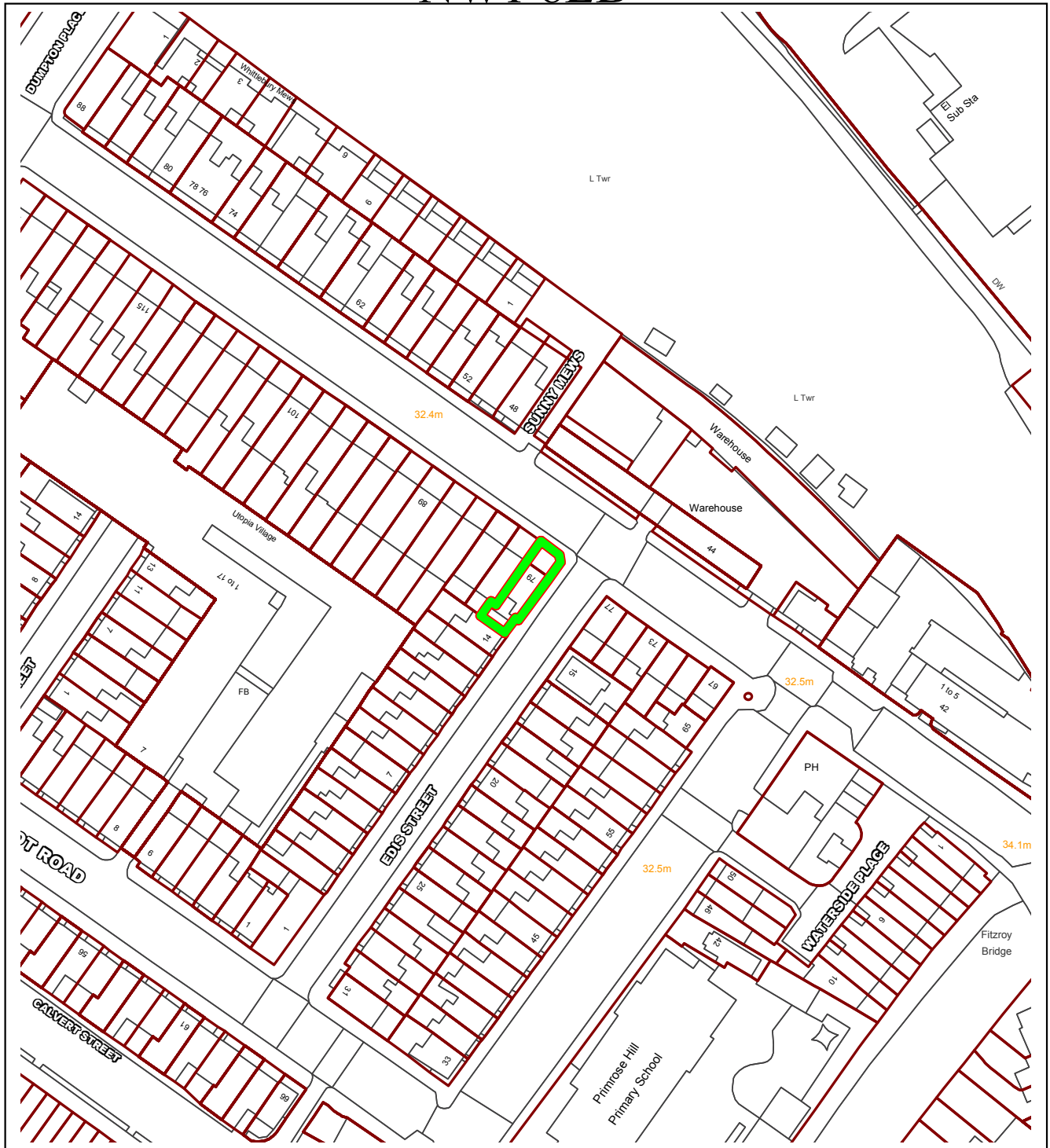


# 2018/4192/P – 79 Gloucester Avenue, NW1 8LB



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## Site photographs



1) 79 Gloucester Road (prior to hoarding)



2) Site and forecourt



3) 79 Gloucester Road in context (existing grille at adjacent no. 77)

<b>Delegated Report</b>		<b>Analysis sheet</b>		<b>Expiry Date:</b>	<b>14/11/2018</b>
<b>(Members Briefing)</b>		N/A		<b>Consultation Expiry Date:</b>	<b>22/10/2018</b>
<b>Officer</b>			<b>Application Number(s)</b>		
Ben Farrant			2018/4192/P		
<b>Application Address</b>			<b>Drawing Numbers</b>		
79 Gloucester Avenue London NW1 8LB			Please refer to draft decision notice		
<b>PO 3/4</b>	<b>Area Team Signature</b>	<b>C&amp;UD</b>	<b>Authorised Officer Signature</b>		
<b>Proposal(s)</b>					
Variation of condition 3 (approved drawings) of planning application ref: 2017/2170/P dated 30/05/2018 for 'Excavation of front light well and associated external alterations', namely to amend the approved front lightwell to install a skylight below an external grille.					
<b>Recommendation(s):</b>		Grant conditional planning permission			
<b>Application Type:</b>		Variation of condition application			

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	0	No. of responses	0	No. of objections	5
Summary of consultation responses:	<p>A site notice was displayed on 28/09/2018 (consultation end date 22/10/2018), and a press notice was displayed on 27/09/2018 (consultation end date 21/10/2018).</p> <p>Objections were received from the owners/occupiers of 5 nearby properties (79A, 81, 83, and 109 Gloucester Avenue, and Flat 6, 18 King Henry's Road). These can be summarised as:</p> <ol style="list-style-type: none"><li>1. The proposal is not in accordance with local policies</li><li>2. A grille is more in-keeping with the character of a property as a store front; a glazed skylight is inappropriate</li><li>3. Concerns regarding artificial light levels</li><li>4. Concerns regarding works taking place at the property without consent</li><li>5. References are made to works at the rear of the property, which is subject to a separate full planning application (Ref: 2018/4766/P)</li></ol> <p><i>Officer Response:</i></p> <ol style="list-style-type: none"><li>1. <i>The design of the proposed front skylight (and relevant policies) is discussed in sections 3, 4 and 5 of the report.</i></li><li>2. <i>Following the receipt of amendments, a grille would be located above the glazed skylight to retain an appropriate appearance.</i></li><li>3. <i>Given the location of the grille, coupled with the scale of the proposed skylight, the proposal is considered not to result in unduly harmful levels of light overspill.</i></li><li>4. <i>The property is subject to a separate enforcement case regarding the works which have taken place to the rear of the property without planning consent. The Council is aware of these works, which are currently being addressed via retrospective application ref: 2018/4766/P (currently under consideration).</i></li><li>5. <i>An application for alterations to the rear of the building is currently being considered by the Council (Ref: 2018/4766/P). Comments which have been received concerning this rear element shall be considered in the determination of the application for works to the rear.</i></li></ol>					
Primrose Hill Conservation Area Advisory Committee (CAAC)	<p>The Primrose Hill Conservation Area Advisory Committee (CAAC) objects to the proposed scheme, the comments are summarised as:</p> <ol style="list-style-type: none"><li>1. The proposal is noted as a 'shop front of merit' and 'positive contributor' within the Conservation Area Statement. It is distinctive being the only shop in the terrace; the open front adds to this distinctive nature.</li><li>2. The skylight would not reflect the distinctive character of the shop</li></ol>					

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|--|---|
|  | <ol style="list-style-type: none"><li>3. A glazed block infill may be supported in principle, as these can be seen on nearby shops</li><li>4. Reference is made to works at the rear of the property, which is subject to a separate full planning application (Ref: 2018/4766/P)</li></ol> |
|--|---|

*Officer Response:*

1. *Noted.*
2. *Following the receipt of amendments, a grille would be located above the glazed skylight to retain an appropriate appearance.*
3. *The glazed block alternative was discussed with the agent, however this would not provide a sufficient level of light to the basement level residential accommodation.*
4. *An application for alterations to the rear of the building is currently being considered by the Council (Ref: 2018/4766/P). Comments which have been received concerning this rear element shall be considered in the determination of the application for works to the rear.*

## Site Description

The application site contains a three storey terraced property (with basement) on the corner of Gloucester Avenue and Edis Street, with shop front to the ground floor (though prior approval has been granted for this to become a residential unit (see history section below). The property is noted as having a 'shop front of merit' within the Primrose Hill Conservation Area Statement, and as being a positive contributor to the conservation area.

The property is covered by an Article 4 direction which restricts its permitted development rights to make certain external alterations to the property without the requirement for planning permission.

The property is sited within the Primrose Hill Conservation Area, it is not a listed building but is identified as making a positive contribution to the character of the area.

## Relevant Planning History

### 79 Gloucester Avenue (Application Site)

**2018/4766/P** - Raise height of ground floor rear addition and insertion of high level frosted glazing (Retrospective) – **Currently under consideration**

**2017/2170/P** - Excavation of front light well and associated external alterations – **Granted 30/05/2018**

**2016/4347/P** – Change of use from office (B1a) to residential use (C3) at ground and lower ground floor levels to provide 1 x 2 bed unit under Class O of the General Permitted Development Order 2015 – **Granted Prior Approval Subject to S106 dated 11/10/2016**

**2016/1713/P** - Use of ground and basement floors as office (Class B1a) – **Certificate of Lawfulness (Existing) Granted 21/06/2016**

### 81 Gloucester Avenue

**2009/0231/P** - Revisions to planning permission was granted on 21/10/08 (2008/4226/P) for change of use from maisonette and basement flat into one single family dwelling house, including replacement of conservatory with two-storey infill extension and alterations to the front lightwell and garden, namely additional excavation at basement level under front garden, alterations to balcony/staircase from rear ground floor level to garden and alterations to windows at rear basement level and within front basement lightwell – **Granted 27/04/2009**

**H10/12/2/1754** - The conversion of the basement of 81, Gloucester Avenue, Camden, to a self-contained flat – **21/04/1966**

## Relevant policies

### **National Planning Policy Framework (2018)**

### **London Plan (2016)**

### **Camden Local Plan (2017)**

A1 Managing the impact of development

A5 Basements

D1 Design

**Camden Planning Guidance**

CPG1 Design (2018)

CPG Amenity (2018)

CPG Basements (2018)

**Primrose Hill Conservation Area Statement (2000)**

**Assessment**

**1. The proposal**

1.1. This application seeks planning permission for the following works:

- Amendment to the previous permission to form a front lightwell (Ref: 2017/2170/P) to incorporate a skylight below a metal walk-on grille.

**2. Revisions**

2.1. Amendments were received following comments from the Primrose Hill CAAC, interested third parties and advice from officers. The proposed plans originally showed a walk on skylight finishing flush with the existing ground level. This has been amended to retain a metal walk on grille, with a skylight proposed to be set below, thereby reducing the prominence of the skylight within public views. The amendments are publically available for viewing via Camden Council's website, however re-consultation was not considered necessary given the minor nature of the alteration.

**3. Basements**

3.1. Policy A5 of the London Plan concerns applications for basements and excavation. It is acknowledged that the basement and front lightwell which is the subject of this application, have previously received planning consent. This application does not propose to amend the scale of the lightwell, rather it proposes alterations to the treatment of the lightwell, and so in this regard is acceptable in accordance with policy A5 of the Local Plan.

**4. Conservation and design**

4.1. The application site is located within the Primrose Hill Conservation Area, wherein the Council has a statutory duty to pay special attention to the desirability of preserving or enhancing the character and appearance of that area.

4.2. Para. 2.7 of CPG Basements (2018) states that: "*the inclusion of skylights designed within the landscaping of a garden will not usually be acceptable, as illumination and light spill from a skylight can harm the appearance of a garden setting*". It is additionally considered that given the host property has a 'shop front of merit', is a 'positive contributor', and that the alteration would be entirely visible within the conservation area, the finish to the lightwell must be carefully considered.

4.3. It is acknowledged that the glazed skylight originally proposed would not be sympathetic to the character, appearance and historic interest of the host property and surrounding conservation area. Furthermore, whilst it is noted that the host property is currently undergoing works to form a residential unit (rather than shop), it retains this historic importance, and any front lightwell (and finish) should reflect this.

- 4.4. Having discussed the proposal with the applicant, amended plans were submitted to introduce a grille above the proposed skylight which would help to conceal it and retain an appropriate appearance when viewed from the surrounding public realm. It is further acknowledged that lightwells are visible within this part of the conservation area, including some of the adjacent commercial units on Gloucester Avenue (which also have flush fitting grilles/finishes to the front). Given the above, the proposal would serve to preserve the character, appearance and historic interest of the host building and wider conservation area and is therefore considered acceptable.
- 4.5. 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.
- 4.6. Given the above assessment, the proposal is considered to be acceptable in terms of its design and heritage impacts, in accordance with Policies D1 and D2 of the London Borough of Camden Local Plan (2017).

## **5. Impact on Neighbour Amenity**

- 5.1. Policy A1 of the Local Plan seeks to protect the quality of life of neighbouring occupiers. The factors to consider include: visual privacy and outlook; sunlight, daylight and overshadowing; artificial light levels; noise and vibration.
- 5.2. Whilst skylights have the potential to result in light overspill, given its nature being located below a metal grille, coupled with its proposed scale, it is unlikely to result in harm to neighbouring amenity. The proposal is considered to be compliant with policy A1 of the London Borough of Camden Local Plan (2017) and CPG Amenity (2018).

### **Recommendation:**

Grant conditional 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 Monday 11<sup>th</sup> February 2019, 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](http://www.camden.gov.uk) and search for 'Members Briefing'.***



Application ref: 2018/4192/P  
Contact: Ben Farrant  
Tel: 020 7974 6253  
Date: 4 February 2019

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

Phone: 020 7974 4444

[planning@camden.gov.uk](mailto:planning@camden.gov.uk)  
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The D\*Haus Company Limited  
Unit 13, Old Dairy Court  
17 Crouch Hill  
London  
N4 4AP

# DRAFT

Dear Sir/Madam

## DECISION

Town and Country Planning Act 1990 (as amended)

### Variation or Removal of Condition(s) Granted

Address:

**79 Gloucester Avenue**  
**London**  
**NW1 8LB**

Proposal: Variation of condition 3 (approved drawings) of planning application ref: 2017/2170/P dated 30/05/2018 for 'Excavation of front light well and associated external alterations', namely to amend the approved front lightwell to install a skylight below an external grille.

Drawing Nos:

Superseded: 1611.B5.G20.E00Rev.B, 1611.B5.G20.E02Rev.B, 1611.B5.G20.P00Rev.B, 1611.B5.G20.P01Rev.A, 1611.B5.G20.P02Rev.A, & 1611.B5.G20.S00Rev.B

Amended: 79GA\_PL\_000\_Rev.A, 79GA\_PL\_001\_Rev.A, 79GA\_PL\_002\_Rev.A, & 79GA\_PL\_003\_Rev.A

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 the original permission ref: 2017/2170/P (dated 01/05/2018).

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 of the London Borough of Camden Local Plan 2017.

- 3 For the purposes of this decision, condition 3 (approved plans) of planning permission 2017/2170/P dated 01/05/2018 shall be replaced with the following condition:

#### REPLACEMENT CONDITION 3

The development hereby permitted shall be carried out in accordance with the following approved plans: 1611.B3.G20.E00Rev.A, 1611.B3.G20.E02Rev.A, 1611.B3.G10.P00Rev.B, 1611.B3.G20.P00Rev.B, 1611.B3.G20.P01Rev.B, 1611.B3.G20.S00Rev.B, 1611.B5.G20.E01Rev.A, & Basement Impact Assessment Audit 12727-56Rev.D1 by Cambell Reith dated April 2018 & Screening Report 17072/JE/JL by Osborne Edwards dated June 2017; 79GA\_PL\_000\_Rev.A, 79GA\_PL\_001\_Rev.A, 79GA\_PL\_002\_Rev.A, & 79GA\_PL\_003\_Rev.A.

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

- 4 The development hereby approved shall not commence until such time as a suitably qualified chartered engineer with membership of the appropriate professional body has been appointed to inspect, approve and monitor the critical elements of both permanent and temporary basement construction works throughout their duration to ensure compliance with the design which has been checked and approved by a building control body. Details of the appointment and the appointee's responsibilities shall be submitted to and approved in writing by the local planning authority prior to the commencement of development. Any subsequent change or reappointment shall be confirmed forthwith for the duration of the construction works.

Reason: To safeguard the appearance and structural stability of neighbouring buildings and the character of the immediate area in accordance with the requirements of policies D1, D2 and A5 of the London Borough of Camden Local Plan 2017.

- 5 The basement shall be constructed in accordance with the details, recommendations, methodologies and mitigation measures in the Basement Impact Assessment by LMB Geosolutions Ltd and its supporting documents hereby approved.

Reason: To safeguard the appearance and structural stability of neighbouring buildings and the character of the immediate area in accordance with the requirements of policies D1, D2 and A5 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 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.

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraph 38 of the National Planning Policy Framework 2018.

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