

VIABLE PLACEMAKING

Client: Ms Ruth Khaw

Planning, Design and Access Statement

19 Kingswear Road, London, NW5 1EU

Reference: VP23541

Date: December 2023

www.viableplacemaking.co.uk

© Copyright Viable Placemaking Ltd

The contents and findings of this document should not be copied or used, either partially or complete, for any purpose other than that which is stated within the document without written consent from Viable Placemaking.



Contents

Contents..... 1

1. Introduction 3

 Technical Reports and Plans..... 3

2. The Site 4

 Site Location 4

 Planning History 4

3. Development Proposals 5

 Proposed Development 5

 Design and Access Statements 5

 Architectural Context and Design Principles..... 6

 Use and Amount 7

 Layout, Scale and Appearance 7

 Movement and Access..... 7

4. Policy Context..... 8

 Legislation and National Policy..... 8

 London Plan 9

 Development Plan 9

5. Assessment of Development Proposals..... 11

 Principle of Development..... 11

 Character of the Area 12

 Heritage 14

 Amenity 15

 Transport and Parking..... 15

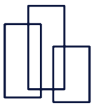
 Ecology and Biodiversity..... 16



Flood Risk and Drainage..... 16

Sustainable Development 16

6. Conclusion..... 18

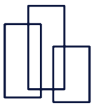


1. Introduction

- 1.1. This Planning, Design and Access Statement has been provided by Viable Placemaking on behalf Ms Ruth Khaw in support of a planning application for a garden room, hardstanding, and garden bedding ('the development') at 19 Kingswear Road, London, NW5 1EU ('the site').
- 1.2. The purpose of this Statement is to provide the Local Planning Authority (LPA), the London Borough of Camden, with a professional opinion on the proposed development in the context of the relevant policies.
- 1.3. This Statement sets out the planning history of the site, identifies the relevant national and local planning policies, and assesses the development proposals in light of these and other relevant material considerations.

Technical Reports and Plans

- 1.4. In addition to this Planning Statement, this application is accompanied by the appropriate plans, planning application forms and ownership certificate, duly signed and completed.



2. The Site

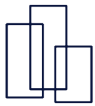
Site Location

- 2.1. The site is located on the western side of Kingswear Road and currently occupies a residential property with a spacious garden accessed via the site of the property.

- 2.2. Dartmouth Park is located circa 300m due east of the site. The site is located within the Dartmouth Park Conservation Area.

Planning History

- 2.3. There is no planning history available for the site on the LPA's public access planning application register.



3. Development Proposals

3.1. This Section shall introduce the proposed development, the design principles and concepts that have been applied to the development, how any key issues relating to the access have been addressed, and outline the proposal in line with the requirements for design and access statements in the relevant legislation and national policy and guidance.

Proposed Development

3.2. The development is for the creation of a garden room, hardstanding, and garden bedding.

Design and Access Statements

3.3. The requirement for design and access statements is established within Article 9 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) ("the 2015 Order"). This states, at Article 9 (3) that design and access statements must:

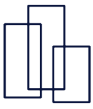
- a) explain the design principles and concepts that have been applied to the development;
- b) demonstrate the steps taken to appraise the context of the development and how the design of the development takes that context into account;
- c) explain the policy adopted as to access, and how policies relating to access in relevant local development documents have been taken into account;
- d) state what, if any, consultation has been undertaken on issues relating to access to the development and what account has been taken of the outcome of any such consultation; and
- e) explain how any specific issues which might affect access to the development have been addressed.



- 3.4. The above requirements are reaffirmed within the national Planning Practice Guidance (PPG) and are set out within this statement accordingly. Should the LPA require any further details this may be provided by the applicant upon request.

Architectural Context and Design Principles

- 3.5. The National Design Guide (“the Guide”) was last updated by the Department for Levelling Up, Housing and Communities (formally the Ministry of Housing, Communities and Local Government) in January 2021. This Guide illustrates how well-designed places that are beautiful, enduring and successful can be achieved in practice and states that the long-standing fundamental principles for good design are that it is *“fit for purpose; durable; and brings delight.”*
- 3.6. The Guide reaffirms the National Planning Policy Framework 2023 (NPPF) which states, at paragraph 131, that “the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps to make development acceptable to communities.”
- 3.7. Paragraph 133 of the NPPF denotes that “to provide maximum clarity about design expectations at an early stage, all local planning authorities should prepare design guides or codes consistent with the principles set out in the National Design Guide and National Model Design Code, and which reflect local character and design preferences. Design guides and codes provide a local framework for creating beautiful and distinctive places with a consistent and high quality standard of design. Their geographic coverage, level of detail and degree of prescription should be tailored to the circumstances and scale of change in each place, and should allow a suitable degree of variety.”
- 3.8. The Guide introduces that well-designed places have ten individual characteristics to create character, sustain a sense of community, and address environmental issues affecting the climate. These are: context, identity, built



form, movement, nature, public spaces, uses, homes and buildings, resources, and lifespan. All of which have been considered by the architect and project team during the preparation process for this planning application.

- 3.9. A summary of the key matters pertaining to the subject development, in line with the ten characteristics and the requirements of the 2015 Order, has been included in the following subsections of this report. Notwithstanding, the relevant policies and material considerations have been considered further in the following section of this report.

Use and Amount

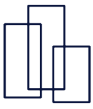
- 3.10. The proposed development is for a garden room, hardstanding, and garden bedding to the rear of the existing residential property (Use Class C3). The garden room shall be ancillary to the main dwelling and, therefore, no change of use is proposed as part of this application.

Layout, Scale and Appearance

- 3.11. The proposed garden room shall be a single storey unit with timbers boards and cladding. The unit shall be accessed via a glazed sliding door with an aluminium frame. The proposed unit shall be clearly subservient to the main residential property and will not have a detrimental impact on the amenity of the neighbouring properties, as is addressed further in Section 4 of this Statement. The hardstanding shall be grey rectangular porcelain paving tiles. Further details of the design are set out within the accompanying plans.

Movement and Access

- 3.12. The proposed unit shall be accessed by foot. No changes to the nature of the existing access to the site are proposed and the development shall not have any impact on the access or parking arrangements at the site. Any relevant policies shall be assessed within the following sections of this Statement.



4. Policy Context

4.1. This Section shall provide the legislative and policy context for the policies and material considerations against which the proposed development shall be assessed.

Legislation and National Policy

4.2. Section 38(6) of the Planning and Compulsory Purchase Act 2004 establishes a statutory duty on LPAs to determine planning applications in accordance with the Development Plan unless material planning considerations indicate otherwise.

4.3. This is reaffirmed within the National Planning Policy Framework (NPPF) at paragraph 2 which states that “planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework must be taken into account in preparing the development plan and is a material consideration in planning decisions. Planning policies and decisions must also reflect relevant international obligations and statutory requirements”.

4.4. The NPPF has a presumption in favour of sustainable development which is set out at paragraph 11. This states that LPAs should approve development without delay when it accords with an up-to-date development plan. The overarching sustainability objectives shall be addressed later within this Planning Statement. We have addressed these sustainability objectives in the relevant sub-section of this Planning Statement.

4.5. Paragraph 38 of the NPPF states that, in decision-making, “*local planning authorities should approach decisions on proposed development in a positive and creative way.*” We trust the LPA shall do so within the determination of this planning application in order to reach a positive decision.



4.6. In addition, paragraph 131 of the NPPF states that “good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.”

London Plan

4.7. The site falls within the Greater London Authority Area and is, therefore, subject to the London Plan, a statutory spatial development strategy for Greater London prepared by the Mayor of London in accordance with The London Authority Act 1999 (as amended).

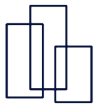
4.8. The London Plan incorporates several policies which may pertain to the subject development, notably those on design and heritage conservation. These policies have been considered within the relevant sub-sections of Section 5 of this Planning, Design and Access Statement:

Development Plan

4.9. As denoted above, the planning application shall be determined in accordance with the Development Plan policies, in line with planning legislation and national planning policy. The main document pertaining to the subject development is the Camden Local Plan (2017).

4.10. We recognise that the Local Plan shall form part of the LPA’s determination process, however, the NPPF states, at paragraph 33 that “*policies in local plans and spatial development strategies should be reviewed to assess whether they need updating at least once every five years, and should then be updated as necessary*”. The Local Plan was adopted in July 2017 and is, therefore, potentially out of date.

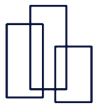
4.11. Viable Placemaking have given reference to High Court judgement of Peel Investments (North) Ltd v Secretary of State for Housing, Communities & Local Government [2020] EWCA Civ 117, which reaffirmed the decision of Bloor Homes East Midlands Ltd v Secretary of State for Communities and Local Government and another [2014] EWHC 754 (Admin), which establishes, at paragraph 45, that policies are out of date where they “*have been overtaken*



by things that have happened since it was adopted, either on the ground or in some change in national policy, or for some other reason.”

4.12. Accordingly, the Local Plan policies shall be evaluated in accordance with this definition and any matters which are subject to policies deemed to be out of date shall be assessed against the most up to date guidance. This accords within paragraph 225 of the NPPF which confirms that “*existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework*”.

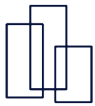
4.13. Thus, while weight is given to the NPPF and London Plan, we shall also consider the relevant policies in the Camden Local Plan.



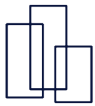
5. Assessment of Development Proposals

Principle of Development

- 5.1. Firstly, Viable Placemaking would acknowledge that the main portions of the proposed development fall within the limitations of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) under Schedule 2, Part 1, Class A and Class F for the garden room and hardstanding respectively.
- 5.2. However, the existing property is a flat with a garden and, consequently, does not benefit from permitted development rights. As such, the applicant has sought to confirm the acceptability of the proposed development through the planning application process.
- 5.3. In addition, due to the allowances of the abovementioned permitted development rights, several properties in the site vicinity benefit from garden buildings and hardstanding incidental to the enjoyment of the main dwellinghouse. As such, the proposed development is considered to be very respectful of the character of the area and the setting of the Conservation Area. This shall be evaluated further within the Heritage Statement submitted alongside this Planning, Design and Access Statement.
- 5.4. The proposed development does not change the use of the site and is entirely ancillary to the enjoyment of the residential unit at the site.
- 5.5. The proposed development complements the existing dwelling and allows for the most efficient use of the main residential property and the maximum enjoyment.
- 5.6. There are no policies within the NPPF, London Plan, or Local Plan which indicate the principle of development is unacceptable at this site. Therefore, subject to compliance with the other relevant material considerations, which have been addressed in the relevant sub-sections of this statement, the development is considered to be acceptable.

***Character of the Area***

- 5.7. There is a requirement in the NPPF to achieve well-designed places, which is set out comprehensively at Chapter 12. This is reasserted at the regional level through Chapter 3 of the London Plan.
- 5.8. London Plan Policy D1 seeks to support London's form, character and capacity for growth. This is reaffirmed within Policy D3 which seeks to optimise land through a design-led approach.
- 5.9. Additionally, Policy D4 of the London Plan seeks to ensure proposed developments deliver good design.
- 5.10. Policy D1 of the Local Plan states that the Council will seek to secure high quality design which respects local context and character, and which preserves or enhances the historic environment and heritage assets.
- 5.11. Additionally, the site is located within the Dartmouth Park Neighbourhood Plan Area and is, therefore, subject to the Neighbourhood Plan, which was adopted on 2 March 2020.
- 5.12. Policy DC1 of the Neighbourhood Plan seeks to enhance the sense of place and balance the built and natural environment in the area.
- 5.13. Policy DC2 pertains specifically to the preservation or enhancement of the character of the Dartmouth Park Conservation Area. This should be read in conjunction with the Conservation Appraisal, which is considered in the next Section of this Heritage Statement. This includes consideration of the materials, scale, and mass of development.
- 5.14. Finally, Policy DC4 of the Neighbourhood Plan seeks to support proposals for small residential developments where these respect the character of the area and amenity of neighbouring properties.



- 5.15. The policy states specifically at paragraph DC4(g) that development should be supported where the development “in the case of developments in back gardens, relates to the domestic use of the existing property (e.g. sheds, conservatories and greenhouses) and does not occupy an excessive part of the garden or result in the loss of garden space which contributes to the character of the local area.”
- 5.16. It is considered that the proposed development certainly optimises the use of the site through the creation of the garden room, which is of a high quality design, as per the accompanying plans.
- 5.17. As denoted at paragraph 3.11, the proposed garden room shall be a single storey unit with timber boards and cladding. The unit shall be accessed via a glazed sliding door with an aluminium frame.
- 5.18. The proposed development does not occupy an excessive part of the garden and the hardstanding is certainly of a high quality design and does not have a detrimental impact on the character of the area.
- 5.19. Overall, the proposed development is of a high-quality design which is in keeping with the existing character of the area. Therefore, the proposed development is considered to comply with the abovementioned policies regarding the preservation or enhancement of the character of the area.
- 5.20. The specific impacts on the Conservation Area are addressed within the following sub-section and accompanying Heritage Statement.
- 5.21. Should the LPA require any further details on the design, the Case Officer should liaise with Viable Placemaking throughout the determination process, in line with the requirement denoted at paragraph 38 of the NPPF.



Heritage

- 5.22. The site is located within the Dartmouth Park Conservation Area, which is a designated heritage asset. As such, the principle of preserving and or enhancing the character of the area is established under Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 5.23. This is reaffirmed within national policy through Chapter 16 of the NPPF.
- 5.24. London Plan Policy HC1 denotes that “development proposals affecting heritage assets, and their settings, should conserve their significance, by being sympathetic to the assets’ significance and appreciation within their surroundings”. This is reaffirmed within Policy D2 of the Local Plan.
- 5.25. Moreover, the site is located within the Dartmouth Park Neighbourhood Plan Area and is, therefore, subject to the Neighbourhood Plan, which was adopted on 2 March 2020.
- 5.26. Policies DC2 seeks to protect the character of the Conservation Area and ensure development is acceptable in this regard.
- 5.27. This Planning, Design and Access Statement is accompanied by a Heritage Statement which comprehensively considers the impact of the proposed development on the Conservation Area in the context of the abovementioned policies as well as the relevant Government and Historic England guidance.
- 5.28. The Heritage Statement denotes, at paragraphs 6.4 – 6.5, that “the Impact Assessment at section 5 of this Statement concluded that while the development does have an impact on the setting of the Conservation Area, it is not considered to be unacceptable in the wider context of the character of the Conservation Area. Accordingly, the development would preserve the character and appearance of the Conservation Area, in accordance with the requirements of the Framework, the London Plan, and Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.”



5.29. Accordingly, the proposed development is considered to be acceptable in this regard.

Amenity

5.30. Policy A1 of the Local Plan seeks to ensure developments do not have an unacceptable impact on the amenity of neighbouring properties.

5.31. Additionally, Neighbourhood Plan Policy DC1 seeks to ensure development is of an appropriate height and scale such that it fits in with the prevailing pattern of buildings and spaces.

5.32. The proposed garden building marginally extends beyond the height of the fence and is considered to have a negligible impact on the amenity of the neighbouring properties. Any impact is certainly outweighed by the benefits of the proposed development to the subject residential property.

5.33. Additionally, the hardstanding shall not have an impact on the amenity of the neighbouring properties.

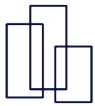
5.34. Accordingly, the proposed development is considered to be acceptable in this regard.

Transport and Parking

5.35. It is not considered that the proposed development shall have any impact on the existing transport and parking arrangement at the site or in the locality.

5.36. The only alteration with regard to transport is that the proposed hardstanding improves the accessibility to the rear garden, in line with the intentions of paragraph 116 of the NPPF.

5.37. Therefore, the development is considered to be acceptable in this regard. Any conflict may be dealt with by condition.



Ecology and Biodiversity

5.38. Chapter 15 of the NPPF sets out the national intention to conserve and enhance the natural environment and paragraph 186 sets out the key principles for determining planning applications. This is reaffirmed by Policy A3 of the Local Plan.

5.39. It is not considered that the proposed development shall have a detrimental impact on ecology or biodiversity. The site is not known to be allocated as a site of biodiversity opportunity and, as such, this is not considered to be a concern at the site.

5.40. The development is so minor in scale that biodiversity net gain under the Environment Act 2021 is not applicable to the proposed development.

5.41. Therefore, the development is acceptable in this regard. Any conflict with this may be dealt with by condition.

Flood Risk and Drainage

5.42. The site falls within Flood Zone 1 and measures less than 1-hectare in area. Accordingly, the proposed development is not considered to be a flood risk concern in line with London Plan policies SI 12 and SI 13 and Local Plan policy CC3. Any conflict may be dealt with by condition.

Sustainable Development

5.43. The NPPF has an underlying presumption in favour of sustainable development which is sought through three overarching objectives – an economic objective, a social objective, and an environmental objective – which are interdependent and need to be pursued in mutually supportive ways.

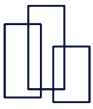
5.44. The proposed development will support the economic objective through the support of local trades and materials during the development process.



5.45. The proposed development will support the use of the home and foster a well-designed development which meets the requirements of the occupants of the main residential property.

5.46. Finally, regarding the environmental objective, the proposed development shall not have a detrimental impact on the environment and will support the balance of the build and historic environment through making an efficient use of land at an appropriate location.

5.47. The proposed development is considered to comply with the intentions of the sustainability objectives set out within the NPPF, particularly the social objective.



6. Conclusion

- 6.1. This Planning Design and Access Statement has demonstrated that the proposed development is acceptable in principle and makes an effective use of land through a garden room to be ancillary to the enjoyment of the dwellinghouse.
- 6.2. The relevant policies and material planning considerations have been considered and evaluated, as evidenced within this Statement, and the supporting plans. It is considered that the proposed development would constitute high quality development without an adverse impact on the character of the area or the amenity of the neighbouring residents.
- 6.3. The proposal also accords with the sustainability objectives. Therefore, it is respectfully requested that planning permission is granted.