

Flat 5, 40 Canfield Gardens, NW6 3EB

Ref. 2022/1074/P



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Photo 1 (above): Existing front elevation (with existing balcony at 2nd Floor level, 42 Canfield Gardens)

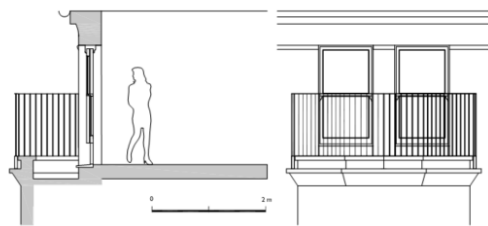


EXISTING NEIGHBOUR'S BALCONY -
PHOTO TAKEN FROM AREA OF
PROPOSED BALCONY

Photo 2 (above): Existing photograph of neighbouring balcony



Proposed Part Section and Elevation 1:50



Existing Part Section and Elevation 1:50

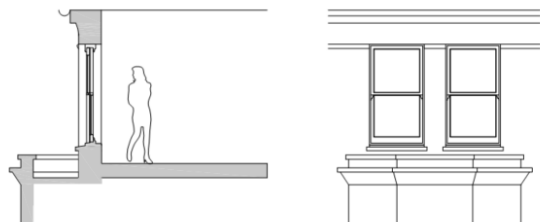


Photo 3 (above): Existing and proposed part section and elevation

Delegated Report (Members Briefing)		Analysis sheet		Expiry Date:	10/10/2022
		N/A		Consultation Expiry Date:	18/09/2022
Officer			Application Number(s)		
Fast Track Team – Geri Gohin			2022/1074/P		
Application Address			Drawing Numbers		
Flat 5 40 Canfield Gardens NW6 3EB			Refer to draft decision notice		
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature		
Proposal(s) Erection of railings to make use of an existing informal balcony area on the front elevation at second floor level and alterations to existing second floor front windows to make them openable doors.					
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. notified	00	No. of responses	01	No. of objections	01
CRASH objection:	<p>Site notice was displayed from 24/08/2022 Press notice was published on 25/08/2022 and expired on 18/09/2022</p> <p>The Combined Residents' Association of South Hampstead (CRASH) objected to the proposals as follows:</p> <p style="padding-left: 40px;">- "Application states that the work to erect railings and to alter existing sash windows to make them openable like doors is to make use of the existing balcony. That is not correct. The roof of the bay window is not a balcony.</p> <p style="padding-left: 40px;">-Camden has refused previous applications to erect railings around bay window roofs because they are out of keeping with the treatment of bay window roofs in the conservation area.</p> <p style="padding-left: 40px;">- CRASH believes that the application to convert a bay window roof to a balcony should be refused."</p> <p><u>Officer response:</u></p> <p>The design, materials, dimensions, siting and visibility of the proposal have been assessed, along with any impact on neighbouring amenity, and are considered to be appropriate within the particular site context (see Section 3.0 below for full assessment).</p>					

Site Description

The application site comprises a 3-storey (plus attic accommodation semi-detached building). The property is located on Canfield Gardens near the junction with Fairhazel Gardens. The host building contains a total of six flats and Flat 5 (the application site) is on the second floor with the entrance on Fairhazel Gardens. The property is constructed of red brick and has a pitched brown roof.

40 Canfield Gardens is not a listed building, but it sits within the South Hampstead Conservation Area. The building is identified as making a positive contribution to the Conservation Area (South Hampstead Conservation Area Statement, adopted February 2011).

Relevant History

At the application site:

Flat 5, 40 Canfield Gardens

42 Canfield Gardens (neighbouring site where railings have been approved at second floor level):

PW9802481 The alteration of a front second floor window to French doors in connection with the use of the roof of a first floor bay as a balcony; the erection of railings at the edge of the roof together with the erection of a rear roof dormer and associated terrace; two rooflights to the front, four to the side in connection with the conversion of the loft as a self-contained flat. **Planning permission granted on appeal on 21/01/99**

2004/0328/P Renewal of planning permission reference PW9802481, granted on appeal on 21/01/99, for the formation of doors and erection of balcony railings in connection with the use of the roof of a first floor bay as a balcony. **Planning permission granted on 02/04/2004**

Relevant policies

National Planning Policy Framework 2021

London Plan 2021

Camden Local Plan 2017

A1 – Managing the impact of development

D1 – Design

D2 – Heritage

CC1 – Climate change mitigation

CC2 – Adapting to climate change

Camden Planning Guidance

CPG Home Improvements (January 2021)

CPG Design (January 2021)

CPG Energy efficiency and adaption (January 2021)

CPG Amenity (January 2021)

South Hampstead Conservation Area Statement (adopted February 2011)

Assessment

1.0 Proposal

- 1.1 Planning permission is sought for the erection of railings to make use of an existing informal balcony area on the second floor front elevation and alterations to existing windows in order to make them openable like doors. The railings would be 1.1m high and would be made from steel and painted black.

2.0 Assessment

- 2.1 The principal material considerations to the determination of this application are:
- . The design and impact of the proposal on the character and appearance of the South Hampstead Conservation Area; and
 - . The impact of the proposal on neighbouring amenity

3.0 Design and Heritage

- 3.1 Local Plan Policy D1 (Design) aims to ensure that all developments are of the highest standard of design and respect the character, setting, form and scale of neighbouring buildings, its contribution to the public realm, and its impact on wider views and vistas. Local Plan Policy D2 (Heritage) states that the Council will require that developments preserve, and where appropriate, enhance Camden's rich and diverse heritage assets and their settings, including conservation areas. This is supported by the South Hampstead Conservation Area Statement.
- 3.2 40 Canfield Gardens comprises a three-storey semi-detached building. The property is not listed but it is recognised as making a positive contribution to the character and appearance of the Conservation Area in the relevant appraisal and management statement. No. 42 Canfield Gardens has a similar balcony with railings (allowed on appeal on 21st January 1999 and permission renewed in 2004) and therefore the proposal would not be out of character. There has not been a significant policy change in the designation of the property. Furthermore, the proposal would be bringing the building back into a symmetrical composition. This would have required a different assessment should the pair of properties remained unchanged. The proposed railings would be constructed using steel that would be painted in black. This is a consistent design and pattern to the host building and for this reason, the proposal would be acceptable. In the appeal decision dated 21st January 1999, the Inspector refers to "numerous properties in Canfield Gardens and adjoining streets with railings at second floor level, above the bay windows below. Many of these are obviously original features."
- 3.3 The existing windows would be altered to open like doors but would have a similar appearance as the existing windows. In order to meet this requirement, the frame of the sash windows would be retained and only the bottom sash would be modified to allow it to swing open inwards like a door. The alteration would not alter the character or appearance of the building and is an appropriate alteration to the host building. Special attention has been paid to the desirability of preserving or enhancing the character or appearance of the South Hampstead Conservation Area, under s.72 of the Listed Buildings and Conservation Area Act 1990 as amended by the Enterprise and Regulatory Reform Act 2013.
- 3.4 Whilst there would be some difference in terms of the opening of the proposed windows, the proposed alterations would closely match other windows of similar material and generally be in keeping with the prevailing design, form and appearance of fenestration at the property. As such, under these circumstances, the proposal is considered to preserve the character and appearance of the host building and the South Hampstead Conservation Area, in accordance with Camden Local Plan Policies D1 (Design) and D2 (Heritage).

4.0 Sustainability

- 4.1 The Council supports development to improve the thermal efficiency of existing dwellings in a sustainable way and it is acknowledged that the use of double glazing can be beneficial in this regard. A condition would be attached to secure the details of the replacement windows to ensure that the double glazing is a like for like replacement.

5.0 Amenity

- 5.1 Local Plan Policy A1 (Managing the impact of development) supported by CPG Amenity, seeks to protect the amenity of Camden's residents by ensuring the impact of development is fully considered and by only granting permission to development that would not harm the amenity of communities, occupiers and neighbouring residents.

5.2 It is not considered that there would be any material amenity concerns as the proposed full height openable windows would replace existing fenestration. With regard to the proposed railings, in the 1999 appeal decision the inspector referred to *“the area which would be enclosed by the railings as barely large enough to be regarded as a roof terrace”* and that *“nearby residents would not suffer from overlooking or loss of privacy”*. It is not considered that the formalisation of the area on top of the bay window, which is to the front of the property facing the street, would result in any materially harmful levels of overlooking to neighbouring occupiers.

6.0 Recommendation

6.1 Overall, the proposed development is considered acceptable in terms of design and would preserve the character and appearance of the host building and South Hampstead Conservation Area, and there would be no significant adverse impact on the residential amenity of neighbouring occupiers. The development is also deemed consistent with the objectives, guidance and policies identified above and it is therefore recommended that conditional planning permission be granted.

DISCLAIMER

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 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: 2022/1074/P
Contact: Fast Track GG
Tel: 020 7974
Email:
Date: 17 November 2022

Development Management
Regeneration and Planning
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Phone: 020 7974 4444
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www.camden.gov.uk

Anglia Design LLP
11 Charing Cross
Norwich
NR2 4AX

DRAFT

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Full Planning Permission Granted

Address:

Flat 5
40 Canfield Gardens
London
NW6 3EB

DECISION

Proposal:

Erection of railings to make use of an existing informal balcony area on the front elevation at second floor level and alterations to existing second floor front windows to make them openable doors.

Drawing Nos: NS-4703-100 Rev B; Design and Access Statement dated August 2022.

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 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.

- 3 The development hereby permitted shall be carried out in accordance with the following approved plans: NS-4703-100 Rev B; Design and Access Statement dated August 2022.

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

- 4 Before the relevant part of the work is begun, detailed drawings, or samples of materials as appropriate, in respect of the following, shall be submitted to and approved in writing by the local planning authority:

a) Details including sections at 1:10 of the new openable windows (including jambs, head and cill)

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 policy D1 and D2 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:

<https://www.gov.uk/appeal-planning-decision>.

Yours faithfully

Chief Planning Officer

DECISION