

Application ref: 2021/4220/P
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Development Management
Regeneration and Planning
London Borough of Camden
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London
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Brian O'Reilly Architects
31 Oval Road
London
NW1 7EA

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Full Planning Permission Granted

Address:

Basement Flat
39 Fitzroy Road
London
NW1 8TP

Proposal:

Erection of a single storey rear extension with rooflight above and aluminium doors to rear and with lowered rear garden level.

Drawing Nos: Heritage, Design & Access Statement, (EXISTING/524-)100-E, 101-E Rev A, 200-E Rev A, 201-E Rev A, 300-E Rev A, 500-E Rev A (PROPOSED/524-)101-P Rev B, 200-P Rev A, 201-P Rev B, 202-P Rev A, 300-P Rev B, 500-P Rev A, 501-P Rev A.

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: Heritage, Design & Access Statement, (EXISTING/524-)100-E, 101-E Rev A, 200-E Rev A, 201-E Rev A, 300-E Rev A, 500-E Rev A (PROPOSED/524-)101-P Rev A, 200-P Rev A, 201-P Rev A, 202-P, 300-P, 500-P Rev A, 501-P Rev A

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 policies D1 and D2 of the London Borough of Camden Local Plan 2017.

- 4 The living roof shall be fully provided in accordance with the approved details prior to first occupation and thereafter retained and maintained in accordance with the approved scheme.

Reason: In order to ensure the development undertakes reasonable measures to take account of biodiversity and the water environment in accordance with policies CC1, CC2, CC3 and A3 of the London Borough of Camden Local Plan 2017.

- 5 Before the relevant part of the work is begun, a sample panel of the facing tiles for the rear extension shall be submitted to and approved in writing by the local planning authority. The relevant part of the works shall be carried out in accordance with the details thus approved and all approved samples shall be retained on site during the course of the works.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policies D1 and D2 of the London Borough of Camden Local Plan 2017.

- 6 Prior to the commencement of any works on site, details demonstrating how the hazel tree to be retained shall be protected during construction work shall be submitted to and approved by the local planning authority in writing. Such details shall follow guidelines and standards set out in BS5837:2012 "Trees in Relation to Construction". All trees on the site, or parts of trees growing from adjoining sites, unless shown on the permitted drawings as being removed, shall be retained and protected from damage in accordance with the approved protection details.

Reason: To ensure that the development will not have an adverse effect on existing trees and in order to maintain the character and amenity of the area in accordance with the requirements of policies A2 and A3 of the London Borough of Camden Local Plan 2017.

Informative(s):

1 Reasons for granting permission.

The proposed single storey rear extension both infills the side gap and extends the existing rear wing. It is considered to be subordinate in scale and location to the host building, and respects the original design and proportions of the building. Although the extension would extend beyond the immediate building line, there are extensions of similar depth on this side of the street. The proposed extension respects the ratio of built-to-unbuilt space and allows for the retention of a reasonable sized garden. The proposal would be no higher than the boundary wall and unlikely to be visible from the access road adjacent. Due to the size and siting of the extension, adjacent to the existing two-storey closet wing 37 Fitzroy Road, the proposal would have limited visibility from the neighbouring garden. The materials of glazed tiles are contemporary which would have limited visibility; however, details are required by condition to ensure they are appropriate. Overall the extension would not harm the character and appearance of the host building and Conservation Area.

Following officer advice, the rooflight has been re-positioned and angled away from the nearest neighbouring window at upper ground floor level, to mitigate the impact on the amenity of neighbouring occupiers in terms of light spill. The remaining roof areas includes biodiverse roof covering that would mitigate the impact on the amenity of neighbouring occupiers in terms of the outlook. The infill extension would only marginally project above the existing side boundary walls and thus would not cause any loss of light to neighbours. On balance, the proposal would have limited impact on the amenity of neighbouring occupiers in terms of the loss of light, privacy and outlook or additional light spill.

The brown roof is welcomed in terms of improving visual amenity and biodiversity. The lowering of the rear garden level by approx. 0.5m and its relandscaping with retention of the hazel tree is acceptable. Details of this tree's protection are required by condition.

No objections have been received prior to making this decision. The sites' planning history and relevant appeal decisions were taken into account in the determination of this decision.

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.

As such, the proposed development is in general accordance with policies A1, A3, D1 and D2 of the London Borough of Camden Local Plan 2017. 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 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.

- 4 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.

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



Daniel Pope
Chief Planning Officer