

# 2021/3242/P 141 King Henry's Road



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## Site Photographs



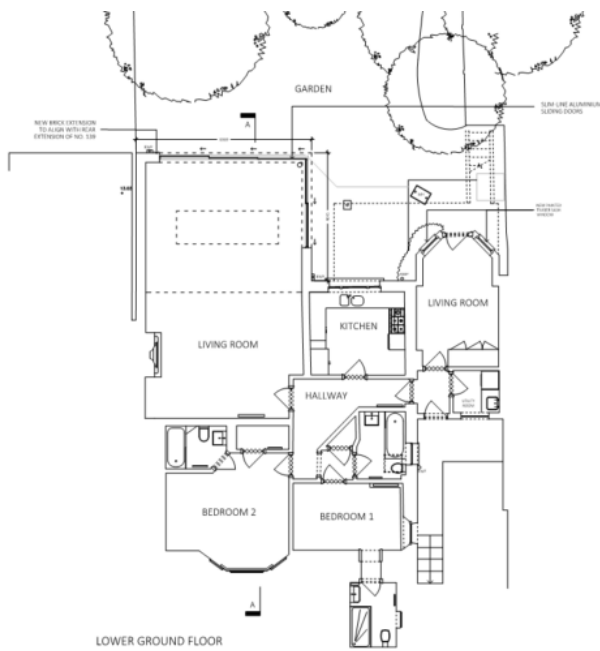
1. Arial View



2. Rear elevation



3. Rear Elevation of ground floor bay



4. Proposed lower ground floor plan



5. Proposed rear elevation and section AA

<b>Delegated Report (Members Briefing)</b>		<b>Analysis sheet</b>		<b>Expiry Date:</b>	27/08/2021
		N/A		<b>Consultation Expiry Date:</b>	29/08/2021
<b>Officer</b>			<b>Application Number(s)</b>		
Josh Lawlor			2021/3242/P		
<b>Application Address</b>			<b>Drawing Numbers</b>		
141 King Henry's Road London NW3 3RD			See 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>					
Rear extension to ground floor flat, installation of two new timber sash windows and demolition of existing conservatory.					
<b>Recommendation(s):</b>		Grant Conditional Planning Permission			
<b>Application Type:</b>		Full Planning Permission			

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
<b>Consultations</b>						
Adjoining Occupiers:	No. notified	<b>00</b>	No. of responses	<b>04</b>	No. of objections	<b>04</b>
Summary of consultation responses:	<p>Advertisement in Ham &amp; High, expired 29/08 2021. Site notice displayed 04/08/2021, expired 28/08/2021.</p> <p>One address objected on the following grounds:</p> <p><b>The top flat 141 King Henry's Road objected on the following grounds:</b></p> <ul style="list-style-type: none"> <li>• Light spillage from rooflight</li> <li>• Shallow drain runs from the above flats.</li> <li>• Structural stability of bay window above.</li> <li>• New new walls to be brick is not compatible with the existing rendered stucco.</li> <li>• The plans here don't show the full structural alterations</li> <li>• I have two young children who would be affected by this lengthy project, I work from home, and the elderly, retired couple directly above the basement are also owner occupiers.</li> </ul> <p><b>The upper ground floor 141 King Henry's Road and 141 King Henry's Road Residents Association Ltd objected on the following grounds:</b></p> <ul style="list-style-type: none"> <li>• Impact on CA including loss of bay window</li> <li>• Loss of view of rear garden from 1<sup>st</sup> floor rear windows</li> <li>• We are also very concerned at the structural implications for the bay window of the upper ground floor (our flat).</li> <li>• Light spillage from rooflight</li> <li>• The plans show part of the garden wall would be demolished.</li> <li>• Impacts from construction</li> <li>• There is no mention in the plans of protecting the very old wisteria that grows up the back part of the house</li> <li>• Neither we or any of the other tenants received any official notification</li> <li>• An additional issue to be considered is that these plans contravene the lease which contains an absolute covenant, Clause 2 (20)</li> </ul> <p><b>143 King Henry's Road objected on the following grounds:</b></p> <ul style="list-style-type: none"> <li>• This extension is overlarge for the scale of the house and also will detract from the period character of the property by removing the bay window which</li> </ul>					

is an integral part of the character of the building.

**139 King Henry's Road objected on the following grounds:**

- The proposal incorporates the wall adjoining our property which would lead to weathering and access for maintenance issues.
- Proposal too large and out of character, causing harm to the conservation area
- The proposed extension is right under the bay window of the flat above and will ruin the enjoyment of the garden and outlook for its occupants.
- The size of the skylight is large and will cause light pollution to us at 139 as well as to other flats in 141.
- Impact on structural stability of bay window
- Effect on neighbours and the environment
- It directly contravenes the covenants on the leases at 141
- The light pollution will further degrade the fragile environment for owls, birds and bats and cause disorientation as well as disturbing us at `139 and diminishing our enjoyment of our property.

*Officer's response: Please see the Design/Heritage and Amenity section of this report. The disruption from the construction would not be significant and would not necessitate a construction management plan. The tree in the rear garden is located 4.5m from the extension and would not be impacted. The construction hours are controlled under Environmental Health Act. The structural stability of the bay window is not material to the assessment as it is a Building Control matter. The maintenance of the wall and its weathering is not relevant to the assessment. Drainage runs are a Building Control matter. Restrictive Covenants are not material to the assessment of the application. The application was publicised in accordance with the Councils adopted Statement of Community Involvement.*

**BCAAC**

The Elsworth Residents Association (ERA) raised no objection to the development:

There are many precedents along the neighbouring properties and like them this additional extension will not enhance the conservation area; few of them do that, but it will not detract further.



## Site Description

141 King Henry's Road is a three storey Victorian detached house on the southern side of King Henry's Road. The site lies within the Elsworthy Conservation Area in the borough of Camden. This application pertains to the 'Basement Flat' which is a three-bedroom garden flat with a rear conservatory built in circa 1996 (ref: P9600928R1). The property is not listed but falls within the Elsworthy Road Conservation Area and is identified as making a positive contribution to the character and appearance of the conservation area.

To the east and west are nos. 11 and 15 Elsworthy Road and to the rear is Primrose Hill.

## Relevant History

**2018/4204/P** Rear extension to ground floor flat, installation of two new timber sash windows and demolition of existing conservatory. **Granted 03/10/2018**

## Relevant policies

### National Planning Policy Framework 2021

### The London Plan 2021

### Camden Local Plan (2017)

A1 Managing the Impact of Development  
A3 Biodiversity  
D1 Design  
D2 Heritage

### Camden Planning Guidance (CPG):

- [Amenity](#) - January 2021
- [Design](#) - January 2021
- [Home improvements](#) - January 2021

### Elsworthy Road Conservation Area Appraisal and Management Strategy (adopted July 2009)

## Assessment

### 1. The proposal

- 1.1. The application seeks permission for the erection of a single storey rear extension. The extension will align with that of No. 139's - which is a 1.1m increase in depth from the current conservatory. The extension will be 3.1m high, to match No. 139 and 6.2m wide.
- 1.2. The application is a re-submission of the approved application Ref. 2018/4204/P which was granted 03/10/2018 (expires 03/10/2021)

### 2. Assessment

2.1. The principal considerations material to the determination of this application are as follows:

- The effects upon the character and appearance of the host property, and surrounding area (Design and Heritage)
- The effects on the residential amenities of neighbouring occupiers (Residential Amenity)

### 3. Design and Heritage

3.1. Section 72 of the Planning and Conservation Act 1990 requires that the local planning authority, in exercising their planning functions within conservation areas, pay special attention to the desirability of



preserving or enhancing the character or appearance of that area.

- 3.2. Policy D1 requires development to be of the highest architectural and urban design quality, which improves the function, appearance and character of the area. Policy D2 required development to either preserve or enhance the character and setting of Camden's conservation areas.
- 3.3. The existing conservatory extends to approximately 3.53m and is of low quality; making a neutral or negative contribution to the conservation area. The proposed rear extension would be subordinate to the building being extended, in terms of form, scale and proportions. The neighbouring property at No. 139 has a rear extension which projects 4.67m from the principle rear elevation and is 3.1m high (Ref: 2003/2559/P). There is an established precedent for rear ground floor extensions, most notably at Nos. 137, 143 and 145. The proposal displays a sympathetic palette of materials with matching London stock brickwork and minimally framed glazed aluminium sliding doors.
- 3.4. The new timber sash windows are in keeping with the character and appearance of the property. Overall the proposals would respect the established pattern of development and not cause harm the appearance of the building or character of the conservation area.

#### **4. Residential Amenity**

- 4.1. Policy A1 of the Camden Local Plan seek to protect the quality of life of occupiers and neighbours by only granting permission to development that would not harm the amenity of residents. This includes factors such as privacy, outlook, implications to natural light, artificial light spill, as well as impacts caused from the construction phase of development.
- 4.2. Neighbouring properties will have restricted visibility of the extension due to their own extensions. The extension will have a flat roof with a painted timber lantern roof light. The sloped glazing facing No. 141 will be obscured to ensure privacy for neighbouring flats and reduce upwards light spill.
- 4.3. The proposal would not give rise to adverse impact on neighbouring residential amenity.

#### **5. Trees**

- 5.1. Policy A3 requires proposal to protect mature trees, particularly within conservation area. The extension is located 4.5m away from the tree in the rear garden with a diameter of 1.26 it would not be impacted. The extension is built on an existing patio and there would be no potential harm to tree roots.

#### **6. Conclusion**

- 6.1. The proposed development is considered acceptable in terms of design and impact on neighbouring residential amenity. The development is deemed consistent with the objectives and policies identified above.

***The decision to refer an application to Planning Committee lies with the Director of Regeneration and Planning. Following the Members Briefing panel on Monday November 8<sup>th</sup> 2021, 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: 2021/3242/P  
Contact: Josh Lawlor  
Tel: 020 7974 2337  
Email: [Josh.Lawlor@camden.gov.uk](mailto:Josh.Lawlor@camden.gov.uk)  
Date: 28 October 2021

**Development Management**  
Regeneration and Planning  
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Judd Street  
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WC1H 9JE

Phone: 020 7974 4444

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

B2 Surveyors  
9 / 27 The Broadway  
London  
N8 8DR

# DRAFT

Dear Sir/Madam

**DECISION**

Town and Country Planning Act 1990 (as amended)

## **Full Planning Permission Granted**

Address:

**141 King Henry's Road  
London  
NW3 3RD**

Proposal:

Rear extension to ground floor flat, installation of two new timber sash windows and demolition of existing conservatory.

Drawing Nos: 301-A, 302-A, 303-A, 101-A, 102, 103, 96.

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.

- 3 The development hereby permitted shall be carried out in accordance with the following approved plans 301-A, 302-A, 303-A, 101-A, 102, 103, 96.

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, 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 (search for 'Camden Minimum Requirements' at [www.camden.gov.uk](http://www.camden.gov.uk)) 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 2021.

You can find advice about your rights of appeal at:

<http://www.planningportal.gov.uk/planning/appeals/guidance/guidancecontent>

Yours faithfully

**DRAFT**

**DECISION**