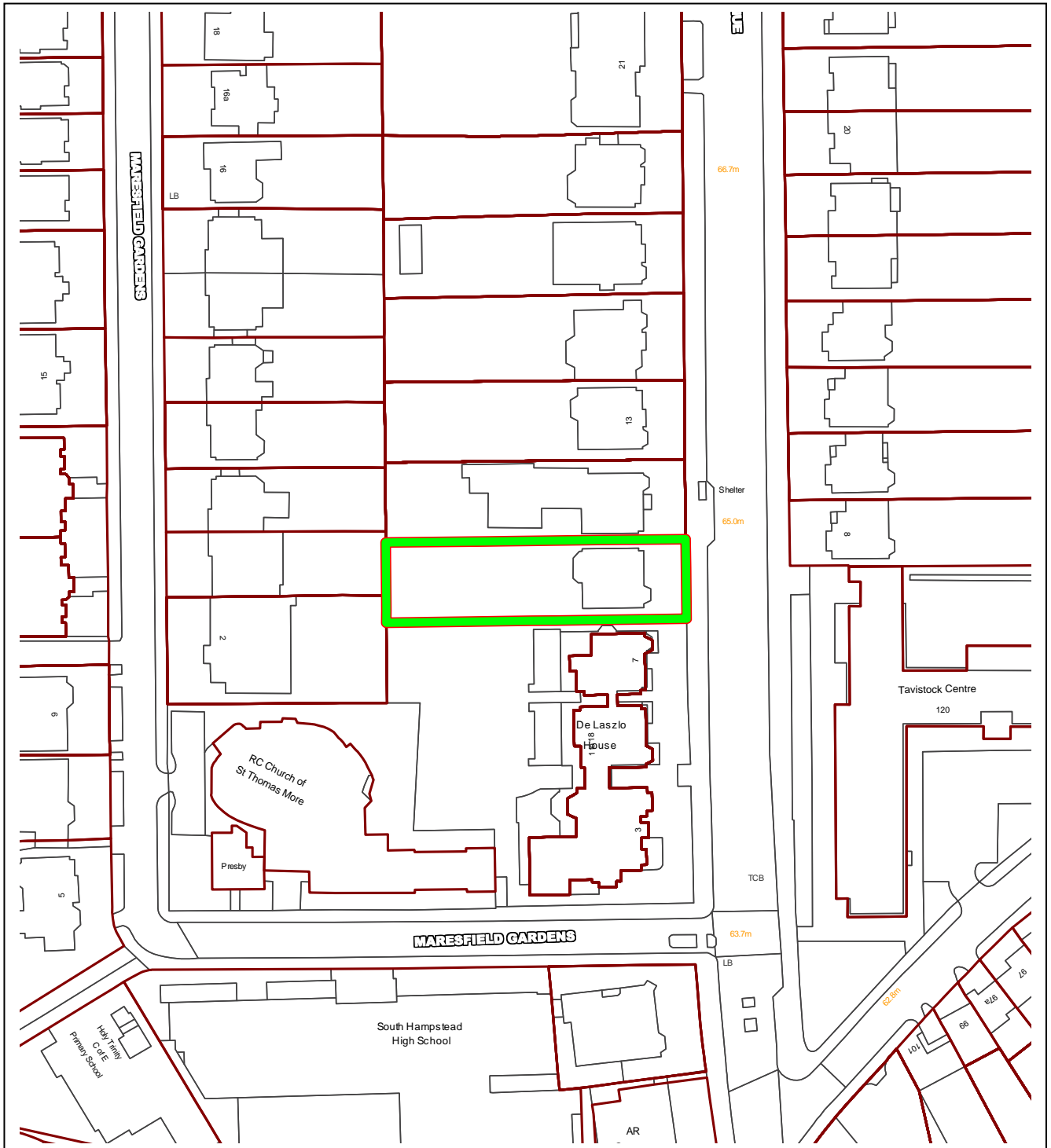


9 Fitzjohn's Avenue, NW3 5JY (2017/3712/P)



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9 Fitzjohn's Avenue, NW3 5JY (2017/3712/P)

1. View from the host property to the rear garden





02/05/2017 11:43

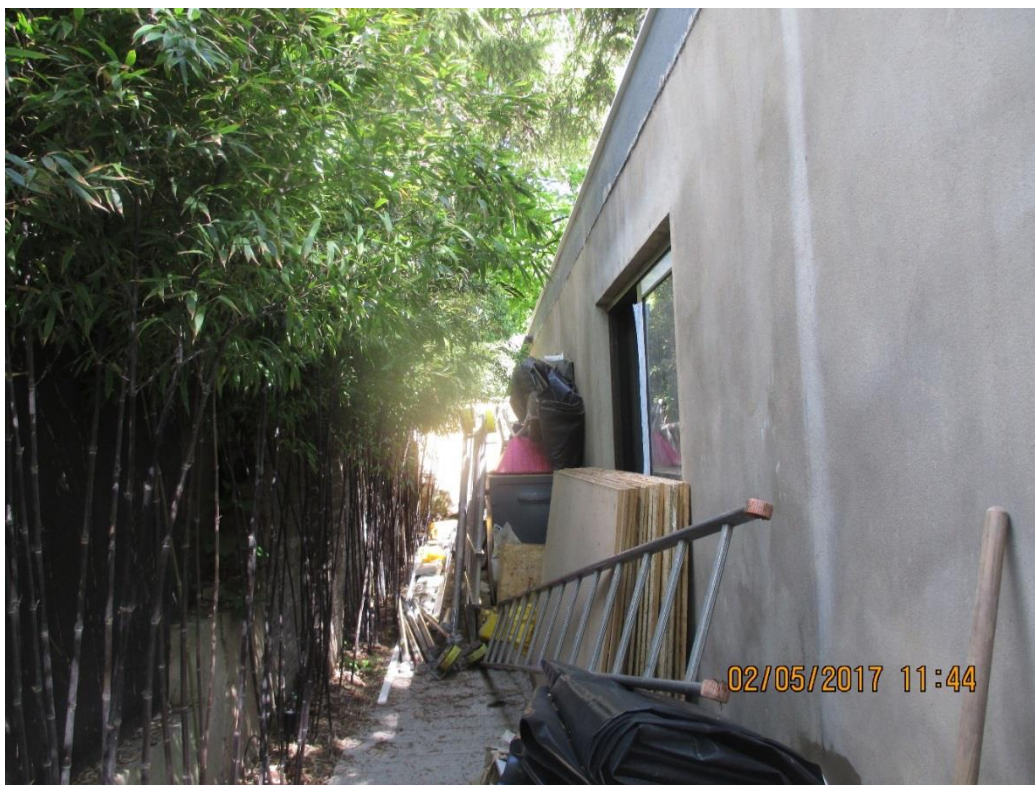


02/05/2017 11:44

2. Northern side elevation



3. Southern side elevation



Delegated Report (Members Briefing)		Analysis sheet		Expiry Date:	25/08/2017
		N/A / attached		Consultation Expiry Date:	18/8/2017
Officer			Application Number(s)		
Sofie Fieldsend			2017/3712/P		
Application Address			Drawing Numbers		
9 Fitzjohn's Avenue London NW3 5JY			See draft decision notice		
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature		
Proposal(s)					
Erection of single storey rear outbuilding and raised patio (retrospective)					
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. of responses	00	No. of objections	00
Summary of consultation responses:	<u>A site notice was displayed on 26/06/2017 and expired on 17/07/2017.</u> <u>A press notice was advertised on 04/07/2017 and expired on 25/07/2017.</u>			
Belsize Residents Association comments:	<p>The <u>Belsize Resident's Association</u> have objected on the following grounds:</p> <ul style="list-style-type: none"> • The subject of the application is a single storey, 80 sq metre footprint, garden pavilion. For a comparison, that size of a building equates to a 3-bedroomed single storey family dwelling, based on the current London Housing Design Standards. • This building reduces the original garden, envisaged entirely proportionate to the size of the original and extended main building it accompanies, to a laughably-sized lawn bereft of trees. Camden should resist such extensive loss of garden spaces in the Borough; approving this application would set a dangerous precedent for similar developments and should be resisted. <p>Officer response:</p> <p><i>The scale of the outbuilding is considered to be relative to the size of the garden and host property- see section 3 below.</i></p>			

Site Description

The application site is a large three storey, plus semi-basement level and attic level accommodation, 19th century detached house on the West side of Fitzjohn's Avenue.

The property is not listed but is located within the Fitzjohns/Netherhall Conservation Area and it is identified in the Fitzjohns and Netherhall conservation area statement as making a positive contribution to its character and appearance.

The property sits on a generous plot with a large garden to the rear.

Relevant History

2013/2547/P– Change of use from hostel for temporary accommodation of homeless families (Class C1) to single family dwelling house (Class C3) involving erection five-storey rear extension (including basement and attic level); excavation of new basement, part two / part single-storey rear extension with ground floor level terrace; alterations to front lightwell; alterations to rear, front and both flank elevations including erection of chimney to south flank; installation of 4 x rooflights on main roof; alterations to front boundary wall; relocation of existing crossover; and associated landscaping (following demolition of existing rear fire escape stair structure and single storey and five storey rear extensions). - **Granted 16/01/2014.**

2015/5506/P – Variation of condition 3 (approved plans) of planning permission 2013/2547/P dated 16/01/14 as varied by planning permission 2014/3445/P dated 14/08/2014 namely to amend the

location of refuse storage, soft and hard landscaping, glass canopy, doors, staircase, fenestration, access hatch, and reduction in size of basement. **Granted 02/03/2016.**

Relevant policies

National Planning Policy Framework (2012)

London Plan 2016

Camden Local Plan 2017

A1 Managing the impact of development

A2 Open Space

A3 Biodiversity

D1 Design

D2 Heritage

G1 Delivery and location of growth

Camden Planning Guidance

CPG1 Design (2015)

CPG6 Amenity (2011)

Fitzjohns and Netherhall Conservation Area Statement (2001)

Assessment

1.0 Proposal

1.1 This application seeks planning permission for the following:

- Retention of an 'L' shaped single storey rear outbuilding. It measures 8.9m in depth, 12.3m wide and stands at 3.6m from ground level. The attached raised patio will stand at 0.6m high, measure 3.4m deep and 7.3m.

2.0 Assessment

2.1 The main planning considerations in the assessment of this application are:

- Design (the impact that the proposal has on the character of the host property as well as that of the wider Fitzjohn and Netherhall Conservation Area);
- Amenity (the impact of the proposal on the amenity of adjoining occupiers).

3.0 Design

3.1 Local Plan Policies D1 (Design) and D2 (Heritage) are aimed at achieving the highest standard of design in all developments. Policy D1 requires development to be of the highest architectural and urban design quality, which improves the function, appearance and character of the area; and Policy D2 states that the Council will preserve, and where appropriate, enhance Camden's rich and diverse heritage assets and their settings, including conservation areas and listed buildings

3.2 The outbuilding is finished in white render with a full width floor to ceiling glazed front elevation. The flat roof is covered in artificial grass, which is not visible and is not considered to cause detrimental harm to the character of the host property or the wider conservation area. Whilst the outbuilding is very contemporary in its simple and sleek minimalist design, it is considered that the size, form and use of high quality materials ensures that the proposal is sympathetic to the original character of the host property; its limited visibility from the public realm would ensure no significant harm is caused to the appearance of the surrounding conservation area.

- 3.3 The outbuilding and front raised patio, although large in scale, are not considered to be excessive in size in relation to the host property and substantial plot size. The outbuilding has a maximum height of 3.6m and external floor area of 82sqm which would occupy approximately 13% of the original rear garden (594sqm). Combined with the raised patio, the proposal occupies 108sqm which equates to 18% of the original garden space. It is considered that sufficient soft landscaped garden space has been retained. Furthermore, the proposed structure would be set in over 2.2m from the North, West and Eastern boundaries of the site, as well as over 20m away from the host building, which ensures that it is visually subordinate to the host and neighbouring gardens.
- 3.4 Although there are no other rear outbuildings in close proximity on this side of Fitzjohn's Avenue, the Fitzjohns and Netherhall Conservation Area Statement does not make reference to outbuildings as being a current issue or a negative feature of the street. It is noted that under permitted development regulations this property could build an outbuilding of the same footprint although without the raised patio and with a 0.6m reduction in height. The current building's additional bulk and height over this maximum criteria is not considered harmful enough to warrant a refusal of permission and consequent enforcement action.
- 3.5 A site visit has confirmed that the outbuilding is currently in use as an ancillary office and gym with a shower room. Officers were satisfied that it was not being used for primary habitable purposes and a condition has been attached to ensure that it remains ancillary to the main dwelling and that it cannot be used as a separate independent dwelling.
- 3.6 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. The proposal is not considered to have a significant impact on the character of the conservation area given its limited visibility from the public realm.

4.0 Amenity

- 4.1 Policy A1 seeks to protect the amenity of Camden's residents by ensuring the impact of development is fully considered. It seeks to ensure that development protects the quality of life of occupiers and neighbours by only granting permission for development that would not harm the amenity of neighbouring residents. This includes privacy, outlook, daylight and sunlight. CPG6 (Amenity) provides specific guidance with regards to privacy, overlooking and outlook.
- 4.2 The size, scale, height and location of the outbuilding, along the side and rear boundaries of the existing garden at the site, would ensure no significant loss of residential amenity would occur to neighbouring properties in terms of loss of light and outlook. Furthermore, there are no windows on the side elevations. On the rear elevation two sets of sliding glass doors face onto an existing 1.8m high wooden fence and it is considered to provide adequate screening to the neighbour at No.4 Maresfield Gardens. The front elevation is over 20m away from rear facades of 7 and 9 Fitzjohns Avenue, well in excess of the CPG6 minimum recommended distance of 18m to protect privacy.
- 4.3 The raised front patio to outbuilding is set 2.4m away from the boundary with No.7 Fitzjohn's Avenue, this boundary is characterised by a 1.8m high wooden fence and existing dense vegetation. It is considered that this separation distance to the boundary and screening is significant enough to minimise direct overlooking to this property.
- 4.4 No objections were received from neighbouring properties.
- 4.4 The proposal therefore does not result in any loss of privacy to neighbouring residents.

5.0 Trees

5.1 It is noted that there a number of trees in the rear garden. An arboricultural method statement was assessed by the Council's tree officers and was considered sufficient to demonstrate that the trees had been adequately protected during construction.

6.0 Conclusion

6.1 The proposed development is considered acceptable in terms of both design and impact on amenity.

6.2 Grant Conditional Planning Permission.

DISCLAIMER

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 November 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'.

Mr Felix Finkernagel
Finkernagel Ross Architects
Unicorn House
221-222 Shoreditch High Street
London
E1 6PJ

Application Ref: **2017/3712/P**
Please ask for: **Sofie Fieldsend**
Telephone: 020 7974

25 October 2017

DRAFT

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Householder Application Granted

Address:
9 Fitzjohn's Avenue
London
NW3 5JY

DECISION

Proposal:
Erection of single storey rear outbuilding and raised patio (retrospective)
Drawing Nos: 9FIT-900 P1, 9FIT-910 P1, 9FIT-911 P1, 9FIT-920 P1, 9FIT-B-PL-DA170628, S-901 and Tree Report (dated September 2017).

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 shall be retained in accordance with the following approved plans: 9FIT-900 P1, 9FIT-910 P1, 9FIT-911 P1, 9FIT-920 P1, 9FIT-B-PL-DA170628, S-901 and Tree Report (dated September 2017).

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

Executive Director Supporting Communities



- 2 The use of the outbuilding hereby approved shall remain for purposes incidental to the residential use of no. 9 Fitzjohn's Avenue only and shall not be used as a separate independent dwelling (Class C3).

Reason: To ensure that the outbuilding does not adversely affect the amenity of adjoining residential premises and is not used for unauthorised purposes resulting in sub-standard accommodation, in accordance with policies G1, A1 and A4 of the London Borough of Camden Local Plan 2017.

Informative(s):

- 1 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts that 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, Judd St, Kings Cross, London NW1 2QS (tel: 020-7974 6941).

2

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 Regeneration and Planning