

31 August 2021

24 Southwark Bridge Road
London
SE1 9HF

T 0203 268 2018

Planning (Development Management)
Camden Council

Sent via Planning Portal

Dear Sir or Madam,

Re: 1st Floor Flat, 127 Fordwych Road, NW2 3NJ
Planning Application for Balcony

Mr James Bell is applying for planning permission for development at the above-referenced property, of which he is leasehold owner. Permission is sought for:

Alterations at first floor level to establish a balcony and access door to rear.

The application is accompanied by existing and proposed drawings by Morden Architecture (dated August 2021) which illustrates the proposed balcony and associated alterations.

Background

Mr Bell is owner/occupier of the first-floor two-bedroom flat at 127 Fordwych Road.

The subject property is a three-storey plus lower ground floor semi-detached former house, now divided into 3 flats. The property is typical of this part of Fordwych Road which is formed from grand semi-detached houses, now mostly divided into flats.

Properties on this (north-eastern) side of Fordwych Road have long (approx. 15m) gardens which adjoin a strip of Local Green Space (the Jane Evans Nature Reserve). The garden at no.127 and its immediate neighbouring properties are all communal gardens shared by the flats within them.

The Reserve is approx. 20m wide beyond which lies the railway line (National Rail Thameslink) which links London to Cricklewood station nearby. There is therefore a distance of >100m to the nearest windows directly to the rear of the property. There are also several large mature trees at the end of the garden and on the Local Green Space.

The Nature Reserve is a Borough Grade 2 Site of Importance for Nature Conservation and a Habitat Corridor. It is occasionally open to the public, accessed off Minster Road to the north.

The property is not within any conservation area nor is it listed or in the setting of any listed or locally-listed buildings.

The neighbouring property to the south-east (125 Fordwych Road) has a balcony serving the equivalent first-floor flat. That balcony seems to have been built pursuant to a planning permission from 1985 (ref: 8401749) for conversion of the house into 5no. two-bedroom and three-bedroom flats, and also authorised the installation of



dormer windows in the front side and rear elevations and formation of a roof terrace at the rear first floor level.

At the application property 127 Fordwych Road, planning permission was refused for front and rear lightwells associated with provision of a basement flat in 1995. There is a current application at the application property for a similar development to that refused in 1995; reconfiguration of the basement/lower ground floor, installation of windows and doors at front, rear and side (at lower ground floor level), formation of front and rear light-wells and creation of basement/lower ground floor flat. In any event these applications are of no relevance to the current application proposals.

Proposed Development

The proposed development is to alter the existing (original) modest back addition/closet wing to create a small balcony above it.

The balcony would measure 1500mm in depth and 3500mm width to create an outdoor space of 5.25sqm in overall area; about matching the minimum amount of private outdoor space needed for a one or two-person flat under the Policy D6 of the London Plan 2021. The balcony is the smallest it can be while still providing any meaningful use at all.

The balcony would be built into the existing sloped roof of the rear addition and a 1100mm balustrade erected around it, formed from brick to match existing and topped with railings at its flanks and metal railings containing it across its width.

An existing window would be altered to create a door onto the terrace. The existing opening would be widened by approx. 250mm to create a suitable opening for a door, but the proportions would be generally retained and the brick arch above also re-created. The door itself would be a three-panel timber-framed “French” door of a design in keeping with the building.

Assessment

The relevant planning considerations are the balcony's design quality and its potential to impact on the amenity of neighbours.

Design

The relevant policy in Camden's Local Plan (2017) is D1 (Design). The policy is a wide-reaching one, addressing design considerations for all developments in Camden including its major comprehensive regeneration and tall buildings. Not all of its criteria are therefore readily applicable to such modest applications as this one, but there are nonetheless clear expectations that design be of a “high quality” and that it “respects local context and character”.

The proposed development complies with these requirements; the insertion of the new door has been done sensitively to ensure that the width is minimised to what is necessary and the proportions of the opening remain generally intact, with a clearly vertical emphasis. Attention has been paid to detail, with the brick arch above the opening to be re-created, and the balcony to be positioned sensitively within the existing rear addition and formed from materials that matches existing or are nonetheless high-quality and befitting of the area's generally period character. We therefore consider it clear that the proposed development meets the policy aspiration for high quality and respect for local context and character.

The proposed development also complies with all other relevant parts of Policy D1; its materials are durable (D1(d)), and of high quality and complement the local character (D1(e)). The development promotes health by providing outdoor amenity space (D1(h)). The development has considered and incorporated building services equipment (e.g. rainwater goods).

Importantly, the proposals provides private outdoor amenity space for a home that currently has none. It therefore enhances the standard of accommodation of the home in accordance with D1(n) and is also meets the aspiration of D1(l), which makes implicit that all new homes in Camden should have outdoor amenity space. In the event any conflict was found with policy these benefits would need to be weighed positively against them, in particular at a time when people are experiencing prolonged working from home.

We note that the Site is not within any conservation area and is not within the context of any other heritage assets. There is accordingly no duty to ensure that the development preserves or enhances any such assets. The development therefore complies with Policy D1(b).

We have also considered your Home Improvements CPG (January 2021). As set out above the proposed development complies with the CPG's aspirations in relation to quality and choice of materials.

The proposal also complies with section 2.2.3 (Balconies and Terraces) of the Guidance. The Guidance notes that balconies "can provide valuable amenity space, especially for flats that would otherwise have little or no private exterior space". In accordance with the Guidance the potential for the development to impact on the host building has been considered through its design. It has been designed to be subordinate to the area of roof being altered, and does not affect the main roof, which is preserved. Handrails and balustrades are set back behind the line of the parapet. The proposal includes metal railings which are preferred by the Guidance for traditional buildings because they integrate well with the building's character, are more resilient, require low maintenance, and support plant growth.

The balcony is also of a modest size (just meeting the London Plan minimum size) and therefore also complies with the Guidance which states "A modest balcony is more likely to receive consent than larger ones".

Further guidance contained within the CPG states that a new balcony should be located at the rear of a properties to ensure no impact on the streetscene and wider area. This is complied with. The Guidance prefers that a balcony is set back from a roof's margins, but in this case the balcony is of such a modest size that it could not be set back any further and still be useable (nor comply with the London Plan minimum size).

The proposed balcony therefore complies with the CPG in relation to balconies and terraces.

The new door opening also complies with CPG. Section 3.1 (Windows and Doors) under External Alterations states that when replacing a window certain elements should be retained, including its shape and dimensions of opening, frame material and dimensions to include frame profile width and depth, fenestration pattern (including layout/pattern of glazing bars), size and placement of structural glazing bars. The Guidance strongly discourages use of uPVC.

The proposed opening complies very well with this Guidance. Always recognising it is a door to replace a window which means certain of its features (e.g. its exact dimensions) cannot be exactly retained. Nonetheless the level of care and attention to design detail ensures that the Guidance is complied with insofar as it can be.

Amenity

The relevant Local Plan policy is A1 (Managing the impact of development) which is supported by the Council's 2021 Guidance titled "Amenity".

The policy states the Council's aim to protect the quality of life of occupiers and neighbours, and that that Council will grant permission for development unless this causes unacceptable harm to amenity. The policy does not seek to eliminate all amenity impacts, only those that are "unacceptable".

The relevant factors to consider include visual privacy, outlook, sunlight, daylight and overshadowing, artificial lighting levels, transport impacts, and impacts of the construction phase. For the purposes of this application we consider only visual privacy (A1(e)) is relevant.

The supporting text at paragraph 6.4 of the Local Plan is not particularly informative as to the application of A1(e) but as luck would have it the whole of Chapter 2 of the Amenity CPG is devoted to overlooking and privacy (which are basically the same thing) and outlook (which is not relevant to this application and not considered further).

Paragraph 2.2 of the Guidance warns of the impacts of loss of privacy affecting quality of life and therefore sets an expectation that development is designed to protect privacy "to a reasonable degree". It states that overlooking should therefore be avoided, and that extent of overlooking will be assessed on a case-by-case basis. 2.3 confirms the places most sensitive to overlooking are typically habitable rooms and gardens at the rear of residential buildings. The Guidance also confirms that the area of garden nearest to the window of a habitable room is most sensitive to overlooking.

On these matters we observe that the only potential for overlooking from the proposed balcony is to the gardens of the properties either side, which are already overlooked by the balcony at no.125 and other windows in nos. 125, 127 and 129. Therefore no new overlooking would be caused and no harm to privacy would be caused. What's more, the areas of garden most visible from the terrace are those at the middle or end of the garden, not those nearest to habitable rooms which are considered most sensitive.

Paragraphs 2.4-2.6 discuss the application of the Council's 18m separation distance, which applies "between the windows of habitable rooms in existing properties directly facing". We do not rehearse all of the Guidance on this matter save to say that there is absolutely nothing in the way of windows visible within 18m of the proposed balcony at any but the most acute of angles, whereby no harmful overlooking could occur in any event.

We therefore conclude that the proposed balcony complies with the Guidance and would cause no new or harmful overlooking or loss of privacy and therefore that Policy A1 is complied with.

Closing

We have demonstrated above that the proposed balcony has been designed sensitively to create the smallest possible outdoor amenity space, and that it would have no harmful impacts on the amenity of any neighbours. The Site is not within any conservation area. Planning permission should therefore be granted without delay.

Please contact the undersigned if you have any questions about this application.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'G Leggett', with a long horizontal stroke extending to the right.

Grant Leggett
Director, Head of Boyer London

Tel: 0203 268 2431

Email: grantleggett@boyerplanning.co.uk