

Lower Ground Floor Flat, 9 Chalcot Gardens – 2019/5738/P



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Photos





Delegated Report		Analysis sheet		Expiry Date:		13/02/2020	
(Members Briefing)		N/A / attached		Consultation Expiry Date:		26/02/2020	
Officer				Application Number(s)			
Kate Henry				2019/5738/P			
Application Address				Drawing Numbers			
Lower Ground Floor Flat 9 Chalcot Gardens London NW3 4YB				Please refer to draft decision notice			
PO 3/4		Area Team Signature		C&UD		Authorised Officer Signature	
Proposal(s)							
Single storey rear extension following demolition of existing rear conservatory; alterations to openings on side elevations							
Recommendation(s):		Grant conditional 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	00	No. of objections	2
Summary of consultation responses:	<p>Site notices were displayed on 02/02/2020 (consultation expiry date 26/02/2020) and a notice was placed in the local press on 09/01/2020 (consultation expiry date 02/02/2020).</p> <p>Objections have been raised by 2 local residents (addresses within the same building), summarised as follows:</p> <ul style="list-style-type: none"> • Proposed conservatory is too large (height and depth / far bigger than existing conservatory) and more solid than existing • Materials not in keeping with the host building and wider area • Harmful impact on the character and appearance of the host building (destroys bay window which extends to flat above) • Transparent skylight in roof – loss of privacy to neighbour above and light pollution • Impact on views to garden from upper flats • Concern about structural implications to building <p>Officer comment <i>The design of the proposed conservatory and the impact on the character and appearance of the host building, the wider area and the Eton Conservation Area is considered to be acceptable. Please see section 4 of the Officer's report. The impact on the bay window is discussed at paragraph 4.10.</i></p> <p><i>The impact on neighbouring amenity is also considered to be acceptable. Please see section 5 of the Officer's report. The issue of lightspill is discussed at paragraphs 5.7 and 5.8.</i></p> <p><i>The impact on the structure of the host building is not a planning consideration. This will be covered by Building Regulations / Party Wall Act etc.</i></p>					
Eton CAAC	<p>Objection, summarised as follows:</p> <ul style="list-style-type: none"> • Erosion of garden space, which is characteristic of the Eton Conservation Area • Loss of historic fabric from host building • Not in keeping with character and appearance of host building • Contrary to Policy ET22 of the Eton Conservation Area Statement. <p>Officer comment <i>The design of the proposed conservatory and the impact on the character and appearance of the host building, the wider area and the Eton Conservation Area is considered to be acceptable. Please see section 4 of the Officer's report. The loss of garden space is discussed at paragraph 4.13.</i></p>					

Belsize Society

Objection, summarised as follows:

- Extension is inadequately designed / incongruous
- Awkward relationship with bay window
- Inappropriate materials
- Harmful impact on neighbours

Officer comment

The design of the proposed conservatory and the impact on the character and appearance of the host building, the wider area and the Eton Conservation Area is considered to be acceptable. Please see section 4 of the Officer's report.

The impact on neighbouring amenity is also considered to be acceptable. Please see section 5 of the Officer's report.

Site Description

The application site is the lower ground floor flat at 9 Chalcot Gardens. The flat occupies the whole of the lower ground floor of the host building and is accessed from the side of the building.

Chalcot Gardens is a private street that runs parallel to England's Lane with a south-west to north-east orientation. The houses, which are mostly large, red or yellow brick semi-detached buildings with front gardens dating from the 1880's, sit on the southern side of the road. Many have been subdivided into flats.

The application site is within the Eton Conservation Area and the application building is identified in the Eton Conservation Area Statement as making a positive contribution to the character and appearance of the conservation area.

Relevant History

2018/4815/P: Change of use from nursery (Class D1) to residential (Class C3) in the front part of the lower ground floor. **Granted 11/12/2018.**

2017/6087/P: Change of use of the rear conservatory from infant school (Class D1) to residential (Class C3). **Granted 08/01/2018.**

2010/0744/P: Alterations to existing rear ground floor conservatory to infant school (Class D1). **Granted 10/05/2010.**

2009/3418/P: Lawful development certificate: Use of basement of residential dwellinghouse (Class C3) as a nursery (Class D1). **Part granted/refused.** [The use of the front part of the basement (area not subject to planning permission 9500804) as a D1 nursery began more than ten years before the date of this application. The lawful use of the rear part of the basement (subject to planning permission 9500804) is a C3 residential, with a personal permission for J Morfey to use it as a D1 nursery until she vacates the premises]

2009/0253/P: Retention of single storey extension (conservatory) at the rear of lower ground floor nursery school. **Refused 21/05/2009. Appeal dismissed 27/10/2009.**

2008/2414/P: Alterations to replace windows with French doors at raised ground floor level to rear. **Granted 26/08/2008.**

Relevant policies

National Planning Policy Framework (2019)

London Plan 2016

London Plan (Intend to publish) 2019

Camden Local Plan (2017)

A1 Managing the impact of development

A3 Biodiversity

A4 Noise and vibration

D1 Design

D2 Heritage

Camden Planning Guidance

CPG Altering and extending your home (2019)

CPG Design (2019)

Eton Conservation Area statement (2002)

Assessment

1. The proposal

1.1. Planning permission is sought for the following:

- Single storey rear extension following demolition of existing rear conservatory
- Alterations to openings on side elevations

1.2. The existing conservatory extends out from the rear of the original building by 4.3 metres and measures 4.1 metres wide and it is set in from the side of the host building by 0.5 metres. It features a low brick wall with glazing above and it has a shallow pitched sloping glazed roof which adjoins the bottom of the balcony associated with the flat on the floor above.

1.3. The proposed extension would extend out from the rear of the original building by 5.5 metres and would measure 4.1 metres wide. It would also be set in from the side of the host building by 0.5 metres. The extension would feature a brick wall along its side (north-east) elevation and glazing on the other two elevations with brickwork at the top. It would have a flat roof with a rooflight measuring 2.2 by 2.3 metres. The roof would adjoin the bottom of the balcony above.

1.4. On the main side (north-east) elevation, it is proposed to move the position of the main entrance door closer to the front of the host building (utilising an existing window opening which serves the kitchen). It is also proposed to infill 3 existing window openings (which currently serve a reception room, the hallway and a WC) and provide 2 new window openings in slightly altered positions (to serve newly created bedrooms).

1.5. It is also proposed to change a door to a window on the south-western side of the front entrance steps.

2. Revisions

2.1. The following revisions have been made during the course of the application:

- Width of extension reduced to match existing
- Reduction in size of rooflight
- Alterations to window arrangement on side elevation
- Replacement windows in front sash (does not require planning permission)

3. Planning considerations

3.1. The key considerations material to the determination of this application are summarised as follows:

- Heritage and design
- Impact on neighbours

4. Heritage and design

- 4.1. The application site is within the Eton Conservation Area, wherein the Council has a statutory duty, under section 72 of The Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended), to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. No. 9 Chalcot Gardens is identified as making a positive contribution to the character and appearance of the conservation area.
- 4.2. Policy D1 of the Local Plan seeks to secure high quality design in development and Policy D2 seeks to preserve and, where appropriate, enhance Camden's rich and diverse heritage assets, including conservation areas.
- 4.3. CPG Altering and extending your home (2019) notes that contemporary design approaches in extensions must be sensitive to the property and its context and extensions must complement the host property without eroding or harming its character, or that of the surrounding area. It notes that extensions should be secondary to the host building; should be built from materials that are sympathetic to the existing building; should respect and preserve the original design and proportions of the building, including its architectural period and style; should respect and preserve existing architectural features, such as projecting bays or decorative balconies; and should respect and preserve the historic pattern and established townscape of the surrounding area. With regards to conservatories, the guidance notes that they should respect and preserve existing architectural features, such as brick arches and windows etc.
- 4.4. The Eton Conservation Area Statement notes that the quality of design of extensions and alterations is important and that extensions should remain subordinate to the main building and utilise appropriate materials (page 23). Guidance is provided, to be read alongside the Council's planning policies. Guideline ET14 states that, in all cases, existing/original architectural features and detailing should be retained and kept in good repair.
- 4.5. Guideline ET22 states that extensions and conservatories can alter the balance and harmony of a property or of a group of properties by insensitive scale, design or inappropriate materials and some rear extensions, although not widely visible, so adversely affect the architectural integrity of the building to which they are attached that the character of the conservation area is prejudiced. It is noted that rear extensions should be as unobtrusive as possible and should not adversely affect the character of the building or the conservation area.
- 4.6. Guideline ET23 notes that extensions should be in harmony with the original form and character of the house and the historic pattern of extensions within the terrace or group of buildings. The acceptability of larger extensions will depend on the particular site and circumstances.
- 4.7. The Eton Conservation Area Statement describes the different sub-areas and the application site is within sub-area 2: '*England's Lane (part of south side) and Chalcot Gardens*'. The statement notes that Chalcot Gardens was built during the 1880's and the houses consist of a variety of designs and styles despite being from a similar period. There is consistency with regards to building line and heights and plot widths and a number of the houses have two storey canted bays.
- 4.8. Although the proposed extension would be contemporary in design, it is considered that it would remain subordinate to the host building and would respect and preserve the original design of the building, including its architectural period and style.
- 4.9. In 2009 an application was refused and subsequently dismissed at appeal to retain a conservatory at the application property which had been built without permission (to replace an existing smaller conservatory). The officer's report noted: "*The conservatory although not full-width does cover the majority of the back of the property. This width combined with the excessive depth when compared to the original conservatory and the conservatory at number 10 results in a dominant obtrusive structure within the rear garden*". The officer's report also

refers to the bay window, noting that: *“The newly constructed conservatory now covers the majority of the bay. This is viewed as unacceptable as the bay windows as clearly illustrated on the ground floor are part of the character of the building. The fact that it is still partially visible through the glazed addition is not a sufficient argument for its loss. The bay at number 10 (part of the symmetrical pair) is visible which matches the bays on the first floor.”* The Planning Inspector’s appeal decision notes that the proposed conservatory (which would measure nearly 5 metres deep and nearly 6 metres wide) would be: *“an out of scale and incongruous extension (that would) dominate the width of the of building”*. He concluded that the conservatory: *“detracts materially from the character and appearance of the host building and the conservation area in which it is located”*.

- 4.10. Given that the bay window is referred to in the Eton Conservation Area Statement and the 2009 appeal decision, it is considered to be important to protect the bay window as an architectural feature of the host building. Insofar as the proposed extension would be the same width as the existing conservatory the impact on the bay window would remain the same as existing. Two sides of the canted bay would remain visible and it would still be possible to appreciate the bay as a two storey feature of the original building. The upper part of the bay would still appear to be ‘grounded’ and it would not appear to ‘float’ above the new extension. Overall, the impact on the bay window is considered to be acceptable and it is considered that the proposals comply with the Council’s guidance.
- 4.11. The impact on the decorative balcony above is also judged to be acceptable, also on the basis that the proposed extension would be no wider than the existing conservatory and therefore the balcony would still appear to sit on top of the same sized extension below.
- 4.12. The proposed extension would measure an additional 1.2 metres long (5.5 metres in depth compared to 4.3 metres); however, it is not considered that the additional length would cause such harm to the character and appearance of the host building and wider area sufficient to warrant a refusal of the application on this basis. As noted, it is still considered that the extension would appear subordinate to the host building, which is a large semi-detached building. It is acknowledged that the Planning Inspector in 2009 considered an extension nearly 5 metres long to be too large, but that was also due to the width (nearly 6 metres wide). In this case, the combined width (4.1 metres) and depth (5.5 metres) are considered to be acceptable overall.
- 4.13. Concern has been raised about loss of garden space and the fact the building is encroaching further into the garden. The original gardens at the rear of properties on Chalcot Gardens were very generous in size and length, although a number of them have been subdivided later, most likely at the same time as the buildings were subdivided to create smaller residential units. Nevertheless, the garden to serve the lower ground floor flat at No. 9 is still generously sized; it currently measures approximately 117 sqm and the proposal would reduce this to approximately 112 sqm (i.e. a loss of approximately 5 square metres). The garden measures over 20 metres long and therefore the proposal to extend part of the building by a further 1.2 metres is not considered to cause undue harm to the garden. It is recognised that rear gardens are an important feature of the Eton Conservation Area but it is not considered that the proposals would cause harm to the character and appearance of the conservation area through the relatively small additional loss of garden space.
- 4.14. The proposed facing materials for the extension (brickwork and painted metal windows) are considered to be acceptable. On the basis that concerns have been raised about the proposed use of materials and also due to the fact the Eton Conservation Area Statement highlights the importance of using high quality materials in the conservation area, a suitable planning condition is suggested to require the submission and approval of details of all facing materials prior to commencement of development. Concerns have been raised about the proposed roof material (dark grey ply material). The suggested condition will ensure that the final material chosen is appropriate to the conservation area setting.
- 4.15. The proposed changes to the openings on the main side elevations are considered to be

acceptable. The changes are not significant, the new windows are at a similar height and position to existing openings and the abovementioned condition will ensure that any bricks used for infilling will be suitably matched to the existing brickwork.

4.16. To conclude this section, the proposed works are considered to be in keeping with the character and appearance of the host building and the wider area and it is not considered that the proposals would impact harmfully on the significance of the Eton Conservation Area. The proposal therefore accords with the aims of Policies D1 and D2 of the Camden Local Plan 2017.

5. Impact on neighbours

5.1. Policy A1 of the Local Plan seeks to protect the quality of life of occupiers and neighbours. The factors to consider include: visual privacy and outlook; sunlight, daylight and overshadowing; artificial light levels; impacts of the construction phase; and noise and vibration. Policy A4 also seeks to ensure that noise and vibration is controlled and managed.

5.2. The main properties which may be affected by the proposals are the properties on the upper floors of No. 9 Chalcot Gardens and the properties within Nos. 8 and 10 Chalcot Gardens (the adjacent buildings).

5.3. It is not considered that the proposed extension would cause undue harm by way of loss of privacy or outlook. The proposed extension has a similar footprint to the existing conservatory, albeit it would be 1.2 metres longer. Nos. 8 and 10 would still retain good outlook to the rear and the properties above in No. 9 would also still enjoy views out towards the rear. The additional length of the proposed extension would not detrimentally impact on views to the rear.

5.4. With regards to privacy, there would be no windows on the north-east elevation of the proposed extension and therefore the impact on No. 8 is acceptable in this regard. The rear-facing windows would face the garden belonging to the host property and although there are side-facing windows on the south-west elevation facing towards No. 10, the level of overlooking would not be significantly worse than the existing situation as the proposed extension is set away from the shared boundary by the same amount as the existing conservatory, which also features glazing on the side elevation facing No. 10. Furthermore, the extension is only single storey in height and there is close-boarded fencing along the shared boundary.

5.5. It is not considered that the proposed extension would cause harm by way of loss of light or overshadowing, due to the orientation of the host building. Whilst there may be some loss of sunlight to the lower ground floor windows at No. 10 in the morning (when the sun is in the east), this property would still receive good levels of sunlight throughout the rest of the day as the sun moves round and is higher in the sky. There is unlikely to be a harmful impact on No. 8 as by the time the sun is in the west, the existing buildings will already cause some overshadowing to No. 8 and the proposed extension is unlikely to exacerbate the situation significantly.

5.6. With regards to artificial lighting, it is recognised that the proposed extension would feature glazing on two of its elevations; however, it is not significantly larger than the proposed conservatory which it would replace and the level of lightspill from a residential unit is unlikely to cause significant harm to neighbouring properties.

5.7. Concerns have been raised about lightspill from the rooflight on the flat roof, which would measure 2.2 by 2.3 metres. A recent appeal decision in the borough is relevant. Planning application reference 2018/5842/P (Flat 1, Sussex House, 14-26 Glenilla Road) was refused by the Council on 01/05/2019 partly because it was considered that skylights on the roof of the proposed extension would cause harm to the residential amenity of the neighbouring property above by way of lightspill. However, the Inspector disagreed noting that: "*The scheme includes*

the provision of roof lights within the flat roof element. Whilst the occupiers of the flats above would be able to see light from the extension roof, it is unlikely that lights within the extension would be directed towards the windows of the flats above the appeal property” (para 17) and: “Based on the evidence before me, I cannot conclude that domestic lighting in the extension would result in a significant degree of light spill from the development. Neither can I conclude that any light spill would affect light levels experienced in the flats above or the adjoining property to an unacceptable degree” (para 19).

- 5.8. In that particular case, 3 skylights were proposed on the flat roof of the ground floor extension, the largest of which would measure 2.5 by 1.5 metres, and two of the the skylights were within 0.3 metres of the building’s vertical elevation and therefore much closer to the windows in the flats above than in this case whereby the proposed rooflight is set away from the building’s vertical edge by at least 2 metres and also beyond the balcony associated with the flat above. Taking into account the appeal decision and the particular circumstances in this case (including the fact the extension would replace a conservatory with a fully glazed roof), it is not considered that the proposed rooflight would cause undue harm to the residential amenities of neighbouring properties.
- 5.9. It is not considered that the proposed works would cause undue harm in terms of noise and vibration. The extension relates to a residential unit and the level of noise likely to be generated is not considered to be unduly harmful to neighbouring properties.
- 5.10. Similarly, due to the scale of the proposed works it is not considered to be necessary to require a Construction Management Plan to be secured by legal agreement.
- 5.11. The proposed alterations to the openings on the side elevations are unlikely to cause undue harm to the residential amenities of neighbouring properties. This is due to the nature of the proposed changes and the location of the openings in question.
- 5.12. To conclude this section, the impact on nearby and neighbouring properties is considered to be acceptable, in accordance with the aims of Policies A1 and A4 of the Local Plan.

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 9th March 2020, 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: 2019/5738/P
Contact: Kate Henry
Tel: 020 7974 3794
Date: 28 February 2020

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DRAFT

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Full Planning Permission Granted

Address:

Lower Ground Floor Flat
9 Chalcot Gardens
London
NW3 4YB

DECISION

Proposal: Single storey rear extension following demolition of existing rear conservatory; alterations to openings on side elevations

Drawing Nos: A-1-1001; A-1-1003; A-1-2001; A-1-2002; A-1-2003; A-3-1001 Rev A; A-3-1002 Rev B; A-3-2001 Rev A; A-3-2002 Rev A; A-3-2003; Design & Access Statement (undated)

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 The development hereby permitted shall be carried out in accordance with the following approved plans: A-1-1001; A-1-1003; A-1-2001; A-1-2002; A-1-2003; A-3-1001 Rev A; A-3-1002 Rev B; A-3-2001 Rev A; A-3-2002 Rev A; A-3-2003; Design & Access Statement (undated).

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

- 3 Before the relevant part of the work the following shall be submitted to and approved in writing by the local planning authority:

a) Manufacturer's specification details of all facing materials (to be submitted to the Local Planning Authority) and samples of those materials (to be provided on site).

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.

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 This approval does not authorise the use of the public highway. Any requirement to use the public highway, such as for hoardings, temporary road closures and suspension of parking bays, will be subject to approval of relevant licence from the Council's Streetworks Authorisations & Compliance Team London Borough of Camden 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No 020 7974 4444) . Licences and authorisations need to be sought in advance of proposed works. Where development is subject to a Construction Management Plan (through a requirement in a S106 agreement), no licence or authorisation will be granted until the Construction Management Plan is approved by the Council.
- 3 All works should be conducted in accordance with the Camden Minimum Requirements - a copy is available on the Council's website at <https://beta.camden.gov.uk/documents/20142/1269042/Camden+Minimum+Requirements+%281%29.pdf/bb2cd0a2-88b1-aa6d-61f9-525ca0f71319> or contact the Council's Noise and Licensing Enforcement Team, 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No. 020 7974 4444)

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 must secure the approval of the Council's Noise and Licensing Enforcement Team prior to undertaking such activities outside these hours.

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 2019.

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

DRAFT

DECISION