

Proposed roofplan approved under 2020/3937/P



Rooflights on the 2nd floor of the application site facing Railey Mews



Rooflights on the 2nd floor of the application site facing Railey Mews



Rooflights on the 2nd floor of the application, these will remain covered



Rooflights on the 2nd floor of the application site facing Fortess Road

Delegated Report		Analysis sheet	Expiry Date:	02/03/2022
(Members Briefing)		N/A / attached	Consultation Expiry Date:	06/02/2022
Officer			Application Number(s)	
Enya Fogarty			2021/5652/P	
Application Address			Drawing Numbers	
Workshop Rear Of 38-52 Fortess Road Fortess Grove London NW5 2HB			See draft decision notice	
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature	
Proposal(s)				
Variation of condition 5 of planning permission ref: 2020/3937/P dated 31/10/2017 for 'Installation of replacement roof to workshop building, alterations to entrance and replacement fenestration' amendments include partial obscure glazing of the rooflights on the bottom row with the rest being clear glazed at roof level				
Recommendation:	Grant conditional planning permission			
Application Type:	Variation of Condition s.73 Application			

Conditions or Reasons for Refusal:	<i>Refer to Draft Decision Notice</i>			
Informatives:				
Consultations				
Summary of consultation:	<p>A site notice(s) were displayed on the 12/01/2022 (consultation expired on 05/02/2022).</p> <p>A press notice was also advertised on 13/01/2022. (Consultation expired on 06/02/2022).</p>			
Adjoining Occupiers:	No. of responses	00	No. of objections	04
Summary of consultation responses:	<p>4 objections were received from the neighbouring occupiers of 2 Railey Mews, 3 Railey Mews, 50 Fortess Road and an unknown address. Their objections are summarised below;</p> <ul style="list-style-type: none"> • Railey Mews Association were not consulted • Affect the value of property • Loss of privacy • Light pollution • Overlooking • Light spill • Fire Hazard as a result of the windows • Discrepancy between the drawings and the amount of rooflights • Breach of security and health and safety <p><u>Officer response:</u></p> <ul style="list-style-type: none"> • <i>Railey Mews Association are not a statutory body that are required to be formally consulted on the application. A site notice was displayed outside the site and a press notice was advertised in the local paper.</i> • <i>Devaluation of property is not a material planning consideration</i> • <i>Given the position of the windows and that the window would be fixed shut on a permanent basis, there would be no harmful impact on neighbouring properties in terms of loss of amenity from privacy.</i> • <i>This amendment is not considered to impact the amenities of neighbouring properties in terms of light spill</i> • <i>This is not a material planning consideration</i> • <i>The drawings provided with the application are considered acceptable to determine the application.</i> • <i>This is not a material planning consideration</i> 			

Site Description

The application site comprises a vehicle repair workshop known as the 'Workshop', the 'Studio B' building which this application specifically relates to and a 'depot' garage to the rear which fronts both Fortress Grove and Railey Mews.

The 'Studio B' building and the 'depot' (alongside Railey Mews) are located within the Kentish Town Conservation Area. The remainder of the site bounds the Kentish Town Conservation Area. The application site is located within a TFL Underground Zone of Influence, an Archaeological Priority Area and potentially contaminated land.

The Pineapple public house on Leverton Street is Grade II Listed; as are Nos.42-94 Fortress Road. No.28-34 Fortress Road is a non-designated heritage asset.

Relevant History

Relates to 'Depot' (facing Railey Mews):

2020/3937/P: *Variation of condition 3 (approved plans) of planning permission ref: 2017/4731/P dated 31/10/2017 for 'Installation of replacement roof to workshop building, alterations to entrance and replacement fenestration', namely to: Increase the height of the roof ridge by 100mm and alter the proposed roof material. Grant conditional planning permission 15/12/2020*

2017/6027/P: *Replacement of existing roof with acoustic louvred roof, and installation of louvres to Railey Mews elevation; replacement of existing single access door with double doors, and installation of internal electricity substation with associated access. Granted conditional planning permission 27/03/2018*

Relates to the 'Workshop':

2017/4731/P: *Installation of replacement roof to workshop building, alterations to entrance and replacement fenestration. Granted conditional planning permission 31/10/2017*

Relates to entire site:

2017/6788/P- *Works to depot building (Studio B) comprising increasing height of existing parapet, erection of a single storey roof extension, rear infill extension, external alterations and landscaping of courtyard; provision of UKPN substation and external alterations to Railey Mews. Granted on 28/01/2019*

2017/4184/P: *Change of use from general industrial (Use Class B2) to business (Use Class B1) under the General Permitted Development Order 2015 Schedule 2, Part 3, Class I as amended and increasing the gross floor space of the buildings (internal mezzanine floors). Certificate of Lawfulness (Proposed) Granted 22/08/2017.*

2015/4501/P: *Change of use from vehicle repair workshop (Class B2) within redeveloped buildings to provide business floorspace (Class B1) within retained shell, 1 x 2-bed dwelling on Railey Mews, 8 x 3-bed dwellings within retained shell (Class C3) and 1 x 2-bed social rent dwelling. Granted conditional planning permission subject to a section 106 legal agreement. Granted 16/03/2017.*

Relevant policies

National Planning Policy Framework (2021)

The London Plan (2021)

Camden Local Plan (2017)

- **A1** Managing the impact of development
- **A3** Biodiversity
- **A4** Noise and vibration
- **D1** Design
- **D2** Heritage

Kentish Town Neighbourhood Plan (2016)

- D3: Design principles

Camden Planning Guidance:

- CPG Amenity (2021)
- CPG Design (2021)

Conservation Statements:

- Kentish Town conservation area appraisal and management strategy (2011)

Assessment

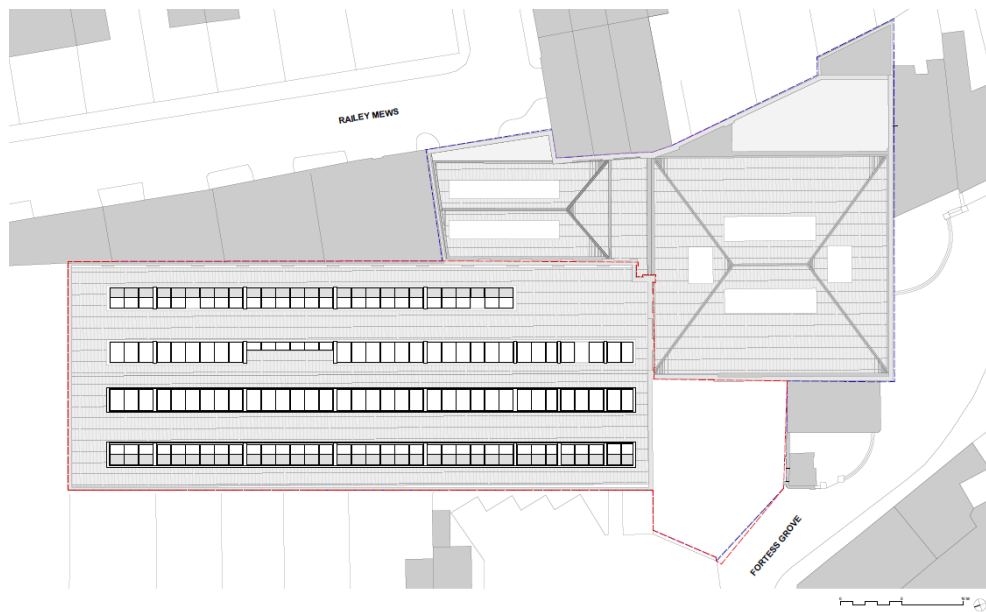
1. The proposal

- 1.1. Planning permission was granted on 31/10/2017 under **ref 2017/4731/P** for '*Installation of replacement roof to workshop building, alterations to entrance and replacement fenestration*'. Attached to this permission was condition 5 which stated '*All new rooflights hereby permitted shall be obscure glazed and fixed shut and thereafter permanently retained as such*'
- 1.2. Planning permission was granted on the 15th December 2020 under planning permission ref **2020/3937/P** for the "*Variation of condition 3 (approved plans) of planning permission ref: 2017/4731/P dated 31/10/2017 for 'Installation of replacement roof to workshop building, alterations to entrance and replacement fenestration', namely to: Increase the height of the roof ridge by 100mm and alter the proposed roof material*". Condition 21 was reattached to this planning permission under condition 5.
- 1.3. The proposals seek to change the requirements of Condition 5 of planning permission ref **2020/3937/P** to allow for the upper section of the bottom row of rooflights on the western and eastern parts of the roof to be clear glazed. Due to the number of objections from local residents, the application was presented at Member's Briefing. Members requested the condition to be attached to ensure the amenities of neighbouring properties were not harmed. As a result, this application is sought to vary this condition. Specifically, the application is proposing to obscure glaze the bottom half of the bottom row of rooflights leaving the top half clear.

2. Design and Conservation

- 2.1. 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 'Heritage' states that in order to maintain the character of Camden's conservation areas, the Council will not permit development within conservation area that fails to preserve or enhance the character and appearance of that conservation area.
- 2.2. No new external alterations are proposed to the elevations. The proposal seeks to partially obscure glaze the rooflights on the bottom row of rooflights on the western and eastern parts of the roof with the upper part of the rooflights being clear glazed as shown on the below plan. The size and design

of the rooflights remain the same so there would be no impact on the appearance of the overall elevations.



Proposed roofplan

- 2.3. As the appearance of the rooflights would remain the same in terms of their size and proportions with sections of glazing being the only change the proposal is considered to be acceptable in this respect and would not harm the character and appearance of the subject site or to the conservation area and in accordance with policies D1 and D2 of the London Borough of Camden Local Plan (2017), and D3 of the Kentish Town Neighbourhood Plan (2016).

3. Residential Amenity

- 3.1. Policy A1 seeks 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, odour and fumes as well as impacts caused from the construction phase of development.
- 3.2. The full impact on the scheme on neighbouring properties was assessed in the original application. The current application seeks to vary condition 5 of planning application 2020/3937/P to allow the upper sections of the glazing within the rooflights on the western and eastern parts of the roof to be clear glazed and in particular only have obscure glaze on the bottom half of the bottom row of rooflights.
- 3.3 A site visit was conducted on the 15th February and works have been substantially completed on-site which has allowed the planning officer to view all aspects of the development as it would be occupied. Judgements on overlooking can therefore be definitively made.
- 3.4 An overlooking study has been submitted in support of the application which includes sections of the building and the location of the rooflights and their relationship to neighbouring properties. The floor to ceiling heights within the building range from 14.7m where there are double height spaces to 5.9m where there are internal mezzanine floors. Any views from these floors towards properties fronting onto Fortress Road and Railey Mews would either be oblique with no direct views into the windows of these properties or if there are any direct views these are at a distance of more than 18m. Taking into consideration the fact that the rooflights would also be permanently fixed shut, it is considered that the change to the glazing or a proportion of the rooflights would not have an impact on neighbouring properties in terms of overlooking or loss of privacy. As such, the proposal is in accordance with policy A1.

4. Recommendation

4.1. 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 21st March 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: 2021/5652/P
Contact: Enya Fogarty
Tel: 020 7974 8964
Email: Enya.Fogarty@camden.gov.uk
Date: 17 March 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

Firstplan
Broadwall House
21 Broadwall
London
London
SE1 9PL

DRAFT

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Variation or Removal of Condition(s) Granted

Address:

Workshop Rear Of 38-52 Fortess Road
Fortess Grove
London
NW5 2HB

DECISION

Proposal:

Variation of condition 5 of planning permission ref: 2020/3937/P dated 31/10/2017 for 'Installation of replacement roof to workshop building, alterations to entrance and replacement fenestration' seeks to partially obscure glaze the rooflights on the bottom row with the rest being clear glazed at roof level

Drawing Nos: Superseded-1014-PL-A-RF D

Proposed- 1014-PL-A-RF P2

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 the original permission ref: 2017/4731/P dated 31/10/2017.

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: 1014-PL-S-A-00; 1014-EX-A-00 Rev A; 1014-EX-ARF Rev A; 1014- EX-A-14; 1014-EX-A-15; 1014-EX-A-16; 1014-EX-A-17;1014-ES-A-01; 1014-ES-A-02; 1014-ES-A-03; 1014-PL-A-00; 1014-PL-A-14; 1014-PL-A-16 & 1014-ED-02. 1014-ED-01_Rev.B; 1014-GS-A-01_Rev.A; 1014-PL-A-15_Rev.B; 1014-PL-A-17_Rev.D;1014-PL-A-RF P2 ; &Platinum Plus Specification for Trisobuild (roof system) Ref: R - R32 - 240 - LP1000 by Tata Steel dated 17/08/2020.

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

- 4 All new and refurbished windows hereby permitted on the north and west facing elevations shall be obscure glazed and fixed shut and thereafter permanently retained as such.

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

- 5 The bottom half of the lower rooflights hereby permitted shall be obscure glazed as shown on plan 1014-PL-A-RF P2 and retained as such. All rooflights shall be fixed shut and thereafter permanently retained as such.

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

Informative(s):

- 1 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.
- 2 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.

- 3 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).

DRAFT

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

DECISION