

39 Primrose Gardens – 2016/3192/P



Photographs



Rear view of 39 & adjoining properties.



Rear of nos. 37 & 39



SECTION B-B



Front of terrace.

Delegated Report (Members Briefing)		Analysis sheet		Expiry Date:	03/08/2016
		N/A / attached		Consultation Expiry Date:	02/08/2016
Officer			Application Number(s)		
Hugh Miller			2016/3192/P		
Application Address			Drawing Numbers		
39 Primrose Gardens London NW3 4UL			See draft decision notice		
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature		
Proposal(s) Conversion from 5 self-contained flats to 4 residential units (1x 3 bed maisonette and 3x 2 bed flats); erection of single-storey extension at rear lower ground floor level and rear bay window at upper ground floor level; new timber framed sash windows; staircase access from upper ground floor level to rear garden; new roof terraces at rear 1st floor level and main roof level with associated balustrades.					
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	26	No. of responses	06	No. of objections	06
			No. Electronic	06		
Summary of consultation responses:	Press notice advertised 21/07/2016; expires 11/08/2016 Site Notice displayed 15/07/2016; expires 05/08/2016.					
	Objections from - 41 Primrose Gardens; Top Floor Flat - 43 Primrose Gardens; Flat 1, 43 Primrose Gardens; Basement flat - 41 Primrose Gardens; Ian Hay Architects Ltd; 11 Halton Road. 2 support of renovation of the building but raise concerns. Design:- <ul style="list-style-type: none">No precedent for full-width rear extension; and this is not in character with the Belsize Conservation Area; if allowed this may trigger a flurry of similar extensions.The proposed bay-window forming part of the current application would sit heavily on the flat roof of the Lower Ground Floor extension resulting in an altogether different character.Balcony and flat roof on top of the rear bay window would be unprecedented and is not in character in the conversation area.The proposed roof terrace is contrary to Camden’s current conservation area policy and should not be allowed.Concern about the proposed external access and staircase at lower-ground floor level to the rear gardens. Amenity: - <ul style="list-style-type: none">Concern about the loss of daylight to habitable room from rear extension;Concern about loss of privacy from 1st floor roof terrace;Concerned about the building works itself and specifically the amount of dust and the impact on residents’ health.Suggest a condition to prevent use of flat roof of rear extension as roof terrace.We also object to the scaffolding which is of monstrous proportions and which block the views from our property.					

Officer Comments:

Design – The existing rear garden measures approximately 102sqm. The proposed single-storey extension measure approximately 18sqm in gross floorspace; or occupying 18% of the garden; and therefore retains a significant proportion of the rear garden amenity space (82 percent). Moreover, the proposed extension would be located at the lower ground floor level; it is not visible from the public realm and is considered not to impact significantly on the appearance of the host building or the conservation area.

The existing rear bay-windows on neighbouring properties are cantilevered; the new bay window, although forming part of the proposed single-storey extension, would add value to the appearance of the host building and officers considered that the incorporation of the balustrade and terrace area in this instance would not impact significantly on the appearance of the host building or the conservation area.


The proposed access from the upper ground floor level is acceptable as it allows dual entry and exit between the maisonette and the rear garden and is a relatively minor feature acceptable in bulk and design terms.

The roof terrace on the main roof is setback from the front and rear roof edges. It would be visible from the upper floors of the houses opposite but not visible from the street level (unlike many of the existing neighbouring roof terraces). There are examples of at least 5 main roof level terraces visible from the rear gardens in this terrace of buildings.

It should be noted that all the external works, except the rear garden staircase access, have been already approved by the previous permission in July 2016- see history below. See also section 3 on Design below.

Amenity:

The windows of the adjoining terraced houses (37 and 41 Primrose Gardens) are orientated due south-west. The size and proportions of the proposed extension, 3m deep and 3m high, is typical of many such extensions and would not seriously harm occupiers' amenity in terms of loss sun/daylight or outlook to an extent that amounts to significant demonstrable harm; therefore the proposed extension is considered acceptable.

The proposed 1st floor terrace is 'canted'  and measures 1m in depth and, owing to the acute angle of view and shallow depth, would not cause loss of privacy to the occupiers' habitable room.

There is a perception of harm with regards to privacy, noise and disturbance from the proposal. The French glazed doors are orientated due west away from the neighbouring windows. The new access path at upper-ground floor level and staircase at lower ground would provide views into the rear garden and limited views into habitable rooms at nos. 37 & 41 due to the acute

	<p>angle of view and would be similar to views from the rear garden. To mitigate against harm to amenity, a condition is added to prevent the flat roof areas at upper-ground floor level on either side of the access path to be used as a roof terrace.</p> <p><u>Roof terraces</u>: The canted bay-window roof terrace is of shallow depth and is considered not to cause harm to neighbouring occupiers' amenity and is acceptable. The main roof terrace would setback from the front and rear parapets and it provides views of the terraced of houses opposite (nos.34-54) similar to other existing roof terraces at this level on adjacent houses. At a distance of 35m away, the views of the houses across the road cannot be reasonably being argued to cause harm. The proposal would not therefore exert a materially harmful impact on the amenities of adjoining occupiers.</p> <p><u>Dust</u> – It is acknowledged that development works poorly managed can cause nuisance. An informative will be added as usual to advise the applicant of their responsibilities under national legislation regarding construction works and nuisance which will be controlled by the Environmental Health Team.</p> <p><u>Scaffolding</u> – Whilst the scaffolding may be unsightly, it is a temporary means of enabling development works. Notwithstanding, the scale and proportion of the installed scaffolding is not a material determination relevant to the determination of the application.</p> <p><u>It should be noted that all the external works, except the rear garden staircase access, have been already approved by the previous permission in July 2016- see history below. See also section 4 on Amenity below</u></p>
<p>CAAC/Local groups* comments:</p> <p>*Please Specify</p>	<p>Belsize Residents Association – Objection</p> <p>Concern that staircase will cause loss of privacy (relevant party wall should be raised to compensate);</p> <p>Officer Comments: <i>Please refer to comments above and paragraph 4.2 below.</i></p>

Site Description

A lower ground plus 4-storey terraced house located on the west side of Primrose Gardens, east of Belsize Park Gardens. The house is converted into 5 self-contained flats. It is located in Belsize Conservation Area; and it is not listed.

Relevant History

15th July 2016 ref. 2016/2397/P – PP Granted - Conversion from 5x self-contained flats to 3 flats: (2x3 bed and 1x2bed) erection of single-storey extension at rear lower ground floor level, re-instatement of rear bay-window at ground floor level and installation of timber framed sash windows to the rear and the erection of a terrace at first floor level to the rear and a terrace at roof level;

May 1971 – PP Granted - Conversion of 39 Primrose Gardens into five self-contained flats; ref. G8/9/18/10688.

May 1971 – PP Granted - The construction of new dormer windows at 39 Primrose Gardens; ref. G8/9/18/10687

Relevant policies

LDF Core Strategy and Development Policies

CS1 (Distribution of growth)
CS4 (Areas of more limited change)
CS5 (Managing the impact of growth and development)
CS6 Providing quality homes
CS11 Promoting sustainable and efficient travel
CS14 (Promoting high quality places and conserving our heritage)
CS15 (Protecting and improving our parks and open spaces and encouraging biodiversity)

DP2 Making full use of Camden's capacity for housing
DP5 Homes of different sizes
DP6 Lifetime homes and wheelchair homes
DP18 Parking standards and limiting the availability of car parking
DP19 Managing the impact of parking
DP24 Securing high quality design
DP26 Managing the impact of development on occupiers and neighbours
DP27 (Basements and lightwells)

National Planning Policy Framework (2012)

London Plan (2016)

Belsize Conservation Area Statement (2003)

Camden Planning Guidance 2011:

CPG 1- Design: Chapters 1, 2, 3, 4 & 5

CPG 2- Housing

CPG 6- Amenity: Chapters 1, 4, 6, 7 & 9

Assessment

1.0 Proposal:

- ✓ Conversion from 5 self-contained flats to 4 flats: 1x 3 bed maisonette and 3x 2 bed flats;
- ✓ Erection of single-storey extension at rear lower ground floor level;
- ✓ Rebuild rear wall including re-instatement of rear bay-window at ground floor level; new timber framed sashes; new roof terraces at rear 1st floor level and at main roof level.
- ✓ New access from upper floor level to rear garden via door, path across rear extension and projecting staircase

1.1 This proposal is effectively a variant of the recent approved scheme of July 2016 (see history section above). The external alterations are identical to this permitted scheme except that a new access staircase to the garden is provided across the approved rear extension. The key change however is the altered conversion mix of units, whereby the previously approved maisonette on 2nd/3rd floors is now changed into 2x 3p flats to reflect the existing layout of 2x 4p flats here.

1.2 The key considerations material to the determination of this application are summarised as follows, particularly relating to the new features, ie. the staircase access and the revised mix of units:

- Land use /Loss of housing
- Quality of accommodation
- Design
- Amenity
- Transport

2. Loss of housing

2.1 There are 5x 2bed 4person self-contained flats existing at the property. The previous permission involved a reduction to 3 units, involving 2 x 3 bed maisonettes at lower/upper ground floors and at 2nd/ 3rd floors, plus a 2 bed 3p flat on 1st floor. The proposed conversion would now provide 4 units; it would continue to provide a 3bed 6p flat at the lower and upper-ground floor levels and now provide 3 x 2 bed 3p flats at the 1st, 2nd and 3rd floor levels.

2.2 Policy DP2 (f) seeks to resist developments that would involve the net loss of two or more residential homes. This application proposes the loss of one unit and therefore does not conflict with this policy, noting that the previous permission involved a loss of 2 units. Policy DP5, Clause a) states that residential development should make contributions to meeting the priorities set out in the Dwelling Size Priorities Table (DSPT). The DSPT indicates that market housing with 2, 3 or 4 bedrooms is a 'medium' priority and 2 bed units a 'high' priority. The proposed mix of units (1x3bed & 3x2beds) would comply with DP5 and is considered acceptable.

Quality of accommodation/ Residential standard

2.3 The unit at the lower & upper-ground comprise 3x double bedrooms and exceeds national and London Plan space standards for a 2 storey 3 bedroom 6p unit. The general layout and size of the proposal is considered to be acceptable. The remaining 3 flats contain 1 double-bedroom and 1 single bedroom each and are sufficiently large to provide accommodation for 3 persons each. The layouts of the habitable rooms of the 3 flats are stacked and are compliant with CPG guidelines. The top floor flat at 61sqm meets national space standards, but the 1st and 2nd floor flats at 55sqm each are somewhat below this minimum. However it is noted that Paragraph 2.25 of DP2 states that "some housing in the borough does not conform to current residential space standards. Where existing homes fall substantially below the residential space standards set out in our Camden Planning Guidance, the Council may consider proposals involving the loss of dwellings in order to meet the standards. We will consider proposals favourably if existing homes are 20% or more below the space standards and the loss of dwellings is no greater than is necessary to meet the standard".

2.4 In this case, the existing 4p flats on each floor are already below local and national space standards and this scheme aims to improve this by making them 3p sized, although it is not possible to enlarge them due to the physical limitations of the floorplates. It is considered in the circumstances that the sizes of the rearranged 3p units are acceptable and are an improvement over the existing situation.

3.0 Design

3.1 The large gardens to the rear of the terraced houses are largely void of fixed structures such as conservatory/rear extensions, garden stores or outbuildings. A single-storey extension is proposed at the lower-garden level; with dimensions of 3m (d) x 6m (w) x 3m (h). The existing rear garden measures approximately 102sqm. The proposed extension measures approximately 18sqm floorspace, occupying 18% of the garden, and therefore retains a significant proportion of the rear garden space (82%). It would include matching brick and is subordinate to the host building in terms of form, scale and proportions; and with French glazed doors would ensure that the extension has a lightweight appearance and would not appear bulky. It would retain a reasonable proportion of the garden and would be visible from private spaces but not the public realm. Due to the height of the main building and the scale of the proposal, the extension is subordinate to the main house and would be appropriate to the character of the building and preserve the appearance of the conservation area.

3.2 The reinstated bay-window at upper ground level rear would mirror the neighbouring properties (nos. 39 -57) in design, scale and proportions; also the installation of new timber framed sash windows as replacement for the Upvc windows would add value to the host building and the terraced group and enhance the conservation area.

3.3 Roof terraces are common features within the terraced group and are of varied sizes and locations, with at least 5 visible within this group of buildings and prominent in rear elevations. The proposed 1st floor and main roof terraces are modest in size and the black painted metal balustrades would not add any harmful bulk. The proposed terraces in terms of location, setting and sizes are considered acceptable unlike the adjacent ones. The main roof terrace will be set back at both front and rear to reduce its prominence in long views.

3.4 The new staircase and associated railings for the access path is a relatively minor feature that will not appear prominent in the rear elevation and be mainly masked by adjoining garden walls. It is appropriate in size and materials for the garden setting.

3.5 The proposal is considered to preserve the character and appearance of the conservation area. 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 Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Enterprise and Regulatory Reform Act 2013.

4.0 Residential Amenity

4.1 The rear windows to the neighbouring properties (37 & 41) are orientated due south-west. The terrace of houses slope north –south, which is reflected in the rear garden level of the host building, is at a higher level than no.37. The proposed extension at 3m height and depth is reasonably sized and typical of many other extensions and would not seriously harm neighbours' amenity in terms of sun/daylight or outlook.

4.2 With regard to privacy, noise and disturbance, the extension glazed windows/doors are orientated due west away from the neighbouring windows. The new access path and staircase at upper-ground floor level would provide views into the rear garden and limited views into habitable rooms at nos. 37 & 41. However its size, location and design means that it would not be used as a sitting out area. To mitigate against possible harm to amenity, a condition is added to restrict the flat roof areas at upper-

ground floor level on either side of the access path to be used as a roof terrace.

4.3 The proposed 1st floor roof terrace is 'canted' and measures 1.0m in depth at its widest. The acute angle of view and shallow depth would not cause loss of privacy of the occupiers' habitable room and is acceptable. The main roof terrace would setback from the front and rear parapets. It would not be visible from the public realm and partially visible from private views on the upper floors of houses opposite and from adjacent similar roof terraces. It would provide views of the terraced of houses opposite similar to existing roof terraces at this level on adjacent houses. It is approximately 35m away and, the views of the houses across the road cannot be reasonably being argued to cause harm. The proposal would not therefore exert a materially harmful impact on the amenities of adjoining occupiers in terms of access to sunlight, daylight, or sense of enclosure.

5.0 Transport

5.1 The London Plan 2011 and policy DP18 of the LDF identify that car-free and car-capped housing should be sought in areas of high public transport accessibility. Given the proposal would see the reduction in existing units, rather than the provision of new units, this policy requirement for permit-free housing would be waived in this instance.

Recommendation: Grant planning permission

The decision to refer an application to Planning Committee lies with the Director of Regeneration and Planning. Following the Members Briefing panel on Monday 5th September 2016, nominated members will advise whether they consider this application should be reported to the Planning Committee. For further information, please go to www.camden.gov.uk and search for 'Members Briefing'.

Mr Ahmed Shawky
Nash Baker Architects
167-169 Kensington High Street
London
W86SH

Application Ref: **2016/3192/P**
Please ask for: **Hugh Miller**
Telephone: 020 7974 **2624**

31 August 2016

DRAFT

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Full Planning Permission Granted

Address:
39 Primrose Gardens
London
NW3 4UL

DECISION

Proposal:

Conversion from 5 self-contained flats to 4 residential units (1x 3 bed maisonette and 3x 2 bed flats); erection of single-storey extension at rear lower ground floor level and rear bay-window at ground floor level; new timber framed sash windows; staircase access from upper ground floor level to rear garden; new roof terraces at rear 1st floor level and main roof level with associated balustrades.

Drawing Nos: Site location plan- (Ref: GA35 050; GA35 101; GA35 102; GA35 103; GA35 104; GA35 105; GA35 106; GA35 107; GA35_2 301; GA35_2 302; GA35_2 303; GA35_2 304; GA35_2 305; GA35_2 306; GA35_2 307; GA35_2 308; Planning Statement - FW053/FW, 08/06/2016 Revised; 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.

Executive Director Supporting Communities



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- (Ref: GA35 050; GA35 101; GA35 102; GA35 103; GA35 104; GA35 105; GA35 106; GA35 107; GA35_2 301; GA35_2 302; GA35_2 303; GA35_2 304; GA35_2 305; GA35_2 306; GA35_2 307; GA35_2 308; Planning Statement - FW053/FW, 08/06/2016 Revised; Design and Access Statement.]

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

- 4 The flat roofs adjoining the proposed access walkway of the rear lower ground floor extension hereby approved shall not be used as an amenity roof terrace and shall be accessed for maintenance purposes only and for no other purpose.

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

Executive Director Supporting Communities

DRAFT

DECISION