

Application ref: 2021/3986/P  
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Date: 25 November 2021

**Development Management**  
Regeneration and Planning  
London Borough of Camden  
Town Hall  
Judd Street  
London  
WC1H 9JE

Phone: 020 7974 4444

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Picardi Architects  
LICHFIELD STUDIOS  
119 OXFORD GARDENS  
LONDON  
W10 6NE  
United Kingdom

Dear Sir/Madam

## **DECISION**

Town and Country Planning Act 1990 (as amended)

### **Full Planning Permission Granted**

Address:  
**Garden Flat**  
**65 Fitzjohn's Avenue**  
**London**  
**NW3 6PE**

Proposal:  
Erection of a single storey conservatory extension at rear for lower ground floor flat.  
Drawing Nos: FA: Drawing Nos: 21: 03, 05, 06, 13, 15, 16, Photo album, Design & Access Statement

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 drawings/document:

FA: Drawing Nos: 21: 03, 05, 06, 13, 15, 16, Photo album, Design & Access Statement

Reason:

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

Informative(s):

- 1 Reasons for granting permission:

65 Fitzjohn's Avenue is a red brick five storey semi-detached house in use as flats. It has distinctive front and rear bays, a tiled pitched front dormer window and entrance and it is noted as being a 'positive contributor' in the Fitzjohn's/Netherhall Conservation Area Statement 2001.

The building has a passage on its southern side (separating it from the site of 63 Fitzjohn's Avenue) and this is understood to be in the common ownership of the flats within the building. The passage actually widens to the rear of the building such that it overlaps the rear elevation of the garden flat (which this application relates to).

The proposal would be sited on the rear elevation of the building. In terms of the appearance of the streetscene, townscape and Conservation Area, it would be of limited visibility from the public domain. Given the proposed siting, form and appearance of the proposed conservatory, which would be of a traditional appearance with timber windows and French doors and brick plinth, it would not harm the character or appearance of the Conservation Area. (The proposals would result in the removal of a section of fence, a gate and a disused bin store but these are not of significance in the Conservation Area and their removal would not harm the character or appearance of the Conservation Area).

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 Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Enterprise and Regulatory Reform Act 2013.

The proposal would be sited to the rear of the residential units within 63 Fitzjohn's Avenue to the south. But it would be separated by the passages at the sides of the building, it would be single storey in height and predominantly of glazed construction, such that there would be no undue loss of outlook or sense of enclosure for any occupiers of the flats or amenity spaces at this site. Translucent glazing to a height of 1.8m is indicated for the proposed side

elevation (next to 63 Fitzjohn's Avenue) to prevent overlooking at this site and the proposal, due to its size and design, would not result in any overshadowing of this or any other sites.

To prevent light pollution and artificial light spillage to the habitable windows of the flat above, the lighting scheme will only comprise downlights (as shown on the drawings) hence minimising the upward spread of light. In addition, motorised blinds are proposed to further limit light spillage, as shown on the drawings, with further benefits for privacy and solar control.

The letter of objection which has been received refers to the common ownership of the passage at the side/rear of the building, noting that the proposal would encroach upon the passage and questioning whether planning permission can be considered/granted for a scheme on land which is not in the ownership of the applicant. These are not planning matters. The matter of ownership and rights to build on land are private matters which are not for consideration when considering the planning impacts of development proposals.

The applicant has indicated that the bin store which is to be removed is no longer used. Bins for the flats could be stored on other parts of the site without significant harm to the amenity or appearance of the area or conflict with the Council's Waste Management Team's requirements.

The planning history of the site has been taken into account when coming to this decision.

As such, the proposed development is in general accordance with policies A1, D1 and D2 of the Camden Local Plan 2017 and policies DH1 and DH2 of the Hampstead Neighbourhood Plan 2018. The proposed development also accords with the London Plan 2021 and the National Planning Policy Framework 2021.

- 2 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).
- 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, 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 (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

A handwritten signature in black ink, appearing to read 'DPope', is written over a light grey rectangular background.

Daniel Pope  
Chief Planning Officer