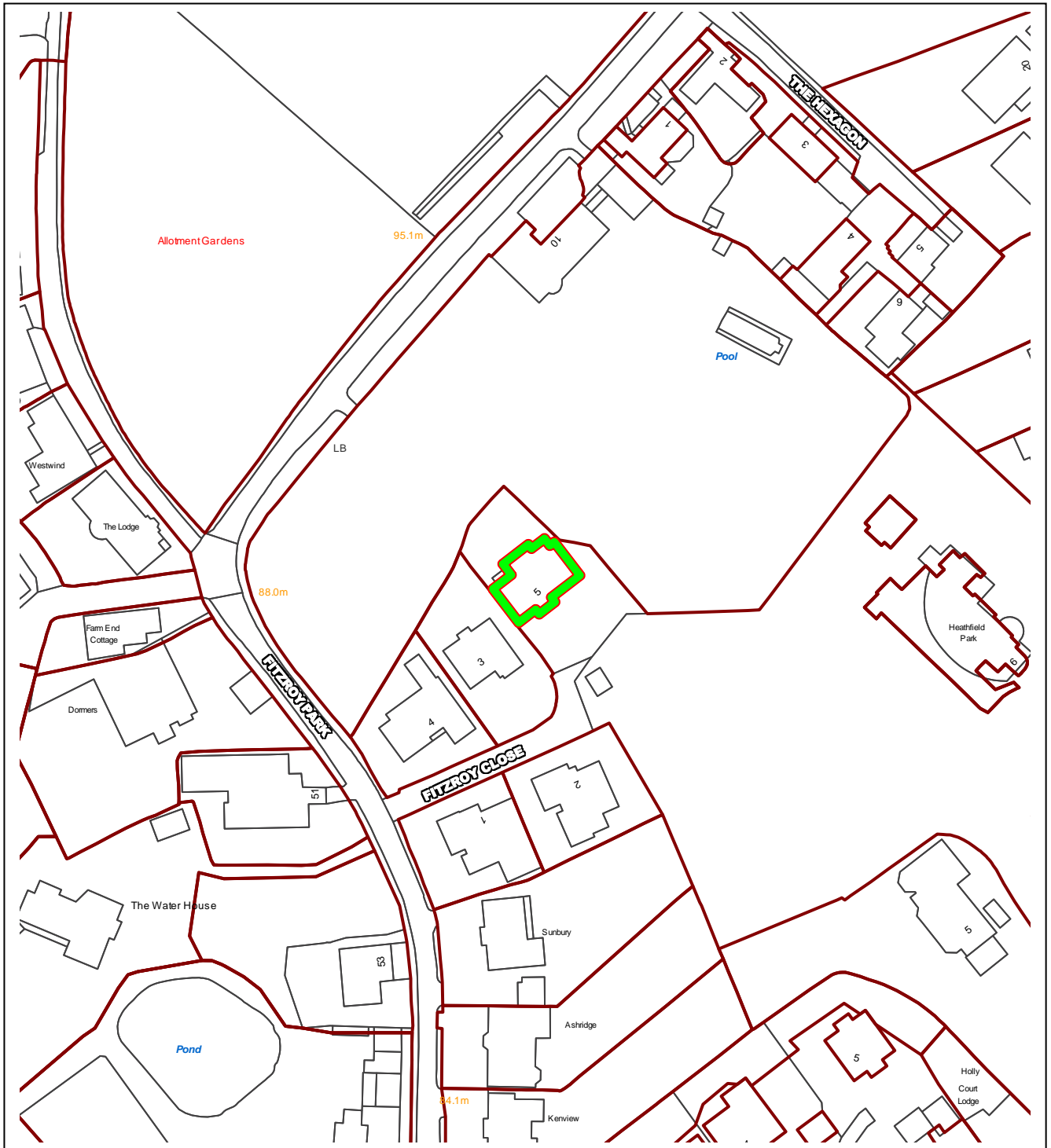


2016/6844/P – 5 Fitzroy Close



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Photo 1 – View of property from Fitzroy Close



Photo 2 – Front elevation



Photo 3 – Rear elevation

Delegated Report		Analysis sheet	Expiry Date:	03/03/2017
(Members Briefing)		N/A / attached	Consultation Expiry Date:	08/03/2017
Officer			Application Number(s)	
Kristina Smith			2016/6844/P	
Application Address			Drawing Numbers	
5 Fitzroy Close London N6 6JT			Refer to Draft Decision Notice	
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature	
Proposal(s)				
Replacement of existing pitched roof with flat roof; erection of glazed and rendered extension at rear roof level; erection of full height glazed extension to front of house; erection of two storey side extension to eastern elevation with balcony at first floor level; creation of two roof terraces; alterations to fenestration and new rendered facades				
Recommendation(s):		Grant Conditional planning permission subject to Section 106 Legal Agreement		
Application Type:		Householder Application		

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice
Informatives:	
Consultations	
Summary of consultation responses: <i>(Officer's response in Italics)</i>	<p>A site notice (re-published) was displayed between 15/02/2017 and 08/03/2017 A press advert was published between 13/01/2017 and 03/02/2017</p> <p>10 Fitzroy Park, Heath Winds objected on the following grounds:</p> <ul style="list-style-type: none"> • No attempt to implement earlier permissions therefore questionable whether real scheme or attempt to add value to property <p><i>T Can only give limited weight in assessment of scheme and would not qualify as a reason for refusal</i></p> <ul style="list-style-type: none"> • The site location plan submitted with the application is out of date due to swimming pool now being constructed. Its privacy will be entirely lost as a result of these proposals. <p><i>There was an extant permission for the same proposal at the time the swimming pool application was consented. Refer to relevant planning history</i></p> <ul style="list-style-type: none"> • Terraces will completely overlook almost all of our garden <p><i>See para 2.4 of report</i></p>
CAAC/Local groups* comments:	<p><u>The Highgate Society objected on the following grounds:</u></p> <ul style="list-style-type: none"> • Section drawings provided do not give clear picture about the relationship with boundary wall and neighbouring gardens. <i>The drawings were considered sufficient for the original assessment of the scheme to be made</i> • Unacceptable overlooking of neighbours' gardens from roof terraces and first floor balcony. <i>See para 2.4 of report relating to screening condition</i> • Previous structure to protect the privacy of no.3 Fitzroy Close is no longer shown. <i>The drawings are the same as submitted with the previous permission</i> • Large glazed box at roof level directly overlooks tennis court of 10 Fitzroy Park and will be overbearing. <i>See para 2.3 of report</i> • The existing house is already very large for its site and further expansion is overdevelopment. <i>See para 2.3 of report</i> • The existing materials and shallow pitched roofs with low eaves blend into the existing landscape but proposed design would be eyesore <i>See para 2.3 of report</i> • Design is dated as originally designed 10 years ago. <i>See para 2.3 of report</i> <p><u>The Fitzroy Park Residents' Associated made the following comments:</u></p> <ul style="list-style-type: none"> • Access into Fitzroy Close is restricted and it is requested that the application is supported by a Construction Management Plan; if not we will object. <p><i>See para 2.5 of report</i></p>

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Site Description

The application site comprises a detached single family dwelling constructed during the late 1980's. It is constructed from brick with a tiled hipped roof, tiled porch and wooden window frames. The property is centrally located within its plot with a good sized front and rear garden.

The site is located on the north side of Fitzroy Close at the end of a cul-de-sac of five detached single family dwellings. The site is bounded to the north and east by the substantial grounds to the Grade II listed no. 10 Fitzroy Park.

The site is within the Highgate Conservation Area and is considered to make a neutral contribution to the character and appearance of the Conversation Area. It is also within a designated area of Private Open Space.

Relevant History

2012/5789/P - Renewal of planning permission 2009/4343/P granted 03/11/2009 for the erection of a new glazed and rendered rear addition at roof level including creation of two roof terraces; a two-storey side extension on eastern elevation; and a full height glazed front entrance to dwellinghouse. (Class C3). **Granted 10/12/2012**

2009/4343/P - Erection of a new glazed and rendered rear addition at roof level including creation of two roof terraces; two-storey side extension on eastern elevation and full height glazed front entrance to dwellinghouse. **Granted 03/11/2009**

2005/4621/P Erection of a new glazed and rendered rear addition at roof level; two roof terraces; two storey side extension on eastern elevation; and full height glazed front entrance on dwelling house. **Granted 16/02/2006**

Relevant policies

National Planning Policy Framework (2012)

London Plan 2016

LDF Core Strategy and Development Policies 2010

CS5 Managing the impact of growth and development

CS14 Promoting high quality places and conserving our heritage

DP20 Movement of goods and materials

DP24 Securing high quality design

DP25 Conserving Camden's heritage

DP26 Managing the impact of development on occupiers and neighbours

Camden Planning Guidance

CPG1 Design (2015)

CPG6 Amenity (2013)

CPG7 Transport (2011)

CPG8 Planning Obligations (2015)

Highgate Conservation Area Appraisal and Management Strategy (2007)

Camden Local Plan Submission Draft 2016

The emerging Local Plan is reaching the final stages of its public examination. Consultation on proposed modifications to the Submission Draft Local Plan began on 30 January and ends on 13 March 2017. The modifications have been proposed in response to Inspector's comments during the examination and seek to ensure that the Inspector can find the plan 'sound' subject to the modifications being made to the Plan. The Local Plan at this stage is a material consideration in decision making, but pending publication of the Inspector's report into the examination only has limited weight.

A1 Managing the impact of development

A4 Noise and vibration
D1 Design
D2 Heritage
DM1 Delivery and Monitoring

Assessment

1.0 Proposal

- 1.1 The applicant seeks permission for the following: Replacement of existing pitched roof with flat roof; erection of glazed and rendered extension at rear roof level; erection of full height glazed extension to front of house; erection of two storey side extension to eastern elevation with balcony at first floor level; creation of two roof terraces; alterations to fenestration and new rendered facades

1.2 It should be noted that the application essentially seeks to renew a now-lapsed previous permission. The proposal was previously granted planning permission over 4 years ago under reference 2012/5789/P dated 10/12/2012.

2.0 Assessment

2.1 The key issues for this application are design (and impact on the Conservation Area) and amenity. The proposal is identical to that previously granted permission in 2013 and has previously been assessed in the context of the current LDF Core Strategy and Development Policies adopted in 2010. There have been no material changes to circumstances since that time, either in relation to the policy context of the Council's previous decision, ie. planning policy on design, heritage and amenity, nor in relation to the nature of the application site and surrounding area, ie. subsequent developments there or site designations. The emerging Camden Local Plan is to be given limited weight in decisions until the publication of the Inspector's report, as noted above; however there are no changes within the Local Plan that are pertinent to this application in terms of policies on design and amenity.

2.2 The application site is still located within the Highgate Village Conservation Area, wherein the Council has a statutory duty, under section 72 (Conservation Areas) of The Planning (Listed Buildings and Conservation Areas) Act 1990, to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.

2.3 Given there have been no material changes to the planning policy context or the application site since the proposals was previously approved, a further explanatory assessment of the proposal is not warranted here. The original officer's report (2012/5789/P) has been attached for ease of review however. The application is still considered to be acceptable in terms of its site coverage, size and design and its impact on neighbour amenity, heritage assets and trees.

2.4 The conditions attached to the previous application relating to the mitigation of views from the southwest terrace to the neighbouring property and details of the sections, elevations and materials (including a sample) of the glazed entrance structure., shall also be attached to this permission.

2.5 Since permission was last granted, the Council have introduced Construction Management Plans where appropriate to help manage the impact of development on surrounding communities. Traffic flows on Fitzroy Close are likely to be fairly low, however due to the amount of construction work required and the sensitive nature of the street, a CMP will be secured to demonstrate how the development will minimise impacts from the movement of goods and materials during the construction process and ensure that construction traffic does not create (or add to existing) traffic congestion in the local area and amenity issues for local people (e.g. noise, vibration, air quality, temporary loss of parking, etc.), in accordance with DP20 and DP26. The CMP will be secured through a s106 agreement which will also include a financial contribution of £1,140 to cover the costs of reviewing the CMP.

2.6 The street is a Private Road and therefore a Highways and Public Realm contribution is not required.

3.0 Recommendation

3.1 Planning Permission is recommended subject to a S106 Legal Agreement covering the following Heads of Terms:-

- Construction Management Plan (CMP); and
- CMP implementation contribution of £1,140

The decision to refer an application to Planning Committee lies with the Director of Regeneration and Planning. Following the Members Briefing panel on Monday 20th March 2017, 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'.

Building Designs
38 Terrace Road
London
E9 7ES

Application Ref: **2016/6844/P**

16 March 2017

Dear Sir/Madam

DRAFT
FOR INFORMATION ONLY - THIS IS NOT A FORMAL DECISION
Town and Country Planning Act 1990 (as amended)

DECISION SUBJECT TO A SECTION 106 LEGAL AGREEMENT

Address:
5 Fitzroy Close
London
N6 6JT

Proposal:

DECISION
Replacement of existing pitched roof with flat roof; erection of glazed and rendered extension at rear roof level; erection of full height glazed extension to front of house; erection of two storey side extension to eastern elevation with balcony at first floor level; creation of two roof terraces; alterations to fenestration and new rendered facades

Drawing Nos: Site Location Plan; 596-006; 596-001; 596-002; 596- 003; 596-004; 596-007; 596-008; 596-009 Rev B; 596-010; 596-011; 596-012; 596-013; 596-014; Design Statement

The Council has considered your application and decided to grant permission subject to the conditions and informatives (if applicable) listed below **AND** subject to the successful conclusion of a Section 106 Legal Agreement.

The matter has been referred to the Council's Legal Department and you will be contacted shortly. If you wish to discuss the matter please contact **Aidan Brookes** in the Legal Department on **020 7 974 1947**.

Once the Legal Agreement has been concluded, the formal decision letter will be sent to you.

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 policies 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; 596-006; 596-001; 596-002; 596-003; 596-004; 596-007; 596-008; 596-009 Rev B; 596-010; 596-011; 596-012; 596-013; 596-014; Design Statement

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

- 4 Prior to the commencement of the development, details of mitigation measures to prevent any undue overlooking into the rear windows of no.3 Fitzroy Close, should be submitted to and approved by the Council.

Reason: To safeguard the amenities of the adjoining neighbours 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.

- 5 Details of the sections, elevations, plans and materials to be used on the full height glazed front entrance shall not be otherwise than as submitted to and approved by the Council before any work is commenced on the relevant part of the development. Such details shall include sections, elevations and plans at scale 1:20 of key points such as around the door, where the steel sections meet, around the cornice line at the top, where it meets the existing building, and where it meets the ground. The details of the glass (obscure or clear) will also be required including the finish. These parts of the development shall not be carried out otherwise than in accordance with the details thus approved.

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 policies DP24 (Securing high quality design) and DP25 (Conserving Camden's heritage) of the London Borough of Camden Local Development Framework Development Policies.

- 6 A sample panel of the glazed front entrance shall be submitted to and approved by the Council before the relevant parts of the works are commenced and the development shall be carried out in accordance with the approval given.

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 policies DP24 (Securing high quality design) and DP25 (Conserving Camden's heritage) 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.
- 3 Your attention is drawn to the fact that there is a separate legal agreement with the Council which relates to the development for which this permission is granted. Information/drawings relating to the discharge of matters covered by the Heads of Terms of the legal agreement should be marked for the attention of the Planning Obligations Officer, Sites Team, Camden Town Hall, Argyle Street, WC1H 8EQ.

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.

Yours faithfully

Executive Director Supporting Communities

DRAFT

DECISION

Delegated Report (Members' Briefing)		Analysis sheet		Expiry Date:		21/12/2012	
		N/A / attached		Consultation Expiry Date:		06/12/2012	
Officer				Application Number(s)			
Rob Tulloch				2012/5789/P			
Application Address				Drawing Numbers			
5 Fitzroy Close London N6 6JT				See decision notice			
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature				
Proposal(s)							
Renewal of planning permission 2009/4343/P granted 03/11/2009 for the erection of a new glazed and rendered rear addition at roof level including creation of two roof terraces; a two-storey side extension on eastern elevation; and a full height glazed front entrance to dwellinghouse. (Class C3)							
Recommendation(s):		Grant Renewal of Planning Permission					
Application Type:		Renewal of Full Planning Permission					
Conditions:		Refer to Draft Decision Notice					
Informatives:							
Consultations							
Adjoining Occupiers:		No. notified	04	No. of responses	00	No. of objections	00
Summary of consultation responses:		Site notice 02/11/2012-23/11/2012 Press advert 15/11/2012-06/12/2012 No responses received					
CAAC/Local group comments:		<p>Highgate CAAC object: Objected strongly to the 2009 scheme, still considered to have a detrimental effect on the Conservation Area, out of character with its surroundings and over large.</p> <p><u>Officer comment:</u> The application is for a renewal of planning permission, the design has not changed. The Council's policies and guidance have not significantly changed.</p>					
Site Description							
<p>The application site comprises a detached single family dwelling constructed during the late 1980's. It is constructed from brick with a tiled hipped roof, tiled porch and wooden window frames. The property is centrally located within its plot with a front garden of approximately 310sqm and rear garden area that measures approximately 140sqm. The front garden is enclosed by a raised boundary wall fronting onto Fitzroy Close. The rear garden is also enclosed by a brick boundary wall that measures approximately 3m in height.</p> <p>The site is located on the north side of Fitzroy Close at the end of a cul-de-sac of five detached single-family dwellings. The site is bounded to the north and east by the substantial grounds to the Grade II</p>							

listed no. 10 Fitzroy Park. To the west lies no. 3 Fitzroy Close, a detached single family dwelling. To the south lie the grounds of Heathfield Park that comprises two detached residential dwellings (Heathfield Park and The Cottage). The site is accessed from Merton Lane. Hampstead Heath lies to the south west and the north west of the site.

The site is within the Highgate Conservation Area and is considered to make a neutral contribution to the character and appearance of the Conversation Area. It is also within a designated area of Private Open Space (Site no: 168 - Fitzroy Farm and Heathfield Park).

Relevant History

2009/4343/P Erection of a new glazed and rendered rear addition at roof level including creation of two roof terraces; two-storey side extension on eastern elevation and full height glazed front entrance to dwellinghouse. Granted 03/11/2009

2005/4621/P Erection of a new glazed and rendered rear addition at roof level; two roof terraces; two-storey side extension on eastern elevation; and full height glazed front entrance on dwelling house. Granted 16/02/2006

Relevant policies

LDF Core Strategy and Development Policies

CS5 Managing the impact of growth and development

CS14 Promoting high quality places and conserving our heritage

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

DP24 Securing high quality design

DP25 Conserving Camden's heritage

DP26 Managing the impact of development on occupiers and neighbours

Camden Planning Guidance 2011

Highgate Conservation Area Appraisal and Management Strategy

NPPF 2012

Assessment

1 Proposal

1.1 The applicant seeks to renew planning permission for the erection of a new glazed and rendered rear addition at roof level, including the creation of two roof terraces following the removal of the roof; a two-storey side extension to the eastern elevation and a full height glazed front entrance to dwellinghouse. (2009/4343/P).

1.2 The LDF was adopted in 2010 replacing the Replacement Unitary Development Plan of June 2006. Although the policies have now changed in content and wording, they are not considered to be significantly different from the Replacement UDP policies in terms of design, open space and amenity.

1.3 Current Camden Planning Guidance was adopted in 2011, and is similar in its guidance on design and amenity to its previous incarnations. Highgate Conservation Area Appraisal and Management Strategy was adopted in December 2007 and was in place at the time planning permission was granted for the 2009 scheme.

1.4 The application for renewal is identical to a previously approved scheme which was granted planning permission on 16/2/2006 (2005/4621/P). This scheme was assessed against the policies in the adopted UDP (2000) and the revised deposit draft UDP policies (May 2004). These revised policies were adopted as part of the replacement UDP 2006. Therefore, this scheme has previously been approved twice by the Council.

1.5 The main issues are whether the scheme now accords with current LDF policies on:

- Design
- Open space
- Neighbour amenity

2 Design

Roof and front extension

- 2.1 The proposal involves removing the existing hipped roof and replacing it with a flat roof with an extension to rear of the new roof. A full-height, glazed structure on the front elevation would extend from ground level to the roof and would link to the proposed extension to the rear. The rear roof extension would provide access to each of the terraces to the north and south sides on the roof. The overall bulk and massing of the existing roof would be lost with the new flat roof; however the total height of the new roof extensions would be 1.1m taller than the existing building. The roof terraces form an integral part of the overall alterations to the property, with 0.6 metre-tall glazed balustrades fitted to the four sides of the house.
- 2.2 The high boundary wall around no.10 Fitzroy Park screens views south and east to the house from the public realm. Therefore the glazed box-like extension to the rear of the roof would only be visible from neighbouring properties or obliquely from Fitzroy Close itself.
- 2.3 The full-height glazed element on the front elevation would not be visible in short or long views from Hampstead Heath due to the sloping topography of the Heath in the immediate vicinity, the extensive belt of trees along the south of Fitzroy Park and the low setting of the site at the end of Fitzroy Close. This front addition would therefore only be fully visible from the public realm in views outside the front of the house at the end of the Fitzroy Close. The roof additions were previously considered acceptable in principle as they were not considered to harm the character and appearance of the Highgate Conservation Area.
- 2.4 The Close is characterised by detached houses. Number 5 was designed in the same style as numbers 3 and 4 and is considered at best to make a neutral contribution to the Highgate Conservation Area. The roof alterations and extensions at front and rear would only be readily apparent to visitors to the far end of the Close from Fitzroy Park, and would distinguish the house from its immediate neighbours by building on the precedent for contemporary detached house design in the Close.

Side extension

- 2.5 The two storey rendered and glazed side extension to the north side of the house is considered to be a subordinate and modest extension. It faces a large open space in the rear garden of 10 Fitzroy Park and would be over 50 metres from the nearest habitable room in that property. It would not be visible from the public realm due to its position to the side of the house away from the Close. It is considered acceptable in terms of design and conservation and would not have an adverse impact on the privacy of occupants in the dwelling behind. The colour of the render was changed from white to a mid-grey colour (Dulux 50BG 63/014) to help it blend in with the surrounding vegetation.
- 2.6 The new element would not be visible from Hampstead Heath by virtue of the change of levels, thick foliage and the houses along Fitzroy Park masking the view. It is possible a small glimpse view could be made through the back gardens of 4 and 3 Fitzroy Close from a small stretch of Fitzroy Park. Otherwise the only other view from the public realm will be from Fitzroy Close itself. The proposal was therefore not considered harmful to the Highgate Conservation Area.
- 2.7 In conclusion, the alterations and extensions in the original application were not previously considered to be harmful to character or appearance of the host building or conservation area;

as the thrust of new LDF policies and associated planning guidance are not significantly different to their predecessors, it is still considered that the proposal is acceptable in design terms.

3 Impact on Private Open Space

- 3.1 Policy CS15 states that permission will only be granted for development on Private Open Space if it is development ancillary to a use taking place on the land. Furthermore development should be small in scale and not detract from the openness of the open space.
- 3.2 These properties and their gardens are not accessible to members of the public for general enjoyment or recreation and are used solely for residential purposes. It was considered that the design and scale of the proposed extensions ensured that the overall character of the surrounding landscape was retained. As the policy CS15 for the protection of open space is not significantly different to the previous UDP policies, it is still considered that the development would not cause harm to its wholeness, appearance and setting of this private open space.

4 Amenity

- 4.1 The previously approved schemes were considered acceptable in terms of their impact on the amenity of the surrounding residential properties subject to conditions being attached for further details to be submitted relating to the southwest roof terrace. It is considered that no material changes have occurred to the neighbouring building at no. 3 that are considered relevant when assessing this application. Given that the current proposal has not changed from the previously approved schemes, the proposal would still be considered acceptable in terms of its impact on the amenity of the adjoining residents. The same condition would be attached relating to the details of the roof terrace to be submitted to any planning permission to continue to protect the amenity of the adjoining residents.
- 4.2 As such the proposal is not considered to harm the amenity of adjoining occupiers and would comply with policies CS5 and DP26 of the LDF and Camden Planning Guidance.

5 Recommendation: Grant renewal of Planning Permission

DISCLAIMER

Decision route to be decided by nominated members on Monday 10th December 2012.
For further information please click [here](#).