

10 Elsworthy Terrace, NW3 3DR (Ref. 2020/0429/P)





1. Rear elevation of the site



2. View from the window looking towards Elsworthy Road



3. View from window looking towards Primrose Hill



4. View from Elsworthy Road looking on the rear elevation of Elsworthy Terrace

Delegated Report (Members Briefing)		Analysis sheet	Expiry Date:	09/03/2020
		N/A	Consultation Expiry Date:	22/03/2020
Officer			Application Number(s)	
Sofie Fieldsend			2020/0429/P	
Application Address			Drawing Numbers	
10 Elsworthy Terrace London NW3 3DR			See draft decision notice	
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature	
Proposal(s)				
Erection of rear balcony at first floor. Rear fenestration alterations at lower ground and first floor levels.				
Recommendation(s):		Grant conditional planning permission		
Application Types:		Householder Planning Permission		

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice			
Informatives:				
Consultations				
Adjoining Occupiers:	No. of responses	0	No. of objections	0
Summary of consultation responses:	Site notice consultation: 26/02/2020 until 21/03/2020 Press notice consultation: 27/02/2020 until 22/03/2020 No objections/comments were received.			
Elsworthy Residents Association	Elsworthy Residents Association, objected on the following grounds: 1) Development should be similar to neighbours with timber framed windows, currently does not enhance or preserve the conservation area. The two existing, additional windows remain incongruous when seen alongside the adjacent houses that have managed to make alterations and add rear balconies without drastic change to the original fenestration pattern. 2) The two "irregular" windows at the rear of the house were granted retrospective permission in 2011. Permission to change three flats to a single dwelling was refused but still a single dwelling. <u>Officer response:</u> 1) See sections 2.2-2.6 2) The windows were granted under planning permission ref. 2011/2592/P and although the conversion from 2 units to 1 was refused ref. 2010/1796/P the enforcement notice ref. EN11/0141 was overturned and permission was allowed.			

Site Description

The application relates to a 3-storey mid-terrace house (with basement and loft accommodation). It is located on the western side of Elsworthy Terrace, a short road leading to an entrance to Primrose Hill. The site is not listed but it is recognised as a positive contributor within the Elsworthy Conservation Area.

Relevant History

Application Site

2011/2592/P - Installation of sliding rooflight on flat roof at third floor level, creation of enlarged window at rear lower ground and ground floor level, installation of glazed opening with juliette balcony at rear second floor level in connection with existing flats (Class C3) (Retrospective). – **Granted 17/08/2011**

EN11/0141- Enforcement investigation into the use of the property as a single family dwellinghouse - **An Enforcement Notice was issued on the 1st July 2011. This notice was appealed and allowed.**

2010/1796/P -Change of use from 2 flats to a single dwelling house (Class C3)- **Refused 07/07/2010**

2009/2715/P - Change of use from three self contained flats to two self contained flats, together with installation of a new rooflight to the rear roof slope- **Granted 15/09/2009.**

2009/0530/P- Conversion from three self-contained flats to one self - contained unit on the first floor and use of the remaining floors as non- self-contained accommodation, together with the installation of a rooflight within the rear roof slope - **Refused 12/05/2009.**

Other properties within the terrace:

No.11

2005/3716/P - Replacement of pitched roof of 2 storey rear bay with new flat roof and associated metal balcony railings, plus replacement of window with French doors, to form a terrace for the first floor flat.- **Granted 21/10/2005**

No.13

8702704 – Erection of a balcony on the rear elevation at first floor level – **Granted 22/07/1987**

No.14

CTP/H8/18/15/28074 - Alterations to existing bay roof to form a roof terrace at first floor level and provide balcony access. – **Granted 06/06/1979**

Relevant policies

National Planning Policy Framework 2019

London Plan 2016

Intend to publish London Plan (2019)

Camden Local Plan 2017

Policy A1 Managing the impact of development

Policy D1 Design

Policy D2 Heritage

Camden Planning Guidance

CPG Amenity (2018)

CPG Design (2019)

CPG Altering and extending your home (2019)

Elsworthy conservation area appraisal and management strategy (2009)

Assessment

1. Proposal

1.1. The scheme involves the following elements:

- Erection of rear balcony at first floor with a depth of 1.2m and a footprint of 3.5sqm and replacement of existing window with French doors with timber frame. The balcony would involve the replacement of the pitched roof of the 2 storey rear bay with a new flat roof.
- Replacement rear patio doors at lower ground floor level with timber doors in a similar style.

Revisions

1.2. During the course of this application the application was revised following feedback from the Council's Conservation Officer to:

- Amend the frameless glass single door to the proposed terrace to a set of timber patio doors at first floor to match neighbouring properties
- Remove replacement bay windows at lower ground floor and existing patio doors to be replaced with timber doors in a design similar to the existing

2. Assessment

Design and heritage

- 2.1. Local Plan policy D1 seeks to achieve high quality design in all developments. Policy D1 requires development to be of the highest architectural and urban design quality, which improves the function, appearance and character of the area. Through Local Plan policy D2, the Council will seek to preserve and, where appropriate, enhance Camden's conservation areas. CPG 'Altering and extended your home' states that balconies should complement the elevation upon which they are to be located.
- 2.2. Within this terrace, four properties (No.s 11, 12, 13 and 14) have already constructed a similar style balcony at this level on top of the bay therefore it is considered that the balcony would be in keeping with the prevailing pattern of development along this terrace. Revisions were received changing the new access door to the terrace to a set of timber patio doors in a similar style to neighbouring properties.

- 2.3. At lower ground floor the fenestration was revised to retain the two existing windows on the bay and to replace the existing timber patio doors with timber doors in a similar style to the existing.
- 2.4. The use of traditional timber (for the new fenestration) and metal railings are acceptable within the conservation area.
- 2.5. Overall the proposal would not result in unacceptable harm to the building's appearance or character, nor that of the surrounding conservation area, in accordance with policies D1 and D2 of the Camden Local Plan.
- 2.6. Special regard has been attached to the desirability of preserving or enhancing 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.

Neighbour amenity

- 2.7. Policy A1 seeks to protect the amenity of Camden's residents by ensuring the impact of development is fully considered. It seeks to ensure that development protects the quality of life of occupiers and neighbours by only granting permission for development that would not harm the amenity of neighbouring residents. This includes privacy, outlook, daylight and sunlight.
- 2.8. CPG Amenity states that the Council will expect development to be designed to protect the privacy of the occupants of both new and existing dwellings to a reasonable degree and the extent of overlooking will be assessed on a case-by-case basis.
- 2.9. It is considered that that the balcony would have a similar outlook to the existing balconies at this level within the terrace, therefore it would not contribute significantly to additional overlooking that would warrant a reason for refusal. Given the modest footprint and its angled shape it is unlikely to create harmful overlooking or loss of privacy to No.9. The replacement fenestration would have a similar outlook to the existing.
- 2.10. Given the scale, siting and detailed design of the proposal it is not considered to have an adverse impact on the amenity of the neighbouring properties in terms of loss of light, privacy, overlooking or a sense of enclosure.

3. 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 29th June 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: 2020/0429/P
Contact: Sofie Fieldsend
Tel: 020 7974 4607
Date: 23 June 2020

Development Management
Regeneration and Planning
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SM Planning
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DRAFT

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Householder Application Granted

Address:

10 Elsworthy Terrace
London
NW3 3DR

Proposal:

Erection of rear balcony at first floor. Rear fenestration alterations at lower ground and first floor levels.

Drawing Nos: E-4000 Rev.PL-A; E-1000 Rev.PL-A; E-1001 Rev.PL-A; E-1002 Rev.PL-A; E-1003 Rev.PL-A; E-1004 Rev.PL-A; E-1005 Rev.PL-A; E-2002 Rev.PL-A; E-3000 Rev.PL-A; PR-1000 Rev.PL-C; PR-1001 Rev.PL-B; PR-1002 Rev.PL-B; PR-1003 Rev.PL-B; PR-1004 Rev.PL-B; PR-1005 Rev.PL-B; PR-2002 Rev.PL-C and PR-3001 Rev.PL-B.

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:

E-4000 Rev.PL-A; E-1000 Rev.PL-A; E-1001 Rev.PL-A; E-1002 Rev.PL-A; E-1003 Rev.PL-A; E-1004 Rev.PL-A; E-1005 Rev.PL-A; E-2002 Rev.PL-A; E-3000 Rev.PL-A; PR-1000 Rev.PL-C; PR-1001 Rev.PL-B; PR-1002 Rev.PL-B; PR-1003 Rev.PL-B; PR-1004 Rev.PL-B; PR-1005 Rev.PL-B; PR-2002 Rev.PL-C and PR-3001 Rev.PL-B.

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 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.
- 3 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.

- 4 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

DECISION