

# 2019/2815/P Land adjacent to no. 1 Ellerdale Road (Garden House) NW3 6BA



This material has been reproduced from Ordnance Survey digital map data with the permission of the controller of Her Majesty's Stationery Office, © Crown Copyright.



1. Street view of the existing boundary wall and existing timber railings. No. 1 Ellerdale Road to the right, the boundary wall and existing garage at no. 87 Fitzjohn's Avenue.

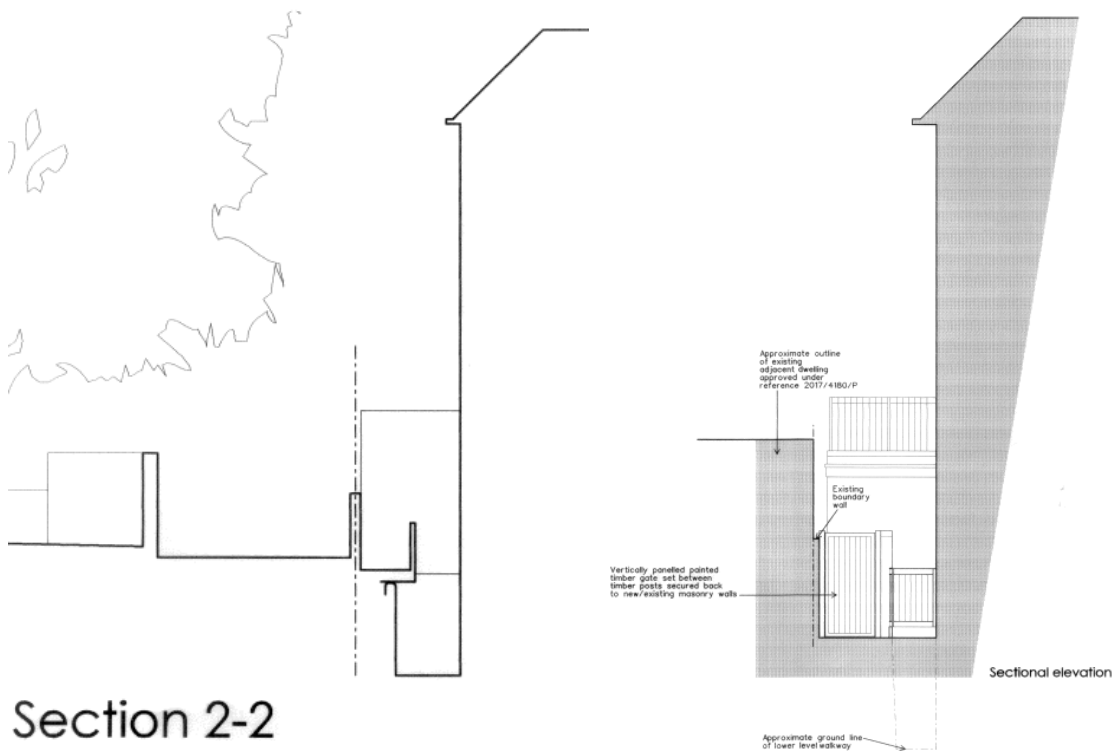


2. Existing walkway to Garden House to the rear.





3. Existing level difference between the walkway and the lower ground level at no. 1 Ellerdale Road



4. Left - Existing section to show walkway and side lightwell at no. 1 Ellerdale Road.  
Right - Proposed front elevation to show the proposed wooden gate, pillar formed by brick wall and railings towards the rear.

Delegated Report (Members Briefing)	Analysis sheet	Expiry Date:	25/07/2019
	N/A	Consultation Expiry Date:	11/08/2019
Officer		Application Number(s)	
Nora-Andreea Constantinescu		2019/2815/P	
Application Address		Drawing Numbers	
Land adjacent to 1 Ellerdale Road (Garden House) London NW3 6BA		See draft decision notice	
Proposal(s)			
Alterations to the forecourt area and walkway to Garden House to include insertion of new gate, raised brick wall and railings, all to dwelling			
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:	Site notice Press notice	12/07/2019-05/08/2019 18/07/2019-11/08/2019	No. of responses	0	No. of objections	0
Summary of consultation responses:	No comments received from neighbours.					
Hampstead Conservation Area Committee (HCAAC)	<p>HCAAC has objected in relation to un-revised version of the proposed scheme as follows:</p> <ul style="list-style-type: none"><li>1. No existing lower ground floor plan</li><li>2. More details needed in relation to the excavation at lower ground floor</li><li>3. More details needed in relation to the reinstatement of the existing boundary wall</li><li>4. Bin store is an unwelcome intrusion to the entrance way</li></ul> <p>Officer response:</p> <ul style="list-style-type: none"><li>1. The only alteration at lower ground floor level is a new gate, as seen in plan and section provided. This is considered sufficient to assess the impact of this proposed alteration.</li><li>2. The excavation at lower ground floor level to create storage space is no longer part of the proposal.</li><li>3. The proposal does not include reinstatement of the existing boundary wall.</li><li>4. The bin store is no longer part of the proposal.</li></ul>					

## Site Description

The application site is located on the southern side of Ellerdale Road, adjacent to eastern side of the property at no. 1 Ellerdale Road and extends along the rear boundary of nos. 81 – 87 Fitzjohn's Avenue. The site has been developed subject to permission reference no. 2015/7036/P, for residential building (Garden House) as part of the rear garden of no. 81 Fitzjohn's Avenue.

The proposed development relates to the forecourt and side area to no. 1 Ellerdale Road. A timber walkway (which oversails the adjacent lightwell serving the lower floor of 1 Ellerdale Road) runs along the east passageway of 1 Ellerdale Road and provides access to the Garden House, adjacent to 1 Ellerdale Road. The walkway extends along the rear boundary wall of nos. 87-85 Fitzjohn's Avenue.

The area is mostly residential and lies within Fitzjohns Netherhall Conservation Area.

## Relevant History

**National Planning Policy Framework, 2012**

**The London Plan 2016**

**The London Plan (intended to publish) 2019**

**London Borough of Camden Local Plan 2017**

A1 (Managing the impact of development)

D1 (Design)

D2 (Heritage)

**Camden Supplementary Planning Guidance 2018-2019**

CGP Design

CPG Altering and Extending your Home

CPG Amenity

**Fitzjohns Netherhall Conservation Area Statement 2001**

## Relevant policies

**2015/7036/P** - Garden House, Land adjacent to 1 Ellerdale Road, NW3 6BA - Erection of new single-storey dwelling house with two storey basement on land to the rear garden of No. 81 Fitzjohn's Avenue, with access off Ellerdale Road (Class C3). – **Granted subject to s106 legal agreement 29/07/2016**

**2019/2169/P** - Flat A 1 Ellerdale Road, NW3 6BA - Replacement of all windows at lower and upper ground floors with double glazed timber framed windows, alterations to side elevations at lower ground level to include infill of two windows, replacement of window with door, installation of new door, and infill extension underneath existing structure to the rear, all to flat A (Class C3). – **Granted 27/09/2019**

## Assessment

### 1. Proposal

- 1.1 Planning permission is sought in relation to alterations to the existing walkway to access the property Garden House. Access to the application site is at the side of no. 1 Ellerdale Road. The proposal would include:
- New railings between walkway and adjacent lightwell
  - New timber gate (set back 7.7m from street pavement at main building line)
  - Raised brick boundary wall across 1.5m of the walkway, 1.84m in height, 0.3m in width, set back by 1.34m from the front elevation line of no. 1 Ellerdale Road, and 7.7m from street pavement
  - Walkway finished with resin bound stone
  - New brick wall at the rear of no. 83 Fitzjon's Avenue to replace the previous one removed to facilitate construction works for Garden House.
  - Removal of 0.8m of boundary wall on the eastern side adjacent to the entrance steps to no. 1 Ellerdale Road
  - New gate in the side passage at lower ground floor level of no. 1 Ellerdale Road.

### 2. Revisions

- 2.1 Subject to the initial revision of the scheme the following elements have been removed:
- New storage area underneath the walkway.
  - Removal of all western side of low brick wall adjacent to the entrance steps to no. 1 Ellerdale Road.
  - Glass balustrade, high panel and gate along the walkway
- 2.2 Subject to the second revision of the scheme the following elements have been amended:
- Brick wall at the start of the walkway of 1.1m high and 1.2m in length and extend up to 2.3m in height across 1.5m in length.
  - Gate at 6.4m from street pavement

### 3. Considerations

- 3.1 The main planning considerations are:
- Design and heritage
  - Amenity

## Assessment

### 4. Design and Heritage

- 4.1 The Council's design policies are aimed at achieving the highest standard of design in all developments. The following considerations contained within policy D1 are relevant to the application: development should consider the character, setting, context and the form and scale of neighbouring buildings, and the quality of materials to be used. Policy D2 states that within conservation areas, the Council will only grant permission for development that 'preserves and enhances' its established character and appearance.
- 4.2 The character of the boundary treatment along the street varies from brick, stone, railings

and wooden gates. The majority of means of enclosure are prominent along the street, bordering the pavement and stepping down along with the gradient of the street front north-east to south-west street. It is noted that Fitzjohns Netherhall Conservation Area Statement does not identify gaps as being an important feature along the street.

- 4.3 The proposed alterations would sit within the gap of 2.2m between the eastern side of no. 1 Ellerdale Road and rear boundary of nos. 87-85 Fitzjohn's Avenue. The gap provides access to the lower ground floor level of no. 1 Ellerdale Road through steps down by 2.1m and level access to Garden House through the elevated walkway with a width of 1.2m. Both access ways are set back by 6.5m from the front pavement.
- 4.4 Currently the walkway is bordered by timber balustrade and hoarding to secure access during construction works for the Garden House. These are proposed to be removed. From the street, the proposed walkway would be visible as railings and a timber gate. Behind the gate a short brick wall and railings would extend towards the rear of the walkway. The brick wall would be significantly set back from the main house and street pavement, and appear in conjunction with the existing boundary wall at the rear of nos. 85-87 Fitzjohn's Avenue, matching its height and materials. The proposed wooden gate would be made of vertically panelled painted timber which would be appropriate in this instance.
- 4.5 In front of and beyond the short wall section, the walkway would be bordered by metal railings. The railings would have a simple design and would be 1.1m tall to comply with Building Control requirements. The visibility of the railings and the overall proposed enclosure would be limited due to the small gap between the buildings and its remote location from street, and would therefore preserve the character and appearance of the neighbouring buildings and streetscene. The walkway would be paved with resin bound stone which is a natural and permeable material considered appropriate in this instance.
- 4.6 The proposal also includes a timber gate at the lower ground floor level located beyond the steps down to this level. The gate would be timber to match the one above which would be considered appropriate in this instance.
- 4.7 Within the application site, the proposal includes rebuilding of the rear boundary wall of no. 83 Fitzjohn's Avenue, which was removed to facilitate the construction works of the Garden House. The brick would be built to match the rest of the rear boundary wall in terms of materials and height, which would be acceptable.
- 4.8 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. Overall the proposed alterations are considered to preserve the character and appearance of the adjacent buildings and streetscene.

## **5. Amenity**

- 5.1 Policy A1 seeks to protect the quality of life of occupiers and neighbours by only granting permission for development that would not harm their amenity. The main factors which are considered to impact the amenity of the neighbouring residents are overlooking, loss of outlook, daylight and sunlight, and noise.
- 5.2 The existing elevated walkway sits to the north-east side of no. 1 Ellerdale Road, with limited levels of daylight and sunlight due to small gap between the buildings and their position on the plot in relation to sun orientation. Furthermore, due to the difference in levels the windows of the room at lower ground floor receive very limited level of daylight and sunlight. The proposed brick wall, has been reduced in height and length which addresses concerns in relation to potential impact to the levels of daylight and sunlight to the bedroom windows for the lower ground floor flat part of no. 1 Ellerdale Road. It is noted that the bedroom is served by three windows and therefore is not considered that the



proposed enclosure would cause any harm to the amenity of the lower ground floor flat at no. 1 Ellerdale Road.

- 5.3 It is noted that there are no windows facing the walkway in the first section of the side wall at upper ground floor level of no. 1 Ellerdale Road.
- 5.4 Due to the nature and extend of the proposals it is not considered that harm to the neighbouring amenity would be caused in terms of loss of light, outlook nor privacy.

## **6. Recommendation**

- 6.1 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 4<sup>th</sup> May 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](http://www.camden.gov.uk) and search for 'Members Briefing'.***

Application ref: 2019/2815/P  
Contact: Nora-Andreea Constantinescu  
Tel: 020 7974 5758  
Date: 28 April 2020

**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)  
[www.camden.gov.uk](http://www.camden.gov.uk)

Phillips Planning Services Ltd  
Kingsbrook House  
7 Kingsway  
Bedford  
MK42 9BA

# DRAFT

Dear Sir/Madam

## DECISION

Town and Country Planning Act 1990 (as amended)

### Full Planning Permission Granted

Address:

**1 Ellerdale Road and Land adjacent to 1 Ellerdale Road  
(Garden House)  
London  
NW3 6BA**

# DECISION

Proposal:

Alterations to the forecourt area and walkway to Garden House to include insertion of new gate, raised brick wall and railings, all to dwelling.

Drawing Nos: 1607-13 Rev. F; 1607-14 Rev. G; 1607-15 Rev. H; 1607-16; 1607-17.

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 policies D1 and D2 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:

1607-13 Rev. F; 1607-14 Rev. G; 1607-15 Rev. H; 1607-16; 1607-17.

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

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.

- 4 Your proposals may be subject to control under the Party Wall etc Act 1996 which covers party wall matters, boundary walls and excavations near neighbouring buildings. You are advised to consult a suitably qualified and experienced Building Engineer.

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**