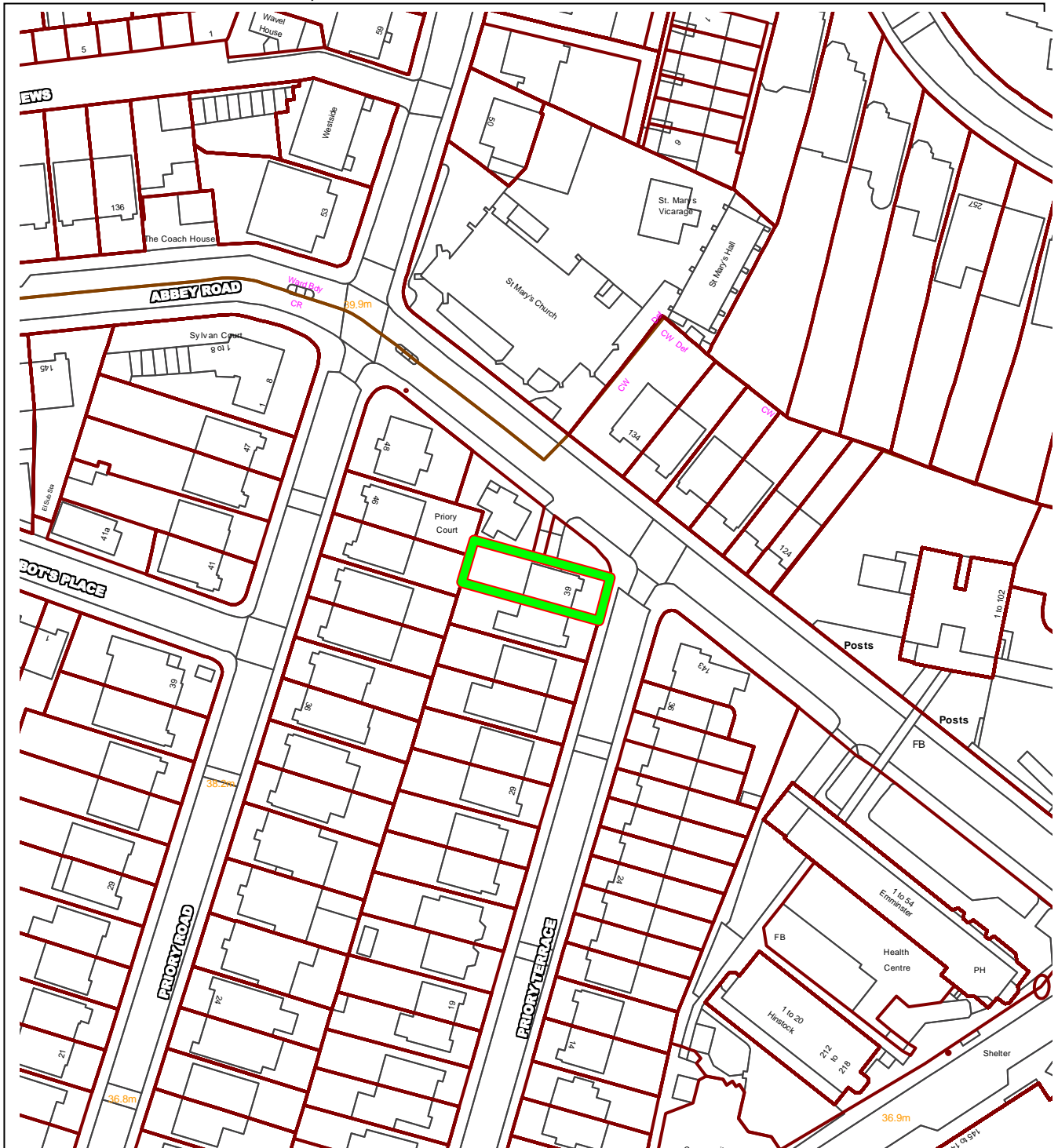


Lower Ground Floor Flat 39A Prior Terrace, NW6 4DG ref. 2021/3391/P



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Image 1 (above): Aerial view of the site



Image 2 (above): View of the side alley entrance to 39a Priory Terrace from the street.



Image 3 (above): View of neighbouring site hoarding along with front and side elevations of 39 Priory Terrace from the intersection of Priory Terrace and Abbey Road



Image 4 (above): View of side alley entrance of 39a PRIORITY Terrace.



Image 5 (above): View from the garden looking at the rear elevation of 39 Priory Terrace. Rear facing East.

Delegated Report (Members Briefing)	Analysis sheet	Expiry Date:	06/09/2021
	N/A / attached	Consultation Expiry Date:	19/09/2021
Officer		Application Number(s)	
Obote Hope		2021/3391/P	
Application Address		Drawing Numbers	
Lower Ground Flat 39 A Priory Terrace London NW6 4DG		Refer to draft decision notice	
Proposal(s)			
Erection of a single storey extension at lower-ground floor level, alteration to the fenestration treatment to the flank elevation, installation of timber decking and external staircase between the ground/lower-ground floor and installation of metal balustrade for a ground floor terrace all to the rear elevation.			
Recommendation(s):	Grant conditional planning permission		
Application Type:	Full Planning Permission		

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	00	No. of responses	03	No. of objections	03
Summary of consultation responses:	<p>A site notice was displayed from 20/08/2021, and an advert published in the local press on 26/08/2021.</p> <p>In total, 3 objections were received from a neighbouring residents on the following grounds (summarised):</p> <p><u>Design/heritage</u></p> <ol style="list-style-type: none"> 1) Development is not permitted by Class A (of the General Permitted Development Order); 2) The windows are crude and not in keeping with the existing fenestration; 3) The extension would affect the character of the conservation area; 4) The proposal places the extension 1.5 metres from the boundary with 37 (almost the full width of the building) and is therefore considerably wider than the extension at the adjacent property; 5) Given the width of extension, the proposed terrace would be intrusive to the adjacent property; 6) The application states that the wooden sash windows (at the side of the building) would be removed. <p><u>Officer comments:</u></p> <ol style="list-style-type: none"> 1. <i>The proposal is not seeking to conform to permitted development rights (which do not apply to flats in any event). The application is a full planning application so is therefore considered against the development plan rather than the GPDO;</i> 2. <i>Please see the design section (below);</i> 3/4. <i>Each planning application is assessed on a "case by case". The Council's Conservation Officer was consulted as part of the application process and raised no objection to the design, scale/bulk and appearance of the rear extension given the existing site context and prevailing pattern of development;</i> 5. <i>The terrace would be at the existing garden level. Thus, the proposal would not exacerbate levels of overlooking nor would the terrace at this location have an impact that would be detrimental with the loss of privacy.</i> 6. <i>The timber sash window would replace the metal frame window to the side elevation;</i> <p><u>Trees</u></p> <ul style="list-style-type: none"> • Loss of trees <p><u>Officer comment:</u></p> <ul style="list-style-type: none"> • <i>Please refer to the section 4 (below). The trees being removed are of a low category and replacement trees are proposed.</i> <p><u>Flood risk</u></p> <ul style="list-style-type: none"> • The proposal increases the flood risk elsewhere <p><u>Officer comment:</u> <i>Please refer to section 5.0 below.</i></p>					
CAAC/Local groups comments:	No comments received from any CAACs of local groups. Kilburn Neighbourhood Forum were consented.					

Site Description

The site comprises a four-storey (including lower ground floor) semi-detached building located on the corner of Priory Terrace and Abbey Road. The property is currently sub-divided into flats. The predominant land use in the area is for residential purposes.

The site is not listed, but lies within the Priory Road Conservation Area and is identified as making a positive contribution to its character and appearance.

The site also lies within the Kilburn Neighbourhood Forum Area.

Relevant History

Planning History:

Land and building lying on the south side of Abbey Road to the side of 39 Priory Terrace:

14/04/2021 - permission granted for the erection of 2-storey (plus basement house) with front lightwell and associated landscaping following demolition of existing garage. (2020/2839/P).

3A Priory Terrace:

10/10/2013- permission granted for the erection of a single storey rear extension, erection of a front boundary wall and railings, re-siting of bin store (Class C3). (Ref: 2013/4738/P)

4 Priory Terrace:

12/02/1986- Permission **granted** for Change of use and works of conversion to form four self-contained flats including the erection of a two-storey rear extension and a second floor side extension including the formation of a roof terrace to the rear (Ref: 8502002)

5 Priory Terrace:

13/09/2019- Permission **granted** for the erection of single storey rear extension, replacement of all the windows to the rear and replacement of the garage door with new window to the front elevation associated with the use as habitable room. (Ref: 2019/3412/P)

6 Priory Terrace:

30/03/1988- Permission **granted** for the conversion of the property into three self-contained flats inclusive of the construction of a single storey rear extension with a roof terrace at ground floor level (Ref: 8703173)

Flat 6B

25/03/2016- Permission **granted** for the erection of single storey rear extension on first floor level following demolition of existing single storey conservatory to residential flat (Ref: 2016/0506/P)

14/01/2021- Permission **granted** for the erection of single storey rear extension on first floor level following demolition of existing single storey conservatory to residential flat (renewal of previous approval ref: 2016/0506/P). (Ref: 2020/4383/P)

13 Priory Terrace:

06/03/2021- permission **granted** for the erection of new rear and side extension at lower ground floor level to the lower ground floor flat, following the demolition of the existing rear glazed conservatory. (Ref: 2006/5718/P)

13/09/2021- permission **granted** for change of use of the basement and ground floors to provide two self-contained dwelling units including the provision of a single-storey rear extension (Ref: 8803758)

15 Priory Terrace:

05/02/1986- Permission **granted** for the erection of a single-storey rear extension and the formation of a roof terrace upon the new flat roof (Ref: 8502003)

10/08/2009- Permission **refused** for alterations and additions including erection of full-width extension at rear lower ground with terrace over at ground floor level, full-width extension with lantern light at rear ground floor level, single-storey lean to side extension (south elevation) at lower ground floor level and installation of window at ground floor level (south elevation) to existing flats. (Ref: 2008/3947/P)

30/03/2010 – Permission **granted** for the erection of a rear extension at upper ground floor level and erection of metal staircase to provide access to rear garden from upper ground floor terrace of flat (Class C3). (Ref: 2020/0337/P)

17 Priory Terrace:

23/01/1986- permission **granted** for the erection of a single-storey rear extension (Ref: 8502015)

23a Priory Terrace:

14/07/2010- Permission **granted** for the erection of a single storey rear extension following the demolition of existing rear extension of ground floor flat (Class C3). (Ref: 2010/2570/P)

29 Priory Terrace:

12/05/2021- Permission **granted** for the erection of rear extension at ground floor level. (Ref: 2021/1277/P)

31 Priory Terrace:

05/12/1984- Permission **granted** for the erection of a rear extension to the existing self- contained basement flat in conjunction with the excavation of the garden and the formation of a patio (Ref: 8401846)

35 Priory Terrace

08/11/2018- Permission granted for the erection of a single storey rear extension. (Ref: 2019/2373/P)

Relevant policies

NPPF 2021: chapter 16- Conserving and enhancing the historic environment; paragraphs 134. 202 and 203

London Plan 2021- policy D4- Delivering good Design

Camden Local Plan 2017

D1 (Design)

D2 (Heritage)

A1 (Amenity)

CC3 (Water and flooding)

T1 (Prioritising walking, cycling and public transport)

Priory Road Conservation Area Statement 2000: pages 12, 14 and 15

Camden Planning Guidance (CPG):

Amenity 2021: 2.1, 2.2, 2.3, 3.14- 3.15

Design 2021: Chapters 1, 2 and 3

Home Improvements 2021: paragraphs: 1, 2.1; 2.1.1

Assessment

1.0 Proposal:

1.1 Planning permission is sought for a single-storey flat roof rear extension, to accommodate an open plan kitchen, dining area and living room. Alterations are proposed to the existing fenestration on the flank elevation of the host building at lower ground level. A timber decked terrace is proposed at lower ground floor level, which involves minor excavation and changes to the garden levels, which is currently split level. A new staircase is proposed providing access down into the lower terraced area. A metal balustrade is proposed around the perimeter of the terrace. The development would result in the loss of two trees; however, three new trees are proposed.

1.2 The proposed rear extension would be constructed with materials to match the existing building with double glazed metal doors providing access into the rear garden. A rooflight would be installed on the flat roof.

1.3 Revisions were received following responses to objections raised by third parties and officers:

1. The lower garden terrace was brought in by 500mm, reducing the hard landscaping (decking) coverage to 283.01 sqft from 309 sqft.
2. One of the large window openings proposed to the side elevation was omitted from the scheme;
3. The glass balustrade located to the rear was replaced with metal railings;
4. 3 x replacement trees were proposed in the garden

1.5 The key issues to consider as part of the assessment of this application include:

- Design and impact on the character and appearance of the conservations area; and
- Impact on amenity
- Trees/Landscaping
- Flooding
- Cycle store

2.0 Design and impact on the character and appearance of the conservation area:

Design:

2.1 Policy D1 (Design) states that the Council will seek to secure high quality design in all cases. The policy states that in order to demonstrate high quality, developments should meet several criteria including: respecting local context and character; being sustainable and durable and comprise details and materials that are of high quality and complement the local character. It continues to state that the Council will resist development of poor design that fails to take the opportunities available for improving the character and quality of an area. Policy D2 (Heritage) states that within conservation areas the Council will require that development preserves or, where possible, enhances the character or appearance of the area.

2.2 Page 14 of the relevant conservation area statement confirms that the *“most significant views are; towards the Church, towards Abbot’s Place and from Abbey Road/West End Lane; Kilburn Priory to Priory Road and Priory Terrace; along Priory Road and Priory Terrace, along Belsize Road and at the shops. Because of the number of semi-detached buildings there are many gaps providing views into back garden, mature tree and the rear of properties are highly visible from road approaching the conservation area”*

2.3 Section 2.1.1 in the Home Improvement CPG advises that rear extensions should be:

- Subordinate to the host building;
- Be built from materials that are sympathetic to the host building
- Respect and preserve the original design and proportions of the building;
- Respect and preserve architectural features;
- Be carefully scaled in terms of its height, width and design; and
- Allow for the retention of a reasonably sized garden.

2.4 The proposed rear extension is considered to be visually subservient to the host building by virtue of its location at the lower-ground floor level. The rear doors (including the sliding doors) are considered acceptable in design and appearance and to preserve the character and appearance of the Priory Road Conservation Area. The main facing materials (apart from the metal doors) would match the host building. The proposed rooflight is considered to be a modest addition in terms of its size, design and setting and as such is considered acceptable.

2.5 The openings proposed on the side elevation of the extension are considered to be appropriate in design terms. These works are considered to preserve the character and appearance of the conservation area. The proposal necessitates changes to the grade of the rear garden, a new staircase, introduces a new metal balustrade. Whilst the works at basement level would introduce new hard landscaping and staircase arrangement that would alter the relationship of the building with its garden, the proposal is considered acceptable in this instance and a condition would be attached requiring the submission of the landscaping details prior to construction of the proposed works.

2.6 The fenestration treatment to the flank elevation would be altered. An existing window opening would be infilled and made good with rendered wall to match the existing façade treatment, a new timber door is proposed, following the relocation of the existing door and a new window opening is proposed. The changes being proposed here by virtue of their nature and location, would preserve the character or appearance of the conservation area.

2.7 Overall the proposals would ensure that the extension would be sympathetic to the host building and preserve the character and appearance of the conservation area (in accordance with policy D2 (Heritage). The proposal is considered to be acceptable in design terms and is considered to comply with policy D1 (Design) of Camden's Local Plan 2017.

Impact on character and appearance of the conservation area:

2.8 The site lies within the Priory Road Conservation Area and is identified on page 15 in the conservation area statement as making a positive contribution to its character and appearance.

2.9 The proposed rear extension is considered to respect the architectural composition of the main building, is single-storey and is considered to be subordinate in terms of its relationship with the host building. The rear extension would not be visually prominent from within then public realm, although it would be visible from the rear of some of the properties located within the terrace. As such, the proposal is not considered to detract from the visual appearance of the host building or the Priory Road Conservation Area and is considered to preserve its character and appearance. The proposal is therefore considered to comply with policy D2 (Heritage) of Camden's Local Plan 2017.

2.10 Special attention has been paid to the desirability of preserving or enhancing the character and 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.

3.0 Amenity:

3.1 Given that the rear extension is located at lower ground floor level, is flat roofed and is set back from the south (side boundary between nos. 39a and 37 Priory Road) by 1.5m, it is considered that the proposal would not give rise to any significant adverse impacts on existing residential amenity by way of the loss of natural light, privacy, outlook, noise nuisance or potential light spill. A condition would be attached to ensure the flat roof is not used as a terrace.

4.0 Trees and Landscaping

4.1 The current soft landscaping at the site would be reduced in area. On balance, it is considered that the level of garden area retained is acceptable and would not cause harm to existing amenity. Details of landscaping would be secured via planning condition.

4.2 A young holm Oak and a semi-mature Ash Tree is proposed to be felled to accommodate the rear extension. The arboricultural report confirms that replacement stock should be planted and maintained as detailed in BS 4428:1989 (Section 7- Recommendations for General Landscape Operation) but has not provided any details or plans in regards to species, sizes or locations. Three replacement trees are shown on the proposed plans. The applicant has agreed to a pre-commencement condition requiring full details prior to start of the relevant works.

5.0 Flooding

5.1 Objections from third parties (adjoining occupiers) have been raised regarding potential flood risk. As the excavated space is fairly minor in nature and a good amount of soft landscaping is proposed to be retained, it is not considered that the development would lead to significant flood risks at the site. The site is located on two streets (Prior Terrace and Abbey Road) that have a historically flooded streets planning constraint; however, a Flood Risk Assessment (FRA) is not required as the proposal would not result in a full basement being excavated, it is not a major development (so would also not require any drainage/Sustainable Urban Drainage System (SUDS) details either), the site area is not >1ha nor does it involve any vulnerable development (e.g. critical plant).

5.2 Notwithstanding the above, the agent confirmed that a new culvert and land drain is proposed along the extension in the lower garden terrace, which would connect to the existing drain that runs along the side alleyway of the building (No. 39 Priory Terrace). The drains would be appropriately maintained, as a result the risk of flooding from overland flow would be low. The upper garden level is being maintained as existing along with the terraced levels between the extension and the boundary wall with No. 37 Priory Terrace. The garden wall would prevent overland flows.

6.0 Cycle Store

6.1 The proposal includes a new bike store in the rear garden. This would be a welcome addition considering there is no planning requirement to do so. The proposed cycle store would not have step free access and limited details are provided; however, the proposed cycle store space is considered acceptable as it is surplus to requirements.

7.0 Conclusion:

7.1 The proposal is considered to be acceptable in terms of its siting, scale, design and material finish and would not result in undue harm to the appearance of the host building nor the conservation area. It would also not have any significant impacts on existing levels of neighbouring amenity. The proposal is therefore considered to comply with policies A1, D1 and D2 of the Camden Local Plan 2017.

8.0 RECOMMENDATION

8.1 Grant conditional planning permission.

The decision to refer an application to Planning Committee lies with the Director of Regeneration and Planning. Following the Members Briefing panel on Monday 29th November 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 and search for 'Members Briefing'.

Application ref: 2021/3391/P
Contact: Obote Hope
Tel: 020 7974 2555
Email: Obote.Hope@camden.gov.uk
Date: 24 November 2021

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

Phone: 020 7974 4444

planning@camden.gov.uk
www.camden.gov.uk

SHH Architects
1 Vencourt Place
Ravenscourt Park
W6 9NU

DRAFT

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Full Planning Permission Granted

Address:

**Lower Ground Flat
39 A Priory Terrace
London
NW6 4DG**

DECISION

Proposal: Erection of a single storey extension at lower-ground floor level, alteration to the fenestration treatment to the flank elevation, installation of timber decking and external staircase between the ground/lower-ground floor and installation of metal balustrade for a ground floor terrace all to the rear elevation.

Drawing Nos: Site Location Plan (919)001_PL01; 002_PL01; 020_PL03; 021-PL01210_PL01; 211_PL03; 300_PL01; 310_PL01; 311_PL03; 3D image showing Street view; Design and Access Statement by SHH dated 12 July 2021; Internal Daylight Report by eb7 dated June 2021; Arboricultural Impact Assessment Report by Landmark Trees dated 5th July 2021 (Ref: SHH/39APT/AIA/01)

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: Site Location Plan (919)001_PL01; 002_PL01; 020_PL03; 021- PL01210_PL01; 211_ PL03; 300_PL01; 310_PL01; 311_PL03; 3D image showing Street view; Design and Access Statement by SHH dated 12 July 2021; Internal Daylight Report by eb7 dated June 2021; Arboricultural Impact Assessment Report by Landmark Trees dated 5th July 2021 (Ref: SHH/39APT/AIA/01)

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

- 4 Prior to any above ground works relating to the single storey rear extension, full details of hard and soft landscaping and means of enclosure of all un-built, open areas have been submitted to and approved by the local planning authority in writing. Such details shall include details of the proposed trees, any proposed earthworks including grading, mounding and other changes in ground levels. The relevant part of the works shall not be carried out otherwise than in accordance with the details thus approved.

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.

- 5 All hard and soft landscaping works shall be carried out in accordance with the approved landscaping details (including the planting of 3 new trees) shall be submitted by not later than the end of the planting season following completion of the development or any phase of the development, prior to the occupation for the permitted use of the development or any phase of the development, whichever is the sooner. Any trees or areas of planting (including trees existing at the outset of the development other than those indicated to be removed) which, within a period of 5 years from the completion of the development, die, are removed or become seriously damaged or diseased, 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 others of similar size and species, unless the local planning authority gives written consent to any variation.

Reason: To ensure that the landscaping is carried out within a reasonable period and to maintain a high quality of visual amenity in the scheme in accordance with the requirements of policies A2, A3, D1 and D2 of the London Borough of Camden Local Plan 2017.

- 6 The flat roof of the lower-ground floor extension hereby approved shall not be used

as an external amenity space and shall be used for maintenance purposes only.

Reason: In order to prevent unreasonable overlooking of neighbouring premises in accordance with the requirements policies A1 and D1 of the London Borough of Camden Local Plan 2017.

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) 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

Chief Planning Officer