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Planning Portal Ref: PP-11612890

10th November 2022

Our Ref: 2164406/3/DH/MH

Dear Sir/Madam,

GROUND FLOOR & LOWER GROUND FLOOR, 85 FITZJOHN'S AVENUE, LONDON NW3 6NY **PLANNING APPLICATION FOR A LOWER GROUND FLOOR EXTENSION AND CREATION OF** **A GROUND FLOOR TERRACE**

We are instructed by our client, St Ermin's Property Company Ltd ("the Applicant") to make the following planning application to the London Borough of Camden ("LBC") for a lower ground floor extension and creation of a new ground floor terrace ("the Proposed Development") at 85 Fitzjohn's Avenue ("the Site"). This letter comprises the supporting planning statement to accompany the planning application and sets out details regarding the site, planning history, the proposal and relevant planning policy.

The Proposed Development is submitted with the following description of development:

'Erection of single storey lower ground floor extension and creation of ground floor terrace above.'

This supporting letter is accompanied by the following documents:

- Application Form & CIL Forms duly signed and dated;
- Location & Existing Block Plan (Drawing Ref: 17 Revision C);
- Proposed Block Plan (Drawing Ref: 20);
- Existing Lower Ground Floor Plan (Drawing Ref: 1);
- Existing Ground Floor Plan (Drawing Ref: 2);
- Proposed Lower Ground Floor Plan (Drawing Ref: 10 Revision B);
- Proposed Ground Floor Plan (Drawing Ref: 11 Revision A);
- Existing Rear Elevation (Drawing Ref: 12 Revision A);
- Existing Side Elevation (Drawing Ref: 14 Revision A);
- Proposed Rear Elevation (Drawing Ref: 15 Revision A);
- Proposed Side Elevation (Drawing Ref: 16 Revision B)
- Light – 45 degree Test (Drawing Ref: 18 Revision A);
- Existing Rear Isometric (Drawing Ref: 21 Revision A);

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- Existing Rear Isometric (Drawing Ref: 22 Revision A);
- Proposed Rear Isometric (Drawing Ref: 29 Revision A);
- Proposed Rear Isometric (Drawing Ref: 30 Revision A); and
- Arboricultural Report prepared by TMA (January 2022).

The planning application fee of £206 has been paid through the Planning Portal.

Site and Surrounding Area

The Site consists of a lower ground floor and ground floor duplex flat on the western side of Fitzjohn's Avenue. The flat is part of a five storey, traditional brick building within the residential area of Hampstead. The building is a semi-detached property with number 87 attached to the north. The surrounding area consists of residential buildings of varying height and design.

The Site is not locally or statutory listed and there are no listed buildings within the immediate vicinity. The Site is located within the Fitzjohns and Netherhall Conservation Area where it is noted as a building making a positive contribution to the area.

Planning History

There are no planning applications of direct relevance to this planning application, however we have listed some of the relevant applications below.

There are two planning applications for works to trees within a Conservation Area listed on the Council's website, these were both approved. The first of which in August 1998 (LBC Ref: TC9806719) and the most recent in November 2008 (LBC Ref: 2008/5474/T).

There is a further planning application that is of relevance to the Proposed Development. This was for the "Change of Use of lower ground and ground floors from House in Multiple Occupation (Class C4) to self contained flat (Class C3)" (LBC Ref: 2013/1700/P). This application was approved on 23rd April 2014 and was implemented.

A further application of relevance is for the Use of the lower ground floor as a self-contained residential flat (Class C3) (LBC Ref: 2008/5467/P) which was dismissed at appeal 9th March 2010.

Finally, the Site was subject to a pre-application advice request (LBC Ref: 2022/0361/PRE) for the Proposed Development that is part of this planning application. This was submitted on 31st January 2022 and a response received on 7th October 2022. This explained how the proposal would be acceptable in terms of the principle and its design, appearance, massing, impacts on neighbouring occupiers, the host property and protecting the character and appearance of the Conservation Area. It was also confirmed that LBC's Tree Officer has no objection to the removal of tree T1 (as labelled on the plans) and there would be an acceptable impact on the Conservation Area as a result.

The advice provided in that pre-application response has been followed in this planning application submission.

Planning Policy

The policy framework for the Site and Proposed Development is as follows.

Local Planning Policy

Section 38 (6) of the Planning and Compulsory Purchase Act 2004, states that all planning applications must be determined in accordance with the development plan, unless material considerations indicate otherwise.

The Development Plan for the site comprises of:

- The London Plan (2021);
- The Camden Local Plan (2017) (“LP”); and
- Camden – Site Specific Allocations (2013).

London Plan (2021)

- Policy D1 – London’s form, character and capacity for growth;
- Policy D4 – Delivering good design;
- Policy D6 – Housing quality and standards;
- Policy HC1 – Heritage conservation and growth; and
- Policy G7 – Trees and woodlands.

Camden Local Plan (2017)

- LP Policy A1 – Managing the impact of development;
- LP Policy D1 – Design; and
- LP Policy D2 – Heritage.

The following supplementary planning documents are also of relevance:

- Camden SPD – Home Improvements (January 2021);
- Hampstead Neighbourhood Plan (October 2018);
 - o NP Policy DH1 – Design;
 - o NP Policy DH2 – Conservation Area & Listed Buildings; and
 - o NP Policy NE2 – Trees.
- Fitzjohns and Netherhall Conservation Area Action Plan (2001).

National Planning Policy

The National Planning Policy Framework (NPPF) was updated in 2021. The Framework sets out the Government’s planning policies for England and how these are expected to be applied.

Key Issues

Principle of development

The principle of small ground floor / lower floor extensions in this area is widely established and is acceptable in principle through LP Policies A1 and D1. The adjacent house no. 87 has a ground floor single storey extension with a terrace above that was permitted under application reference 8804186. There are a number of other examples of such extensions at surrounding properties.

The extension would allow for the creation of a larger living area for the lower ground floor flat property while still retaining a reasonably sized garden as per the requirements of the Home Improvements SPD.

Design

Policy D1 states that extensions to existing buildings must be of the highest quality. The extension would be 3.315m in depth, which is a similar depth to that of the extension in situ at no. 87 Fitzjohn's Avenue. The height of the proposed extension would be just under 3m in total including the small parapet. It will be constructed from materials that would match the rest of property including brickwork and details such as a red shaded brick detailing as can be seen at the Site.

The height, scale and mass of the Proposed Development would be subservient to the host property and as such would not dominate the rear elevation and would preserve character of the Conservation Area.

The extension would be to the rear of the building and would therefore be of limited visibility from the public domain ensuring that the Proposed Development does not harm the character of the Conservation Area.

The ground floor terrace area will be finished with black metal railings that will reflect similar railings that can be seen in the Conservation Area, for example being used for gates or other balcony / terrace railings. As such, this feature is considered to be acceptable and would preserve the character of the Conservation Area and would not be an addition to the Site that would be out of keeping with its character or appearance.

As such, the Proposed Development is considered to be well designed that it would be in keeping with the host property and the surrounding area. It would also respect the character of the host dwelling and retain features that can be seen throughout the Conservation Area.

The Proposed Development is therefore in accordance with Local Plan Policies D1 and D2 and Neighbourhood Plan Policies DH1 and DH2.

Trees

The proposal would include the removal of the tree indicated as T1 on the existing side elevation (Drawing Ref: 14 Revision A) and in the Arboricultural Impact Assessment. This planning application is submitted with an arboricultural report which details the reasons for removal and the proposed mitigation.

The tree is not noted to be of significance within the area and is relatively small and not clearly visible from the public realm. The pre-application response received from LBC confirmed that the Tree Officer would be happy with the removal of such a small tree, and this would not have a detrimental impact on the character and appearance of the Conservation Area.

While there is no planned replacement planting at this stage, the retained garden area has the capacity to plant more trees in future. The removal of the tree would not be contrary to Neighbourhood Plan Policy NE2.

Amenity

The extension has been designed in such a way to protect the amenity of the neighbouring occupiers. The existing extension at number 83 has a balcony which currently allows for overlooking into the garden of 85. As a result of the Proposed Development, an existing relationship would simply be maintained due to the mutual overlooking between these two properties. Such overlooking is to be expected in a dense urban location.

Given the extended height of the projecting bay window to the lower ground floor of number 87 and the positioning of the balcony on the eastern side of the extension, there would be limited opportunity for overlooking on this boundary.

The plans submitted with this planning application demonstrate that the proposed extension would comply with the 45-degree test stipulated by the Home Improvements SPD.

The proposed extension would not harm the amenity of the occupiers of the neighbouring properties in compliance with Local Plan Policy A1.

Conclusion

The Proposed Development seeks to add a modest lower ground floor extension to the existing flat to create a more habitable living space for the occupants. The extension would also allow for a ground floor balcony / terrace area for the duplex flat that will serve as additional amenity space, further enhancing the living standards.

The extension has been designed to remain subservient to the host property and would match the materials of the existing building therefore preserving the character and appearance of the Site and the wider Fitzjohns and Netherhall Conservation Area. The extension has also been designed to protect the amenity of neighbouring occupiers and would not result in a loss of light or outlook for neighbouring properties as the Proposed Development is in compliance with the 45 degree test.

Should you wish to discuss further or require any additional information, please do not hesitate to get in contact with Daniel Hyde or Mark Harris at this office. Otherwise, we look forward to receiving acknowledgement of this planning application.

Yours faithfully

This letter is approved but unsigned as it is sent electronically.

Daniel Hyde
Associate – Planning

Freeths LLP
Please respond by e-mail where possible.

Enc.