

Application ref: 2017/7029/P
Contact: Sofie Fieldsend
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Date: 6 March 2018

Development Management
Regeneration and Planning
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William Tozer Associates
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Ec1N 8JY

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Full Planning Permission Granted

Address:

Flat 1
41 Netherhall Gardens
London
NW3 5RL

Proposal:

Erection of single storey rear extension at lower ground floor with associated garden steps. Insertion of 2x new timber sash side windows at basement level and 1x at lower ground level. Increase size of 1x existing rear lower ground window. Alterations to internal floor levels to convert cellar into habitable room.

Drawing Nos: A/01/001 Rev.A, A/01/101 Rev.A, A/01/102, A/01/103, A/01/104 Rev.A, A/01/501, A/02/101 Rev.B, A/02/102 Rev.A, A/02/103 Rev.C, A/02/104 Rev.B and A/02/501.

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).

- 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 D1 [and D2 if in CA] of the London Borough of Camden Local Plan 2017.

- 3 The development hereby permitted shall be carried out in accordance with the following approved plans:

A/01/001 Rev.A, A/01/101 Rev.A, A/01/102, A/01/103, A/01/104 Rev.A, A/01/501, A/02/101 Rev.B, A/02/102 Rev.A, A/02/103 Rev.C, A/02/104 Rev.B and A/02/501.

Reason:

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

- 4 The flat roof of the single storey rear extension hereby approved shall not be used at any time as amenity space, and any access out onto these areas shall be for maintenance purposes only.

Reason: In order to prevent any overlooking of the neighbouring occupiers in accordance with the requirements of policy A1 of the London Borough of Camden Local Plan 2017.

Informative(s):

- 1 Reasons for granting permission:

The extension would have a modest footprint (1.9m deep and 4.4m wide) and will not project further than the depth of the existing raised patio. Although the extension will measure 5.2m high with a flat roof from garden level (3.3m high from floor level) this is due to level changes and will not have a detrimental impact on the character of the host property. The replacement of the access steps closer towards the boundary of No.39 is acceptable. Concerns were raised that the extension will reduce the use of the garden, it is considered that sufficient garden space will be retained given the small scale of the extension. The extension would be constructed of matching brickwork with full length metal sliding doors. The contemporary doors would differentiate the extension as a recent addition whilst preserving the special character and appearance of the host building. The proposed single storey rear extension is considered acceptable by virtue of its siting, size, design and materials.

Given the extension's subordinate depth and as it will be set off from both boundaries, 0.4m from No.39 and 3.7m No.43 respectively it is considered that the proposed rear extension would not cause harm to the amenities of the neighbouring properties given its proposed siting and scale.

The proposal involves the alteration of internal floor levels to increase the head height of the existing basement, no excavation is proposed and therefore a BIA is not required.

Fenestration alterations includes the insertion of three new timber side windows and the enlargement of one existing window to the rear. It is noted that these side windows historically existed in these locations and have since been blocked up. The proposed windows would match the design and materials of the existing windows on the host building and due to their location to the side and rear and at this low level, they would be largely hidden from public view. Due to its sensitive design and location, the proposed windows are not considered to result in harm to the character and appearance of the host building, streetscene or conservation area.

The new side windows would be offset from neighbouring facing windows and not afford any direct overlooking into neighbouring windows. The rear window is set a significant distance from neighbouring properties to the rear and is not considered to have an adverse impact. The proposed windows would not result in any loss of neighbouring privacy, light or outlook.

2 comments were received in relation to the proposed development and were not considered to be relevant planning considerations. The site's planning history has been taken into account when coming to this decision.

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 Area) Act 1990 as amended by the Enterprise and Regulatory Reform Act (ERR) 2013.

As such, the proposed development is in general accordance with policies A1, D1 and D2 of the Camden Local Plan 2017, the London Plan 2016, and the National Planning Policy Framework 2012.

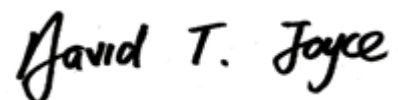
- 2 Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You are advised to consult the Council's Noise and Licensing Enforcement Team, Camden Town Hall, Judd St, Kings Cross, London NW1 2QS (Tel. No. 020 7974 4444 or search for 'environmental health' on the Camden website 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 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).

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

A handwritten signature in black ink that reads "David T. Joyce". The signature is written in a cursive style with a large initial 'D' and 'J'.

David Joyce
Director of Regeneration and Planning