

2022/5271/P - 131 Goldhurst Terrace



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Photographs



Above: Looking towards the proposed location of the garden building.



Above: A view of the existing boundary with 133 Goldhurst Terrace

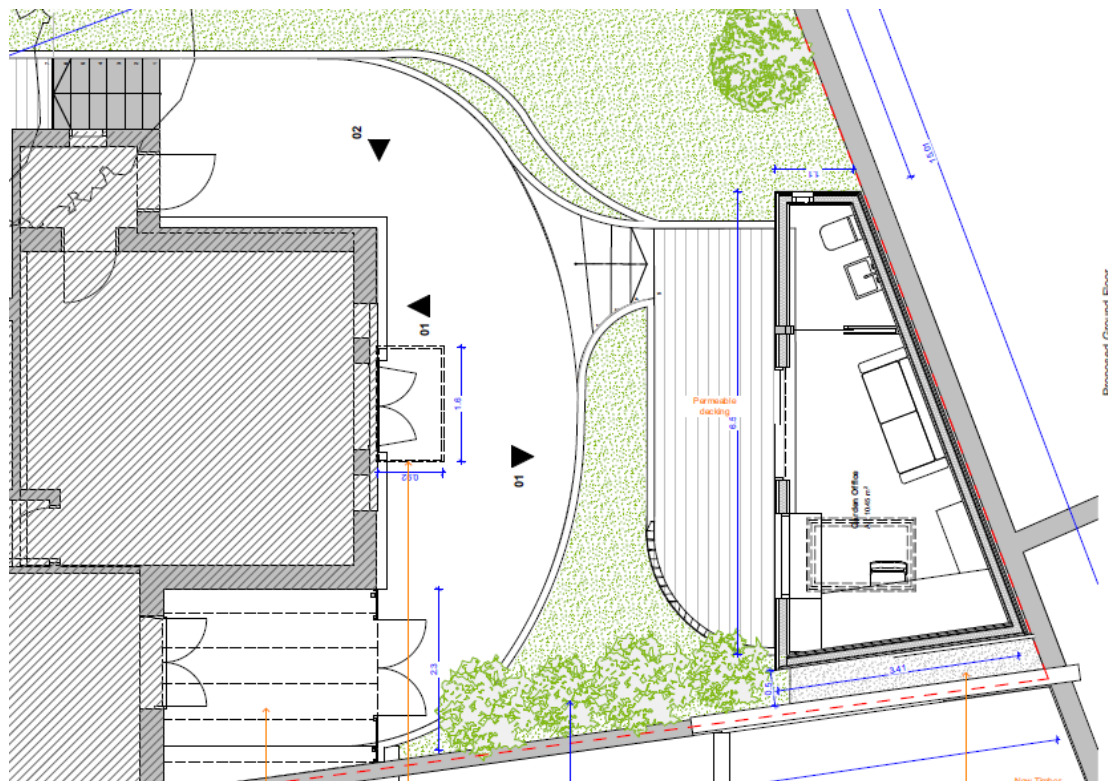
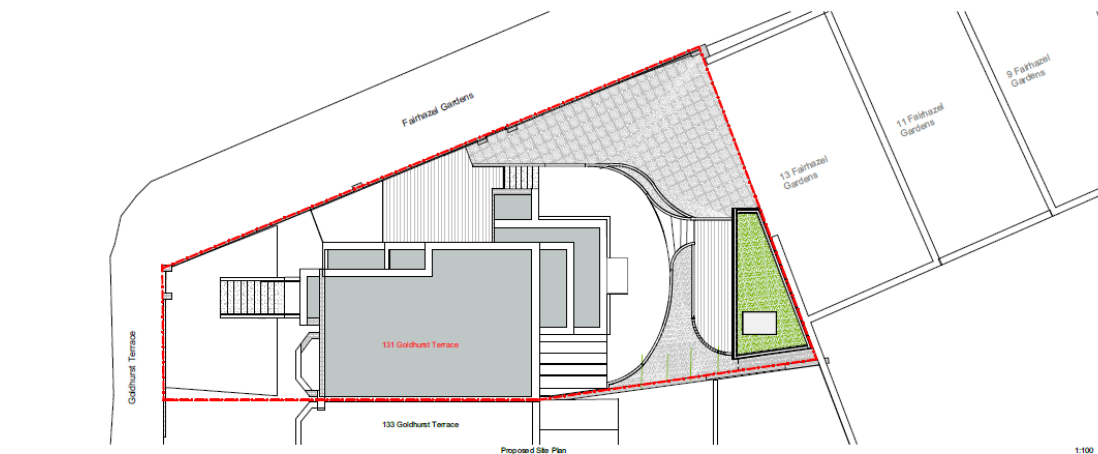


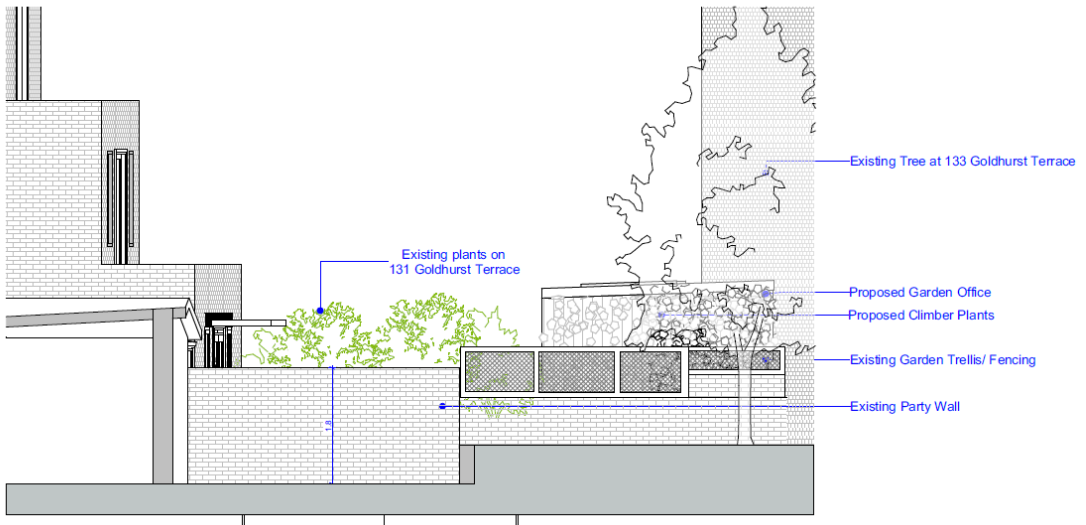
Above: Looking towards the location of the proposed conservatory



Above: Looking towards the adjoining property at 133 Goldhurst Terrace

Plans/drawings







Delegated Report (Members Briefing)		Analysis sheet	Expiry Date:	26/01/2023
		N/A / attached	Consultation Expiry Date:	26/03/2023
Officer			Application Number(s)	
Brendan Versluys			2022/5271/P	
Application Address			Drawing Numbers	
131 Goldhurst Terrace London NW6 3EU			<i>See draft decision notice</i>	
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature	
Proposal(s)				
Erection of glazed conservatory at rear, in addition to erection of ancillary outbuilding in rear garden and associated exterior works.				
Recommendation:	Grant conditional planning permission			
Application Type:	Full Planning Permission			

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice			
Informatives:				
Consultations				
Summary of consultation:	<p>A site notice was displayed near to the site on the 15/02/2023 (consultation end date 11/03/2023).</p> <p>A press notice was advertised 09/02/2023 (consultation end date 23/02/2023). A second press notice was advertised on 02/03/2023 (consultation end date 26/03/2023)</p>			
Adjoining Occupiers:	No. of responses	3	No. of objections	3
Summary of consultation responses:	<p><u>Objections:</u></p> <p>3 objections from residents (owners of 133 Goldhurst Terrace and 13 Fairhazel Gardens) and an objection from the Combined Residents's Associations of South Hampstead (CRASH) have been received.</p> <p>A summary of the responses are as follows:</p> <p><u>Design:</u></p> <ul style="list-style-type: none"> • The garden building is excessively large in proportion to the size of the site. • There are existing vents and flues that vent into the rear garden of no. 131 from 13 Fairhazel Gardens in the corner where the garden room is proposed. • The new drawings show the side walls of the new garden room covered in foliage there is nothing to require the applicants to ensure this is maintained and enforcement action is also unlikely to be pursued if the foliage is not planted, dies or is removed. <p><i>Officer response: Please refer to paragraph 3.5-3.8 of design section of the report</i></p> <p><i>The agent has confirmed the works will not require the removal of the vents and flues projecting from the flank wall at 13 Fairhazel Gardens. Notwithstanding this, any alteration or removal of these vents/flues would not require planning permission and is not contingent to the planning application.</i></p> <p><u>Vegetation and biodiversity:</u></p> <ul style="list-style-type: none"> • Construction of the garden building would require the removal of healthy trees and shrubbery • Having a garden room flush with boundary walls is against policies supported by Camden which should allow for wildlife corridors and movement of wildlife. • Once the extension, patio areas, new decking (permeable), conservatory, path are considered there remains very little green area in the site overall which means a loss of biodiversity. • The height of the garden building is exacerbated by the extension being on a pre-existing raised plinth. 			

- Having a garden room flush with boundary walls is against policies supported by Camden which should allow for wildlife corridors and movement of wildlife.

Officer response: Please refer to paragraph 5.1 – 5.4 of Trees and landscaping section of the report

Utilities, construction and flooding:

- The addition of plumbing for waste and drinking water seems to be extremely high risk in the context of the extreme flooding risk present in the area.
- Concerns that the property at 13 Fairhazel Gardens will subside due to the works being carried out.
- The proposal will have adverse impacts on local traffic and noise pollution.

Officer response:

Noting the modest footprint of the outbuilding and the incorporation of a green roof and permeable decking, it is anticipated that the probability of flooding is considered to be negligible. A condition would be attached to any permission to require the decking to be constructed as a permeable surface and shall not be installed on a concrete base or hardstanding.

Construction impacts will be temporary in nature and as the site is located in an urban area, construction noise and impacts on the traffic network are anticipated as part of the development of sites. Given the nature and scale of the proposal, and the site not having access to any arterial road, a construction management plan is not considered necessary. Construction noise will be generally limited to weekday daytime hours when persons are less sensitive to noise, with hours controlled and restricted on weekends. An informative would be attached reminding the applicant of the standard hours of building works which are controlled under the Control of Pollution Act.

Amenity:

- There is a likelihood the garden building being used as a dwelling and potentially rented out is concerning.
- The garden building will dominate all aspects of the south-westerly views to the properties.
- The proposal will greatly decrease the amount of light received to the garden at 133 Goldhurst Terrace.
- The proposal will encroach majorly on the aspect of 133 Goldhurst Terrace and create a large, unsightly eyesore of a structure in front view of the garden at 133 Goldhurst.
- The garden building may allow direct lines of sight into 133 Goldhurst Terrace.

Officer's response: Please refer to sections 4.1 – 4.4 of the residential amenity effects section of the assessment section of the report.

The applicant has agreed to a condition to install a green roof on the roof of the garden building and the installation of a green wall on the west elevation of the garden building. The conditions would require the green roof and green wall to be maintained in perpetuity for the life of the consented garden building.

Site Description

The application site is located at the corner of Goldhurst Terrace and Fairhazel Gardens. The building is a four storey brick-clad Victorian building, located at the end of a terrace. The building has been subdivided into separate flats spread over the basement, ground, first and second floors. The application relates to the lower ground floor flat.

The side and rear of the site comprises the garden and planted areas, including trees, on the periphery of the site boundaries. A paved patio and pedestrian accessway is located adjacent to the rear of the building and connects to an entranceway off Fairhazel Gardens.

The site's southern boundary adjoins the flank wall of another group of terrace properties fronting onto Fairhazel Gardens.

A 1.0m to 1.8m high brick wall (approx.) with a trellis on top of the lower section of wall, is located on the site's shared boundary with 133 Goldhurst Terrace.

The site lies within the South Hampstead Conservation Area (CA) and is identified in the South Hampstead Character Appraisal and Management Strategy as a positive contributor. Goldhurst Terrace falls within a designated local flood risk zone and is identified as an historically flooded street.

Relevant History

The planning history for the lower ground flat at the application site can be summarised as follows:

2018/5976/P

Erection of single storey rear extension.

Granted 8/05/2019

2019/4726/P

Alterations to fenestration locations and styles at ground floor level as an amendment to 'Erection of single storey rear extension' ref: 2018/5976/P, dated 08/05/2019.

Granted 11/11/2019

Neither 2018/5976/P nor 2019/4726/P planning permissions were implemented and have subsequently lapsed.

There are no relevant planning records for neighbouring sites.

Relevant policies

National Planning Policy Framework (2021)

The London Plan (2021)

Camden Local Plan (2017)

- Policy A1 – Managing the impact of development
- Policy A3 – Biodiversity
- Policy D1 – Design
- Policy D2 – Heritage
- Policy CC1 – Climate change mitigation
- Policy CC2 – Adapting to climate change
- Policy CC3 – Water and flooding

Camden Planning Guidance:

- CGP Amenity (2021)

- CPG Biodiversity (2018)
- CPG Design (2021)
- CPG Home Improvements (2021)

South Hampstead Conservation Area Appraisal and Management Strategy (2011)

Assessment

1. The Proposal

1.1 The application seeks to erect an outbuilding, a lean-to conservatory at rear ground floor level, and an awning/entrance canopy at the rear of the building.

Garden building:

1.2 The proposed outbuilding has an irregular footprint, occupies an area of 15m² and will be located at the south-western corner of the site. It will directly adjoin and be oriented parallel to the boundary with 13 Fairhazel Gardens. The western side elevation will be positioned adjacent to the boundary with 131 Goldhurst Terrace.

1.3 The outbuilding will be timber clad with the interior layout including an office room and a separate WC.

1.4 Permeable decking will be constructed outside the garden building and new steps will connect to the existing rear patio area.

1.5 Construction of the garden room will require the removal of a small strip of planting, including a Japanese Laurel shrub and a dead tree.

Conservatory:

1.6 The proposed conservatory will be located to the rear of the existing flat and will replace an existing lean-to canopy. The conservatory will have an area of 8m² and have a roof height to match the neighbouring rear-side extension at 133 Goldhurst Terrace.

1.7 The conservatory will include a glazed roof and walls, and have a dark coloured metal frame.

Awning:

1.8 The solid awning will be attached to the rear of the building at ground level, above the external entrance to the flat's lounge. The awning will be glazed with a metal framing. The awning will be 0.6m in depth and 1.8m in length.

Revisions

The following revisions have been made to the proposed garden building, after concerns were raised by the Council:

- The garden building is now designed to be setback 0.5m from the boundary with 133 Goldhurst Terrace.
- A green wall is proposed to be installed on the building's western side elevation
- A green roof is proposed to be installed on the building's roof.

2. Assessment

2.1. The principal considerations material to the determination of this application are as follows:

- Design and heritage

- Residential amenity
- Trees and landscaping

3. Design and heritage

3.1. The Council's design policies are aimed at achieving the highest standard of design in all developments. The following considerations contained within Policy D1 are relevant to the application: development should respect local context and character; comprise details and materials that are of high quality and complement the local character; and respond to natural features. Policy D2 'Heritage' states that in order to maintain the character of Camden's conservation areas, the Council will not permit development within conservation area that fails to preserve or enhance the character and appearance of that conservation area.

3.2. CPG Home Improvements states the siting, location, scale, and design of an outbuilding should have a minimal visual impact on and be visually subordinate within the host garden. Outbuildings should preserve or enhance the character of conservation areas and should not detract from the open character and garden amenity of neighbouring gardens and the wider surrounding area. Space suitable for soft landscaping and an acceptable amount of garden space should be retained.

Awning

3.3. The proposed solid awning will be constructed from glass with a metal frame and would be lightweight in its appearance on the building's rear elevation and will be constructed with materials which contrast appropriately with the existing building. The awning will also have a flat roof and will not obscure any key architectural features of the building. Therefore, the awning will not have a detrimental impact on the character or appearance of the building, the streetscene or the conservation area.

Conservatory

3.4. The proposed conservatory attached to the south-west corner of the host building, within an existing alcove, will be lightweight and have a minimalist style with steel framing. The conservatory will read as a contrasting element to the existing building and will have the appearance of a later and reversible addition, allowing the solid brick enclosure to continue to read as the original building envelope. The footprint and rear building line will not project beyond the closet wing of the host building, meaning that its footprint, volume, bulk and overall form will read as subservient. The conservatory will be constructed using steel framing, which is considered a high-quality material and in keeping with the materiality of the host building.

Outbuilding

3.5. The outbuilding would be located at the south-western corner of the rear garden, adjacent to the outdoor living space of 133 Goldhurst Terrace. It will be located away from the existing house, but together with the proposed conservatory, will reduce the size of the garden as a whole. Approximately 145m² of garden space will be retained. The footprint of the outbuilding has been reduced with increased setbacks from the boundary of 133 Goldhurst Terrace. Consequently, the sense of enclosure arising from the garden outbuilding has been reduced to an acceptable level. Garden buildings are not uncommon within the local area, and as such are an accepted part of the character of the conservation area.

3.6. The conservatory and outbuilding would occupy approximately 15% of the total garden area. As such, approximately 85% of the garden area would remain as open space, which is considered sufficient to maintain a good level of outdoor amenity for the application property.

3.7. The outbuilding would be constructed in timber and would incorporate a green, living wall on its western side elevation facing 133 Goldhurst Terrace, which is considered acceptable in a garden context and would be sympathetic to the character and appearance of the conservation area. The

outbuilding would read as subordinate to the host property and an acceptable amount of garden space would remain. The outbuilding would be visible in views from neighbouring gardens however by virtue of its scale, design and materiality, it is not considered to harm the character and appearance of the conservation area.

3.8. It is considered that the proposed outbuilding would not cause a detrimental impact upon the character and appearance of the host property and would preserve the special character of the conservation area. 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 Listed Buildings and Conservation Areas Act 1990 as amended by the Enterprise and Regulatory Reform Act 2013. The proposals are in accordance with Policies D1 and D2 of the London Borough of Camden Local Plan 2017.

4. Residential Amenity

4.1. Policy A1 seeks to protect the quality of life of occupiers and neighbours by only granting permission to development that would not harm the amenity of residents. This includes factors such as privacy, outlook, implications to natural light, artificial light spill, odour and fumes as well as impacts caused from the construction phase of development.

4.2. It is considered that the proposed outbuilding would not give rise to overlooking or loss of privacy issues, as the outbuilding would be single storey in height, sited at the rear of the garden, and would have no side elevation window fronting onto neighbouring properties. While views may be possible from the outbuilding's northern elevation, views would be constrained owing to the perpendicular positioning of these windows relative to the boundary with 133 Goldhurst Terrace, in addition to the existing planting and brick wall at the boundary with 133 Goldhurst.

4.3. It is not considered that the proposed outbuilding would impact on the outlook from or cause excessive dominance when viewed from neighbouring properties, due to its single storey height. Views over the top of the building would still be possible. In addition, the garden office has been setback 0.5m from the boundary with 133 Goldhurst Terrace, reducing the perceived bulk and scale of the building as viewed from this adjacent property. 13 Fairhazel Gardens does not have outlook over the site.

4.4. It is not considered that the proposed outbuilding would cause unacceptable loss of sunlight / daylight or overshadowing to neighbouring properties due to its location generally being north-east of 133 Goldhurst Terrace, the building's modest projection (0.9m – 1m) above the existing boundary wall, and the adequate separation distance from the shared boundary. Similarly, given its size and design it is not considered that the outbuilding would cause harmful light spill.

4.5. A condition would be attached to any planning permission to ensure the garden building would not be used as a separate dwelling and would be ancillary to the enjoyment of the lower ground floor flat.

5. Trees and Landscaping

5.1. Policies A3 and D1 advise that the Council seek to protect gardens and resist the loss of trees and vegetation of significant amenity, historic, cultural or ecological value.

5.2. The proposal results in the loss of one dead tree and a shrub in the southern part of the site. The information has been reviewed by the Council's Tree Officer who has confirmed that dead trees are exempt from the planning process and are not a material constraint to the determination of the application. It would therefore be unreasonable to require a replacement tree to be planted in place of the dead tree that would be felled. Approximately 85% of the garden area would be retained ensuring that there will continue to be a useable amount of garden space for the occupiers and the garden setting is still retained.

5.3. In addition, a green roof is proposed on the outbuilding to help improve and increase biodiversity. A condition would be attached requiring the details of the green roof to be submitted to the Council. The proposed deck area adjacent to the outbuilding will be permeable and will ensure that water can continue to freely drain into this area of the garden and there would be a negligible loss of biodiversity through the construction of the deck.

5.4. In light of the above, the proposed scheme is considered to have an acceptable impact on the biodiversity of the site.

6. **Recommendation**

6.1. Grant conditional Planning Permission.

The decision to refer an application to Planning Committee lies with the Director of Regeneration and Planning. Following the Members Briefing panel on Monday 3rd April 2023, 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: 2022/5271/P
Contact: Brendan Versluys
Tel: 020 7974 1196
Email: Brendan.Versluys@camden.gov.uk
Date: 29 March 2023

Development Management
Regeneration and Planning
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Judd Street
London
WC1H 9JE
Phone: 020 7974 4444
planning@camden.gov.uk
www.camden.gov.uk

DOK Studio
7A Alexander Road
London
N19 3PF
United Kingdom

DRAFT

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Full Planning Permission Granted

Address:
131 Goldhurst Terrace
Flat 1
London
NW6 3EU

DECISION

Proposal:

Erection of glazed conservatory at rear, in addition to erection of ancillary outbuilding in rear garden and associated exterior works.

Drawing Nos: EX 0.0; EX 2.0; EX 1.0; EX 3.1; EX 2.1; LO-A-01; undated; PR 3.0; PR 2.1, PR 2.0, PR 2.2, PR 0.1; dated 18/03/2023; South-East Elevation, dated February 2023, Section, dated February 2023, Design and Access Statement, dated March 2023

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 plans: EX 0.0; EX 2.0; EX 1.0; EX 3.1; EX 2.1; LO-A-01; undated; PR 3.0; PR 2.1, PR 2.0, PR 2.2, PR 0.1; dated 18/03/2023; South-East Elevation, dated February 2023, Section, dated February 2023, Design and Access Statement, dated March 2023.

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.

- 4 Prior to commencement of development, full details in respect of; the living roof to be incorporated over the roof, and the proposed climber plants over the western side elevation, of the approved garden building, shall be submitted to and approved by the local planning authority. The details shall include
- i. a detailed scheme of maintenance
 - ii. sections at a scale of 1:20 with manufacturers details demonstrating the construction and materials used
 - iii. full details of planting species and density

The living roofs and climber plants shall be fully provided in accordance with the approved details prior to first occupation and thereafter retained and maintained in accordance with the approved scheme.

Reason: In order to ensure the development undertakes reasonable measures to take account of biodiversity and the water environment in accordance with policies G1, CC1, CC2, CC3, D1, D2 and A3 of the London Borough of Camden Local Plan 2017.

- 5 The decking hereby approved shall be permeable, and shall not sit on top a concrete base or hardstanding.

Reason: In order to ensure the development undertakes reasonable measures to take account of biodiversity and the water environment in accordance with policies G1, CC1, CC2, CC3, D1, D2 and A3 of the London Borough of Camden Local Plan 2017.

- 6 The outbuilding hereby permitted shall not be occupied at any time other than for purposes incidental to the residential use of the dwelling known as 131 Goldhurst Terrace.

Reason: To protect amenity of adjoining occupiers and also ensure the outbuilding permitted does not become a self-contained dwelling, separate and apart from the original dwellinghouse known as 131 Goldhurst Terrace in accordance with policies H1, H6, A1 and A4 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-planning-decision.](https://www.gov.uk/appeal-planning-decision)

Yours faithfully

Chief Planning Officer