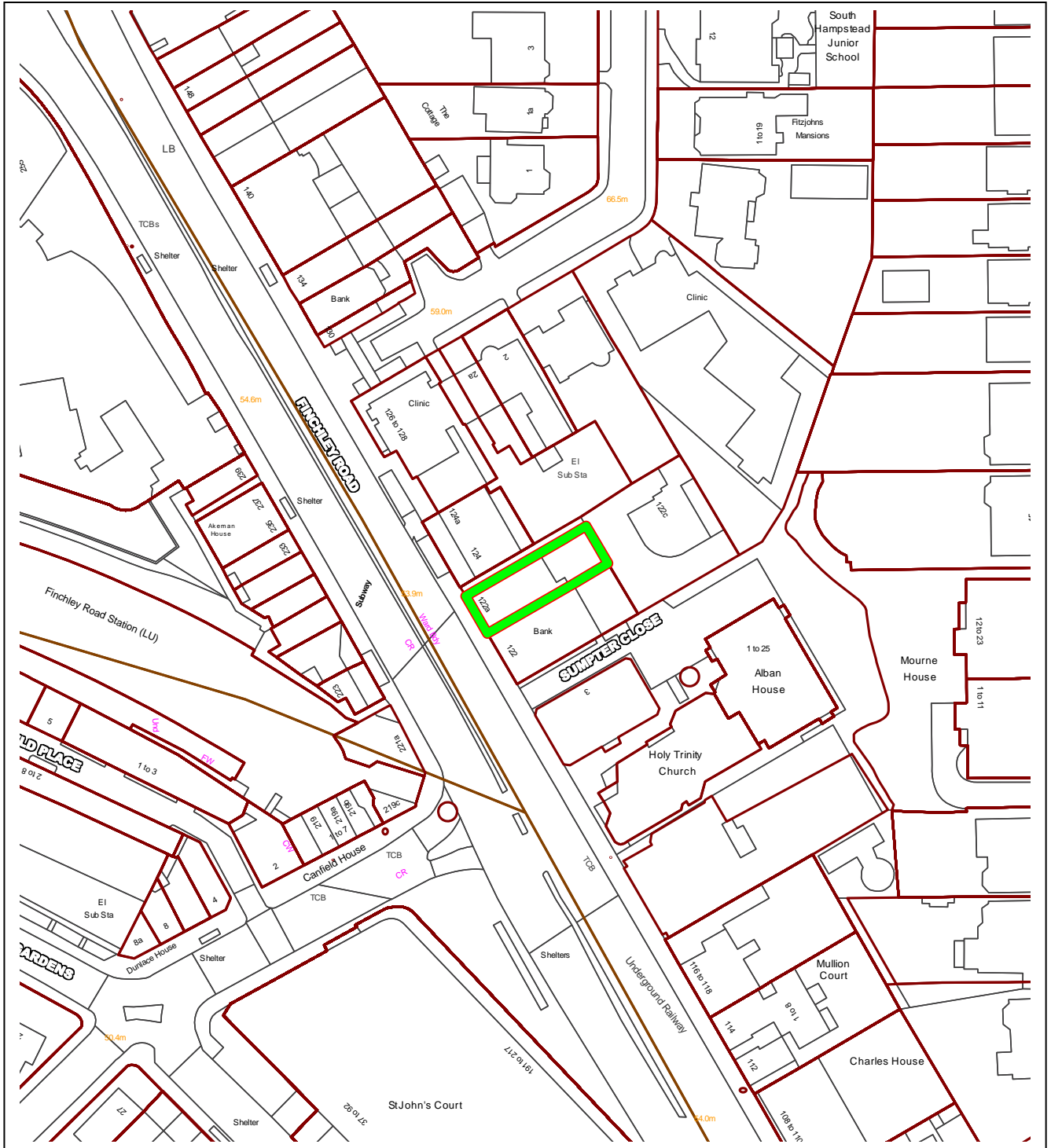


2016/4959/P 122A Finchley Road



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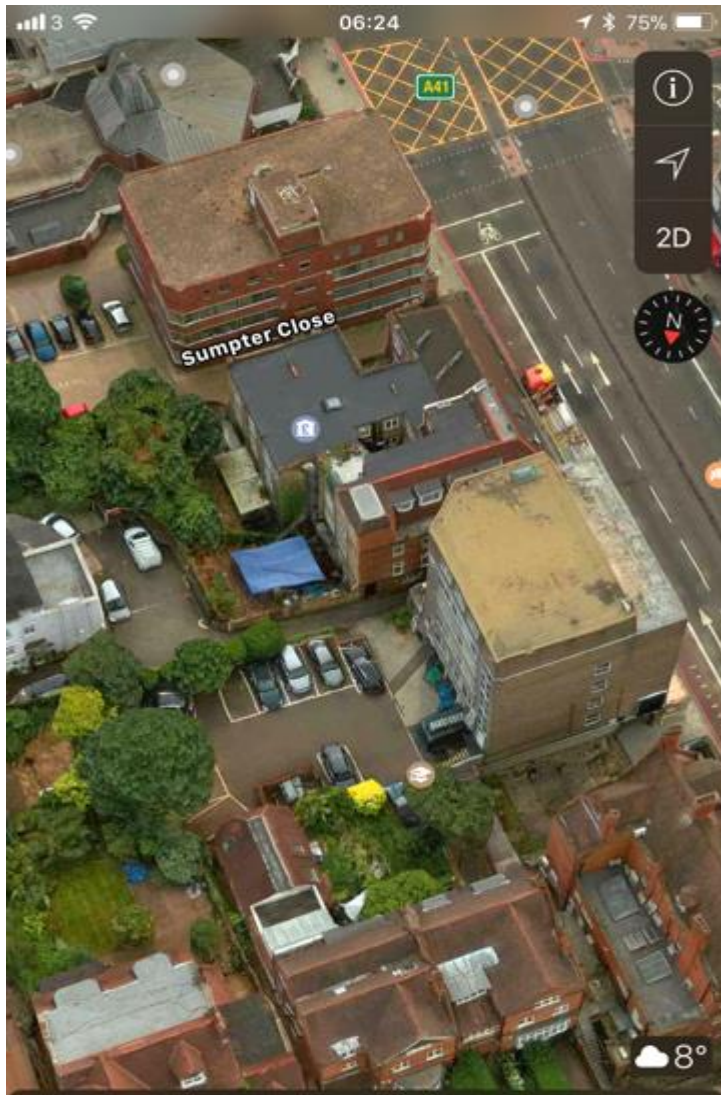


Image 1. Flank elevation facing south.



Image 2. Aerial view of the front elevation



Image 3. Previous ground floor extensions.



Image 4. The retrospective lower-ground and ground floor extension.



Image 5. View from the side passage towards Finchley Road.

Delegated Report		Analysis sheet		Expiry Date:		01/09/2016	
Member's Briefing		N/A / attached		Consultation Expiry Date:		06/03/2017	
Officer				Application Number(s)			
Obote Hope				2016/4959/P			
Application Address				Drawing Numbers			
122A Finchley Road London NW3 5TH				Please see Decision Notice			
PO 3/4		Area Team Signature		C&UD		Authorised Officer Signature	
Proposal(s)							
Erection of a single storey extension to the rear at ground floor for ancillary retail floorspace (Class A1) (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. notified	00	No. of responses	05	No. of objections	05

**Summary of
consultation
responses:**

Objection was received from unknown address on the following grounds:

1. Impact on visual amenity;
2. No basement impact assessment;
3. The application is not currently within its correct use;
4. significant over-development;
5. would set an unacceptable precedent;
6. The plans are not to scale;
7. Multiple violation of the construction works;

Objection was received from 122B Finchley Road are as follows:

10. Plans are incorrect;
11. The dust bin area are inappropriate and inaccessible;
12. The proposal would have an adverse impact;
13. Impact on water pressure;

Objection was received from Flat 4 122B Finchley Road are as follows:

14. Concern with the latest application;
15. The works have caused landslides;
16. Noise and disturbance;
17. Impact on the safety of loading and unloading;
18. The proposal would impact with flooding, land stability and the natural environment;

Objection was received from Flat 1 122B Finchley Road are as follows:

19. Concern with the irresponsible builders;
20. The loss of the garden area with long established trees and bushes;
21. The application does not consider the impacts with the neighbouring amenities;

Objection was received from unknown address are as follows:

22. Significant increase in noise and disturbance;
23. Loss of privacy;
24. Impact with waste disposal;

Officer's Comments are as follows:

1. The retrospective extension is at ground floor level and given its location, position and scale the impact on neighbouring amenity would be less than detrimental:
2. Regrettable the application is for retrospective consent and considering the extension has already been built and no structural complaint has been received during the course of the application. It would be unreasonable to request a basement Impact assessment in this instance. Furthermore, there is no excavation works being undertaken under the footprint of the host building.
3. The use as retail has been established:
4. The site is unique, the slope up the hill allows the extension to be rear as subservient in its scale and settings:
5. Applications are determined on a case by case basis, and the enforcement team felt the proposal not be expedient to pursue enforcement action given the size and scale of the rear addition:
6. The plans and elevation drawings were revised during the course of the application and is a true reflection of the scheme proposed;

7. The construction works violation would come under the remit of the health and safety executive;
8. The scale of the rear addition would not result in large increase in the retail function of the unit to have an impact that would be detrimental to the existing refuse arrangement;
9. It is not considered that the overall scale of the rear extension would impact on existing water levels;
10. It is not anticipated that the proposed works at ground floor level would have an impact with the amenity of the flats above and would be a full storey below the nearest residential unit;
11. There is no evidence that the proposal has cause landslide, the rear addition was built after the concrete staircase was demolished. As such, given the extent of the works it is unlikely that the proposal would contribute to landslide;
12. The application is now seeking retrospective consent, the works have been completed;
13. It is not possible to mitigate the impact of loading and unloading given that the proposal is for retrospective consent;
14. The structural element of the proposal would be assessed as part of the building control legislation;
15. The rear of the property do not consist of mature trees that would have be impacted upon;

Local area group comments:

N/A

Site Description

The site is occupied by a 4 storey semi-detached building on the eastern side of Finchley Road. The attached building to the south, 122 Finchley Road, is occupied by a bank at ground floor level, with 2 flats above. The upper levels of the building is in use as five flats (identified as Flats 1-5, 122B Finchley Road). The host building and its neighbour to the south have undergone a number of significant alterations and additions. The adjoining building to the south has a full width and full height rear extension approximately 3m in depth.

The site is on the east side of Finchley Road, directly opposite the Finchley Road Underground station. The area is characterised by commercial uses at ground floor level with residential above. The site is not in a Conservation Area, but 124 Finchley Road directly to the north is in the Fitzjohns/Netherhall CA.

The site rises steeply to the rear, with a rear yard/garden accessed via the ground floor unit and via gate in the Alleyway which adjoins the property. The laneway runs steeply upwards from Finchley Road to 122c Finchley Road at an elevated level behind the application site. No. 122c is in guest house and office use, with a forecourt car park. The entrance door to the flats at 122b above the application site is in the laneway, set back approx. 15m from the front elevation.

Relevant History

2013/5420/P - Erection of a 2 storey rear extension, including an alteration to the existing extraction flue to restaurant (Class A3). Refused 19/12/2013. Note: The proposal was similar to that currently proposed. The primary difference being that the 2013 proposal was 8m in depth.

Reasons for Refusal:

1. The proposed development, by reason of its depth, bulk, mass and detailed design, would be an incongruous and dominant addition, to the detriment of the character and appearance of the site and the surrounding Fitzjohns and Netherhall Conservation Area.
2. The proposed rear extension by reason of its excessive bulk and height in close proximity to neighbouring residential habitable room windows is considered to cause an unacceptable increase in the sense of enclosure.
3. In the absence of a Basement Impact Assessment to demonstrate otherwise, there is insufficient information to conclude that the proposal will not result in a significant impact to the built and natural environments and local amenity in terms of surface flow and flooding, subterranean (groundwater) flow or land stability.
4. The proposed development, in the absence of a legal agreement securing a construction management plan, would be likely to give rise to conflicts with other road users and be detrimental to the amenities of the area generally. PW9902628: Refuse pp 09.08.99 for the erection of an additional storey to create a new one-bedroom flat at 4th floor level and the change of use of the 3rd floor from on flat to 2 x 1-bedroom flats for reasons of bulk/design, light loss and lack of parking. 19.04.00: Appeal against above allowed.

2014/3012/P - Erection of two storey ground floor rear extension to provide additional space for restaurant (Use Class A3). Granted consent on the 22/08/2014.

2010/5329/P - Change of use from restaurant (use class A3) to dual use takeaway (use class A5) and restaurant, with associated alterations to single storey rear extension and installation of plant equipment in rear garden structure. **Refused** consent on 08/04/2011

EN17/1135 - Violation of the agreed planning proposals for 122a Finchley Road. The freeholder has shown wanton disregard for the planning procedure and yet nothing seems to be happening. His extension goes beyond the agreed measurements (which has almost been completed), nor has he provided the required updates to Camden before work was meant to commence (e.g. Construction Method Statement). Dated 30/10/2017

Relevant policies

National Planning Policy Framework (NPPF) 2012

London Plan (2016)

London Plan Policies 2017

A1 managing the impact of development

A3 biodiversity

A5 Basement

A4 Noise and vibration

D1 Design

CC1 Climate change mitigation

CC3 Water and flooding

T4 Promoting the sustainable movement of goods and materials

TC1 (Quantity and location of retail development);

TC2 (Camden's centres and other shopping areas);

TC4 (Town centres uses);

Camden Planning Guidance 2011 - 2017

CPG1 (Design)

CPG 4 (Basement and lightwells)
CPG 6 (Amenity)
CPG7 (Transport)

Assessment

1. Background

1.1 Planning permission was granted on 22nd August 2014 for the erection of a two-storey rear extension at ground floor level (2014/3012/P). The works consist of demolition of dilapidated single storey rear extensions and on officer's advice the depth of the extension was reduced from 4m to 2.95m over two floors providing additional 45sqm of net internal floor area.

1.2 Given the concerns raised when the application was previously revised. the application was made invalid due to the lack of supporting document to ascertain if the proposal would be in accordance with Council's policy DP27 (Basements and Lightwell) and policy A5 of the Local Plan 2017. The council would normally require applications which require excavation work to demonstrate that the proposal would not cause harm to the built and natural environment or local residential amenity and would not result in flooding or ground instability. The requested information was not forthcoming and the proposed ground floor extension was constructed in 2018, and is the subject of an enforcement notice (EN17/1135).

1.3 Nevertheless, the work proposed would not be under the footprint of the existing building and considering approximately 24 percent of the ground floor is on a level surface. The enforcement team are of the opinion that the works would not be expedient to enforce in this instance. The rear garden is on a level surface for approximately 5.9m (including the concrete staircase) then slopes upwards sharply towards the rear end of the garden. The extension would be a single storey and if looked in context with the previous application 2014/3012/P prior to being revised still reduces the overall bulk and scale of the proposal given that the extension would be for an additional 3m at ground floor level

2.0 Retrospective consent is now sought for the retention of the extension to the rear at ground floor level. The proposed extension would measure 3m in depth x 9.0m in width x 2.7m in height and would provide 25sqm of ancillary office space associated with the retail unit (Class A1). Approximately, 1.3m of slope towards the rear garden would have been excavated.

2.0 The key considerations are as follows:

- Land use
- Principle of the basement works
- Design
- Amenity
- Highway consideration

3. Land use

3.1 The unit provides 320sqm of floorspace at ground and first floor level, previously in use as a Class A3 restaurant. Planning applications from 1965, 1985, 2010, 2013 suggest that this is the established use class of the unit. Nevertheless, the current use of the building is as a beauty parlour, in situ for approximately 6 years and services advertised on site (laser hair removal, filler, nail, sunbed, beauty, waxing, and facials) use. Thus, the current use is retail (Class A1).

4. Design and appearance

4.1 The Council's design policies are aimed at achieving the highest standard of design in all developments. D1 (design) states that the Council will require all developments to be of the highest standard of design and its supporting text requires design to consider the character and constraints of the site. The proposal would retain approximately 63% of the garden area. Furthermore, the extension would not be a departure from the prevailing pattern, density and scale of surrounding development nor would the 3m deep addition considered to have an impact on existing rhythms, symmetries and uniformities in the townscape. Given its limited visibility from the public domain. The proposed materials would be compatibility in quality, texture, tone and colour

with the host building. The scale of the extension would not impact on the existing composition of elevations to the rear given its unique setting, nor would the proposal have an impact on the wider historic environment and buildings, spaces and features of local historic value.

4.2 The proposed development is considered to be in accordance with design principles of policy D1 of the Local Plan 2017 and the extension would be a marked improvement when looked at in context with pre- historic form to the rear of the host building, which was in disrepair. The extension was built with matching brickwork, with ash felt roof and timber framed windows and doors to the rear. The additional floorspace/volume created at this level is not apparent from public vantage points. The concrete external staircase was constructed to replicate the existing and would be built towards the south elevation with no.122 Finchley Road for access between the garden and upper ground floor level. Thus, no object is raised in regards to its design and appearance.

5. Amenity

5.1 Development policy A1 seeks to ensure that the amenities of existing and future occupiers are not unduly impacted by development in terms of overlooking, outlook, loss of daylight/sunlight, noise and vibration. With regards to the flats above at upper ground floor level, it is considered that the occupiers of these properties would not be unduly impacted upon; there are limited direct views from the windows of the residential units. There is no impact with daylight/sunlight and the proposal would not impact on the neighbouring property in terms of sense of enclosure

5.2 The intensification of use is not considered to be of a scale likely to result in a material increase in acoustic impacts on adjoining properties. Given, the setting of the proposed extension located at ground floor level the impact on residential amenity would be limited.

5.3 Local Plan policy T4 states that in order to minimise the impacts of the movement of goods and materials by road (including construction traffic), developments will be expected to 'seek opportunities to minimise disruption for local communities through effective management'. Policy T4 states that 'The Council will expect works affecting Highways to repair any construction damage to transport infrastructure or landscaping and reinstate all affected transport network links and road and footway surfaces following development'.

5.4 Given that, the proposal has already been built it would be unreasonable to request a CMP retrospectively in this instance.

6.0 Conclusion

6.1 The ground floor extension (which was extended towards the rear garden) is relatively modest in size and would be limited to the footprint of the existing building. The proposal would offer limited visibility hidden behind the concrete staircase and the two-storey addition. Thus, the proposal is considered to comply with policies A1, A5, D1 and T4 of the Local Plan 2017.

7.0 Recommendation

7.1 Grant retrospective 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 Tuesday 3rd April 2018, 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'.

Application ref: 2016/4959/P
Contact: Obote Hope
Tel: 020 7974 2555
Date: 27 March 2018

Development Management
Regeneration and Planning
London Borough of Camden
Town Hall
Judd Street
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WC1H 9JE

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Mr Shirafkan
122a, Finchley Road
London
NW3 5HT

DRAFT

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Full Planning Permission Granted

Address:
122A Finchley Road
London
NW3 5HT

DECISION

Proposal:

Erection of a single storey extension to the rear at ground floor for ancillary retail floorspace (Class A1) retrospective.

Drawing Nos: 796/FR/S1, 814/FR/01, 814/FR/06, 02, 814/FR/03, 814/FR/04, 814/FR/06, 814/FR/07 and 814/FR/08,

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 carried out in accordance with the following approved plans 796/FR/S1, 814/FR/01, 814/FR/06, 02, 814/FR/03, 814/FR/04, 814/FR/06, 814/FR/07 and 814/FR/08.

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

Informative(s):

1 Reason for granting permission-

The proposed development is in general accordance with policies A1, A5 and D1 of the London Borough of Camden Local Plan 2017. The proposed development also accords with the London Plan 2016 and the National Planning Policy Framework 2012.

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

David Joyce
Director of Regeneration and Planning

DRAFT

DECISION