal:

The existing structure, by reason of its design, location and materials, is detrimental to the character and appearance of the host building and the Hampstead Conservation Area, contrary to policy CS14 (Promoting high quality places and conserving our heritage) of the London Borough of Camden Local Development Framework Core Strategy and policies DP24 (Securing high quality design) and DP25 (Conserving Camden's Heritage) of the London Borough of Camden Local Development Framework Development Policies.

2010/5942/P: Non material amendment to 3-pane window from 5-pane window in association with planning permission 2004/5356/P granted 21 March 2005 for replacement of the existing rear 1st floor conservatory with a new glazed rear extension. **Granted** 09/12/2010.

2004/5356/P: pp **granted** for the replacement of the existing rear 1st floor conservatory with a new glazed rear extension.

PW9802947: pp **granted under appeal** for the erection of timber glass conservatory over existing flat roof at upper ground floor level. 07/03/2000.

PW9802817: pp **granted** for the retention of the existing French doors at rear upper ground floor level, together with the installation of steel railings fixed internally to the doorframe to restrict access to the flat roof beyond and the retention of a trellis fence on the north and east boundaries. 17/07/2000.

9401547 & 9460159: pp and cac **granted** for the demolition of the boundary walls to the existing open yard at rear basement level and infilling of the open yard to provide a new kitchen for the restaurant together with the provision of an enclosed service lift at rear ground floor level. 16/02/1995.

9401572: pp **refused** for the erection of a two storey rear extension to be used for restaurant purposes. 24/02/1995. Reason for refusal: *The proposed glazed extension at rear ground floor level would have an adverse effect on the appearance of the building and the character/ visual amenity of the Conservation Area by reason of its location, bulk and detailed design.*

9200168: pp **granted under appeal** for the change of Use from retail to restaurant use with ancillary use for art exhibition purposes. 28/04/1992.

9005228 & 9070867: pp and cac **granted** for the erection of a roof extension for residential purposes. 17/10/1990.

Relevant policies

National Planning Policy Framework 2012

The London Plan 2015

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

Assessment

1. Planning permission is sought for the erection of single storey rear extension to replace and existing timber structure and for the replacement of obscure glass windows to south and east elevations of existing extension with new part obscure/ part clear glass windows.

Proposal description

2. The proposed extension would be built in white render and would feature windows to match in design and materials those of the existing extension. The extension would be approx. 2m high by 2m wide and 1.7m deep and would replace an existing timber structure, which was refused permission in 2010 (see history section above).

Planning considerations

3. The main material planning considerations are:-
 - i) the impact of the proposal on the character of the building and the conservation area; &
 - ii) the impact of the proposal on the amenity of neighbouring properties;

Design and conservation

4. Stamford Close is a York stone paved courtyard linking Hampstead Square to Heath Street. It lies at the heart of the Hampstead Conservation Area, in a subarea dated from the early 18th century through the 19th century, characterised by a network of lanes and narrow alleys punctuated by small and irregularly shaped spaces of great charm, such as Stamford Close, as identified in the Hampstead CA Statement. The courtyard is surrounded by listed buildings: nos. 112, 114, 118 & 120 Heath Street (Grade II), 1 & 3 Elm Row (Grade II* and Grade II respectively) and 4 Hampstead Square (Grade II), which enhance its importance to the conservation area. 16 Heath Street is a four storey building with each storey being deeper than the storey above. The basement floor has been fully enclosed to extend the former's restaurant kitchen. The ground floor has been also extended, first with a conservatory and later with a replacement extension. The area where the subject structure is located was the only area of the ground floor not being enclosed.
5. Current Council conservation policies state that alterations and extensions should be carried out in materials which match the original building, or, where appropriate, in materials which complement or enhance the building. The proposed extension would match the existing, would not be out of keeping with the streetscene and therefore it is considered to be acceptable, as it causes no visual harm to the historic character and appearance of the area or to the architectural quality of the property or Stamford Close.

Amenity

6. Given its location and size, the subject structure is not considered to result in any significant loss of amenity for neighbouring properties in terms of loss of light or increased sense of enclosure. While the proposal involves the installation of clear glass in the existing and proposed windows, obscure glass will be retained (or installed) on the lower part of the windows below 1.7m from floor level. This will ensure that the privacy of surrounding properties is maintained while allowing additional natural light in the interior of the extension.

Conclusions

7. The proposal is therefore considered to be in line with policies CS14, DP24 and DP25, which seek to preserve Camden's heritage and promote design quality, and with policy DP26 which seeks to protect

the impact of development on occupiers and neighbours.

Recommendation

8. Grant subject to conditions.

DISCLAIMER

Decision route to be decided by nominated members on Tuesday 3rd May 2016. For further information, please go to www.camden.gov.uk and search for 'Members Briefing'.

Mr Paul Cavill
Hertford Planning Service
Westgate House
37-41 Castle Street
Hertford
SG14 1HH

Application Ref: **2016/1012/P**
Please ask for: **Carlos Martin**
Telephone: 020 7974 2717

28 April 2016

DRAFT

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Full Planning Permission Granted

Address:
116 Heath Street
London
NW3 1DR

DECISION

Proposal:

Erection of single storey rear extension to replace existing timber structure and replacement of obscure glass windows to south and east elevations of existing extension with new part obscure/ part clear glass windows.

Drawing Nos: 12372-S001-A; 12372-P001-A; & Design and Access Statement.

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).

Director of Culture & Environment



- 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: 12372-S001-A; 12372-P001-A; & Design and Access Statement.

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

- 4 The hereby approved windows shall be obscure glazed below 1.7m from floor level and permanently retained as such thereafter unless otherwise approved in writing by the local planning authority.

Reason: In order to prevent unreasonable overlooking of neighbouring premises in accordance with the requirements 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.

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