

Delegated Report		Analysis sheet	Expiry Date:	25/03/2019
		N/A / attached	Consultation Expiry Date:	10/03/2019
Officer		Application Number(s)		
Rachel English		2019/0508/P		
Application Address		Drawing Numbers		
5 The Hexagon Fitzroy Park London N6 6HR		See decision notice		
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature	
Proposal(s)				
Erection of single storey front extension, two-storey rear extension, and single storey side and rear extension to replace existing garage; replacement of front, rear and side windows and doors and front cladding; installation of 2 x rooflights to main flat roof.				
Recommendation(s):	Non-Determination: would have refused			
Application Type:	Householder Application			

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	00	No. of responses	00	No. of objections	00
Summary of consultation responses:	Site notice displayed from 13/02/2019 until 09/03/2019 Press notice displayed from 14/02/2019 until 10/03/2019 No responses received					
CAAC/Local groups* comments: <small>*Please Specify</small>	<p>The Fitzroy Park Residents Association (FPRA) have provided the following comments on the application:</p> <ul style="list-style-type: none"> • The two main issues FPRA raised with the Applicant relate to i) displaced parking, particularly for guests, and ii) Construction Management issues regarding site constraints and restricted access for HGVs. • With regard to “displaced parking” in Fitzroy Park, the Applicant has confirmed provision for two parking spaces, with the possibility of a third space to accommodate guests. FPRA has confirmed with the Applicant that although there are historic rights of way to pass along the Fitzroy Park carriageway, the only permanent right to park on the road is limited to the right of owners of properties fronting Fitzroy Park to park on their owned frontage only (provided that no obstruction is caused). It follows that those who own properties that do not front onto Fitzroy Park have no permanent legal rights at all to park on Fitzroy Park at any time. This includes guests and all construction-related parking along the allotments. • Despite it being more usual to provide CMP-type details for such an extension/renovation after an Application has been considered, the Applicant has kindly provided FPRA with draft notes demonstrating a modest number of deliveries for the project. • The key issues for FPRA, as with all CMPs, are that construction access can be achieved in forward gear (arriving and leaving) for all HGVs, concrete trucks and exceptional loads to the site, and that access for emergency vehicles is maintained at all times. This should be demonstrated by a digitally created Swept Path Analyses being provided that takes account of safety buffers around the property and material storage, as the development site area is very constrained. • Swept Path Analyses must also show that vehicles, under no circumstances, over-sailing third-party neighbouring properties/land and that they are able to turn safely into/out of the Hexagon from 					

Fitzroy Park without parking bay suspensions. Based on previous analyses, we do not believe this is possible for the Hexagon, so consider construction traffic/deliveries will need to be limited to smaller vehicles. We would also request the Applicant is required to set up a formal Community Working Group (as is usual) in order to deal with such construction access issues as they arise during the project.

- As a consequence of these specific site constraints, FPRA would respectfully ask these issues are embedded into any planning conditions relating to a grant of permission should the Council be so minded.

Site Description

The application property relates to a two-storey detached dwellinghouse with detached side garage, situated on the south-eastern end of The Hexagon, a cul-de-sac, accessed from Fitzroy Park to the north-west.

The building is not listed but it is situated within the Highgate Village Conservation Area. The site is located within the Highgate Neighbourhood Plan area.

Relevant History

5 The Hexagon (Host building)

2018/3298/PRE – Pre-application advice given to the applicant on the acceptability of the erection of a single storey front extension incorporating an entrance porch, a two-storey rear extension and a two-storey side extension, and the installation of 3 x new rooflights into the main flat roof.

Relevant permissions in The Hexagon

4 The Hexagon (Neighbouring property)

2016/3252/P – Erection of a 3 storey 3-bed dwelling following demolition of existing 3 storey dwelling, and associated works. Full planning application refused on 21/04/2020 on design grounds, lack of flood risk assessment, lack of information demonstrating why building should be demolished and lack of S106 legal agreement to secure a Construction Management Plan.

6 The Hexagon (Neighbouring property)

2006/4220/P – Erection of single-storey infill extension to rear, first floor extension to rear, single-storey extension to side with terrace over and increase in height of garage roof (Use Class C3). Planning permission granted 24/11/2006

3 The Hexagon (Neighbouring property)

2012/2510/P – Reconfiguration of rear (west) elevation including re-cladding, fenestration alterations and provision of sedum roof; erection of replacement front (east) elevation porch and associated alterations including landscaping works to single dwellinghouse (Class C3). Planning permission granted 21/11/2012

1 The Hexagon (Neighbouring property)

2016/2031/P – Erection of rear conservatory to replace existing. Certificate of lawful development granted 27/04/2016

Nearby relevant sites

Wallace House, Fitzroy Park

2017/4301/P - Erection of additional storey at first floor level and rear/side extension at lower ground floor, creation of front basement level extension under garage, and various external alterations to dwellinghouse. Recommendation agreed to grant planning permission pending signing of S106 legal agreement – includes CMP clause and formation of construction working group with FPRA.

53 Fitzroy Park

2015/0441/P - Erection of a three storey single family dwelling including basement level, green roofs at first floor and roof level, solar panels at roof level and associated landscaping following the demolition of the existing part-two, part-three storey dwelling (Class C3). Planning permission granted subject to S106 legal agreement on 04/07/2016 with CMP clause and formation of construction working group with FPRA. Construction is under way for this site.

55 Fitzroy Park

2018/3672/P - Demolition of all existing buildings on the site and their replacement with five detached dwelling houses (Class C3) (three x part 2 part 3 storey houses at front facing Fitzroy Park and two x part 1 part 2 storey houses at rear adjoining Millfield Lane) plus associated driveways, access paths,

carparking, landscaping and pond enhancements. Pending decision.

The Water House, Millfield Lane

2017/3692/P - Erection of a single storey side extension, 2 storey front infill extension, and part single part two storey rear extension, including facade and roof alterations to main house and front wing; erection of a side extension to outbuilding in rear garden to be used as ancillary habitable accommodation; erection of pergola carport at end of driveway; and landscaping works including external ramps. Granted subject to a S106 legal agreement on 13/04/2018 with a CMP clause and formation of construction working group with FPRA. Construction is under way for this site.

Relevant policies

National Planning Policy Framework (2018)

London Plan (2016)

Intend to Publish London Plan (2019)

Camden Local Plan 2017

G1 – Delivery and location of growth

A1 – Managing the impact of development

A3 – Biodiversity

A4 – Noise and vibration

D1 – Design

D2 – Heritage

T2 – Parking and car-free development

T4 – Sustainable movement of goods and materials

CC1 - Climate Change Mitigation

CC2 - Adapting to climate change

DM1 - Delivery and location of growth

Camden Planning Guidance

CPG – Design (2019)

CPG – Energy efficiency and adaptation (2019)

CPG – Altering and extending your home (2019)

CPG - Amenity (2018)

CPG – Transport (2019)

CPG – Trees (2019)

CPG – Developer Contributions (2019)

Highgate Conservation Area Appraisal and Management Strategy (2007)

Highgate Neighbourhood Plan 2017

Policy TR2 Movement of Heavy Goods Vehicles

Policy TR3: Minimising the Impact of Traffic Arising from New Development

Assessment

1.0 Proposal

1.1 Planning permission is sought for the erection of a single storey front extension, a two-storey rear extension, and a single storey side and rear extension to replace the existing garage. Also proposed is the replacement of the front, rear and side windows and doors and front cladding and installation of 2 x rooflights to main flat roof.

1.2 This application is assessed in terms of the

- construction impact
- design impact on the host building and surrounding Conservation Area
- trees impact
- impact on amenity of surrounding residential occupiers

2.0 Construction impact

2.1 Policy A1 of the Camden Local Plan seeks to protect the quality of life of occupiers and neighbours. Part i. of the policy refers to the impacts of the construction phase including the use of Construction Management Plans (CMPs). The supporting text of the policy (paragraphs 6.12 to 6.18) sets out when CMPs are sought. In this case, the development site is accessed via the narrow residential street of Fitzroy Park. The Hexagon itself is a cul-de-sac, therefore construction vehicles will have to reverse out or into the road. The proposal would generate many construction vehicle movements during the overall construction period. The primary concern is public safety but also the need to ensure construction traffic does not unreasonably add to existing traffic congestion in The Hexagon and local streets of Fitzroy Park, The Grove, and Millfield Lane. The proposal is also likely to lead to a variety of amenity issues for local people (e.g. noise, vibration, air quality). The Council needs to ensure that the development can be implemented without being detrimental to amenity or the safe and efficient operation of the highway network in the local area and therefore seeks to ensure that the applicant submits a robust Construction Management Plan.

2.2 Policy T4 promotes the sustainable movement of goods and materials and seeks to minimise the movement of goods and materials by road. The site is located on a private road where various developments have either been approved or under consideration, and it is essential the cumulative impacts of construction can be properly mitigated. Construction work is underway at 53 Fitzroy Park following planning permission being granted in 04/07/2016 for a new dwellinghouse (2015/0441/P) as well as planning permission granted for new conservatory at 1 The Hexagon (ref 2016/2031/P granted 27/04/2016).

2.3 Paragraph 6.16 of the Local Plan states that “A Construction Management Plan will usually be secured via planning obligations between the developer and the Council after an application is approved.” Paragraph 2.31 of the Transport Camden Planning Guidance says that: “CMPs are secured as a planning obligation through a legal agreement and the pro-forma must be agreed by the Council prior to commencement of work starting on site.” A CMP and a CMP implementation support contribution of £3,136 is required in order for the development to be considered acceptable and minimise the movement of goods and minimise the impact on the local area.

2.4 A support contribution is required to cover the costs of Council staff time in reviewing and approving the submitted CMP, the ongoing inspection and review of the plan during the construction works, and discussions to agree any amendments during the lifetime of the construction. This can take a large amount of time and this is a cost which should be covered by the developer who benefits from the planning permission rather than the tax payer.

2.5 Policy TR2 of The Highgate Neighbourhood Plan reinforces the Council’s policies by stating that for developments that would generate significant movement of goods or materials by road during construction must have a construction management plan (CMP). Policy TR3 of the Neighbourhood Plan seeks to minimise the impact of traffic arising from new developments.

2.6 For applications in the area, the Council has used a consistent approach of requesting CMPs (via S106) for extensions and new dwellinghouses in the local area. These refer to the Fitzroy Park Residents Association (FPRA) consultation and / or FPRA CMP Protocol in the Section 106 agreements. As part of the CMP, a Construction Working Group is required that includes representation by the FPRA and any other local groups with an interest in seeing the amenity and transport impacts of any development being mitigated. The group would need to be formed prior to any submission of a more detailed CMP prior to works commencing on site.

2.7 The Appellant was notified at pre-application stage that a CMP should be secured via S106 legal agreement as well as at application stage. The Appellant does not agree to enter into a S106 legal agreement to secure a CMP and CMP implementation fee but instead seeks to secure it via condition and not legal agreement. The details that the Appellant proposes to cover in their CMP include measures that affect land outside of the red line site boundary (such as road closures and arrangements for deliveries) which could not be covered by a condition. The constraints of the site on the narrow road of The Hexagon and surrounding streets - Fitzroy Park, Millfield Lane etc. would mean that neighbouring residential occupiers would be adversely impacted by an increase in construction vehicles in terms of noise and disturbance and the potential for blocking driveways. Furthermore, securing the CMP through a legal agreement would allow it to be a live document that could be continuously updated as required, which is more suited to its requirements.

2.8 This forms a reason to refuse this planning application. The proposals are contrary to the aims of policies A1 and T4 of the Camden Local Plan and policies TR2 and TR3 of the Highgate Neighbourhood Plan.

3.0 Design and impact on the character and appearance of the host building and surrounding Highgate Conservation Area.

3.1 The Council's design policies are aimed at achieving the highest standard of design in all developments. Policy D1 states that the Council will require all developments to be of the highest standard of design and to respect the character, form and scale of neighbouring buildings, and the character and proportions of the existing building. Policy D2 states that within conservation areas, the Council will only grant permission for development that 'preserves or, where possible, enhances' its established character and appearance.

3.2 The dwellinghouse is located within the Highgate Village Conservation Area; wherein the Council has a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of that area, in accordance with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Enterprise and Regulatory Reform Act 2013. As such, there is a statutory presumption in favour of the preservation of the character and appearance of Conservation Areas, and a proposal which would cause harm should only be permitted where there are strong countervailing planning considerations which are sufficiently powerful to outweigh the presumption.

3.3 Following Officer advice to reduce the depth of the side extensions, the proposed extensions are considered to be subordinate in scale and location in relation to the two storey detached host dwellinghouse, and respect the character and setting of neighbouring buildings. By virtue of the modern style of the building, the addition of a full-height rear extension 3m deep, with a flat roof to match the existing, would appear as an integral part of the host building and would not dominate or detract from the original design. It would be overall subordinate in footprint and volume to the host building. The proposed materials are considered to be of high quality and appropriate to their context.

3.4 The host building and those in the immediate area are modern in character, and the proposals would be in keeping with the scale and design of the buildings in the locality, which would remain larger than the application building. As such, the proposed extensions would not adversely affect the wider character and appearance of the Highgate Village Conservation Area. If the proposals were considered acceptable then a condition would be added to the decision notice which requests the manufacturer's details of facing

materials and windows to be submitted to the local planning authority for approval. This is in order to ensure a satisfactory appearance.

4.0 Amenity

4.1 Policy A1 seeks to protect the amenity of Camden's residents by ensuring the impact of development is fully considered. Policy A1 seeks to ensure that development protects the quality of life of occupiers and neighbours by stating that the Council will only grant permission for development that would not harm the amenity of neighbouring residents. This includes privacy, outlook, noise and impact on daylight and sunlight.

4.2 Given the location of the adjacent property No. 6 The Hexagon, set well behind the front building line of No. 5 The Hexagon, it is not considered that the proposed extensions would harm the residential amenities of No. 6. 3.4 By virtue of their scale and relationship to neighbouring buildings, the extensions would not harm the amenity of any adjoining residential occupiers in terms of the loss of natural light, outlook, privacy, light spill or added sense of enclosure.

5.0 Trees impact

5.1 Policy A3 of the Local Plan seeks to protect and secure additional trees and vegetation. The policy notes that the Council will resist the loss of trees and vegetation of significant amenity, historic, cultural or ecological value including proposals which may threaten the continued wellbeing of such trees and vegetation. The Council will also require trees and vegetation which are to be retained to be satisfactorily protected during the demolition and construction phase of development.

5.2 The rear and northern side boundaries of the site are lined with mature trees, and there are a number of existing trees located within the front and rear gardens of the site, some of which are proposed to be removed. Following Officer advice, a Tree Report has been submitted. The impact on trees is considered to be acceptable or can be mitigated through suitable conditions. The removal of tree T4 is acceptable and has been previously approved under application 2018/5861/T. If the proposals were considered acceptable then a condition would be added to the decision notice which requires a trial pit along the proposed foundation line is imposed to inform digging methods within the root protection area of T3.

6.0 Car parking

6.1 The reduction in off-street parking to make way for the proposed extensions is encouraged under policy T2 of the Local Plan.

7.0 Recommendation:

7.1 Had an appeal not been lodged, permission would have been refused on the grounds set out below:

In the absence of a legal agreement to secure a Construction Management Plan and associated implementation support contribution, the development would fail to ensure that the development can be implemented without causing detrimental impact to residential amenity or the safe and efficient operation of the highway network in the local area. The development would therefore be contrary to policies A1 (managing the impact of development) and T4 (sustainable movement of goods and materials) of the London Borough of Camden Local Plan 2017 and policies TR2 and TR3 of the Highgate Neighbourhood Plan 2017.