

Delegated Report		Analysis sheet	Expiry Date:	18/10/2023
		N/A / attached	Consultation Expiry Date:	05/11/2023
Officer			Application Number(s)	
Obote Hope			2023/3478/P	
Application Address			Drawing Numbers	
Basement Flat 62 Pilgrim's Lane London NW3 1SN			Please refer to decision notice	
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature	
Proposal(s)				
The erection of a single storey garden pavilion to back of the rear garden.				
Recommendation(s):	Refused Planning Permission			
Application Type:	Full Planning Permission			

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:			No. of responses	01	No. of objections	01
Summary of consultation responses:	<p>A site notice(s) was displayed near to the site on the 15/07/2021 (consultation end date 08/08/2021).</p> <p>The development was also advertised in the local press on the 12/10/2023 (consultation end date 05/11/2023).</p> <p>One objection was received from 60 Pilgrims Lane (see below):</p> <ol style="list-style-type: none"> 1. The appears to be overly large, occupying an estimated 24 square meters of garden space; 2. Given the garden's history of space loss due to previous extensions, the proposed pavilion's size is excessive 3. The residential usage could result in a loss of privacy and an undesirable change in character 4. Introduction of additional residential units within the pavilion raises concerns about potential light pollution; 5. The proposed location of the garden pavilion lies within an important biodiversity corridor 6. Removal of existing tree and insufficient space for the planting of future trees 					
	<p>An email was received on behalf of the Hampstead CAAC. Their objections are summarised as follows:</p> <ol style="list-style-type: none"> 1. The cabin would be too large especially relative to the garden; 2. Insufficient space for maintenance and lack of space for planting. <p>An email was received on behalf of the Hampstead Neighbourhood Forum and their objections are summarised as follows:</p> <ol style="list-style-type: none"> 1. The garden pavilion would be built in an important biodiversity corridor identified in Policy NE3 of the Hampstead Neighbourhood Plan; 2. The garden pavilion may be used as an additional bedroom is overly large, 24sqm; 3. Much of the garden has been lost to previous extensions and the existing tree would be removed and there would be very little space remaining within which a mature tree could grow; The works would result in the loss of the trees with no new tree planting proposed. 					

Site Description

The application site is a mid-terraced property located on the south-eastern side of Pilgrims Lane. The property has been divided into flats and the proposed works relate to the lower-ground floor flat. The property is not a listed, however, the building is in the Hampstead Conservation Area and is noted as making a positive contribution to the Hampstead Conservation Area (in the Conservation Area Appraisal Strategy). The site is in the Hampstead Neighbourhood Forum.

Relevant History

The planning history for the application site can be summarised as follows:

Application site

2010/0147/P: Erection of a rear, upper ground floor extension to provide additional accommodation to upper ground floor flat (Use Class C3). **Granted 02/03/2010.**

2009/0275/P: Erection of a rear upper ground floor extension to provide additional accommodation to upper ground floor flat. **REFUSED 31/03/2009.**

2008/2285/P: Erection of side extensions to increase the width of the existing rear extensions at garden level to basement flat. **GRANTED 07/07/2008.**

CTP/E7/17/11/13868: Erection of rear extensions at 62 Pilgrims Lane, N.W.3. **Granted 17/11/1972.**

Neighbouring properties

23A Downshire Hill

TPD743/3320 - *In outline, use of stables known as No. 23A, Downshire Hill, N.W.3 as a single family dwelling house.* **Granted 20/06/1962.**

22 Downshire Hill

2017/4578/P - Erection of single storey rear outbuilding, increase in depth of existing rear garden platform and new access stairs. Erection of new rear retaining wall'. **Granted 12/03/2018.**

Relevant policies

National Planning Policy Framework 2023

The London Plan 2021

Camden Local Plan 2017

A1 Managing the impact of development

D1 Design

D2 Heritage

A3 Biodiversity

CC1 Climate change mitigation

CC2 Adapting to climate change

Camden Planning Guidance

CPG Design (2021) (Design Excellence – pages 6 – 11)

CPG Home Improvements (2021)

CPG Amenity

CPG Biodiversity

Hampstead Conservation Area 2001

Hampstead Neighbourhood Forum 2018;

DH1: Design;

DH2: Conservation areas and listed buildings;

NE3: Biodiversity Corridors;

NE4: Supporting biodiversity

Hampstead Conservation Area Statement 2001

Assessment

1.1 Planning permission is sought for the construction of a rear garden outbuilding which the applicant/agent confirmed would be used as ancillary office and guest accommodation to the main dwelling. The outbuilding would be of facing brick and white render, it would have a flat roof with slate tiles. It would extend the majority of the width of the rear garden, measuring approximately 5.4m in width, the proposal would measure approximately 3.6m in depth and would be 2.5m in height. The proposal would occupy approximately 19.6sqm of the remaining amenity space.

2.0 ASSESSMENT

The material considerations for this application are summarised as follows:

- Design and Heritage
- Amenity of neighbouring residential occupants
- Trees and biodiversity

3.0 Design and Heritage

3.1 The National Planning Policy Framework (NPPF) paragraph 72 states that local planning authorities should consider setting out policies to resist inappropriate development within residential gardens. Paragraph 128 indicates that planning policies and decisions should support development that makes efficient use of land, taking into account the desirability of maintaining an area's prevailing character and setting, including residential gardens.

3.2 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (Act) requires special regard to be paid to the desirability of preserving the building or its setting. In addition, Section 72(1) of the Act requires that with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

3.3 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; and Policy DH2 states that new development should demonstrate how they respond and contribute positively to the distinctiveness and history of the character areas.

3.4 Furthermore, section 5.5 of the Council's supplementary guidance document Home Improvements states ; Large garden buildings may affect the amenity value of neighbours' gardens, and if used for purposes other than storage or other domestic uses, may intensify the use of garden spaces and cause loss of amenity through overlooking, overshadowing and noise nuisance.

Impact on the Hampstead Conservation Area

3.5 The outbuilding would be located in the rear garden of the host property with limited visibility from the public realm. However, the character and appearance of a conservation area is not entirely confined to public views, especially where sites relate to the setting of buildings which makes positive contribution

to the wider area. It would be contrary to Policy DH2 of the Hampstead Neighbourhood Plan which seeks to protect the significance of heritage assets by preventing development which obstructs or degrades that asset or its setting by way its height, mass, profile or quality.

3.6 Policies NE3 and NE4 of the Neighbourhood Plan indicates: 'Gardens can contribute to biodiversity, and tree lines or boundary hedges facilitate wildlife species to travel to reach other areas of habitat to balance their population.'

3.7 The proposed outbuilding would be located within the rear garden, i.e. within the private amenity space for the dwelling. With brick walls with white render and slate tiles, the proposed materials would be unsympathetic. The materials would be inappropriate for a garden building and would detract from the green character of the garden which makes a positive contribution to the Conservation area. Thus, the proposal would be contrary to policy DH2 of the Hampstead Neighbourhood Plan, which indicates that planning applications involving heritage assets (particularly positive contributors) should be of appropriate scale, density, mass and detail for the local character and that highest quality materials are used. The proposal would erode the green character of the garden, it would not include a commensurate level of planting (no green roof is proposed) and the materials and design would detract from the appearance and biodiversity value of the site.

3.8 The proposed outbuilding is considered to be excessively large. It would consequently significantly reduce the external, open amenity space. It would occupy more garden space than at any of the other sites within this terrace; the proposal would fail to be a subservient addition within this setting. The intensification of the use of the outbuilding as a guest bedroom is another cause for concern and this combined with the previously approved rear extension (application reference CTP/E7/17/11/13868 granted in 1972) would result in a disproportionate loss of garden space that would have a detrimental impact on the host building. Although the outbuilding would not be visible from the public realm, it is considered to represent an unsympathetic and overdevelopment addition within the private garden space (also taking into consideration the planning permission for the enlargement of the single storey rear extension 2008 (2008/2285/P) that occupies approximately 19.8 sqm of the garden space. Taken together with the rear extension addition, the total area of the rear garden which would be lost would be 39.4 sqm. Both structures in the rear garden would occupy more than half of the footprint of the original dwelling (62.3 sqm). As such, the proposal is far from being subservient to the original building and it would be over-dominant on the site and to the setting of the original building.

3.9 The proposed outbuilding would be the largest structure within the rear gardens on this side of Pilgrim's Lane. It should be noted that the majority of the gardens within the terrace remain undeveloped. The removal of existing trees along with the use of extensive glazing would further increase the prominence of the building. The proposal would be excessive in terms of size and its overbearing appearance would be heightened by an excessive amount of glazing and bold materials (brick with white render with slate roof tiles).

3.10 The agent referred to 22 Downshire Hill where planning permission was granted for an outbuilding. However, there is no similarity to what is being proposed here. Unlike this proposal, the outbuilding was considered to be a subservient addition. The host building had a substantial plot size. The permitted outbuilding occupied 17% of the original rear garden which measures 137sqm. As such, 114.3sqm of garden space has been retained, which constitutes a substantial amount of soft landscaping. Furthermore, the proposed structure is set in at least 0.4m from the north, west and east boundaries of the site, as well as over 20m away from the host building, which ensures that it is visually subordinate to the host and neighbouring gardens.

3.11 The agent also referred to the development at 23a Downshire Hill. However, the planning permission that was granted under application no "TPD743/3320" for a single family dwelling within the rear garden at this address cannot be taken as a precedent, as map regression shows, historically the plot was used as a stables and there has been cart access to and from the building on this site since the early C19, if not before. Thus, the proposal is not comparable and would set an unwelcomed

precedent. Notwithstanding this, the design and proportion of the outbuilding (in relation to the garden) would result in a large building undermining the residential garden character at the rear of the property.

3.12 The erosion of the limited green space at the far end of the garden would also have a detrimental impact given that the proposal would fail to enhance or include any biodiversity benefits. This, combined with the loss of the existing tree would further reduce biodiversity on the site (no replacement tree is proposed). This would be contrary to Policies NE3 and NE4 of the Hampstead Neighbourhood Plan which, amongst other things, requires new development to include measures to protect and assist in the restoration of Hampstead's tree lines, biodiversity corridors and reduce the incidence of breaks and the length of gaps. The proposal would result in the permanent loss of the verdant character of the garden space. The proposed overly large permanent structure would thus be harmful to the character and appearance of the conservation area. Although the agent advised that the proposal would not be prominent from the street, it would be visible from several neighbouring properties. It would be highly visible from the rear upper windows of neighbouring properties and the prominence (and dominance) of the proposed outbuilding would detract from the garden setting and verdant character, identified above as contributing to the significance of the Hampstead Conservation Area.

3.13 Thus, the proposal would fail to preserve or enhance the character or appearance of the Hampstead Conservation Area as required by policies D1 and D2 of the Camden Local Plan, as set out above. Special attention has been paid to the desirability of preserving or enhancing the character or appearance of the conservation area, under s66 and s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Enterprise and Regulatory Reform Act 2013.

4.0 Amenity

4.1 Policy A1 seeks to protect the quality of life of occupiers and neighbours by only granting planning permission to development that would not harm the amenity of residents. This includes factors such as privacy, outlook, and implications to natural light, artificial light spill, odour and fumes as well as impacts caused from the construction phase of development. Policy A4 seeks to ensure that residents are not adversely impacts upon by virtue of noise or vibrations.

4.2 The proposal would sit in the rear garden away from other residential buildings. Given its location, no reduction of daylight or sunlight would be caused to the occupiers of neighbouring properties. Due to the proposed design, there are no windows serving habitable rooms overlooking the neighbouring gardens.

4.3 The proposal would not obscure any neighbouring rooms or gardens or result in a direct loss of aspect or outlook. However, the extent of glazing on the front elevation would result in significant light spill which would detract from the character of the garden and the visual amenity of neighbouring occupiers. The proposal would therefore be contrary to policy A1.

5.0 Trees and Biodiversity

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 well-being of such trees and vegetation. It requires that significant trees should be retained and that they should be satisfactorily protected during the demolition and construction phase of development. The biodiversity policy also advises that development should not result in a net loss of landscaping or biodiversity; where the loss of trees or vegetation is agreed it is expected that proposals should incorporate replacement trees or vegetation. The Council's Tree Officer was consulted. While there is no objection to the loss of the tree per se, given its health, there is no information of any tree replacement. Without any provision of appropriate replacement planting, the loss of the existing tree is contrary to policy A3 and should be refused.

6.0 Recommendation:- Refuse planning permission

6.1 Reasons for refusal:

1. The proposed outbuilding by way of its siting and appearance, including its size, scale and materials would fail to appear as a subordinate garden building, it would be over-dominant and inappropriate in the garden, harmful to the character of the site, the setting of the building/terrace and the character and appearance of the Conservation Area. It would therefore be contrary to policies D1 and D2 of the Camden Local Plan 2017 and policies DH1 and DH2 of the Hampstead Neighbourhood Plan 2018. It would also be contrary to the London Plan 2012 and the NPPF 2023.
2. Due to the loss of the existing tree and without an adequate tree replacement, the proposal would result in a loss of planting harmful to the appearance, amenity and biodiversity of the site. It would therefore be contrary to policy A3 of the Camden Local Plan 2017 and policies NE3 and NE4 of the Hampstead Neighbourhood Plan 2018. It would also be contrary to the London Plan 2012 and the NPPF 2023.
3. Due to the design and siting of the building, there would be increased light spill within the rear garden environment to the detriment of the amenity of occupiers of neighbouring properties. The proposal would therefore be contrary to policy A1 of the Camden Local Plan. It would also be contrary to the London Plan 2012 and the NPPF 2023.