

Delegated Report		Analysis sheet	Expiry Date:	24/04/2024
		N/A	Consultation Expiry Date:	14/01/2024
Officer			Application Numbers	
Blythe Smith			2023/4603/P	
Application Address			Drawing Numbers	
9-11 Flat 5 Belsize Grove Camden NW3 4UU			Please refer to decision notices	
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature	
Proposals				
Erection of summer house / garden Pavilion				
Recommendations:	Refuse Planning Permission			
Application Types:	Full Planning Permission			

Conditions or Reasons for Refusal:	Refer to Draft Decision Notices					
Informatives:						
Consultations						
Adjoining Occupiers:			No. of responses	11	No. of objections	11
Summary of consultation responses:	<p>The application was advertised in the local press on 21/12/2023, and a site notice was displayed on 14/12/2023.</p> <p>9 letters of objection were received from the owners/occupiers on the following grounds (summarised):</p> <ol style="list-style-type: none"> 1. Neighbours on Howitt Road were not consulted 2. Unable to object due to Camden's website not working 3. Damage to trees on the land 4. Clearance of trees, foliage and natural animal habitat 5. Lack of information to objectors 6. Impacts on amenity in terms of overlooking and sense of enclosure 7. Impact on the character of the area and the proposal is oversized 8. Potential of increased flood risks 9. Impact on parking and traffic 10. Noise from children 11. Increased security risks to neighbouring residents 12. This would set a precedent to other structures in the area 13. Construction of the development already started prior to an application being submitted 14. Sets a harmful precedent for future development 15. The application was submitted over Christmas and therefore done to reduce public engagement. <p><i>Officer Response to points above</i></p> <ol style="list-style-type: none"> 1. Neighbours on Howitt Road had been consulted, the application was advertised in the local press on 21/12/2023, and a site notice was displayed on 14/12/2023. 2. All documentation for the proposed development has been uploaded to Camden's planning portal. Our IT team have established there has been an intermittent issue with accessing some parts of the website in January 2024, however the time allowed for neighbour consultation has been extended and comments/objections have been considered up to the determination date 3. <i>Please refer to section 5 for full assessment on trees and landscaping.</i> 4. <i>Please refer to Section 5 for a full assessment of the trees and biodiversity</i> 5. <i>The applicant has provided enough information to register the application and does not need to share any specific information with objectors</i> 6. <i>Please refer to section 4 for full assessment on neighbouring amenity.</i> 7. Please refer to section 3 for a full assessment of the proposed design and its impact on the conservation area. 					

	<p>8. <i>The application property is not located within a flood zone and at it's size is not considered to increase flood risks in this area.</i></p> <p>9. <i>As the structure is considered to be ancillary to the main property it is not considered to significantly impact traffic/parking/noise</i></p> <p>10. <i>An outbuilding which is not publicly accessible is not considered to raise significant security concerns.</i></p> <p>11. <i>Each planning application is assessed on its own merits and therefore there would be no "precedent" for new development.</i></p> <p>12. <i>Starting construction prior to a planning application being assessed is not considered unlawful however this carries risk if the application is refused.</i></p> <p>13. <i>The date when a planning application is submitted is not a planning consideration.</i></p>
<p>Belsize Conservation Area Advisory Committee</p>	<p>The Belsize CAAC has objected under the following grounds:</p> <ol style="list-style-type: none"> 1. A lack of design and access statement 2. The arboricultural survey makes no recommendations 3. The footprint of the proposal is excessive and would harm neighbouring outlook 4. Extensive glazing would cause light pollution <p><i>Officer Response</i></p> <ol style="list-style-type: none"> 1. <i>Please refer to section 3.</i> 2. <i>Please refer to section 5.</i> 3. <i>Please refer to section 3.</i> 4. <i>Please refer to section 3.</i>

Site Description

The applicant site is located to the rear of 9-11 Belsize Grove. Belsize Grove is a mostly residential street with substantial terraced buildings. Nos.9-11 Belsize Grove are located within sub-area 1 of Belsize Conservation Area and are identified as making a positive contribution to the conservation area's character and appearance. The property is not a listed building.

It appears that when the two houses (nos.9-11) were combined and divided into flats the gardens were similarly divided.

Relevant History

No.9-11 Belsize road

TP50624/12539 - The erection of addition to connect Nos. 9 and 11, Belsize Grove, Hampstead, at 1st, 2nd and 3rd floor levels, and a new toilet block at ground floor level, with alterations to the elevations. – **Granted 02/12/1955**

TP50624/1953 - The use of Nos. 9-11, Belsize Grove, Hampstead, as a boys' preparatory school. – **Granted 27/02/1953**

33932 - Change of use and works of conversion to create 16 self contained flats. – **Granted 02/07/1982**

9301578- Retention of and modifications to a dustbin enclosure in the front garden adjacent to the boundary with 5-7 Belsize Grove NW3. as shown on drawing no 1 – **Granted 17/02/1994**

Flat 4, 9-11 Belsize Road

2003/3023/P - The erection of a timber outbuilding in the rear garden for use incidental to the residential occupation of Flat 4 - **Granted 30/04/2004**

2013/6600/P - Extension to an existing rear garden timber framed single storey structure. - **Granted 11/12/2013**

Flat 6, 9-11 Belsize Grove

2022/2863/P - Erection of a single storey timber garden studio for ancillary residential purposes. – **Currently under assessment**

Relevant policies

National Planning Policy Framework (2023)

The London Plan (2021)

Camden Local Plan (2017)

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

Camden Planning Guidance:

- CPG Amenity (2021)
- CPG Design (2021)
- CPG Home Improvements (2021)
- Trees CPG - March 2019

Conservation Statements:

Draft Camden Local Plan

The Council has published a new Draft Camden Local Plan (incorporating Site Allocations) for consultation (DCLP). The DCLP is a material consideration and can be taken into account in the determination of planning applications but has limited weight at this stage. The weight that can be given to it will increase as it progresses towards adoption (anticipated 2026).

Assessment

1. Proposal

1.1 Planning permission is sought for the erection of a new outbuilding to the rear garden of the application site.

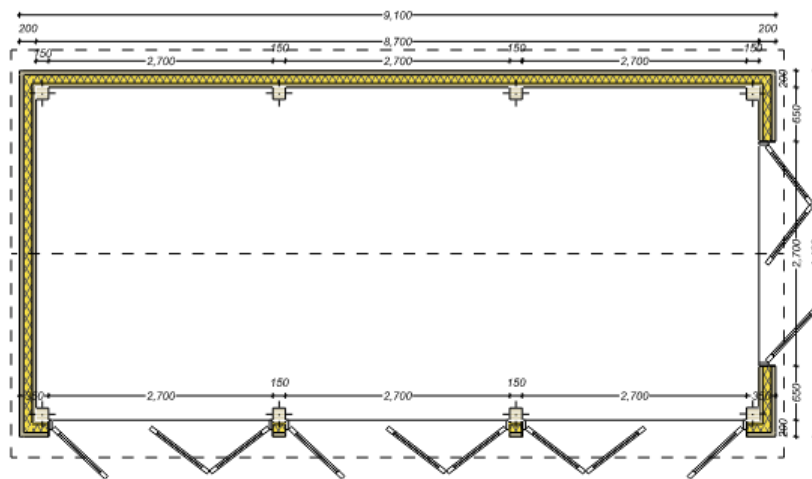
1.2 The outbuilding would measure 9.1m wide and 4.4m deep. It would feature a pitched roof measuring a maximum height of 4m, reducing to 2.5m at the rear boundary. It would be clad in timber with artificial slate tile, with bi-folding doors along the entire ground floor facing towards the applicant's property. There will be no windows on the side or rear elevations or on the roof.

1.3 Work has already begun on the outbuilding; the foundations, frame, and roof have been erected on site as per the site photograph below. Work was halted on 16th November 2023 following discussions with Planning Enforcement Officers.



S1 AC-01

HOUSE SIDE/FRONT ELEVATION



GENERAL FLOOR PLAN

Proposed front elevation (top) and ground floor plan (bottom)



Image of the structure on 16th of November

2. Assessment

2.1 The principal planning considerations are considered to be the following:

- Design and Heritage
- Neighbouring amenity
- Trees and landscaping

3. Design and Heritage

Policy Framework

3.1 The Council's design policies are aimed at achieving the highest standard of design in all developments, including where alterations and extensions are proposed. Policy D1 of the Local Plan requires development to be of the highest architectural and urban design quality, which improves the function, appearance and character of the area; and Policy D2 states that the Council will preserve, and where appropriate, enhance Camden's rich and diverse heritage assets and their settings, including conservation areas.

3.2 The application site is within the Belsize Conservation Area, wherein the Council has a statutory duty, under section 72 of The Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended), to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.

3.3 CPG Home Improvements (2021) page 77 provides detailed guidance on outbuildings:

- Ensure the siting, location, scale and design has a minimal visual impact on, and is visually

subordinate within, the host garden;

- In Conservation Areas, check the Conservation Area Appraisal in relation to outbuildings, to know what you should consider. The works should preserve or enhance the existing qualities and context of the site, and character of the Conservation Area;
- Not detract from the open character and garden amenity of neighbouring gardens and the wider surrounding area;
- Retain space around the building for suitable soft landscaping;
- Ensure the height will retain visibility over garden walls and fences;
- Ensure the size will maximise retention of garden and amenity space;
- Ensure the position will not harm existing trees and their roots;
- The construction method should minimise any impact on trees, mature vegetation (see CPG Trees) or adjacent structures;
- Use materials which complement the host property and the overall character of the surrounding garden area;
- Consider installation of green roof and/or solar panels;
- Address any impacts upon water run-off and groundwater flows, and demonstrate that the impact of the new development will be negated by the measures proposed.
- Reference should be made to CPG Water and Flooding.

Assessment of proposals

3.4 The outbuilding does not have a minimal visual impact on the host garden. It is not visually subordinate to the host garden. It does not retain visibility over the garden fences/walls. The position has caused harm to tree roots, and the design of the structure is not akin to an ancillary garden structure. The outbuilding would be large, with a footprint of approximately 40 sqm. In terms of its detailed design, it would be clad in timber with bi-folding glazed doors towards the applicant property and, at 9.1m in width, it would occupy a large breadth of the rear garden.

3.5 As proposed, the floor area and height of the proposed outbuilding are excessive, and the proximity to the adjacent neighbours and other, smaller, nearby outbuildings would appear intrusive and reduce the open character of the gardens, which help contribute to the overall character of the Belsize conservation area. The proposal does not comply with the detailed Camden Planning Guidance listed under paragraph 3.3 above. The design and size of the outbuilding is more akin to a standalone dwelling with its own individual architectural character, rather than a domestic garden structure.

3.6 The neighbouring context shows that the prevailing character of the area is mainly garden sheds or significantly smaller outbuildings. As such the proposed outbuilding would appear as an incongruous addition within this context. The design and proportions of the outbuilding would undermine the open garden character at the rear of the site

3.7 It is noted that the applicant has failed to submit a design and access statement or a heritage statement to demonstrate why the large size and character of the building would be appropriate for the conservation area.

3.8 The proposal would result in less than substantial harm and would fail to preserve or enhance the character and appearance of the conservation area, contrary to the requirements under s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Enterprise and Regulatory Reform Act 2013. There are no public benefits that arise from this private ancillary outbuilding to outweigh the harm, and as such refusal is warranted on this basis.

4. Neighbouring Amenity

4.1 Policy A1 of the Local Plan seeks to protect the amenity of Camden's residents by ensuring the impact of development is fully considered and would not harm the amenity of neighbouring residents. This includes privacy, outlook, noise, daylight and sunlight.

4.2 The proposed outbuilding would not produce any windows towards the neighbouring residents therefore the development would not result in harmful overlooking or loss of privacy of these residents.

4.3 The outbuilding's size and location are considered unneighbourly in terms of affecting neighbours' outlook. It is an overbearing structure when viewed from the adjacent gardens of No. 47 and No. 49 Howitt Road.

4.4 Objections have raised concerns about using the garden for residential purposes. The outbuilding is designed to be used as an ancillary structure to the main flat it serves, which is considered appropriate. Should planning permission be granted, this would be secured by planning condition. There is no change of use or the creation of a new residential unit, which requires planning permission.

5. Trees and landscaping

5.1 Policy A3 of the Local Plan states that the Council will resist the loss of trees and vegetation of significant amenity, historic, cultural or ecological value, including proposals which may threaten the continued wellbeing of such trees and vegetation, and it requires that the retained trees and vegetation are satisfactorily protected during the demolition and construction phase of development. It also advises that where the harm to the trees or vegetation has been justified by the proposed development it is expected that development should incorporate replacement trees or vegetation.

5.2 The applicants have submitted an arboricultural survey in line with BS5837:2012. This survey showed the proposed garden room within the root protection areas of a number of trees, including 3 category B trees. However, no arboricultural method statement or tree protection plan was produced or submitted until post-development. A method statement and tree protection plan were submitted after the proposals were implemented with 300mm diameter piles, which resulted in the severance of numerous structural roots from nearby trees. The installation of the very large diameter piles resulted in the severance of roots greater than 25mm is relatively close to the stem of the trees, which their arboricultural consultants' report has shown. This may have destabilised the trees present, and the applicant should carry out a full investigation into the safety of the trees as stated in the arb consultants report; and this may require the removal of the structure.

5.3 In summary, the structure was built using methods not in line with the recommendations in BS5837. The development has caused damage to protected trees within a conservation area and is therefore in breach of The Town and Country Planning Act and is not in accordance with policies A2 and A3 of the London Borough of Camden Local Plan 2017. It is recommended that the application be refused.

6. Recommendations:

1. Refuse planning permission
2. That the Director, Culture and Environment instruct the Head of Legal Services to issue an Enforcement Notice under Section 172 of the Town & Country Planning Act 1990 as amended, requiring the removal of the wooden structure in the rear garden, and to pursue any legal action necessary to secure compliance. Additionally, officers to be authorised that in the event of non-compliance, to prosecute under section 179 or appropriate power and/or take direct action under 178 in order to secure the cessation of the breach of planning control.

The notice shall allege the following breaches of planning control:

1. Without planning permission, the erection of a wooden structure in the rear garden

WHAT ARE YOU REQUIRED TO DO:

1. Completely remove the wooden structure, including the frame and concrete slab with tree protection measures in place for adjacent trees in accordance with British Standard 5837:2012.
2. Remove associated debris from the site
3. Make good on any damage caused

PERIOD OF COMPLIANCE: 1 month

REASONS WHY THE COUNCIL CONSIDER IT EXPEDIENT TO ISSUE THE NOTICE:

1. The breach outlined above has taken place within the last 4 years;
2. The development, by reason of its size, height, position and bulk, would appear as an incongruous development that would have an adverse impact on the character and appearance of the host building, its neighbours and garden setting, and the Belsize Conservation Area. As such, the proposed development is contrary to Policies A1 (Managing the impact of development), D1 (Design) and Policy D2 (Heritage) of the London Borough of Camden Local Plan 2017.
3. The development by reason of construction methods and lack of protection, has resulted in unacceptable harm to trees, contrary to the aims of policies A2 (Open space) and A3 (Biodiversity) of the Camden Local Plan 2017.