

# 91 Fitzjohn's Avenue - 2020/3139/P



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Photographs of site



1. View towards rear elevation showing relationship with property to the north



2. View towards neighbouring property to the south



3. View of rear elevation



4. View of rear of garden of subject property

<b>Delegated Report (Members Briefing)</b>		<b>Analysis sheet</b>	<b>Expiry Date:</b>	<b>08/09/2020</b>
		N/A	<b>Consultation Expiry Date:</b>	<b>13/09/2020</b>
<b>Officer</b>		<b>Application Number(s)</b>		
David Peres Da Costa		2020/3139/P		
<b>Application Address</b>		<b>Drawing Numbers</b>		
Garden Flat 91 Fitzjohn's Avenue London NW3 6NX		Refer to Draft Decision Notice		
<b>PO 3/4</b>	<b>Area Team Signature</b>	<b>C&amp;UD</b>	<b>Authorised Officer Signature</b>	
<b>Proposal(s)</b>				
Erection of single storey rear extension at lower ground floor.				
<b>Recommendation(s):</b>		Grant conditional planning permission		
<b>Application Type:</b>		Full planning permission		

<b>Conditions or Reasons for Refusal:</b>	<b>Refer to Draft Decision Notice</b>					
<b>Informatives:</b>						
<b>Consultations</b>						
<b>Adjoining Occupiers:</b>	No. notified	<b>00</b>	No. of responses	<b>00</b>	No. of objections	<b>03</b>
<b>Summary of consultation responses:</b>	<p>A site notice was displayed from 19/08/20 to 12/09/20 and the application was advertised in the local paper on 20/08/20 (expiring 13/09/20).</p> <p>Three objections were received from the occupiers of 1, 1A and 2A Ellerdale Road. The issues raised were as follows:</p> <ul style="list-style-type: none"> <li>• Concerned about noise and constant disruption of machinery and vehicles and the cumulative impact of nearby construction projects especially when people are working from home due to COVID. The disruption from nearby building sites going on simultaneously has for much of the time been unbearable.</li> <li>• Site vehicles would find it extremely difficult if not impossible to park or even stop in Fitzjohns Avenue so the burden of disruption would fall once again on those living at the top end of Ellerdale Road with severe loss of amenity and more noise to have to suffer.</li> <li>• Concerned about the loss of the Scots Pine</li> </ul> <p><i>Officer's comments: An environmental health informative would be included on the decision to highlight the permitted hours of construction. The size of the extension is not such that it would be expected to generate significant construction traffic. Permission has already been granted for the removal of the Scots Pine. The current application would secure a replacement tree by condition.</i></p>					
<b>CAAC/Local groups* comments:</b> <small>*Please Specify</small>	<p><b>Hampstead Neighbourhood Forum (HNF) comment</b></p> <p>I've reviewed and am a little confused about the fate of the Scots Pine. The Heritage statement says that "all the existing brick wall and single tree shall be retained" but I don't see the Scots Pine on any of the plans. It also notes that previous approval was given to fell the tee but doesn't mention the condition to replant.</p> <p><i>Officer's comment: The reference to the retention of a tree in the heritage statement is an error. This document will be revised. Permission has been granted to fell a Scots Pine in the rear garden (2020/1413/T). The current application would secure a replacement tree by condition. An email was sent to the Hampstead Neighbourhood Forum confirming these details.</i></p> <p>HNF response: We have no other comments and are pleased that the tree will be replaced.</p> <p>No comment received from Fitzjohn Netherhall CAAC. An email was sent to the CAAC to ask them to confirm whether or not they wished to comment. No response was received.</p>					

## Site Description

The site comprises a 5 storey (including lower ground floor level) mid-terrace property on the southwest side of Fitzjohn's Avenue. The site falls within the Fitzjohn's Netherhall Conservation Area but is not listed. The site falls within the area covered by the Hampstead Neighbourhood Plan.

## Relevant History

**2020/1315/P:** Proposed single storey rear glazed extension at lower ground floor. Granted 09/07/2020

**2020/1413/T:** REAR GARDEN: 1 x Scots Pine (T1)- Fell to ground level. No objection to works to tree in CA 27/04/2020

## Relevant policies

### NPPF 2019

### The London Plan March 2016, consolidated with alterations since 2011

Intend to Publish London Plan 2019

### Camden Local Plan 2017

Policy A1 Managing the impact of development

Policy D1 Design

Policy D2 Heritage

Policy A2 Open space

Policy A3 Biodiversity

### Hampstead Neighbourhood Plan (adopted 8 October 2018)

Policy DH1: Design

Policy DH2: Conservation areas and listed buildings

Policy NE2: Trees

### Camden Planning Guidance

Design (adopted March 2019)

Amenity (adopted March 2018)

### Fitzjohn's Netherhall Conservation Area Statement (adopted 2001)

## Assessment

### 1. Proposal

- 1.1. Permission is sought for a lower ground floor rear extension. The extension would be full width and would project 3.8m from the rear elevation. The extension would be brick built with a sloping zinc roof with two rooflights. The sloped roof would measure 2.7m high at the eaves and 3.3m at its highest point.
- 1.2. Revision
- 1.3. The proposal was revised to replace the flat roof with a sloping roof following officer's concerns with the original design and the heavy appearance of the brickwork above the fenestration.
- 1.4. Background
- 1.5. Planning permission was previously granted 09/07/2020 for a fully glazed extension of very similar dimensions to the current proposal (ref: 2020/1315/P). The difference between the current application and the previous application is the materials. That is to say, rather than fully glazed, the proposed extension would be brick with fenestration and a zinc roof.

### 2. Assessment

- 2.1. The main issues are design, amenity and trees.

#### 2.2. Design

- 2.3. The proposed extension would be full width and would project 3.8m from the rear elevation. The height of the extension would be 3.3m at the top of the pitched roof and 2.7m at the eaves. The extension has been reviewed by conservation officers. The bay window would be retained internally. Given the extension's size and location, it would not be visible from nearby Ellerdale road. The proposal was revised to replace the flat roof with a pitched roof. This would allow the extension to have a more lightweight appearance. The fenestration lines up with the windows on the upper floors and so has a sympathetic relationship with the existing rear elevation. The extension is considered to preserve the character and appearance of the Conservation Area. The extension would still allow the majority of the garden to be retained.
- 2.4. 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 Listed Buildings and Conservation Areas Act 1990 as amended by the Enterprise and Regulatory Reform Act (ERR) 2013.

#### 2.5. Amenity

- 2.6. The pitched roof extension would be between 0.7m and 1m above the boundary wall with the neighbouring property to the north (93 Fitzjohn's Avenue). The extension would be 1.8m above the boundary fence with the neighbouring property to the south. Weight is given to the approved development which has a similar height and footprint. Given the height of the extension and the pitched roof, it is considered that the impact on neighbouring amenity would be minimal in terms of daylight, sunlight and overlooking.

#### 2.7. Trees

- 2.8. Permission has already been granted for the removal of the Scots Pine tree in the rear garden (ref: 2020/1413/T). Policy NE2 of the Hampstead Neighbourhood Plan emphasizes the importance of trees. A replacement tree would be secured by condition in accordance

with Policy NE2.

2.9. **Conclusion**

2.10. Grant conditional planning permission

**DISCLAIMER**

**The decision to refer an application to Planning Committee lies with the Director of Regeneration and Planning. Following the Members Briefing panel on Monday 19<sup>th</sup> October 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: 2020/3139/P  
Contact: David Peres Da Costa  
Tel: 020 7974 5262  
Email: David.PeresDaCosta@camden.gov.uk  
Date: 14 October 2020

**Development Management**  
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Northants

# DRAFT

Dear Sir/Madam

**DECISION**

Town and Country Planning Act 1990 (as amended)

## **Full Planning Permission Granted**

Address:

**Garden Flat**  
**91 Fitzjohn's Avenue**  
**London**  
**NW3 6NX**

# DECISION

Proposal:

Erection of single storey rear extension at lower ground floor.

Drawing Nos: P/20/062/001 Rev C; P/20/062/002 Rev C; P/20/062/003 Rev C; P/20/062/004 Rev D; P/20/062/005 Rev D

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 policy D1 and D2 of the London Borough of Camden Local Plan 2017; and DH1 and DH2 of the Hampstead Neighbourhood Plan 2018 .

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

P/20/062/001 Rev C; P/20/062/002 Rev C; P/20/062/003 Rev C; P/20/062/004 Rev D; P/20/062/005 Rev D

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

- 4 Prior to the end of the next available planting season, replacement tree planting (for one tree) shall be carried out in accordance with details of replanting species, position, date and size, where applicable, that have first been submitted to and approved by the local planning authority in writing.

Should the replacement tree, within a period of 5 years from the completion of the development, die, be removed or become seriously damaged or diseased, it shall be replaced as soon as is reasonably possible and, in any case, by not later than the end of the following planting season, with another of similar size and species.

Reason: To ensure that the development achieves a high quality of landscaping which contributes to the visual amenity and character of the area, in accordance with the requirements of policies A2, A3, D1 and D2 of the London Borough of Camden Local Plan 2017; and policy NE2 of the Hampstead Neighbourhood Plan.

**DECISION**

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>

**DRAFT**

Yours faithfully

Director of Economy, Regeneration and Investment

**DECISION**