

Delegated Report		Analysis sheet	Expiry Date:	14/10/2022
		N/A	Consultation Expiry Date:	27/08/2022
Officer			Application Number(s)	
Alex Kresovic			2022/2203/P	
Application Address			Drawing Numbers	
St Johns Lodge, Harley Road, London, Camden, NW3 3BY			See draft decision notice	
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature	
Proposal(s)				
Proposed timber conservatory to side (King Henry's Road) elevation.				
Recommendation(s):		Refuse Planning Permission		
Application Type:		Full Planning Permission		

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice			
Informatives:				
Consultations				
Adjoining Occupiers:	No. of responses	1	No. of objections	1
Summary of consultation responses:	<p>Press advert and multiple site notices 03/08/2022 to 27/08/2022</p> <p>One objection received from the occupier of the lower ground floor flat. Objections raised relate to:</p> <ol style="list-style-type: none">1. Design quality and impact on heritage assets: inappropriate development harmful to character and appearance of Conservation Area2. Neighbour amenity: loss of daylight, outlook, privacy, loss of community amenity space, increased noise and disturbance and light spill3. Arboricultural impact; no statements/reports submitted to show that existing trees in the Conservation Area would not be affected4. No fire safety certificate submitted5. Procedural matter: no notice given to other owners/occupiers at the site (Note: This matter has been drawn to the attention of the applicant and a revised application form has been submitted with 'Certificate B' duly completed and notice served on the other occupiers at the site.			
CAAC & Local Groups	No objections have been received.			

Site Description

The application site is a three storey (with basement) building sub-divided into four self-contained flats, located on a corner plot at the junction with King Henry's Road and Harley Road.

The building, which is known as St Johns Lodge is unlisted but it makes a positive contribution to the Elsworthy Road Conservation Area. It is a yellow brick building with pitched tiled roof, ground floor bay windows and it is set within a landscaped plot which has significant mature Lime trees lining the boundaries with King Henry's Road and Harley Road.

The Lime trees are subject to Tree Protection Orders (TPO) (33H-T65, T66 & T77).

Relevant History

APPLICATION SITE:

PE9700616 - Erection of an ancillary single storey structure in the rear garden adjacent to boundary with 157 Kings Henry's Road – granted 19/08/97

Relevant policies

National Planning Policy Framework (2021)

London Plan 2021

Camden Local Plan 2017

A1 Managing the impact of development
A3 Biodiversity
D1 Design
D2 Heritage

Camden Planning Guidance

CPG Home improvements 2021
CPG Housing 2021
CPG Design 2021
CPG Amenity 2021

Elsworthy Road Conservation Area Appraisal and Management Strategy (2009)

Assessment

1. PROPOSAL

- 1.1. Planning Permission is sought for the construction of a timber/brick/glazed conservatory on the north-eastern (King Henry's Road) elevation of the building. The conservatory would be added to the reception room of Flat 2 (the upper ground floor flat).
- 1.2. The proposed conservatory would be 4m x 4m in area and it is proposed to be constructed on brick columns due to the difference in the floor level of the upper ground floor flat and the level of the garden. The conservatory will have a maximum height of 6.4m.
- 1.3. The proposal also incorporates steps from the (communal) garden into the conservatory.

2. ASSESSMENT

Design and Conservation

- 2.1. Local Plan Policies D1 (Design) and D2 (Heritage), and Elsworthy Road Conservation Area Appraisal and Management Strategy are aimed at achieving the highest standard of design in all developments. 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 'Heritage' states that The Council will preserve and, where appropriate, enhance Camden's rich and diverse heritage assets and their settings.
- 2.2. Special regard has to be given 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.
- 2.3. Where harm is caused to a heritage asset, local planning authorities should give 'great weight' to preserving the asset's significance, in accordance with paragraph 200 of Section 16 of the National Planning Policy Framework (NPPF). Any harm or loss should require clear and convincing justification and where harm is caused to a heritage asset, the NPPF requires decision makers to determine whether the harm is substantial, or less than substantial; paragraph 202 requires that harm to be weighed against the public benefits of the proposals.
- 2.4. In relation to side extensions, CPG Home Improvements indicates that: *'When designing a side extension be aware that given its likely visible location in relation to the streetscene, it could have a greater impact on the host building, group of buildings and wider area'*.
- 2.5. St Johns Lodge is prominently sited on the corner of Harley Road and King Henry's Road at the north west 'entrance' to the conservation area. The proposal would be prominently sited on the north east facing elevation and it would be visible within the King Henry's Road streetscene, partly owing to its

raised height, at upper ground floor level.

- 2.6. While the proposed extension would be positioned below the cornice of the building, the proposed roof lantern would obscure part of this. The extension would cover the existing door with brick header at upper ground floor level with steps down to the garden.
- 2.7. The proposal would cause 'less than substantial harm' to the building and the Conservation Area. Due to its inappropriate siting and design on the street-facing elevation, and its inappropriateness to the original appearance of the building/King Henry's Road elevation, it would result in harm to the significance of the heritage assets (building and Conservation Area). The proposal, by way of its siting, size/height and design/materials would represent an incongruous and inappropriate addition to the building, detracting from the heritage of the building and its character and appearance in the Conservation Area.
- 2.8. Para 196 of the NPPF (2021) states that 'where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use'.
- 2.9. There are no public benefits associated with the proposals and the harm to the heritage asset would not therefore be ameliorated. As such, the proposal is contrary to policies D1 and D2 of the LB Camden Local Plan, the London Plan 2021 and the NPPF 2021.

3. Amenity

- 3.1. Policy A1 seeks to protect the quality of life of occupiers and neighbours by only granting planning permission to development that would not harm the amenity of residents. This includes factors such as privacy, outlook, and implications to natural light, artificial light spill, odour and fumes as well as impacts caused from the construction phase of development. Policy A4 seeks to ensure that developments have no adverse impacts by virtue of noise or vibrations.
- 3.2. The matters to be considered are therefore: loss of daylight, outlook, privacy, loss of community amenity space, increased noise and disturbance and light spill.
- 3.3. Due to the orientation of the development (i.e. north east facing) there should be no impacts on direct sunlight at any neighbouring properties. However, it would appear that the proposal would extend considerably (more than 45 degrees) from the centre of the adjacent window of the adjacent room in the lower ground floor flat and, without a formal Daylight Assessment, it is perceived as a resulting in a considerable loss of daylight to this room.
- 3.4. Given the height, design, extent and proximity to the adjacent windows of the lower ground floor flat it is also considered to result in an unacceptable over-bearing / over-enclosing and overlooking impact which would also be harmful to the outlook and level of privacy for the occupiers of the lower ground floor flat. Part of the sense of over-enclosure, increased overlooking would result from the new steps up to the proposed conservatory. These would be sited closer to the windows of the lower ground floor flat than the existing steps and together with the glazed windows / doors in the side of the conservatory they would result in increased scope for overlooking and an increased sense of enclosure.
- 3.5. The new conservatory would be sited on the site of existing steps up to the upper ground floor flat (with new steps being provided up to the conservatory) and it should not result in a significant loss of communal garden or harm to the use of the communal garden. The communal garden on the King Henry's Road side of the site would still be useable by occupiers of the site with a similar level of amenity.
- 3.6. The proposal, due to its proposed use and layout/design would be unlikely to result in significantly increased levels of noise or disturbance, or noise or disturbance levels which would be inappropriate and harmful to residential amenity.

4. Trees

- 4.1 There are TPO Lime trees on the site in proximity to the site of the proposal.
- 4.2 An Arboricultural Impact Assessment has not been submitted as part of the submitted application.
- 4.3 The Council's Tree Officer has reviewed the proposal and advised that without the submission of an Arboricultural Impact Assessment, the proposal does not demonstrate that the impact of the scheme on the TPO trees would be acceptable in accordance with BS5837:2012 – Trees in relation to design, demolition and construction.
- 4.4 The development may potentially cause harm to the TPO trees contrary to policy A3.

5. Recommendation

5.1. Refuse Planning Permission for the following reasons:

- 1. The proposal, by way of it siting, size/height and design/materials would be an incongruous addition to the building, adversely impacting the appearance of the building and the character and appearance of the Conservation Area. As such, the proposal is contrary to policies D1 (Design) and D2 (Heritage) of the LB Camden Local Plan, the London Plan 2021 and the NPPF 2021.
- 2. In the absence of a Daylight Assessment insufficient evidence has been provided to demonstrate that the proposal would not result in a loss of daylight to the bedroom window of the lower ground floor flat. Furthermore, due to its height, design, extent and proximity to the bedroom window, the proposed development including the stairs would result in a loss of outlook, increased sense of enclosure and loss of privacy to the occupiers of the lower ground floor flat. The proposal is therefore contrary to policy A1 (Managing the impacts of development) of the LB Camden Local Plan 2017, the London Plan 2021 and the NPPF 2021.
- 3. In the absence of an Arboricultural Impact Assessment, the proposal does not demonstrate that the development would not have an adverse impact on protected trees on the site contrary to policy A3 (Biodiversity) of the LB Camden Local Plan 2017, the London Plan 2021 and the NPPF 2021.