

Application ref: 2022/4940/P
Contact: Adam Greenhalgh
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Date: 22 February 2023

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

Phone: 020 7974 4444

planning@camden.gov.uk

www.camden.gov.uk/planning

Freeths LLP
1 Vine Street
Mayfair
London
W1J 0AH

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Full Planning Permission Granted

Address:

**85 Fitzjohn's Avenue
London
NW3 6NY**

Proposal:

Erection of single storey lower ground floor rear extension with a small roof terrace above.
Drawing Nos: 1, 2, 10C, 11B, 12A, 14A, 15B, 16C, 17C, Design & Access Statement
(Freeths - November 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 The development hereby permitted shall be carried out in accordance with the following approved drawings:
1, 2, 10C, 11B, 12A, 14A, 15B, 16C, 17C, Design & Access Statement
(Freeths - November 2022)

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

- 3 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 and policies DH1 and DH2 of the Hampstead Neighbourhood Plan 2018.

Informative(s):

- 1 Reasons for granting permission:

The proposed single storey rear extension would be as deep as the single storey rear extension at the neighbouring building of no.83 but deeper than the bay window on the other side at no.87. Given this context and the size and scale of the host building, the extension is considered to be modest and subordinate to the host building. It will not harm the character or appearance of the host building, terrace of buildings and Conservation Area.

The Design & Access Statement indicates that the material palette will match the existing building, including London Stock brickwork and red brick detailing / banding. The chamfered rear elevation would mimic the single storey rear extension at no. 83 and it would complement the distinctive rear bay which would be retained at first and second floor level where it is most prominent.

A small terrace, about 1 metre square, is proposed on the roof of the single storey extension. The size of the terrace and the metal balustrade surround would not harm the appearance of the building or the Conservation Area.

The small category B tree (Chilean myrtle) of limited public amenity value will be need to be felled to facilitate the development which is considered acceptable.

Special attention has been paid 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.

The proposal would not result in any significant loss of amenity to the living conditions of any adjoining occupiers. The proposal would match the depth and height of the extension at no.83 and would extend approx. 3.3m beyond the attached building at no.87. A daylight study submitted by the applicant shows that the proposal will comply with the BRE recommended 45 degree angle test for good daylight. Nevertheless two of the bay windows of the room on the ground floor at the rear of this property would retain a good aspect to the rear. It is not considered that the proposal would result in any significant loss of daylight, sunlight or outlook.

No windows are proposed in the side elevations of the proposal so there should be no overlooking to neighbouring sites; the small upper ground floor level terrace would result in no more overlooking than currently exists from the upper floor windows at the site and at the neighbouring sites. The upper ground floor terrace would not result in excessive noise or disturbance for any neighbouring occupiers.

No objections have been received following statutory consultation. The planning history of the site and surrounding area has been considered when determining this application.

As such, the proposed development is in general accordance with policies D1, D2 and A1 of the London Borough of Camden Local Plan 2017 and policies DH1 and DH2 of the Hampstead Neighbourhood Plan 2018. It also accords with the London Plan 2021 and the National Planning Policy Framework 2021.

- 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 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.
- 4 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>.

If you submit an appeal against this decision you are now eligible to use the new [submission form](#) (Before you start - Appeal a planning decision - GOV.UK).

Yours faithfully

A handwritten signature in black ink, appearing to read 'DPope', is written over a light grey rectangular background.

Daniel Pope
Chief Planning Officer