

Address:	Flat 1 226 Finchley Road NW3 6DH		7
Application Number:	2019/1991/P	Officer: Adam Greenhalgh	
Ward:	Frognaal & Fitzjohns		
Date Received:	12/04/2019		
Proposal: Demolition of existing conservatory and erection of single storey rear extension for Flat 1			
Supporting Documents and Drawing Numbers: OS Extract, LH09-143: - 101 B, 102 B, 201 E, 202 D, 203, 204 Revision A, Design and Access Statement			
RECOMMENDATION SUMMARY: Grant conditional planning permission			
Applicant: Mr & Mrs John & Suzanne Spencer		Agent: JGS-Invest	
Flat 1, 226, Finchley Road London NW3 6DH		226 Finchley Road London NW3 6DH	

ANALYSIS INFORMATION

1 Land Use Details:			
	Use Class	Use Description	Floorspace
Existing	C3	<i>Dwellinghouses</i>	106m ²
As Proposed	C3	<i>Dwellinghouses</i>	116.5m ²

1 Residential Use Details:										
	Residential Type	No. of Bedrooms per Unit								
		1	2	3	4	5	6	7	8	9+
Existing	<i>Flat</i>		1							
As Proposed	<i>Flat</i>			1						

Parking Details:		
	Parking Spaces (General)	Parking Spaces (Disabled)
Existing	0	0
As Proposed	0	0

OFFICERS' REPORT

Reason for Referral to Committee: **The Director of Regeneration and Planning has referred the application for consideration after briefing members.**

1. SITE

- 1.1. 226 Finchley Road is a four storey building which includes a basement and accommodation within the roof. It is in use as flats and the application relates to the ground floor flat (Flat 1) which is next to Langland Mansions which are five storey period mansion blocks, in use as flats, sited less than a metre to the side of the application site (and separated by a passage).
- 1.2. Langland Mansions project beyond the rear of the application building and the adjoining ground floor flat in Langland Mansions (Flat 1B) has bedroom (and bathroom) windows sited in the side elevation facing the site. On the other side of the application property there is a 2.5m high wall which separates the site of the proposal from the adjoining ground floor flat in 226 Finchley Road.
- 1.3. There is an existing 2.5m deep glazed conservatory on the rear elevation of the application property. It occupies part of an approximately 6m deep patio which belongs to the application property. The adjoining ground floor flat in 226 Finchley Road has an approximate 4.6m deep single storey rear extension. Immediately beyond the patios of the ground floor flats are a 15m deep communal garden for the upper floor flats in the building.
- 1.4. The site lies in the Redington/Froggnal Conservation Area.

2. THE PROPOSAL

- 2.1. Planning permission is sought for the demolition of the existing 2.5m deep glazed single storey rear conservatory and the erection of a 5m deep, 2.5m high single storey rear (brick) extension. Flat roofed and 2.5m in height, the proposal would provide a new room. It would have a window in the rear elevation and a shower room with a window in the side elevation. A new window would be formed in the side elevation of the existing (four storey) building to serve an adjoining bedroom.
- 2.2. During the course of the application an amended proposed rear elevation was submitted to include the provision of a stone header to the proposed rear window.

3. RELEVANT HISTORY

- 3.1. Flat 1, 226 Finchley Road
- 3.2. 2010/1508/P - Erection of a single storey rear extension at ground floor level, installation of window to side elevation at ground floor level, and roof light to existing flat roof of ground floor flat (Class C3) -granted 01/06/2010. The scheme does not appear to have been implemented and so is no longer extant.

4. CONSULTATIONS

Local Groups

4.1. Redington Frogna! Association – Object

4.2. Objections raised on grounds of:

4.3. Excessive development, loss of garden space and harm to character and appearance of Conservation Area

This is addressed in paras. 1.3 & 1.4 of the Assessment below

4.4. Loss of outlook/amenity for adjoining occupiers

See paras. 1.5 – 1.8 of the Assessment below

4.5. **Adjoining Occupiers**

4.6. A site notice was displayed from 15/05/2019 to 08/06/2019 and the application was advertised in the local paper on 16/05/2019 (expiring 09/06/2019).

<i>Total number of responses received</i>	20
<i>Number in support</i>	0
<i>Number of objections</i>	20

4.7. The objections raised by owners/occupiers of adjacent flats at Langland Mansions related to :

- Inaccurate site plan
- *Officers note: This has been corrected and the amended OS site plan which was submitted on 04/06/2019 is understood to be correct*

- Harm to character and appearance of Conservation Area, largely due to loss of garden space
- *See paras. 7.3 & 7.4 below*

- Loss of amenity space, i.e. garden, the footprint of the resulting building is purported to occupy more than 50% of the site
- *See paras. 7.3 & 7.4 below*

- Loss of daylight and overshadowing. Lack of sunlight/daylight assessment
- *See paras. 7.7 – 7.9 below*

- Loss of privacy
- *See paras. 7.6 & 7.12 below*

- Inappropriate facing materials, i.e. UPVC windows
- *Note: Amended drawings have been submitted including timber windows*

in the proposal. A condition is also recommended to secure the approval of the external materials prior to commencement

- Impact upon structure and access to Langland Mansions
- *See para. 7.14 below*

- Conflict with regulations/required distance from boiler outlet at Flat B, 228 Finchley Road
- *See in para. 7.14 below*

4.8. The freeholders of 226 Finchley Road raised objections on grounds of impacts upon the communal areas and drainage. (*Note: The proposal would not encroach upon any communal areas and the applicant would be required to obtain consent from Thames Water for any additional connections to the drainage network*).

5. STATUTORY PROVISIONS

5.1. The statutory provisions principally relevant to the determination of these applications are:

- Section 38(6) of the Planning and Compulsory Purchase Act 2004
- Sections 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 ("the Listed Buildings Act").

6. POLICIES

6.1. ***National and regional policy***
NPPF 2019

The London Plan March 2016, consolidated with alterations since 2011
Draft New London Plan Consolidated Suggested Changes (July 2019)

6.2. **Camden Local Plan 2017**
Policy A1 Managing the impact of development
Policy D1 Design
Policy D2 Heritage

6.3. **Redington and Frognal Neighbourhood Plan**
The Neighbourhood Forum carried out formal consultation on a Draft Plan in Spring 2017, so the plan is a material consideration in decision making. The plan is expected to be submitted for examination later this year. Content of the emerging plan is a material consideration when making decisions in the area but the weight is currently limited.

6.4. **Supplementary Planning Policies**

Redington Frognal Conservation Area Statement (Adopted January 2003)

Camden Planning Guidance

Altering and extending your home (adopted March 2019)

Design (adopted March 2019)

7. ASSESSMENT

- 7.1. The relevant planning issues in this case are the effects on the character and appearance of the Conservation Area and the effects on the amenity of the occupiers at adjoining sites.

The effects on the character and appearance of the Conservation Area

- 7.2. Although this is the most varied part of the conservation area, the significance of this part of the conservation area derives from the streetscape dominated by a range of large redbrick houses and mansion blocks. This part of the building, to the rear does not feature any detailing of particular note or contribute to this significance. Single storey in height and 5m in depth, the proposal would represent an appropriately sized addition to the 4 storey building which would not detract from the scale and form of the built environment. The proposed design, with matching brick walls and timber framed casement window would uphold the architectural style of the building. (Note: The architectural treatment was amended during the course of the application by way of the provision of a header above the proposed window in the rear elevation). The application proposal, due to its size, siting and design, would not harm the townscape character or architectural appearance of the area. A condition would be added to secure details of the appearance of the external materials in order to ensure that the detailing of the proposals preserves the character and appearance of the building and the conservation area (condition 4).
- 7.3. The proposal would not encroach upon the 15m deep communal garden which occupies the rear of the site. It would be situated on the patio at the rear of the existing flat. The size and siting would be identical in footprint to the single storey rear extension which was previously approved in 2010 (see site history).
- 7.4. The proposal would not therefore result in the loss of any garden space. The proposal would be sited on the hard surfaced patio area which is included within the site of flat 1 and it would not result in the loss of any green space, and given its size, siting and design, it would not result in an excessive loss of openness or result in harm to the character or appearance of the built environment and the Conservation Area.

The effects on the amenity of the occupiers at adjoining sites

- 7.5. The proposal would be sited on the boundary with the adjoining site (Langland Mansions). It would abut the 600mm wide passage which runs alongside the flank wall of Langland Mansions, adjacent to the ground floor flat (1b). There are windows facing the site in this ground floor flat. There are bedroom windows in the middle of the flat – these are set well back from the site of the proposal. And there is a bedroom window at the rear of the flat which would be adjacent to the proposal.
- 7.6. The new bedroom window which would be created in the side elevation of the existing building at the application site would be nearest to a bathroom in the

adjoining flat (1b Langland Mansions). As the lower halves of the bathroom windows are obscure glazed the new bedroom window would not result in any unacceptable overlooking. A condition would be attached requiring the proposed windows in the northwest elevation to be obscure glazed as shown on the drawings (condition 5).

- 7.7. In terms of light and outlook, the windows in the bedroom and bathroom in the middle of flat 1b Langland Mansions would not experience any significant differences. These windows already face the four storey building at the application site and given the distance to the proposed extension there would be no discernible effects on these windows/rooms.
- 7.8. However at the rear, the window in the bedroom at the rear of Flat 1b Langland Mansions which faces the application site would experience a partial loss of light and outlook.
- 7.9. The window in question serves a bedroom which also has a rear facing window. Also the proposal would project no more than around 500mm above the boundary fence. There would likely be a loss of light and outlook through the window. However, on balance, given the fact that the main, rear facing window of the bedroom would not be affected, and that it is a bedroom rather than primary living space, it is considered that the proposal would not result in unacceptable living conditions for the occupiers.
- 7.10. There are no other 'amenity' issues associated with the proposal, such as loss of security or unacceptable noise and/or disturbance.
- 7.11. It is concluded that the proposal would not result in any undue overlooking of any habitable rooms at Flat 1b Langland Mansions, and that the size and siting of the proposal would not result in unacceptable living conditions within the bedroom at the rear of the flat.
- 7.12. A 2.5m high solid wall extends on the boundary between the site of the proposal and the other flat on the ground floor of 266 Finchley Road. This wall screens the proposal and means that the proposal would have no impact upon this flat in terms of light, privacy or outlook.
- 7.13. The letter from the Redington & Frognaal Association mentions the impact upon the communal garden at the rear of the site. The proposal would not encroach upon this space and given that the occupiers of the ground floor flat are currently able to use the space adjoining the communal garden the proposal would result in no more harm to the amenity of users of the communal garden.
- 7.14. The potential for physical damage to Langland Mansions and obstruction of the side passage are not planning matters. These are civil matters which would need to be resolved under civil law. The impact of the proposal on the regulations relating to the operation of the boiler at flat 1b 226 Langland Mansions is also a private matter which would need to be resolved by civil action.

- 7.15. In summary the proposal, which is identical to the scheme which was approved at the site under planning permission 2010/1508/P, would not detract from the character and appearance of the Redington and Frognal Conservation Area or the amenity of occupiers of neighbouring properties. 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 (ERR) 2013.
- 7.16. As such, the proposal is in general accordance with Policies D1, D2 and A1 of the Camden Local Plan 2017. The proposed development also accords with the policies of the London Plan 2016 and National Planning Policy Framework.

8. CONCLUSION

- 8.1. The proposal, which is identical to the scheme which was approved at the site under planning permission 2010/1508/P, would not detract from the character and appearance of the Redington and Frognal Conservation Area or the amenity of occupiers of neighbouring properties. 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 (ERR) 2013.
- 8.2. As such, the proposal is in general accordance with Policies D1, D2 and A1 of the Camden Local Plan 2017. The proposed development also accords with the policies of the London Plan 2016 and National Planning Policy Framework.

9. RECOMMENDATION

- 9.1. Grant conditional planning permission

Conditions:

- 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 **Materials**

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 policies D1 and D2 of the London Borough of Camden Local Plan 2017.

3 **Plans**

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

LH09-143:- 201 E, 202 D, 203, 204 revision A, Design & Access Statement

Reason:

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

4 **Detailed drawings and materials**

Before the relevant part of the work is begun, the following details shall be submitted to and approved in writing by the local planning authority:

- a) Sectional drawings at 1:10 of the window in the rear elevation
- b) Details of rooflights
- c) Details of all external, facing materials
- d) Proposed elevations with details of architectural treatment at at least 1;50

The relevant part of the works shall be carried out in accordance with the details thus approved and all approved samples shall be retained on site during the course of the works.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policies D1 and D2 of the London Borough of Camden Local Plan 2017.

5 **Obscure glazed**

Prior to the occupation of the development hereby permitted, the windows on the north elevation, shown as opaque on drawing LH09-143-202 Rev D, shall be obscure glazed over the entirety of the glass, and shall be retained as such for the duration of the development.

Reason: To protect the amenity of adjoining occupiers in accordance with the requirements of policy A1 of the London Borough of Camden Local Plan 2017.


Informatives:

- 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 This proposal may be liable for the Mayor of London's Community Infrastructure Levy (CIL) and the Camden CIL. Both CILs are collected by Camden Council after a liable scheme has started, and could be subject to surcharges for failure to assume liability or submit a commencement notice PRIOR to commencement. We issue formal CIL liability notices setting out how much you may have to pay once a liable party has been established. CIL payments will be subject to indexation in line with construction costs index. You can visit our planning website at www.camden.gov.uk/cil for more information, including guidance on your liability, charges, how to pay and who to contact for more advice.



	<p>Application No: 2019/1991/P</p> <p>226 Finchley Road London, NW3 6DH</p>	<p>Scale: 1:1250</p> <p>Date: 26-Jul-19</p>	<p>N</p> 
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Planning Committee

8 August 2019

2019/1991/P
226 Finchley Road NW3 6DH





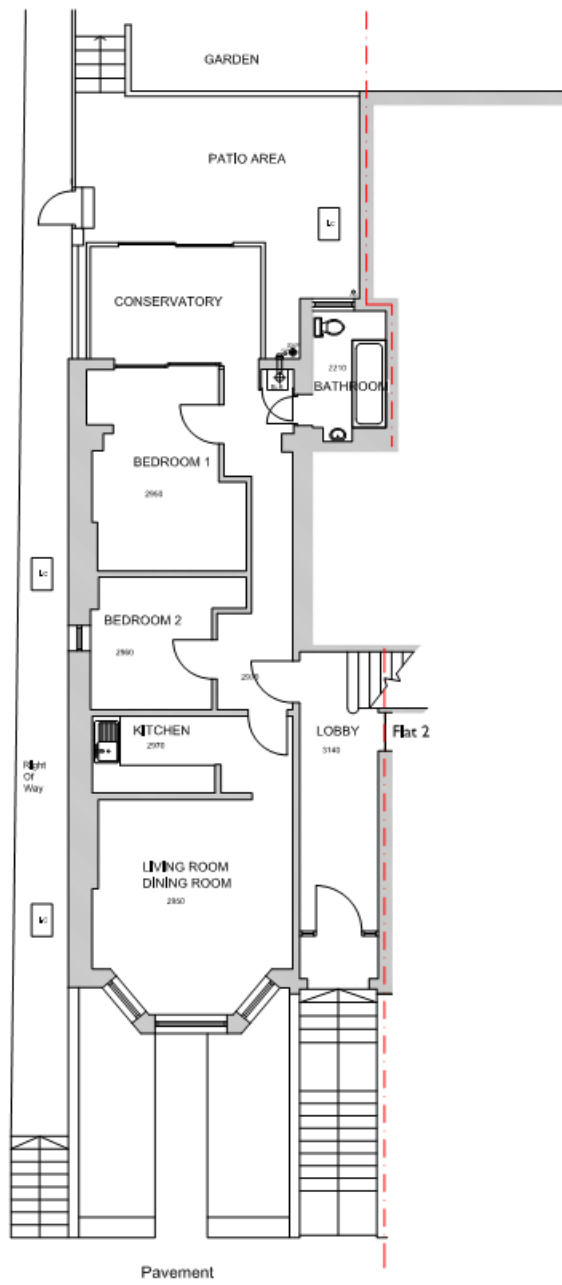
Existing conservatory to be demolished



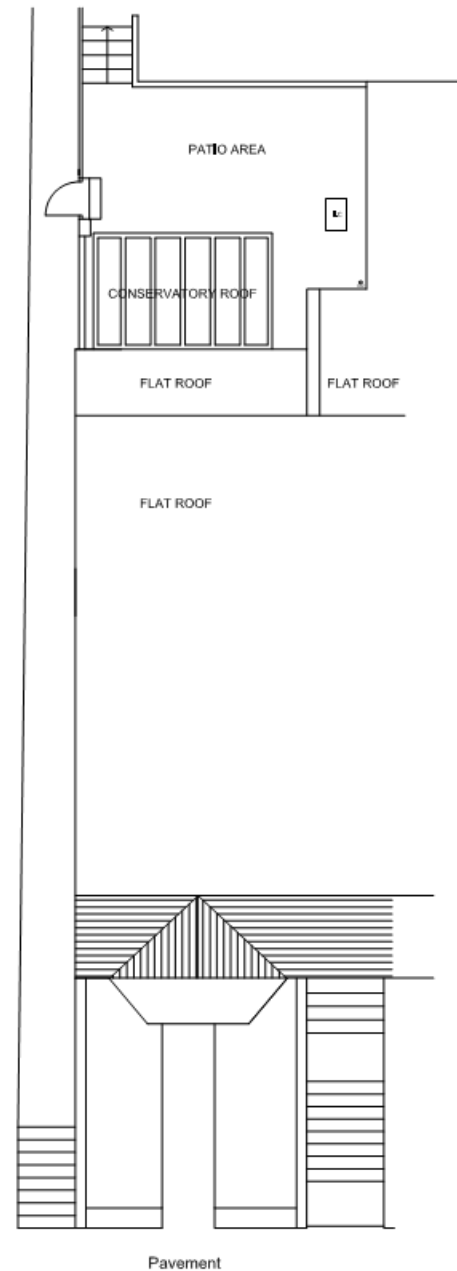
Existing conservatory to be demolished and side elevation of neighbouring flat at 228 Finchley Road



Existing windows in side of adjoining flat alongside
four storey building at application site

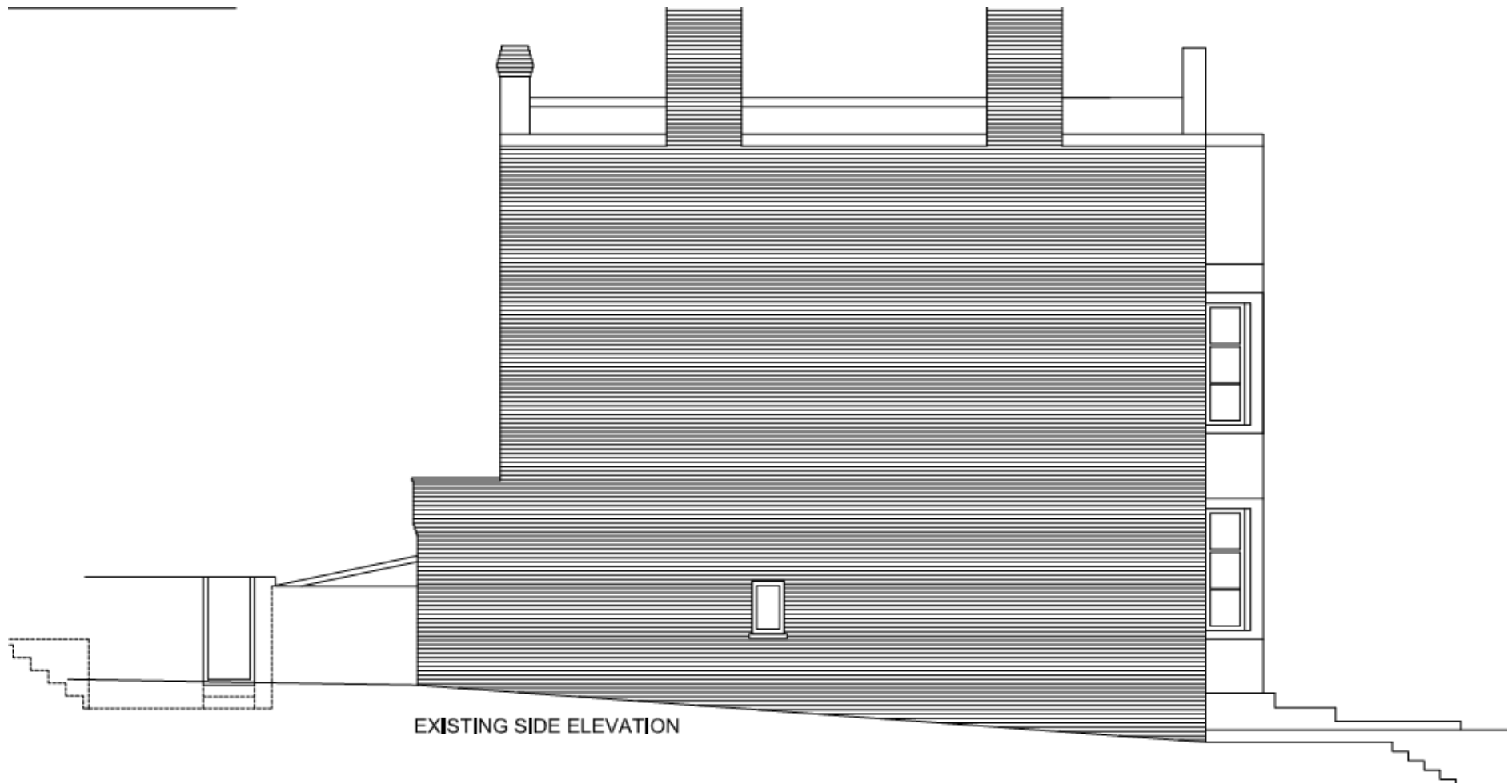


EXISTING GROUND FLOOR PLAN

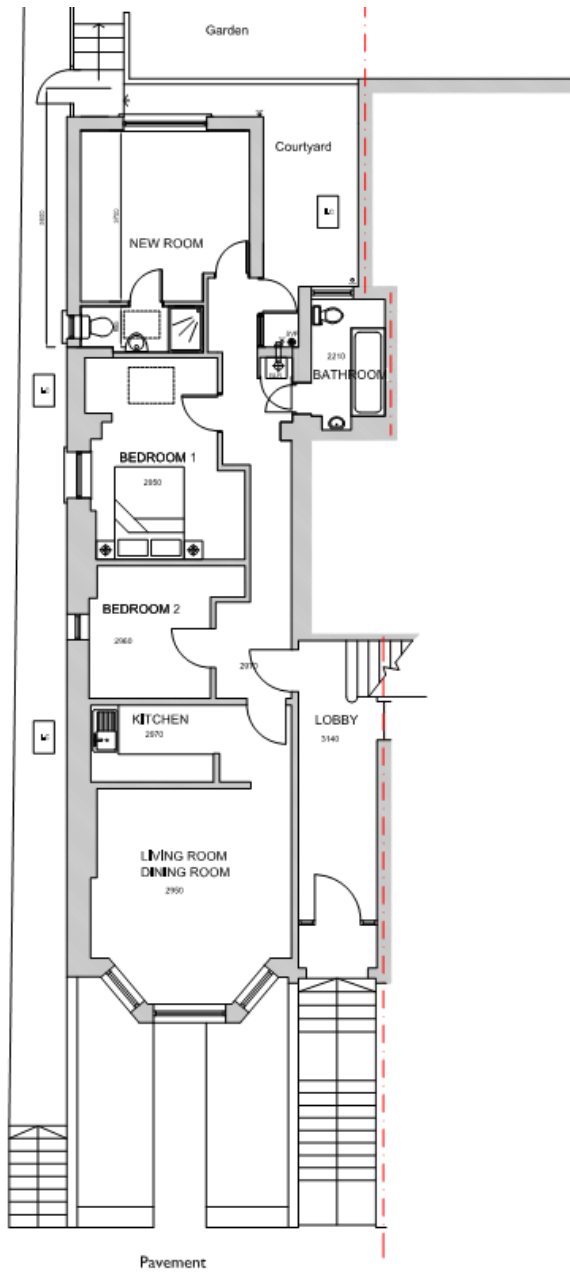


EXISTING ROOF PLAN

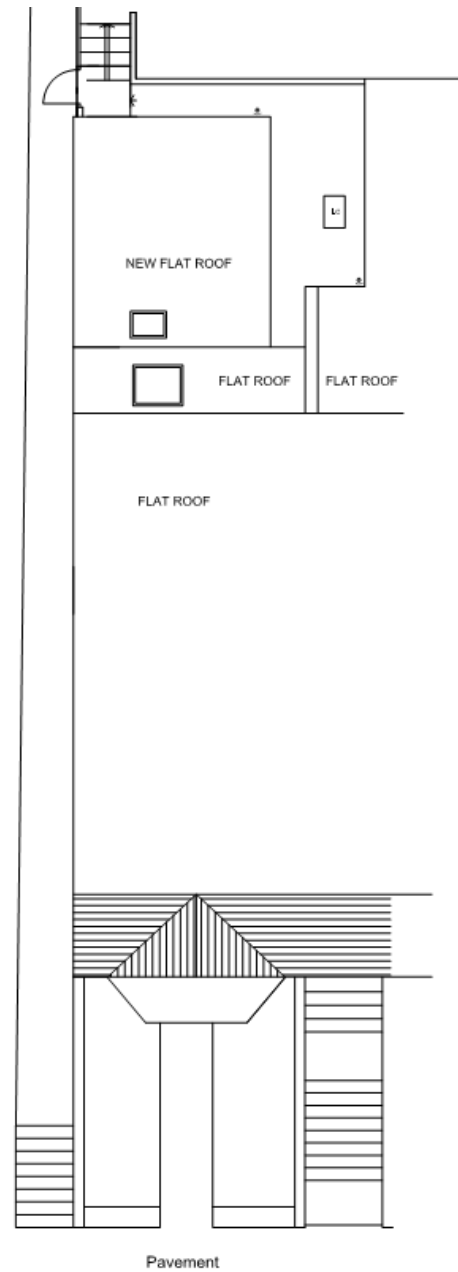




EXISTING SIDE ELEVATION



PROPOSED GROUND FLOOR PLAN



EXISTING ROOF PLAN



