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FAO Miles Peterson
Planning Department
Camden Council
5 Pancras Square
London
N1C 4AG

31 October 2023

Our Ref: 23/7229

Dear Miles,

RE: Retrospective planning application for erected pergola in the rear garden of 38 Belsize Avenue, London, NW3 4AH

Thank you again for your patience and understanding as you are aware of my client's recent loss in the family.

On behalf of our clients, and owners of the property at 38 Belsize Avenue, we are pleased to submit this retrospective planning application for the as built pergola erected in the rear garden of 38 Belsize Avenue.

The pergola was erected on the understanding that the structure would benefit from permitted development rights. It is important to note that the pergola falls within the limits of permitted development and had the property not been subdivided horizontally with an ancillary basement flat then planning permission would not be required. It is important to be aware that the entire dwelling is owned by my clients for more than 10 years and has historically been used in conjunction with the house and the property appears as one single family dwelling.

The application follows discussions with you where you advised that my clients that a retrospective application should be submitted providing details of the pergola for assessment.

This letter provides justification for the proposal noting similar planning precedents in the vicinity of the site, as well as a planning assessment of the proposals against the Local Development Plan.

I. Site and Context – 38 Belsize Avenue

The site is comprised of 38 Belsize Avenue, a three-storey terraced townhouse, which comprises a substantial property with a basement flat used in conjunction with the main house. The flat only covers the front half of the house and there is no access nor connection to the back garden. There is a large garden to the rear which is enclosed by fencing, hedging and trees.

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Although the property is not listed, it is situated within the Belsize Park Conservation Area and is designated as a Positive Contributor. The site is situated in flood zone 1, low risk of flooding and it is not constrained by any other planning or environmental designations.



Front of 38 Belsize Avenue

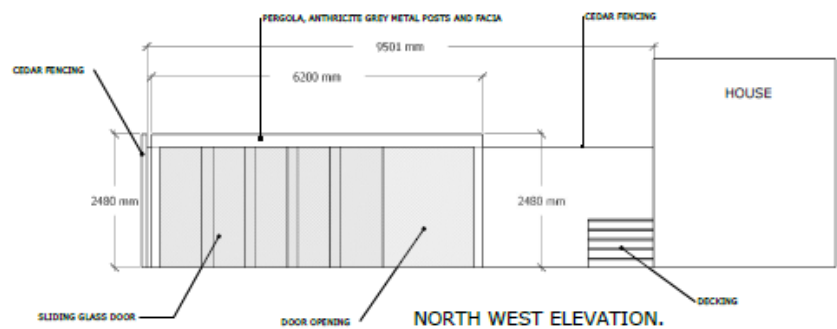
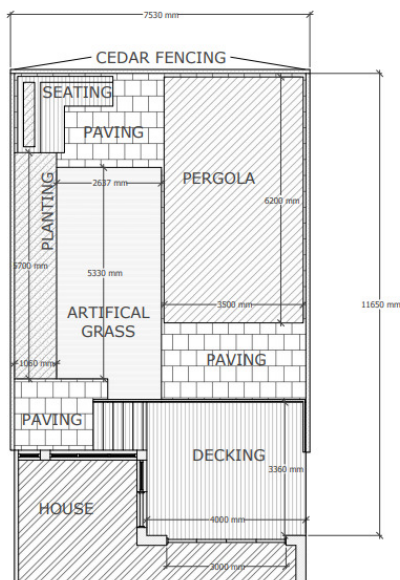


Pergola in rear garden - Photo taken from 1st floor window

II. Proposal – Pergola in the rear garden

The proposal comprises an as built pergola in the rear garden of the property situated against the side and rear boundary of the garden, tucked away in a secluded spot away from the dwellings as you can see in the pictures above. The pergola is single storey in height and does not exceed the height of the existing boundary fence. The pergola dimensions are 2.48m height/ 620cm length/ 350 cm width and can be demonstrated through the plans below. The pergola is below the threshold of 250cm and covers less than 50% of the back garden in line with the limits of permitted development.

PROPOSED SITE PLAN



The proposal is considerate to the neighbouring properties and surrounding area. The pergola is not overbearing in height and is situated discreetly in the corner of the garden at a lower height than the fence so that it does not impact on visual amenity, nor cause disturbance.

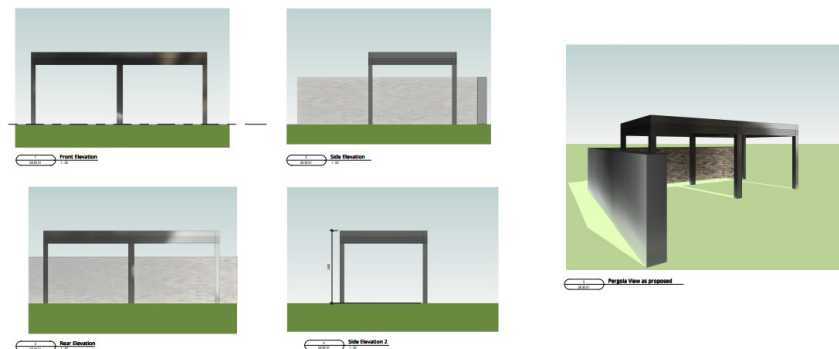
The pergola structure is to provide shelter and thermal insulation so the 'swimspa' can be used all year round and so the contents will not be damaged to the elements. The roof is louvered, improving the openness and allowing sunlight and ventilation during the summer months. The glazing consists of sliding glass elements to reduce noise, provide insulation and conserve energy.

The structure is matte grey steel. The materiality contributes towards a high quality and durable finish, which respects the character and appearance of the conservation area.

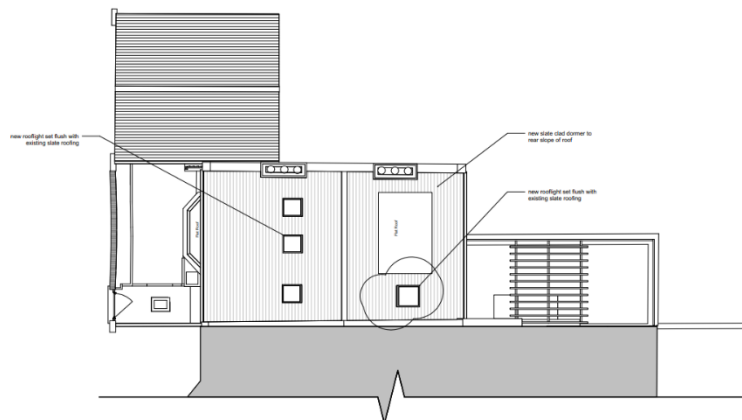
III. Planning Precedent – Comparable Pergolas Approved

We have identified several applications in the surrounding area for similar pergola proposals where the Council has set precedents of granting planning permission for similar pergolas. The following applications demonstrate similar sized and materiality of pergolas in a similar position in the rear garden –

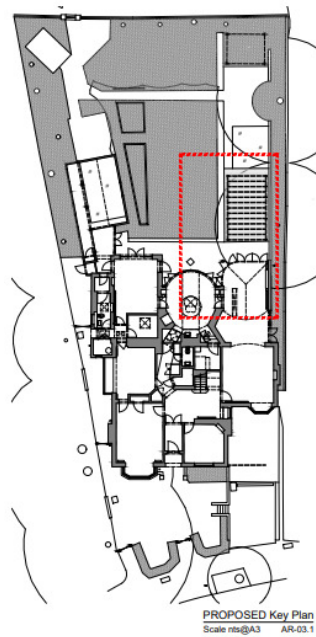
1. **2023/0017/P** | Flat 1 86 Greencroft Gardens London NW6 3JQ | Erection of single-storey rear extension and pergola in rear garden. Granted July 2023.



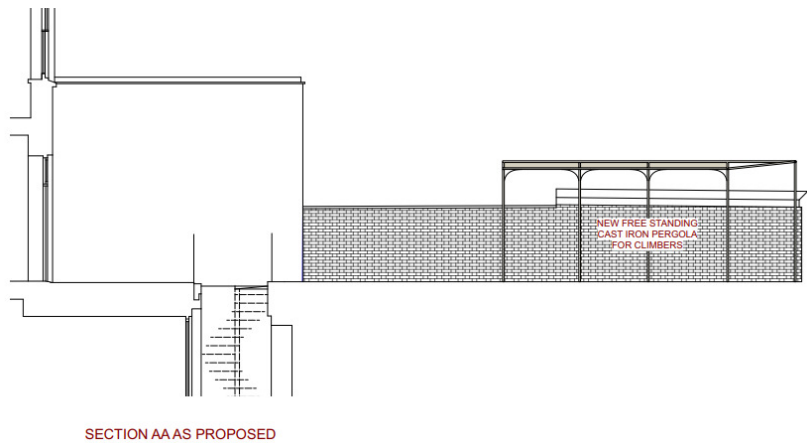
2. **2023/1673/P** | 1 Courthope Road London NW3 2LE | Erection of a ground floor side infill and rear extension with associated pergola, replacement of rear dormer with karger dormer, installation of replacement pergola and balustrade to second floor rear roof terrace, and minor associated works. Granted October 2023.



3. **2022/3138/P** | 5 Wadham Gardens London NW3 3DN | Erection of a timber pergola in the rear garden of the dwelling house (Class C3). Granted November 2022.



4. **2022/3277/L** | 35 John Street London Camden WC1N 2AT | Soft Landscaping and Pergola to the rear garden. Granted September 2022



IV. Planning Justification – Pergola

It is important to note that the proposed pergola would be acceptable under Part 1 Class E of the General Permitted Development Order as it would not exceed 50% of the total area of curtilage of the property and would not be taller than 2.5m.

However, as the property has been divided horizontally by a small flat at the front of the property which does not have access to the garden, we are aware these rights do not apply, but it is important to be aware that the principle of development is established as acceptable and therefore should have a bearing on the determination of acceptability of this application.

Nevertheless, we demonstrate that the proposals are acceptable from a design, heritage and amenity perspective and therefore should be approved.

It is considered the erected pergola is of a considerate size and design that ensures that neighbouring amenity is protected, and to ensure the character and appearance of the conservation area is not harmed.

Policy D1, Design of the Local Plan states that the Council will seek to secure high quality design in development. Proposals must respect local context and character and preserve or enhance the historic environment. Materials must be of high quality and complement the local character.

The pergola is located discreetly in the corner of the rear garden of the property and is considered to be of high-quality design, utilising materiality which is sympathetic, and which does not adversely impact the character of the surrounding area. The pergola can be closed with sliding glass elements, so its contents are maintained and so it can be used all year round, whilst giving the impression the structure is transparent.

The roof itself opens, again creating a more open feel to the structure and so it can be used all year round. The matte steel colour of the pergola creates a high quality, durable finish which is appropriate to the character and appearance of the conservation area. The pergola is screened well by existing trees and also fencing, which ensures the pergola is hardly visible at ground level.

Policy D2, Heritage of the Local Plan states that the Council will preserve and, where appropriate, enhance Camden's rich and diverse heritage assets and their settings, including conservation areas.

Although the proposal is situated within the Belsize Park Conservation Area, it is not deemed that the pergola will harm the character of the Conservation Area due to its location in a private garden and can hardly be seen from public vantage points due to being screened by vegetation at the rear.

Policy A1 Amenity of the Local Plan seeks to protect the quality of life of occupiers and neighbours bearing mind visual privacy.

The rear garden is screened naturally by trees to the rear, and due to the terracing of the property, is not visible from the road. The pergola is only partly visible from the adjacent properties, however due to existing trees and high line fence, the pergola is hardly visible from ground floor and does not impact on neighbouring amenity as it faces away from the boundary. Fairly mature trees from adjacent properties are covering most of the pergola as you can see from the pictures enclosed.

Application Package

The application is supported by:

- Application Form
- CIL Forms
- Site Location Plan
- Existing Site Plan A 0.0
- Proposed Site Plan A 0.1

- Pergola Elevations A 0.2
- Pergola Roof Plan A.0.4
- Application Fee

We trust that the above is sufficient to validate the retrospective application and we look forward to hearing from you shortly. Please do not hesitate to contact the undersigned if you have any questions.

Yours sincerely,

Grace Beeby

Associate

Planning Potential