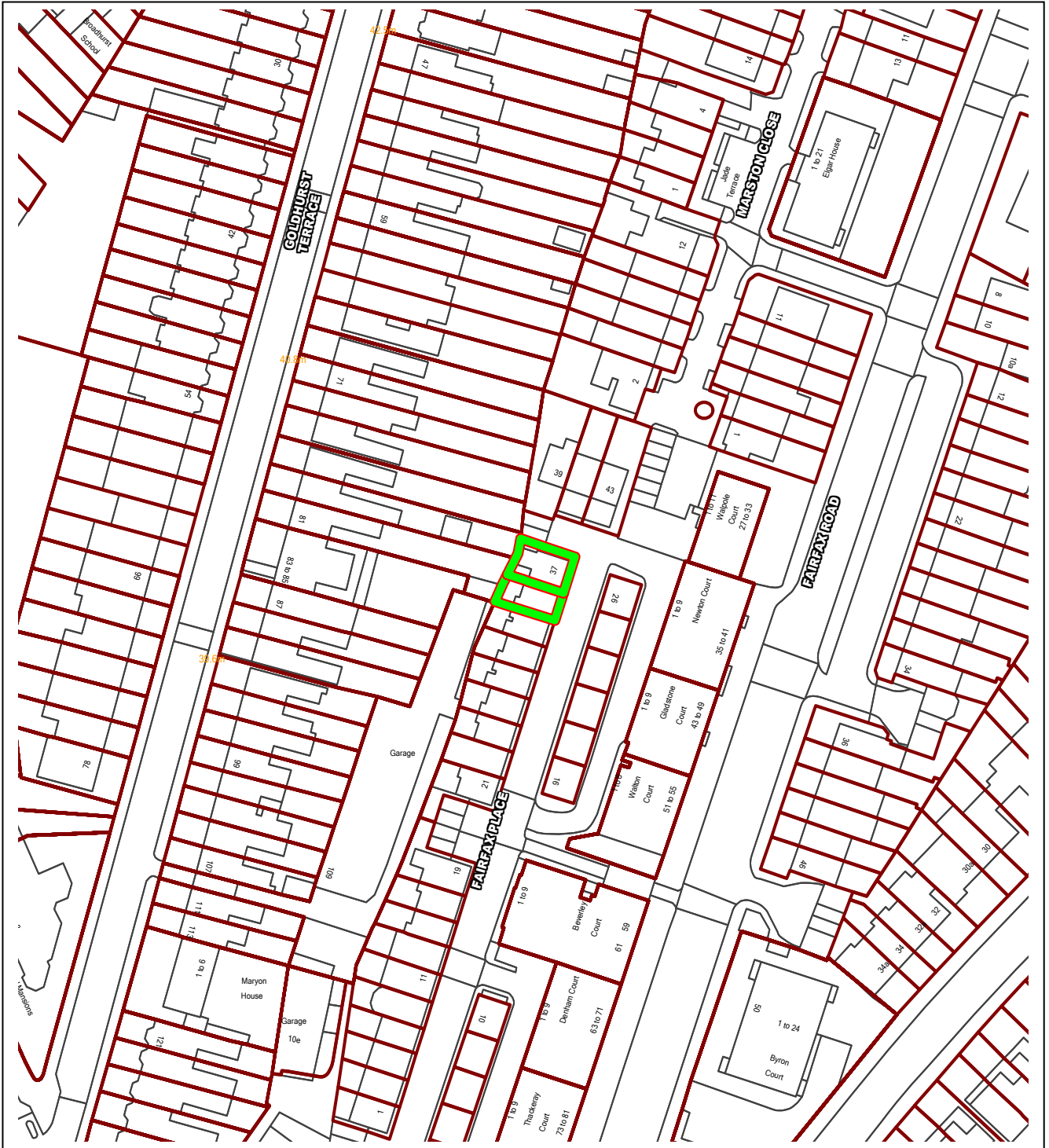


35-37 Fairfax Place, NW6 4EJ

Ref. 2022/2445/P



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Image 1 (above): Photo of south facing rear elevation



Image 2 (above): Photo on roof of extension looking south



Image 3 (above): Photo from roof of extension overlooking Goldhurst terrace



Image 4 (above): Photo from roof of extension looking North



Images (above): Existing (left) and proposed (right) plans and elevations

| | | | | |
|--|----------------------------|---------------------------------------|-------------------------------------|-------------------|
| Delegated Report | | Analysis sheet | Expiry Date: | 02/08/2022 |
| (Members Briefing) | | | Consultation Expiry Date: | 16/10/2022 |
| Officer | | | Application Number | |
| Ewan Campbell | | | 2022/2445/P | |
| Application Address | | | Drawing Numbers | |
| 35-37 Fairfax Place London NW6 4EJ | | | Refer to draft decision notice | |
| PO 3/4 | Area Team Signature | C&UD | Authorised Officer Signature | |
| | | | | |
| Proposal | | | | |
| Replacement of window with new door onto roof of ground floor rear extension for maintenance purposes (Retrospective) (amended description). | | | | |
| Recommendation: | | Grant conditional planning permission | | |
| Application Type: | | Householder Application | | |

| | | | | | | |
|------------------------------------|---|-----|------------------|----|-------------------|----|
| Conditions or Reasons for Refusal: | Refer to Draft Decision Notice | | | | | |
| Informatives: | | | | | | |
| Consultations | | | | | | |
| Adjoining Occupiers: | No. notified | N/A | No. of responses | 10 | No. of objections | 10 |
| Summary of consultation responses: | <p>Site notice displayed 22/07/2022 and expired on the 15/08/2022. Following amendments and a re-consultation another site notice was displayed on the 22/09/2022 and expired on 16/10/2022</p> <p>Nine objections have been received and concerns include:</p> <ul style="list-style-type: none"> • Overlooking still an issue • Loss of privacy • Roof terrace not a common characteristic • Maintenance reason is not justified • No reason why French doors should be maintained • Attempting to exploit loophole • Doors already installed • Unsafe • Noise from terrace • Not consulted on plans • No need to extend family home <p><i>Officer Comments: The proposal relates to a Juliet balcony, which would not introduce any overlooking or loss of privacy impacts. The new doors would lead onto a flat roof area; however, using this as a terrace would require planning permission and the LPA would further add a planning condition to restrict its use from this. Retrospective permissions are possible with the planning process, any application must be assessed on its merits against the development plan. Issues such as safety are not considered to be material planning considerations and would be governed by Building Regulations. However noise, loss of privacy and overlooking are and discussed in section 4 of the assessment.</i></p> | | | | | |
| | | | | | | |

Site Description

Numbers 35 and 37 Fairfax Place are two-storey red brick houses at the northern end of a terrace of 9 properties on the western side of Fairfax Place.

The area where the terrace is located, west of Fairfax Road, comprises a sequence of linear buildings constructed by the Eyre Estate in the early 1960s. Before this development, the land was used as mews and stables for grand houses fronting onto Fairfax Road; these were also redeveloped at the same time at higher density.

The properties in the terrace where the application site is located are built up to the street front and have rear gardens that stretch to Goldhurst Terrace to the west where the South Hampstead Conservation Area starts; Fairfax Place is not located within a conservation area.

Relevant History

37 Fairfax Place

Granted February 2016 Certificate of Lawfulness for erection of rear dormer and single storey rear extension, ref. 2016/0364/P.

27 Fairfax Place

Granted January 2007 Certificate of Lawfulness for erection of single-storey rear ground floor level extension, a dormer window in the rear roof slope and alterations to fenestration including installation of 3 rooflights on front roof slope, ref. 2006/5421/P.

21 Fairfax Place

Granted June 2020 Certificate of Lawfulness for erection of a hip-to-gable roof extension, enlargement of dormer window at rear and insertion of 2 rooflights to front roof slope, all to single dwelling house (Class C3), ref. 2020/1433/P.

35-37 Fairfax Place

Granted August 2021 Full Planning Permission Erection of a roof extension to the rear of both properties, change of use from two houses to one, hip to gable extension at no. 37, single storey rear extension to no. 35 and installation of rooflights to principal elevation. Ref. 2021/1692/P

NB: For application 2021/1692/P following an assessment by the previous officer the roof terrace on top of the ground floor rear extension was removed due to the impact on amenity.

Relevant policies

National Planning Policy Framework 2021

The London Plan 2021

London Borough of Camden Local Plan 2017

A1 - Managing the impact of development

A4 - Noise and vibration

D1 - Design

D2 - Heritage

Camden Planning Guidance 2021 (as amended)

CPG – Amenity

CPG – Design

CPG - Home Improvements

Assessment

1.0 Proposal

The proposal comprises:

- Alteration of a window to a set of French doors with the same design at first floor level.
- Balustrade over the doors to create Juliet balcony

Revisions

1.7 Glazed balustrades were removed from proposal to remove the proposed use of the existing flat roof as a terrace.

1.8 Use of doors will be for maintenance only and the roof will not be used for amenity area.

2.0 Assessment

2.1 The main issues for consideration are:

- Design / Conservation
- Amenity

3.0 Design / Conservation

3.1 Local Plan Policy D1 (Design) states that to achieve high quality design that integrates into its surroundings, careful consideration needs to be given to a site's characteristics, features of local distinctiveness and the wider context.

3.2 The original window measures 1.4m in width and 1.3m in height compared with the door which measures 1.4m in width and 2.0m in height. The location of the proposal is the same and critical design is retained as well. The balustrade is clear glazed and therefore impacts the character and appearance of the host building and surrounding area very little.

3.3 The difference to the character of the rear elevation as a consequence of the changes is minimal as it keeps the window style opening in the same location and with a similar design. Whilst it has changed to a door and Juliet balcony this alteration is minor; and is therefore acceptable in this instance.

3.4 In terms of the original proposal (which has been revised), harm was caused by the roof terrace and the associated balustrades which appeared out of character in this location. This was also referenced in the previously approved application on site 2021/1692/P. Therefore, this element has been removed from the development and a condition would be placed on the application (if approved) to prevent it from being used as a terrace.

4.0 Residential amenity

4.1 Policy A1 (Managing the impact of development) seeks to protect the amenity of Camden's residents by ensuring the impact of development is fully considered and by only granting permission for development or alterations that would not harm the amenity of communities, occupiers and neighbouring residents.

4.2 Given the removal of the balustrades, and not creating a roof terrace, the proposals would not result in any new views towards neighbouring properties so there would be no material loss of privacy as a result of the application as current levels of overlooking would not be exacerbated. This view was also reiterated in the previous application (2021/1692/P) which sought removing the roof terrace because of the same issues.

4.3 Whilst there is a door being formed by the proposal, the views out would not be significantly different to the replaced window and a balustrade is proposed over the doors meaning any main access to the roof is prevented. A planning condition would be placed on the application to control the use of the roof and stop its use as terrace and therefore mitigate any amenity impacts. Enforcement action can then be taken if this roof is used an amenity space in the form of a terrace.

4.4 Due to the scale and location of the proposed addition, the proposal would not result in any significant loss of daylight, outlook to neighbouring occupiers also.

5.0 Recommendation

5.1 It is recommended that conditional planning permission is granted.

The decision to refer an application to Planning Committee lies with the Director of Regeneration and Planning. Following the Members Briefing panel on Monday 14th November 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: 2022/2445/P
Contact: Ewan Campbell
Tel: 020 7974 5458
Email: Ewan.Campbell@camden.gov.uk
Date: 24 October 2022

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

Phone: 020 7974 4444

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www.camden.gov.uk

Stefan Shaw Studio
Unit 602A
95A Rye Lane
LONDON
SE15 4ST
United Kingdom

DRAFT

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Householder Application Granted

Address:

35-37 Fairfax Place
London
Camden
NW6 4EJ

DECISION

Proposal: Replacement of window with new door onto roof of ground floor rear extension for maintenance purposes (Retrospective)

Drawing Nos: 0081_0000, 0081_1001, 0081_1101, 0081_3001, 0081_3002, 0081_3101 and 0081_3102 (all Rev 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 shall be carried out in accordance with the following approved plans 0081_0000, 0081_1001, 0081_1101, 0081_3001, 0081_3002, 0081_3101 and 0081_3102 (all Rev P2)

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

- 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 of the London Borough of Camden Local Plan 2017.

- 4 The proposed doors shall not be used as access to the flat roofed area which is not to be used as a roof terrace, sitting out area or other amenity space and only for maintenance purposes.

Reason: To protect the amenity of adjoining occupiers and the area in accordance with policies A1 and D1 of the 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:

[https://www.gov.uk/appeal-householder-planning-decision.](https://www.gov.uk/appeal-householder-planning-decision)

Yours faithfully

Chief Planning Officer

DRAFT

DECISION