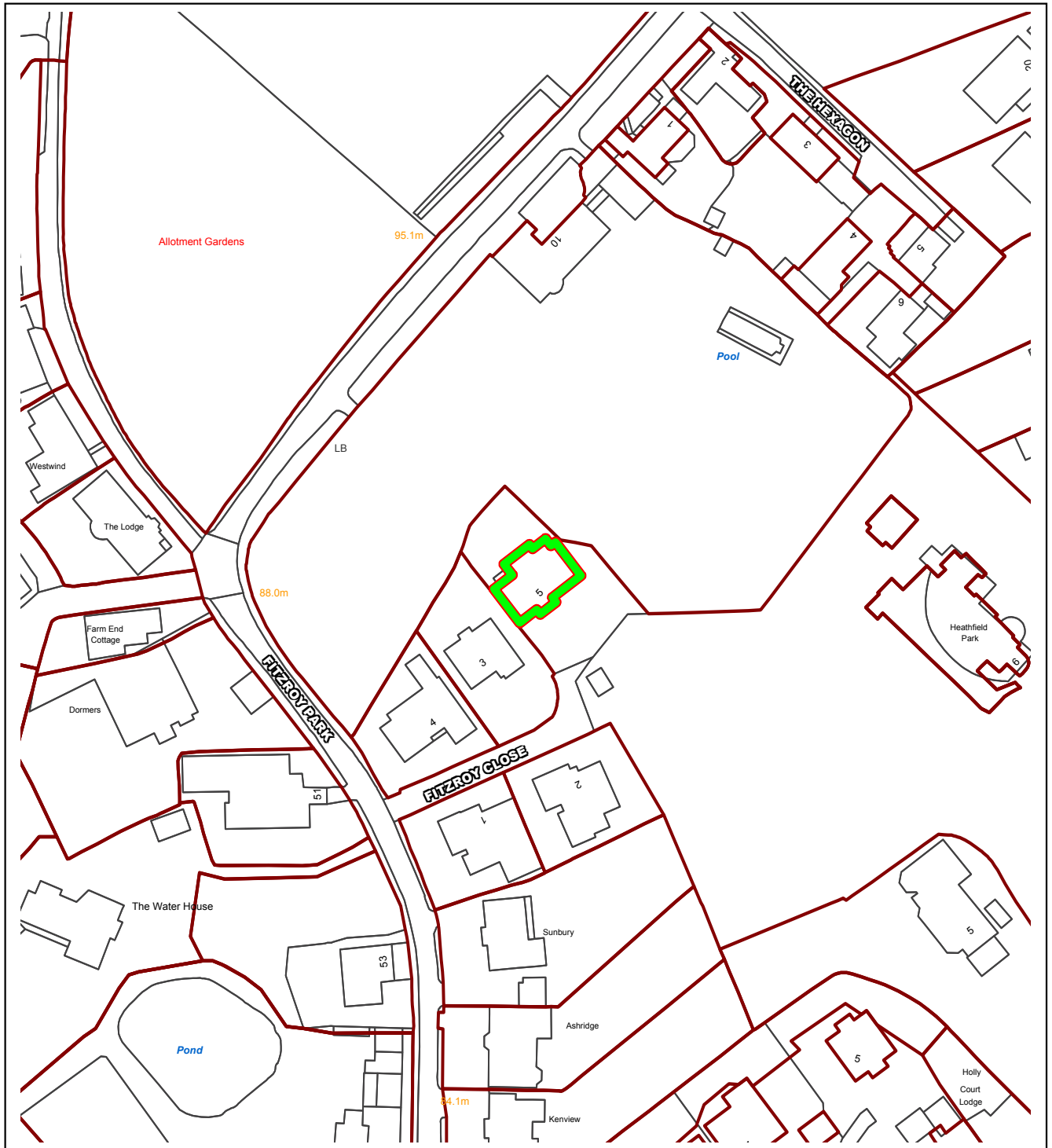


2016/6844/P – 5 Fitzroy Close



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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:	12/05/2017
Officer			Application Number(s)		
Kristina Smith			2017/1845/P		
Application Address			Drawing Numbers		
5 Fitzroy Close London N6 6JT			Please refer to draft decision notice		
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature		
Proposal(s)					
Replacement of existing pitched roof with green flat roof and erection of a second floor extension; installation of roof terraces to the northeast and southwest elevations; erection of three storey timber-framed glazed entrance structure to front of property					
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:	<p>A site notice was displayed on 20/04/2017 (expiry date 11/05/2017) A press advert was published on 21/04/2017 (expiry date 12/05/2017)</p> <p>No. 10 Fitzroy Park objected on the following grounds:</p> <ul style="list-style-type: none">Proposed terrace and projecting balcony will result in more overlooking than the previous scheme, particularly to now built swimming pool which isn't reflected on site plan <p>Officer response: <i>Refer to Amenity section of report</i></p> <ul style="list-style-type: none">Previous objections to previous schemes were not accounted for <p>Officer response: <i>This is not a material consideration of this application; however, the objections from this address were reflected in the consultations section on the previous report for application ref. 2016/6844/P.</i></p>
The Highgate CAAC	<p>Objected on the following grounds:</p> <ul style="list-style-type: none">Cumulative impact of this and other application for pool enclosure at the same site constitute over development of a sensitive site. <p>Officer response: <i>The application is considered to be an improvement on the previous design. It would not increase the footprint of the building and the extensions are considered subordinate additions to the host property.</i></p> <ul style="list-style-type: none">The design is out of character with its surroundings and has an overly dominant 'tower like' structure to the front. <p>Officer response: <i>Refer to Design section of the report</i></p> <ul style="list-style-type: none">Terraces will completely overlook almost all of neighbouring gardens <p>Officer response: <i>Refer to Amenity section of the report</i></p>
The Highgate Society	<p>Objected on the following grounds:</p> <ul style="list-style-type: none">Unacceptable overlooking of neighbours' gardens from roof terraces <p>Officer response:</p>

Refer to Amenity section of the report

- Drawings do not show the context of the site

Officer response:

The site plan shows neighbouring properties

- The existing house is already very large for its site and further expansion is overdevelopment.

Officer response:

Refer to Design section of the report

- The existing materials and shallow pitched roofs with low eaves blend into the existing landscape but proposed design would appear awkward

Officer response:

Refer to Design section of the report

- Design is not quality piece of architecture

Officer response:

Refer to Design section of the report

- Front door is not protected by porch and will cause waterfall in rain

Officer response:

This is not a material planning consideration

- Wheelchair element of proposal would be ineffectual as a ramp would also be required for level access

Officer response:

This is not a material planning consideration

Site Description

The application site, No. 5 Fitzroy Close, 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 good sized front and rear gardens.

The application site is located on the northern 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 Conservation Area. It is also within a designated area of Private Open Space.

Relevant History

Application Site

2016/6844/P - 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. **Officers are minded to grant permission subject to section 106 Legal Agreement; however, the the section 106 Legal Agreement has not yet been finalised.**

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**

This application is exactly the same as 2012/5789/P, first approved under ref. 2005/4621/P

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**

2017/1853/P - Erection of timber framed pool enclosure to existing swimming pool and associated outbuilding to rear of property. **Granted 31/05/2017**

2 Fitzroy Close

2014/6914/P - Extension of a single dwelling house at roof level and changes to the external appearance including rendering of all facades and replacement of white upvc windows with grey aluminium windows. **Granted 08/01/2015**

4 Fitzroy Close

2012/2618/P - Erection of an external lift shaft from ground to second floor level as an amendment to

planning permission granted 13.01.2012 (Ref: 2011/4859/P) for the erection of a single storey extension at roof level to the existing dwelling house (Class C3). **Granted 24/07/2012**

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)

Draft Camden Local Plan (2016)

The Inspector's report on the Local Plan was published on 15 May 2017 and concludes that the plan is 'sound' subject to modifications being made to the Plan. While the determination of planning applications should continue to be made in accordance with the existing development plan until formal adoption, substantial weight may now be attached to the relevant policies of the emerging plan as a material consideration following publication of the Inspector's report, subject to any relevant recommended modifications in the Inspector's report.

The following policies are considered to be relevant:

A1 Managing the impact of development

A3 Protection, enhancement and management of biodiversity

A4 Noise and vibration

D1 Design

D2 Heritage

DM1 Delivery and Monitoring

T4 Promoting the sustainable movement of goods and materials

Assessment

1. Proposal

1.1. This application seeks planning permission for the following:

- Replacement of existing pitched roof with flat roof and creation of two roof terraces
- Erection of three storey timber and glazed front extension to replace existing porch
- Erection of second floor extension with green roof at roof level

2. Background

2.1. A recent application (planning reference 2016/6844/P, dated 20/03/2017) submitted to the Council sought planning permission for a similar proposal in terms of scale and massing. The decision has not yet been issued because the section 106 legal agreement is still being finalised; however, officers are minded to grant conditional planning permission.

2.2. This current application is exactly the same as planning permission ref. 2012/5789/P dated 10/12/2012.

3. Assessment

3.1. The key issues relevant to the determination of this application are:

- Design (and impact on the Highgate Village Conservation Area)
- Amenity

Design

3.2. The proposals would increase the floorspace of the property from 358 sqm to 445 sqm without altering the existing building lines. The majority of the additional floorspace would be a second floor roof extension which would be timber clad to correspond with materials elsewhere on the property and the surrounding vegetation. The resultant height of the property would be 1.5m taller than the existing and the same as the previously consented application (ref. 2012/5789/P) and more recent pending approval (ref. 2016/6844/P), which also included a roof extension. The footprint of roof extension is considered an acceptable addition that would appear as subordinate to the host property. It would be set back from the front and side elevations to reduce its prominence as viewed from the front of the property.

3.3. The three-storey timber glazed entrance structure would extend up the building and wrap over the roof, joining the roof extension. It would be 9m high, 3.1m wide and 2.1m deep. Its function is both to bring more light into the property and a lift for the occupants. It is considered that the design responds appropriately to the existing building, taking its cue from the verticality of the fenestration. It is thought to be an improvement on the glazed and steel entrance structure of the previous permission of similar massing and height.

3.4. Unlike the previous permission, which proposed white rendered facades and the replacement of existing timber windows with metal windows, this permission retains the existing brickwork and windows thereby retaining the appearance of the existing property. It is considered that the revised design is an improvement and relates better to the wider conservation area than the previous scheme as well as being a more sustainable approach. The material palette, including timber, glass and the retention of the existing brickwork is thought to blend in with the leafy and green context.

- 3.5. The property is located in a large plot at the end of a private road and set back behind a large front garden. It therefore feels 'tucked away' at the end of the close and only visible to those residents who live on Fitzroy Close. Surrounding properties on the close are undergoing similar renovation works that have substantially changed their appearance, including no. 2 and no.4 Fitzroy close (see planning history). The departure from the existing character and appearance of the property is therefore considered acceptable and not out of character with the surrounding area.
- 3.6. The application site is 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. The application is considered to preserve the character and appearance of the conservation area.
- 3.7. No. 10 Fitzroy Park is Grade II listed and the Council has a statutory duty, under Section 66 of The Planning (Listed Buildings and Conservation Areas Act) 1990, to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. By virtue of the distance between the application site and 10 Fitzroy Park, it is not considered that the proposal would have an impact on the setting of this Grade II listed building.
- 3.8. The conditions which were suggested for the previous application relating to details of the sections, elevations and materials (including a sample) of the timber glazed entrance structure are recommended to be attached to this permission.

Amenity

- 3.9. The property is located a sufficient distance away from surrounding properties for there to be no adverse impacts on daylight/ sunlight or result in an increased sense of enclosure. The new terrace at roof level would be located approx. 9m from the rear windows of the property at no.3 Fitzroy Close. It is not considered the terrace would result in an unacceptable level of overlooking to these windows as the views would be oblique rather than direct and furthermore, the terrace would be set back from the edge of the roof by planters of between 0.5m – 0.7m. The rear balcony would be situated approx. 32m from 10 Fitzroy Close's swimming pool, which is sufficient distance for there to be no unacceptable impact on privacy.

Other considerations

- 3.10. As the proposals do not involve any extensions at ground floor level aside from the front element, there would be no impact on surrounding trees.
- 3.11. Whilst traffic flows on Fitzroy Close are likely to be fairly low, 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.). 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.
- 3.12. The street is a Private Road and therefore a Highways and Public Realm contribution is not required.

4.0 Recommendation

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 5th June 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: **2017/1845/P**

01 June 2017

Dear Sir/Madam

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:

Replacement of existing pitched roof with green flat roof and erection of a second floor extension; installation of roof terraces to the northeast and southwest elevations; erection of three storey timber-framed glazed entrance structure to front of property

Drawing Nos: EX_000; EX_001; EX_002; EX_100; EX_200; EX_300; EX_400; EX_401; EX_402; EX_403; PL_100; PL_101; PL_200; PL_300; PL_400; PL_500; PL_600; PL_601; PL_602; PL_603; PL_700; Planning Statement dated March 2017 (prepared by Building Designs); Design & Access Statement (prepared by Building Designs)

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, policy DP24 and DP25 of the London Borough of Camden Local Development Framework Development Policies and policies D1 and D2 of the Emerging Local Plan.

- 3 The development hereby permitted shall be carried out in accordance with the following approved plans: EX_000; EX_001; EX_002; EX_100; EX_200; EX_300; EX_400; EX_401; EX_402; EX_403; PL_100; PL_101; PL_200; PL_300; PL_400; PL_500; PL_600; PL_601; PL_602; PL_603; PL_700; Planning Statement dated March 2017 (prepared by Building Designs); Design & Access Statement (prepared by Building Designs)

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

- 4 Details of the sections, elevations, plans and materials, including the finish, to be used on the full height timber glazed front entrance shall be 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 where it meets the existing building, and where it meets the ground. 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, policies DP24 (Securing high quality design) and DP25 (Conserving Camden's heritage) of the London Borough of Camden Local Development Framework Development Policies and policies D1 and D2 of the Emerging Camden Local Plan.

- 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, policies DP22, DP23, DP24 and DP32 of the London Borough of Camden Local Development Framework Development Policies and policy A3 of the Emerging Local Plan.

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 The Inspector's report on the Local Plan was published on 15 May 2017 and concludes that the plan is 'sound' subject to modifications being made to the Plan. While the determination of planning applications should continue to be made in accordance with the existing development plan until formal adoption, substantial weight may now be attached to the relevant policies of the emerging plan as a material consideration following publication of the Inspector's report, subject to any relevant recommended modifications in the Inspector's report.
- 4 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

Supporting Communities Directorate