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| Delegated Report | | Analysis sheet | Expiry Date: | 08/04/2024 |
| | | N/A | Consultation Expiry Date: | 14/04/2024 |
| Officer | | | Application Number(s) | |
| Alex Kresovic | | | 2024/0531/P | |
| Application Address | | | Drawing Numbers | |
| 1 Lymington Road London NW6 1HX | | | See draft decision notice | |
| PO 3/4 | Area Team Signature | C&UD | Authorised Officer Signature | |
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| Proposal(s) | | | | |
| Erection of a single-storey dwellinghouse to the rear of 1 Lymington Road. | | | | |
| Recommendation(s): | | Refuse Planning Permission | | |
| Application Type: | | Full Planning Permission | | |

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|--|---|----------|-------------------|----------|
| Conditions or Reasons for Refusal: | Refer to Draft Decision Notice | | | |
| Informatives: | | | | |
| Consultations | | | | |
| Adjoining Occupiers: | No. of responses | 9 | No. of objections | 9 |
| Summary of consultation responses: | <p>Press Notice: published 21/03/2024, expired 14/04/2024. Site Notices: displayed 15/03/2024, expired 08/04/2024.</p> <p>Nine (9) objections were received from neighbouring properties. The objections are summarised below:</p> <ul style="list-style-type: none"> • Proposal is an over development that is out of keeping with the Conservation Area. • The new structure would establish a wholly undesirable precedent in that they would encourage the erection of similar structures throughout. • The garden house would lower the monetary value of neighbouring properties. • Garden area is too small to consider such a large dwelling appropriate. • Loss of privacy to occupiers within the host building. • Removal of two trees and the curtailment of three others in the rear garden will have a considerable impact on the green corridor of rear gardens running between Lymington and Fawley Roads. • The trees provide a refuge and home for many species of birds. • The destruction of the trees would reduce the natural noise barrier for the residents of all the surrounding properties. • We are in a climate emergency and should be planting a lot more trees. | | | |
| West End Green CAAC and Fortune Green & West Hampstead Neighbourhood Forum: | No objections or comments were received by the West End Green CAAC and Fortune Green & West Hampstead Neighbourhood Forum. | | | |

Site Description

The subject property is located in the West End Green Conservation Area and is identified as a Positive Contributor within the Conservation Area Statement. The subject site retains a large rear garden, where the single-storey self-contained garden house is proposed. The rear garden slopes up towards the rear with a number of mature trees along the western and northern boundaries. The garden and trees contribute to the western end of the green corridor created by the amalgamated central block of rear gardens to houses on Fawley Road, Crediton Hill, Lymington Road and West End Lane.

Lymington Road is recognised as being a virtually intact late Victorian streetscape that contains large semi-detached red brick houses with random-stone garden walls and brick piers. The houses are enhanced with architectural features including iron balconies and lively multi-gabled roofscapes covered in terracotta tiles with ridgeline and finial detailing. The subject semi-detached property is reflective of these characteristics but has been internally divided into self-contained flats.

Relevant History

2023/3894/P - Use of flats at first and second floors, which are numbered 3, 5, 6, 7, 9, 11, 13, and 14 as self-contained units (Class C3). **Certificate of Lawfulness (Existing) Granted 12 October 2023**

2023/3119/P - Demolition of existing ground floor rear extension and construction of new single storey rear extension with green roof, alterations to side fenestrations, reconfiguration and amalgamation of existing 4 x studio and 1 x 1 bedroom ground floor flats to provide 2 x studio flats and 1 x 2 bedroom flat, erection of timber bike stores with sedum roof and bin store within the front garden and associated works. **Granted subject to a S106 Legal Agreement 10 January 2024**

2024/0621/P - Details pursuant to Condition 4 (Cycle Storage) and Condition 5 (Green Roof) of Planning Permission ref: 2023/3119/P dated 10 January 2024. **Approval of Details Granted 26 March 2024**

Relevant policies

National Planning Policy Framework (2023)

London Plan 2021

Camden Local Plan 2017

G1 Delivery and location of growth
A1 Managing the impact of development
A2 Open space
A3 Biodiversity
D1 Design
D2 Heritage
H1 Maximising housing supply
T1 Prioritising walking, cycling and public transport
T2 Parking and car free development
DM1 Delivery and monitoring

Camden Planning Guidance

CPG Housing 2021
CPG Design 2021
CPG Amenity 2021
CPG Biodiversity 2018
CPG Transport 2021
COG Trees 2019
CPG Developer Contribution 2019

West End Green Conservation Area Appraisal and Management Strategy 2011

Fortune Green and West Hampstead Neighbourhood Plan 2015

Draft Camden Local Plan (2024)

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. Detailed Description of Proposed Development

- 1.1. Planning Permission is sought for the erection of a single-storey, self-contained, dwellinghouse to the rear of 1 Lymington Road.
- 1.2. The proposed single storey garden house is comprised of a 1 bedroom, 2 person dwelling with a GIA of 51sqm, a private rear garden, and green roof.
- 1.3. The design of the house and folded asymmetry of the roof forms means that the building varies in height from approximately 3000mm and 5000mm tall. The house is proposed to be situated only 4000mm from the rear of the host building (1 Lymington Road).

1. Planning Considerations

- 1.1. The material considerations in the determination of this application are as follows:
 - Dwelling Mix
 - Affordable Housing
 - Standard of Accommodation
 - Design & Conservation
 - Amenity
 - Transport
 - Sustainability
 - Refuse & Recycling
 - Planning Balance
 - Section 106 Obligations

2. Design and Conservation

- 2.1. Local Plan Policies D1 (Design) and D2 (Heritage) are aimed at achieving the highest standard of design in all developments. Policy D1 requires development to be of the highest architectural and urban design quality, which improves the function, appearance, and character of the area. Policy D2 'Heritage' states that The Council will preserve and, where appropriate, enhance Camden's rich and diverse heritage assets and their settings.
- 2.2. The Planning (Listed Buildings and Conservation Areas) Act 1990 ("the Listed Buildings Act"). Section 72(1) of the Act requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area when considering applications relating to land or buildings within that Area.
- 2.3. The West End Green Conservation Area Appraisal notes that '*There is little scope for new building in the area, however new work should reflect the materials, colour palette, scale and character of the area*'. Additionally, the West End Green Conservation Area Appraisal also notes that '*Private rear gardens quietly add to the quality and biodiversity of the area. The gardens are almost all hidden from the street but glimpses between buildings are a precious quality of the area*'.

2.4. The Fortune Green and West Hampstead Neighbourhood Plan states the following:

- *A12. Infill developments: any replacement of a house or houses, or addition of a new house, within an existing terrace should be to the same scale as the terrace, including the roofline. It should be similar in form, materials and details. Replication of particular exterior details is strongly recommended where such details are consistent in streets. Houses should be set back from the pavement and match or fit the building lines of existing properties, with front garden areas remaining unpaved. The same principles should apply to vacant sites in streets where there is already a pattern of existing development.*
- *A13. Garden developments: in order to protect the Area's green/open spaces, the development of new dwellings in private gardens should be avoided. If any developments are approved, they should maintain a much lower profile than existing housing stock, usually one or two storeys. (Also see Policy 17).*
 - *POLICY 17: Green/Open Space, seek to protect and improve, where appropriate, existing green/open space, and therefore, discourages the loss of existing green space/open space through development (paraphrased).*

2.5. The site features a large communal rear garden of approximately 120sqm and is utilised by the tenants within the existing flats at 1 Lymington Road. The rear garden slopes up towards the rear with several mature trees along the western and northern boundaries. The proposed house would infill and overdevelop the green corridor of mid-block rear gardens, which is demonstrated in Map 10 in the CAA Appendix to form one of the largest amalgamated green spaces in the Area, and therefore acts as a verdant context within the urban setting. The overdevelopment within the green corridor of rear gardens by way of a single storey dwelling and loss of green space would harm the setting of the West End Green Conservation Area and is therefore contrary to Policy D2 of the Camden Local Plan.

2.6. The design of the house and folded asymmetry of the roof form results in a varied building height from approximately 3000mm and 5000mm tall. The roof height would align with the first-floor joinery of the host positively contributing host building, and would therefore not present as a single-story volume, nor as subordinate within the rear garden setting. The two buildings would have a 4000mm separation from each other, which due to the height of the new structure, results in a very tight relationship that would present the new building as the dominant feature due to the topography and height when viewed down the line of rear elevations. The oversized bulk, scale and massing of the proposed building and its associated lack of suitable relationship to the positively contributing host building is contrary to policies D1 and D2 of the Camden Local Plan.

2.7. The proposed 1 bedroom, 2 person dwelling with a GIA of 51sqm seeks to be constructed in materials resembling the host building at 1 Lymington Road with the use of red brick and double glazed PPC aluminium windows. A green roof is also proposed on the entirety of the roof.

2.8. The development is considered to cause less than substantial harm to the character and appearance of the West End Green Conservation Area. In accordance with paragraph 202 of the NPPF, the public benefit comprises of an uplift of one residential unit, which does not outweigh this less than substantial harm identified.

2.9 Considerable importance and weight have been attached to the desirability of preserving or enhancing the character or appearance of the West End Green Conservation Area under s. 72 of the Listed Buildings and Conservation Areas Act 1990 as amended by the Enterprise and Regulatory Reform Act (ERR) 2013.

4 Amenity

4.1 Policy A1 of the Local Plan seeks to ensure that development protects the quality of life of occupiers and neighbours by only granting permission to development that would not harm the amenity of neighbouring residents. This includes privacy, outlook, noise and impact on daylight and sunlight. Camden's Local Plan Document is supported by CPG (Amenity).

4.2 Paragraph 7.17 of the Camden Local Plan 2017 states "*The way an area is designed and managed can have a significant impact on people's quality of life, health and wellbeing and planning has a key role in promoting good physical and mental health by creating spaces and buildings which allow and encourage healthy lifestyles*". The applicant is seeking the erection of a single-storey garden house to the rear of 1 Lymington Road.

4.3 The proposal is located within the rear garden of 1 Lymington Road, 4000mm from the 3-storey host building. The host building is located to the south of the proposal and as a result would overshadow the proposed dwelling for most of the day. Additionally, a 5m tall boundary wall to the west would also add to the lack of daylight/sunlight being received into the proposed garden house. The proposal would not impact the neighbouring properties in regard to sunlight/daylight, and noise nuisance; however, the distance and orientation of the proposed south facing courtyard in relation to neighbouring windows within the host building would result in harmful overlooking. Given the distance between the proposed and host buildings and the height of the of proposed dwellinghouse, the existing lower ground/ground floor flats in the host building would experience a sense of enclosure.

4.4 Policy A3 of the Local Plans seeks to resist development that occupies an excessive part of a garden, as well as the loss of garden space which contributes to the character of the townscape. With a footprint of 51sqm and height of 3000-5000mm, the structure far exceeds the scale of what could be considered as a subordinate garden building and would cumulatively cover over 1/3 of the permeable garden area, whilst cumulatively diminishing the availability of communal garden amenity space for the existing occupiers of the 13 flats within the host building.

5 Transport

5.1 Policy T1 aims to promote sustainable transport by prioritising walking cycling and public transport. This is achieved by improving pedestrian friendly public realm, road safety and crossings, contributing to the cycle networks and facilities and finally improving links with public transport. All these measures are in place to ensure the Council meets their zero carbon targets. The proposal would require two long stay cycle parking spaces which would need to be safe and secure. The proposed ground floor plan shows a 2-space timber cycle store in the rear garden of the proposed house, which meets the requirement of Policy T1. The provision (but not design) of this 2-space timber cycle store would be secured by condition in the event that the development was acceptable.

5.2 Policy T2 limits the availability of parking in the borough and requires all new developments in the borough to be car free. This will be done through not issuing parking permits, resisting development of boundary treatments and using legal agreements to secure these actions. The new 2 units would be car-free to limit the availability of both off-street and on-street parking.

This would be secured by a S106 legal agreement if planning permission is granted and would prevent future occupiers from obtaining on-street parking permits. In the absence of a S106 legal agreement, this forms a reason for refusal.

5.3 There is no requirement to secure a CMP or highways re-instatement contribution for this development.

6 Trees

6.1 An Arboricultural Impact Assessment has been submitted as part of the submitted application. Eight (8) trees (T1-T8) are located within rear property of No. 1 Lymington Road. To facilitate the proposal, two (2) category C trees need to be removed, whilst other trees would require an RPA incursion between 2% to 19%. Additionally, to combat the loss of the trees, the applicant proposes to plant two (2) trees within the rear garden, the first would be located along the eastern boundary in an ideal location for planting, whilst the other tree would be located in between the western boundary wall and the western elevation of the proposed garden house, which has a distance of less than 1m and is therefore not considered appropriate.

6.2 Council's Tree Officer raised no objection to the removal of two (2) Category C trees as they are of low quality, whilst tree protection measures, an updated landscape plan with an alternative location for the westerly proposed tree, and green roof details would be secured by condition in the event that the development was acceptable.

6.3 As such, no objection is raised to the removal of the two (2) trees from a biodiversity perspective due to the fact the trees are considered to be of low quality; however, the harm in the removal of the trees results from the contribution the trees make towards the green corridor of mid-block rear gardens as detailed within the West End Green Conservation Area Appraisal and Fortune Green and West Hampstead Neighbourhood Plan.

7 Planning Balance

7.1 The Housing Delivery Test (HDT) is an annual measurement of housing delivery in the area of relevant plan-making authorities introduced by the government. It measures whether planned requirements (or, in some cases, local housing need) have been met over the last 3 years. The government's most recently published figure is for 2021, when the measurement for Camden was 76% - which means that Camden has to produce an action plan and apply a 20% buffer to our 5-year housing land supply. In view of this measurement, officers have recently reviewed the 5-year housing land supply as part of the Authority Monitoring Report, and have concluded that the amount of deliverable housing land in the borough falls substantially short of what is needed for a 5-year supply. Consequently, the presumption in favour of sustainable development in paragraph 11(d) of the NPPF is engaged, and there is a need to place great weight on the provision of housing in decision making. The NPPF indicates that applications should be granted unless their adverse impacts would significantly and demonstrably outweigh their benefits when assessed against NPPF policies as a whole.

7.2 Although the proposed scheme would provide public benefits including one additional new unit, it is not sufficient to outweigh the harm caused to the host buildings and wider conservation area due to the proposal. Thus, the application is recommended for refusal on this basis.

8 Conclusion

8.1 The proposals, owing to the height, scale, bulk, and design of the proposed building would be detrimental to the character and appearance of the host building and subsequently have a harmful impact on the conservation area. Paragraph 202 of the NPPF seeks to preserve and

enhance heritage assets, stating that the Council will not permit development that results in harm that is 'less than substantial' to the significance of a designated heritage asset unless the public benefits of the proposal convincingly outweigh that harm. In this instance the public benefits comprise an uplift of one residential unit.

8.2 When considering the overall planning balance, which is further tilted by the presumption in favour of sustainable development, the public benefit of the scheme is not considered to outweigh the identified harm and conflicts identified with the Development Plan. As such, the proposal is contrary to policies G1, A1, A3, D1, D2, T2, and DM1 of the Camden Local Plan 2017.

9 Planning Obligations

9.1 If the proposal were otherwise considered to be acceptable it would be the subject of a Section 106 legal agreement to ensure adequate mitigation. Below is a summary of the heads of terms that would be sought for a successful scheme:

- Car-free development

10 Recommendation

10.1 Refuse Planning Permission for the following reasons:

1. The proposed single storey dwellinghouse by reason of its inappropriate bulk, scale, location, massing, and detailed design would cause harm to the architectural composition of the host building and the character and appearance of the West End Green Conservation Area contrary to policies D1 (Design) and D2 (Heritage) of the London Borough of Camden Local Plan 2017.
2. The proposed single storey dwellinghouse by reason of its inappropriate height, design, extent, and proximity to the host building, would result in a loss of privacy to the occupiers within the flats of the host building, whilst also resulting in poor amenity outcomes to future occupiers. In the absence of a Daylight/Sunlight Assessment, insufficient evidence has been provided to demonstrate that the proposal would not result in a loss of daylight to the rear facing windows of the lower ground / ground floor flats of the host building. The proposal is therefore contrary to policy A1 (Managing the impacts of development) of the London Borough of Camden Local Plan 2017, the London Plan 2021 and the NPPF 2023.
3. The proposed single storey dwellinghouse by reason of its footprint would result in the loss of an excessive part of garden space which contributes to the character of the townscape, the loss communal amenity space for occupiers of the host building, whilst also exceeding the scale of what could be considered a subordinate garden building. The proposal is therefore contrary to policy D1 (Design) and A3 (Biodiversity) of the London Borough of Camden Local Plan 2017 and policy 17 of the Fortune Green and West Hampstead Neighbourhood Plan.
4. The proposed development, in the absence of a legal agreement securing car-free housing, would contribute unacceptably to parking stress and congestion in the surrounding area and fail to promote more sustainable and efficient forms of transport and active lifestyles, contrary to policies T2 (Parking and car-free development) and DM1 (Delivery and monitoring) of the Camden Local Plan 2017.