

2021/2071/P - 13 Elsworthy Road





1. Rear garden of no. 13 Elsworthy Road looking south towards Primrose Hill



2. Looking north towards the application site from Primrose Hill



3. Looking west towards no. 15 Elsworthy Road



4. Looking east towards no. 11 Elsworthy Road



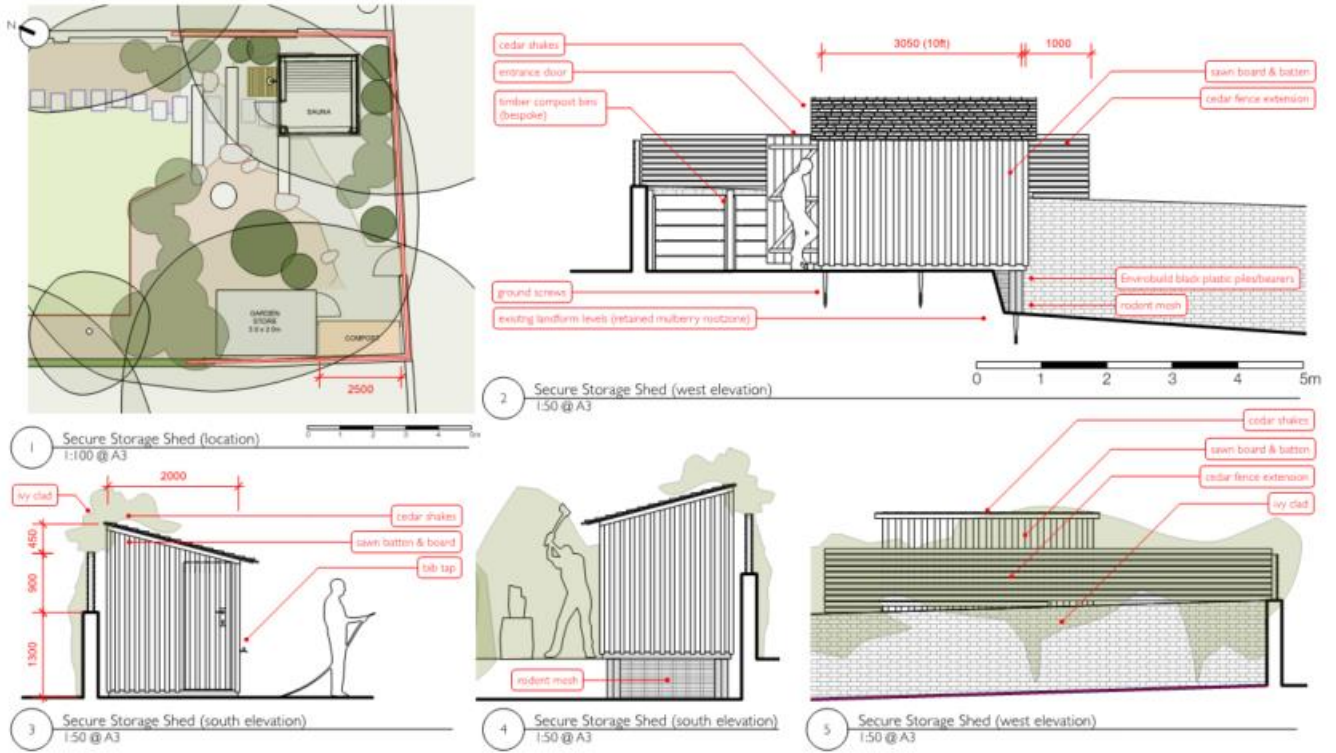
5. Existing front/side elevation



6. Existing rear elevation



7. View of neighboring extension



11. Proposed outbuildings plan and elevations

Delegated Report (Members Briefing)		Analysis sheet		Expiry Date:		20/06/2022	
		N/A		Consultation Expiry Date:		26/06/2022	
Officer				Application Number(s)			
Josh Lawlor				2022/1754/P			
Application Address				Drawing Numbers			
13 Elsworthy Road London NW3 3DS				Please refer to draft decision notice			
PO 3/4		Area Team Signature		C&UD		Authorised Officer Signature	
Proposal(s)							
Variation of Condition 3 (Approved Plans) of planning permission reference 2021/2071/P, dated 20/08/21 (for: part single, part two storey side extension; single storey rear extension with terrace above, replacement steps; replacement windows; replacement side roof dormer; enlargement of rear dormer including balcony; air conditioning unit within roof; associated landscape works; new garden outbuilding), namely to allow replacement refuse store and retention of existing planter, alterations to rear terrace, removal of trees, revised window design, additional rooflight to new rear extension, revised siting of outbuilding							
Recommendation(s):		Grant Conditional Planning Permission					
Application Type:		Variation of Condition					

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	00	No. of responses	01	No. of objections	00
Summary of consultation responses:	<p>Advertisement in Ham & High, expired 26/06/2022. Site notice displayed 01/06/2022, expired 25/06/2022.</p> <p>One objection was received from No. 9 Elsworthy Road-</p> <ul style="list-style-type: none"> • The additional development of a compost bin and new garden fencing cannot be considered as a S73 as they were not referred to in the original application. And cumulative changes that warrant a refusal. • Structural issues – the proposals now include additional excavation at the rear to lower ground floor but there are no structural details or a method statement • The relocated sauna and garden shed would appear unduly prominently • Removal of several trees (Cherry Tree and Red Robin Tree) which contribute to the character and appearance of the CA • Discrepancies between originally approved Arb report and amended Arb report • Loss of privacy from size of the elevated terrace space and enlarged patio at lower ground will increase activity and disturbance • Reiterate the design and heritage objection to the previous application. The changes to the fenestration including overly wide openings are a worsening of the design <p><i>Officer Response: The proposed garden shed has been removed from the proposal. The alteration to the location of the sauna and the compost bin can be considered as part of this S73 application. The sauna can be repositioned, and compost bin is not classified as development and could therefore be installed without the need for planning permission. The full impact of the scheme in terms of its design and potential for overlooking has already been assessed and was found to be acceptable subject to conditions. See the Design, Residential amenity, and Trees section of this report for a full response.</i></p>					
Belsize CAAC	<p>The BCAAC objected on the following grounds:</p> <p>I objected to the original application made in 2015, it was granted. New owners submitted substantial modification to the original permission 2021/2071/P. I again objected to the size of the extension and the raised</p>					

terrace which would be intrusive for neighbours. Permission was granted

The only cause for objection on this latest revision is the addition of a second construction at the end of the garden. I am assured that the sauna, although difficult to judge since there are few helpful measurements on the drawing, will be the same size/height as the original that was granted permission. There is assurance that the new position will ensure the safeguarding of the mulberry tree which is such a valuable feature. The objection to the garden shed would be allayed if there was a smaller compost area and a smaller shed. This would then be less intrusive and request that this is made a condition.

Officer's response: The sauna, shed and compost bins are modest structures that retain a large rear garden. The structures would appear as common domestic structures in a rear garden and cause no harm to the open and verdant character of the garden. See the Design and Heritage section of the report for a full response.

Site Description

The application site is a single family dwelling house located on the southern side of Elsworthy Road. The property is not listed but falls within the Elsworthy Road Conservation Area and is identified as making a positive contribution to the character and appearance of the conservation area.

To the east and west are nos. 11 and 15 Elsworthy Road and to the rear is Primrose Hill.

Relevant History

2021/2071/P - Erection of a part single, part two storey side extension; single storey rear extension with terrace above, replacement steps to rear garden; replacement of windows; replacement of existing side roof dormer and enlargement of rear dormer including addition of rear balcony; air conditioning unit within roof extracted through external terrace, associated landscape works and new garden outbuilding. **Granted 20/08/2021**

2007/5273/P - 21 Elsworthy Road - Erection of a pavilion in the rear garden for use ancillary to the ground floor flat. **Granted 30/11/2007.**

2015/5534/P – 13 Elsworthy Road - Construction of a part single, part two storey side extension; a single storey rear extension; new access steps to the rear garden and associated landscaping works including removal and replacement of two existing trees. **Granted 02/02/2016**

Neighbouring properties

2014/5472/P – 9 Elsworthy Road - Rear infill extension at lower ground and ground floor, replacement stairwell, erection of terrace at rear ground floor, replacement lightwell in side extension, replacement door and window to rear elevation and installation of timber privacy screen between No.7 and 9. **Approved 16/10/2014.**

9100651 – 15 Elsworthy Road - Erection of side extension roof dormer and conservatory at rear. **Approved 03/09/1991.**

Relevant policies

National Planning Policy Framework 2021

The London Plan 2021

Camden Local Plan (2017)

A1 Managing the Impact of Development

A3 Biodiversity

D1 Design

D2 Heritage

Camden Planning Guidance (CPG):

- [Amenity](#) - January 2021
- [Design](#) - January 2021
- [Home improvements](#) - January 2021

Elsworthy Road Conservation Area Appraisal and Management Strategy (adopted July 2009)

Assessment

1. The proposal

1.1. The purpose of this s73 application is for minor material amendments to the permission involving the variation of condition 3 (approved plans) to incorporate revised drawings. The changes are summarised as follows-

- Replacement refuse / recycling store to front garden and retention of existing boundary planter
- Adjusted form of lower rear terrace, steps and external stair
- Removal of three category C trees/shrubs
- Revised windows / doors to lower ground floor extension
- Addition of rooflight to rear extension
- Revised location of approved outbuilding (sauna)

2. **Revisions:** Omission of proposed additional shed.

3. Assessment

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

- The effects upon the character and appearance of the host property, and surrounding area (Design and Heritage)
- The effects on the residential amenities of neighbouring occupiers (Residential Amenity)

4. Design and Heritage

4.1. Section 72 of the Planning and Conservation Act 1990 requires that the local planning authority, in exercising their planning functions within conservation areas, pay special attention to the desirability of preserving or enhancing the character or appearance of that area.

4.2. Policy D1 requires development to be of the highest architectural and urban design quality, which improves the function, appearance and character of the area. Policy D2 required development to either preserve or enhance the character and setting of Camden's conservation areas.

4.3. The approved scheme included a new refuse / recycling store to the north-east front boundary, which required removal of part of an existing planted area that provided boundary screening. The revised proposal presented here incorporates a new refuse / recycling bin store to the front garden area, located behind and screened by the front boundary wall and hedge.

4.4. The proposed bin store is modest in scale, to be constructed in slatted timber which is appropriate in terms of context. The approved scheme required the removal of part of the planted area to the north-east boundary of the front garden. Relocation of the bin store in allows the planted area to the boundary to be retained.

4.5. The lower rear terrace is proposed to be marginally extended. New more modest scale steps are proposed rising to the garden level beyond. The external staircase from the upper ground floor terrace level to the garden now provides a single stair run. The area of 'terrace' as approved where the two external staircases meet is now removed. This minor change is acceptable in terms of design.

4.6. The full impact of the scheme in terms of size and bulk has already been assessed. The extension would have the same height and depth which is acceptable. The extant approval provided for French doors to the centre of the bay at lower ground floor, and a large full-height fixed window adjacent to the bay. A single full-width glazed door opening is proposed to the centre of the bay, and French doors adjacent to the bay to replace the approved large full-height window. This alteration to the rear extension is acceptable in terms of location, design and

material.

- 4.7. A single 'walk-on' rooflight is proposed to the approved rear extension which is acceptable in terms of size and location.
- 4.8. The sauna outbuilding is in a less prominent position at the very far corner of the garden. The same approach in terms of the use of lightweight foundation system will be employed.

5. Residential Amenity

- 5.1. Policy A1 of the Camden Local Plan seek 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, as well as impacts caused by the construction phase of development.
- 5.2. There would be no impacts on neighbouring residential amenities as a result of the amendments. The bulk of the development is the same and there would be no new outlooks created beyond what has originally been approved. The rear extension is located at the lower ground floor level, and the height of the extension is comparable to the existing garden walls, and therefore the extension would not impact neighbouring properties in terms of privacy or daylight / sunlight / overshadowing. The terrace would still have a metal balustrade used to limit the extent of use and set 1.76m from south- west boundary and 2.57m from the north-east boundary to limit the potential for overlooking. The same conditions controlling the extent of the terrace area above the extension at the upper ground floor and controlling noise limits from plant equipment are imposed. The new location of the sauna would not impact neighbouring amenities in terms of outlook or loss of light. Overall, the amendments are accepted in regards to Policy A1.

6. Trees

- 6.1. Policy A3 seeks to protect mature trees that contribute to the character of conservation areas. Further arboricultural assessment has identified that the Cherry tree located near the base of the external stair is not able to be retained. This is due to roots being more extensive than expected. The approved arboricultural report noted that this tree could have been justifiably removed and the Council's Tree Officer raises no objection to the proposal. The same condition is attached to this decision to require the implementation of the tree protection measures in accordance with the arboricultural statement.

7. Conclusion

- 7.1. The proposed development is considered acceptable in terms of design and impact on neighbouring residential amenities. The development is deemed consistent with the objectives and policies identified above.

The decision to refer an application to Planning Committee lies with the Director of Regeneration and Planning. Following the Members Briefing panel on Monday 4th of July 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: 2022/1754/P
Contact: Josh Lawlor
Tel: 020 7974 2337
Email: Josh.Lawlor@camden.gov.uk
Date: 29 June 2022

Development Management
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London Borough of Camden
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Phone: 020 7974 4444

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www.camden.gov.uk

AZ Urban Studio
2 John Street
LONDON
WC1N 2ES

DRAFT

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Variation or Removal of Condition(s) Granted

Address:

**13 Elsworthy Road
London
NW3 3DS**

DECISION

Proposal:

Variation of Condition 3 (Approved Plans) of planning permission reference 2021/2071/P, dated 20/08/21 (for: part single, part two storey side extension; single storey rear extension with terrace above, replacement steps; replacement windows; replacement side roof dormer; enlargement of rear dormer including balcony; air conditioning unit within roof; associated landscape works; new garden outbuilding), namely to allow replacement refuse store and retention of existing planter, alterations to rear terrace, removal of trees, revised window design, additional rooflight to new rear extension, revised siting of outbuilding

Drawing Nos: Arboricultural Impact Assessment and Method Statement Report dated 20/04/2022, 13ER_1_02_03-A, 13ER_1_04_02-A, 13ER_1_05_02-A, 13ER_1_05_01-A, 13ER_1_02_04-A, 13ER_1_04_03-A, 13ER_1_02_B1-B, 13ER_1_02_05-C, 13ER_1_02_00-B, ELW-SK-006-B, 1163/P/100/013, 1163/P/100/014, 1163/P/100/015, 1163/P/100/016, 1163/P/100/017, 1163/P/100/018, 1163/P/100/019, 1163/P/100/020, 1163/P/100/021, 1163/P/100/022, 1163/P/100/023

The Council has considered your application and decided to grant permission subject to the following condition(s):

Condition(s) and Reason(s):

- 1 For the purposes of this decision, condition no.3 of planning permission

2021/2071/P dated 20/08/2021 shall be replaced with the following condition:

REPLACEMENT CONDITION 3

The development hereby permitted shall be carried out in accordance with the following approved plans- Arboricultural Impact Assessment and Method Statement Report dated 20/04/2022, 13ER_1_02_03-A, 13ER_1_04_02-A, 13ER_1_05_02-A, 13ER_1_05_01-A, 13ER_1_02_04-A, 13ER_1_04_03-A, 13ER_1_02_B1-B, 13ER_1_02_05-D, 13ER_1_02_00-B, 1163/P/100/013, 1163/P/100/014, 1163/P/100/015, 1163/P/100/016, 1163/P/100/017, 1163/P/100/018, 1163/P/100/019, 1163/P/100/020, 1163/P/100/021, 1163/P/100/022, 1163/P/100/023

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

- 2 The development hereby permitted must be begun not later than the end of three years from the date of the original planning permission ref 2021/2071/P dated 20/08/2021

Reason: In order to comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 3 Noise levels at a point 1 metre external to sensitive facades shall be at least 10dB(A) less than the existing background measurement (LA90), expressed in dB(A) when all plant/equipment (or any part of it) is in operation unless the plant/equipment hereby permitted will have a noise that has a distinguishable, discrete continuous note (whine, hiss, screech, hum) and/or if there are distinct impulses (bangs, clicks, clatters, thumps), then the noise levels from that piece of plant/equipment at any sensitive façade shall be at least 15dB(A) below the LA90, expressed in dB(A).

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies A1 and A4 of the London Borough of Camden Local Plan 2017.

- 4 Prior to use, machinery, plant or equipment at the development shall be mounted with proprietary anti-vibration isolators and fan motors shall be vibration isolated from the casing and adequately silenced and maintained as such.

Reason: To ensure that the amenity of occupiers of the development site and surrounding premises is not adversely affected by vibration in accordance with the requirements of policies A1 and A4 of the London Borough of Camden Local Plan 2017.

- 5 The use of the flat roof for amenity purposes shall be limited to the area identified as 'terrace' on the plans hereby approved.

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

- 6 Prior to the commencement of construction/demolition works on site, tree protection measures shall be installed in accordance with approved tree protection plan and arboricultural method statement. The protection shall then remain in place

for the duration of works on site, unless otherwise agreed in writing by the local authority.

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 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 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.

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