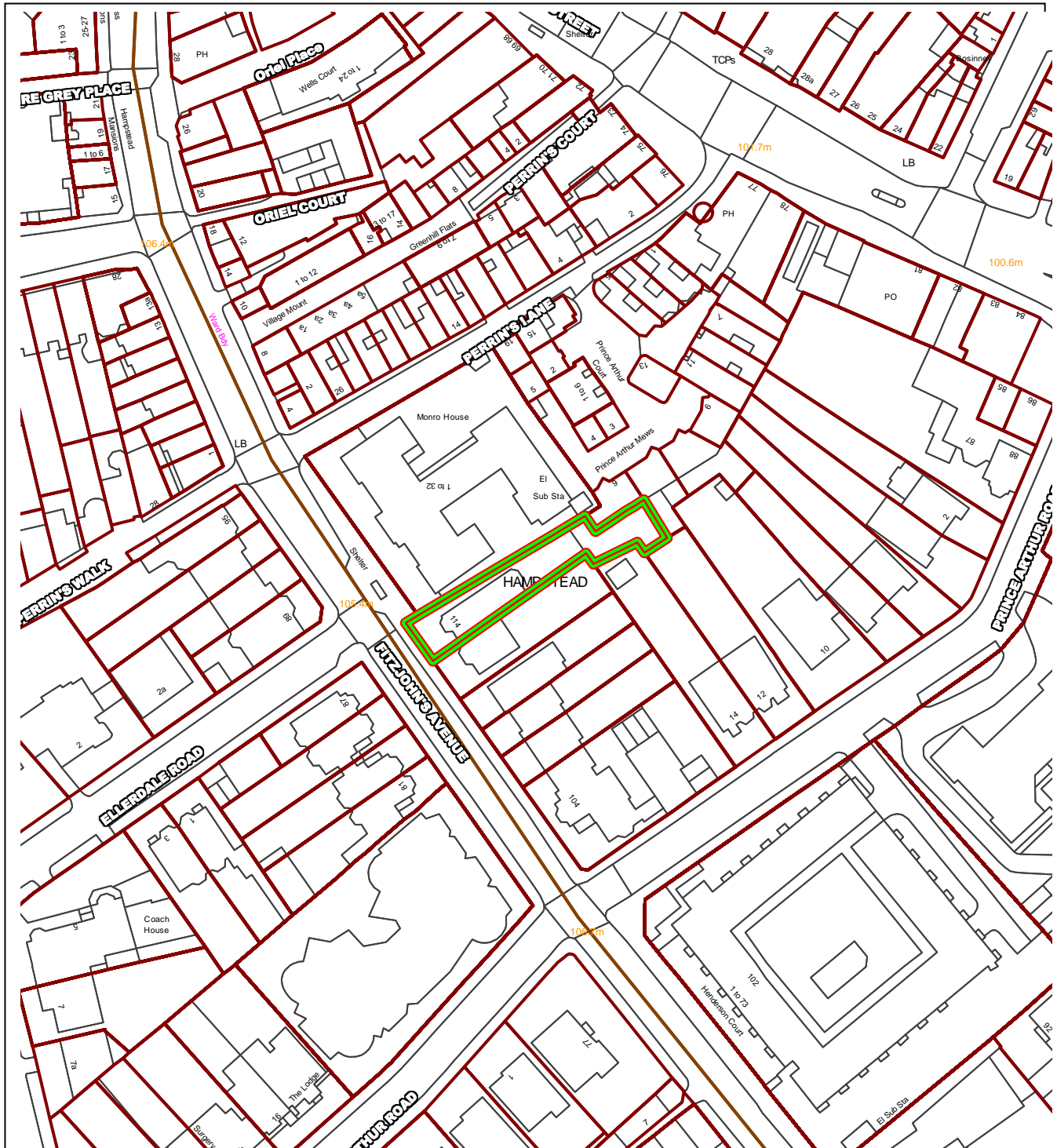


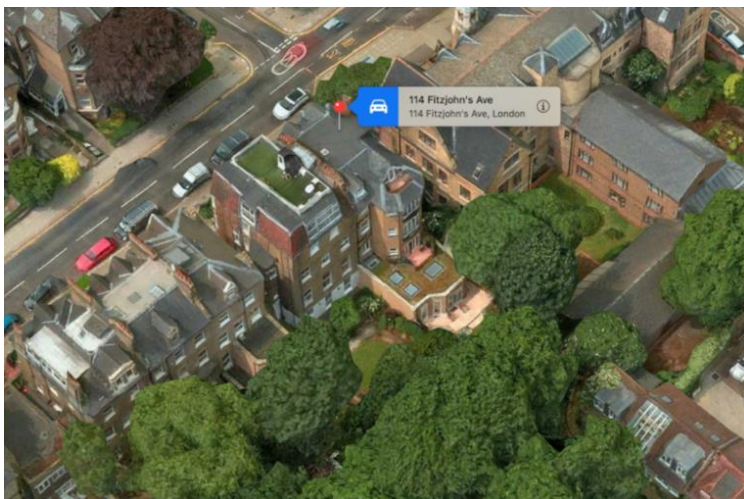
114 Fitzjohn's Avenue 2021/5023/P



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1. Front elevation



2. Aerial view



3. Rear elevation



Figure iv; Existing sketch of rear



Figure v; Proposed rear sketch showing proposed upper ground extension to compliment existing

4. Existing sketch (top) and proposed sketch (bottom)

Delegated Report		Analysis sheet		Expiry Date:	08/12/2021
		N/A / attached		Consultation Expiry Date:	12/12/2021
Officer			Application Number(s)		
Josh Lawlor			2021/5023/P		
Application Address			Drawing Numbers		
Flat 1 114 Fitzjohn's Avenue London NW3 6NT			See decision notice		
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature		
Proposal(s)					
Single-storey upper ground floor rear extension, alterations to side fenestration.					
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. of responses	00	No. of objections	00
Summary of consultation responses:	<p>A site notice was displayed outside the site on Fitzjohn’s Avenue and on Perrins Lane to the rear from 17/11/2021 expiring 11/12/2021</p> <p>The application was advertised in the local press between 18/11/2021 – 12/12/2021</p> <ul style="list-style-type: none">No comments or objections were received					
The Hampstead CAAC	<p>HCAAC Objects to the proposed final amalgamation of flats resulting in a single dwelling house.</p> <p>This is against Camden and London Plan policies. It shows the difficulty in emphasising preference for flats as existing while all others are attritionally amalgamated, leaving just one flat under a dwelling house.</p> <p>Camden policy should be revised to be in line with London Plan policy on amalgamation. (In view of Camden’s earlier proposal to amend the Local Plan to admit over-development - O2 Centre – even if not implemented, policy should be changed immediately to stem the loss of flats for truly over-sized investment houses).</p> <p>Applicant’s further statement and further floor plans existing and new/proposed would clarify. LGF-GF and GF-1st floor stairs must be omitted and revised plans submitted for approval. Clarification of entry arrangements for the existing three separate units should be clarified. Should it turn out that GF and 1st floor were previously amalgamated, documentary confirmation should be submitted.</p> <p>The DAS does not describe anything other than the proposed extension, whose external appearance would be acceptable.</p> <p>Existing balconies’ removal from rear upper levels is welcomed. However, the internal stairs are slightly confusing as drawn, suggesting a link ground-1st floors.</p> <p>We consider the two existing flats should be retained as entirely separate from the rest of the building and presumably existing Council Tax requirements maintained.</p> <p>Noted the differing application descriptions –</p>					

- | | |
|--|--|
| | <ul style="list-style-type: none">- conversion of two residential units to single dwelling house.”- “Single-storey upper ground floor rear extension, alterations to side fenestration” |
|--|--|

HCAAC recommends refusal of consent and requirement of an undertaking from the applicant to retain the remaining flats in separate ownership and so marketed and let.

Officer Response: This application is only for the erection of a single-storey upper ground floor rear extension and alterations to side fenestration. The conversion has been granted under ref. 2019/0350/P – see planning history. The applicant is free to implement this permission within three years from the decision date (03/08/2020).

Site Description

The site is a four storey plus dormer building located within the Fitzjohns Netherall Conservation area. The site is also located within the Hampstead Neighbourhood Plan area.

The site is in use as five self-contained residential units over five floors. Each unit is self-contained and operates as a distinct planning unit. The application relates to the upper ground floor (flat 2) and the lower ground floor flat (flat 1).

Planning History:

2019/0350/P Conversion of ground floor three bedroom unit with first floor two bedroom to create one four bed unit (C3) **Refused 04/07/2019 and allowed at appeal 03/08/2020**

- 1. The proposed development which would result in the loss of a two bedroom unit in Hampstead to facilitate the creation of a large family unit would fail to create a mixed, balanced and inclusive community in accordance with policy HC1 (Housing mix) of the Hampstead Neighbourhood Plan 2018 and policy H7 (Large and small homes) of the Camden Local Plan 2017.*
- 2. The proposed development, in the absence of a legal agreement securing car-free housing, would be likely to contribute unacceptably to parking stress and congestion in the surrounding area and fail to promote more sustainable and efficient forms of transport and active lifestyles, contrary to policies T2 (Parking and car-free development) and DM1 (Delivery and monitoring) of the London Borough of Camden Local Plan 2017.*

In allowing the appeal the Inspector commented that there were exceptional circumstances to allow the conversion and that the car-free requirement for returning occupiers was not justified as there would be a net reduction in car parking which is in accordance with objectives of the policy.

114 Fitzjohns Avenue, NW3

8501774 Change of use and works of conversion and alteration to form four self-contained flats including the erection of a rear extension and an additional storey Granted 18/02/1986

8601968 Amendment to planning permission (Ref:8501774) granted on 18th February 1986 for change of use and works of conversion to form a two bedroom flat at second floor level and a one bedroom flat at third Granted 18/12/1986

Flat 1 114 Fitzjohns Avenue NW3

2013/5103/P Erection of a single storey rear extension at ground floor level of existing garden flat (Class C3) Granted 05/11/2013

2014/6927/P External alterations including the installation of railings to front boundary wall and side boundary, planting and re-paving of driveway to residential dwelling (Class C3). Granted 24/04/2015

108 Fitzjohn's Avenue.

2018/5027/P Conversion of existing 2 bed unit at lower and ground floor levels to provide 1 x 2bed unit at lower ground floor and 1 x 2bed unit at ground floor; erection of rear bay extension and lower ground floor extension providing additional floorspace to existing lower, ground and first units, enlarge rear dormer, roof terrace and associated elevational and landscaping alterations. **Granted**

Relevant policies

The National Planning Policy Framework 2021

London Plan 2021

Camden local Plan (July 2017)

- D1 Design
- D2 Heritage
- A1 Managing the impact of development

Camden Planning Guidance (2021)

- CPG Design
- CPG Amenity

Hampstead Neighbourhood plan (March 2018)

- DH1 Design
- DH2 Conservation areas and listed buildings

Assessment

1. Proposed Development

- 1.1. The proposal is for a single-storey upper ground floor rear extension measuring 5m in width and 1.8m in depth. It would have a bay window form. There would be alterations to the side fenestration at the lower and upper ground floor. This includes the formation of a window in place of a door and a door in place of a window. At the upper ground floor a new window would be created.

Revisions

- 1.2. The application has been revised to not convert the lower ground floor flat (flat 1) and the upper ground floor flat (flat 2) into one larger flat. The applicant wishes to implement the 2019 permission separately (see planning history section). This application therefore only covers the erection of a rear extension and associated alterations to fenestration. A Juliet balcony was previously proposed which has been removed from the proposals and replaced with a sash window.

2. Assessment

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

- Design and heritage
- Residential amenity

3. Design and Heritage

- 3.1. The Council's design policies are aimed at achieving the highest standard of design in all developments. The following considerations contained within policy D1 are relevant to the application: development should respect local context and character; comprise details and materials that are of high quality and complement the local character; and respond to natural

features. Policy D2 seeks to preserve and, where appropriate, enhance Camden's rich and diverse heritage assets and their settings, including conservation areas.

- 3.2. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area when considering applications relating to land or buildings within that Area.
- 3.3. The effect of this section of the 1990 Act is that there is a statutory presumption in favour of the preservation of the character and appearance of Conservation Area. Considerable importance and weight should be attached to their preservation. A proposal which would cause harm should only be permitted where there are strong countervailing planning considerations which are sufficiently powerful to outweigh the presumption. The NPPF provides guidance on the weight that should be accorded to such harm and in what circumstances such harm might be justified (paras. 199-208). Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 3.4. To the rear there is a large existing three-story cylindrical rear extension, which sits on a deep lower-ground extension. The proposed rear extension is modest in scale compared to the existing building and covers an area that is currently occupied by the rear terrace. It would remove the railings for this terrace and use matching materials and continue the calendrical form (bay) of the existing extension. It is a subordinate addition that would not cause harm to the appearance of the building or wider conservation area. It would have less scale and depth than the extension approved under ref. 2018/5027/P at 108 Fitzjohn's Avenue.
- 3.5. The alteration to fenestration on the side elevation are minor and would not harm the appearance of the building or conservation area. The proposal would preserve the character and appearance of the conservation area in accordance with policies D1 and D2 of the Local Plan and policies DH1 and DH2 of the Hampstead Neighbourhood Plan.

4. Residential Amenity

- 4.1. Policy A1 seeks to protect the quality of life of occupiers and neighbours by only granting permission for 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. Policy A4 seeks to ensure that residents are not adversely impacted by noise or vibrations.
- 4.2. The extension is positioned to not intersect the 45-degree line from the neighbours upper ground floor window, so as to not affect their daylight and amenity. The extension would also pass the 25-degree test against opposite ground floor windows on Monro House. As such, the extension is acceptable in terms of light, and there would be no increased sense of enclosure to neighbouring windows. The proposal reduces the degree of overlooking into the neighbour's garden, by replacing the walkout balcony with masonry walls and windows. There would be potential for overlooking from the new window on the side elevation (study room) and therefore this window is conditioned to be obscure glazed.

5. Recommendation

5.1. Grant planning permission subject to conditions

The decision to refer an application to Planning Committee lies with the Director of Regeneration and Planning. Following the Members' Briefing panel on Monday 10th January 2022, 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: 2021/5023/P
Contact: Josh Lawlor
Tel: 020 7974 2337
Email: Josh.Lawlor@camden.gov.uk
Date: 6 January 2022

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

YOOP Architects
Office 128
28A Church Road
Stanmore
HA7 4AW

DRAFT

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Full Planning Permission Granted

Address:

**114 Fitzjohn's Avenue
London
NW3 6NT**

Proposal:

Single-storey upper ground floor rear extension, alterations to side fenestration.

Drawing Nos: 021/PR/202, 021/PR/201-D, 021/PR/220-A, 021/PR/222, 021/PR/200-C.

021/EX/161-A, 021/EX/102, 021/EX/120, 021/EX/121, 021/EX/101, 021/EX/100,
021/EX/122.

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 The development hereby permitted shall be carried out in accordance with the following approved plans: 021/PR/202, 021/PR/201-D, 021/PR/220-A, 021/PR/222,

021/PR/200-C.

021/EX/161-A, 021/EX/102, 021/EX/120, 021/EX/121, 021/EX/101, 021/EX/100, 021/EX/122.

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

- 3 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 policy DH1 of the Hampstead Neighbourhood Plan 2018.

- 4 The new window on the side elevation serving the study shown on drawing number 021_PR_201 shall be obscure glazed and permanently retained and maintained thereafter as such.

Reason: In order to prevent unreasonable overlooking of neighbouring premises in accordance with the requirements of 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

DRAFT

DECISION