

Delegated Report		Analysis sheet	Expiry Date:	28/03/2024
		N/A / attached	Consultation Expiry Date:	06/05/2024
Officer			Application Number(s)	
John Nicholls			2024/0403/P	
Application Address			Drawing Numbers	
Flat 7, Welford Court Castlehaven Road London NW1 8RS			Refer to Decision Notice	
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature	
Proposal(s)				
Retention of existing storage outbuilding in the rear garden and change of its exterior material finish.				
Recommendation(s):		Refuse and Warning of Enforcement Action to be taken		
Application Type:		Full planning permission		

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	00	No. of responses	05	No. of objections	0
			No. electronic	05		
Summary of consultation responses:	<p>Site Notices were displayed on 12/04/2024 and expired on the 06/05/2024.</p> <p>5 adjoining occupiers commented or supported on the following grounds:</p> <ul style="list-style-type: none"> • The planning permission doesn't affect us and we are next door neighbours. We are happy for them to keep their planning. • The building of this storage has not affected our flat in any way. • We are happy with the shed • I have no issue with the small building in the garden of flat 7. It does not interfere with anybody's view or sunlight. • I am aware of how important this extra building is to the family. It does not infringe on any neighbour's view or blocks out the sun. I support this application. 					
Local Group comments:	N/A					

Site Description

The site is within the rear garden of a four storey purpose built block subdivided into 16 self-contained flats on the Clarence Way Estate. The rear garden is 9.4m long and 6.2m wide and this backs directly onto Hawley Road. A rear brick built wall measuring approximately 1.5m in height separates the road from the 8 rear gardens of the ground floor flats.

The property is not listed, and is not within a Conservation Area. The immediate surrounding area is residential in character, but is very close to Camden High Street.

The structure has been connected up to the mains to provide power and lighting, both within the structure and to power some downlighters in the projection at the front. Inside, the owners have a chest freezer, a fridge and several racks of shelving to keep bulk purchased goods.

Relevant History

EN23/0447 – Enforcement case opened in relation to the storage outbuilding – 13/06/2023

2024/0403/P - Retention of existing storage outbuilding in the garden of Ground Floor Flat no.7 and

change of its exterior material finish – submitted 01/02/2024

Relevant policies

National Planning Policy Framework (2023)

London Plan (2021)

Camden Local Plan (2017)

Policy A1 – Managing the impact of development

Policy A2 – Open Space

Policy D1 – Design

Camden Planning Guidance

Design (2021)

Amenity (2021)

Home improvements (2021)

Assessment

1 Proposal

1.1 Planning permission is sought for the retention of and change in cladding material of a single storey outbuilding used for storage in the rear garden of Flat No. 7. The proposal is near full width in the garden leaving 0.56m on one side and 0.44m on the other, and 0.33m off the back wall of the garden.

1.2 The outbuilding footprint is approximately 17.44 sqm, 5.2m wide, 2.9m deep and between 2m high at the back, sloping up to 2.13m at the front of the 0.40m overhang. It is clad in a white PVC tile material with one uPVC window at the front. The structure is also fitted with lighting and power. The proposal seeks to retain the size of the structure but substitute the white PVC material for “sunset red” brick slips.

1.3 The overall area of the garden measures approximately 58.18 sqm, which means the proposed outbuilding occupies approximately 29.97% of the garden.

2 Assessment

2.1 The main considerations in relation to this proposal are:

- Design
- Amenity

Design

2.2 Policy A1 of the Camden Local Plan requires proposals to contribute towards strong and successful communities by balancing the needs of development with the needs and characteristics of local areas and communities.

2.3 In addition, Policy D1 of the Camden Local Plan requires proposals to consider the character, setting, context and the form and scale of neighbouring buildings; and the character and proportions of the existing building. Part (a) outlines the need to ‘respect local context and character’.

2.4 The CPG Home Improvements guide states that, because outbuildings occupy space in the garden, the size and design should be carefully considered in terms of the impact on neighbour

amenity. The guidance notes that the siting, location, scale and design should have a minimal impact on, and be visually subordinate within the host garden; the outbuilding should not detract from the open character and garden amenity of neighbouring gardens and the wider area; space should be retained around the building for suitable soft landscaping; the height of the outbuilding should retain visibility over garden walls and fences; the size of the outbuilding should maximise the retention of garden and amenity space; trees and their roots should not be adversely affected by the outbuilding's position and construction methods should minimise any impact on trees and mature vegetation; materials which complement the host property and overall character of the surrounding area should be used.

- 2.5 The gardens within the local estate at the back of this block nearly all have small domestic sheds for keeping garden equipment. The proposal is considerably larger and takes up a greater percentage of the garden (nearly 30%). Other similar structures take up less than 10%.
- 2.6 When viewed from the street, the owners have erected a section of close boarded timber fencing above the level of the existing boundary wall, in order to help screen views of the outbuilding from the street. The shed is approximately 0.5m higher than the top of the wall, but the fence doesn't completely cover all views of the shed from the street. Where it can be seen from the street, it is noticeable as a structure with excessive bulk and size within the garden which dominates the plot it sits within, which sets an unwelcome precedent for the area.
- 2.7 Officers have suggested that a smaller outbuilding may be acceptable in the rear garden if it was reduced in both footprint and height (4m long x 2m wide x 1.8m (rear) -1.9m/2m (front) (high); the lighting was removed; and it was clad in timber rather than brick slips, so it would be closer in scale to the other domestic sheds in the area. However, as these requests have been turned down by the applicant, officers are left with making a determination based on the proposed plans.
- 2.8 Therefore, the outbuilding by virtue of its size, design, and materials proposed detracts from the visual amenity of the area and causes harm to, the character and appearance of the application site's immediate context and the wider area and sets an unacceptable precedent. It is thereby contrary to policies A1 and D1 of Camden's Local Plan and therefore on this basis the application is recommended for a refusal.

3 Amenity

- 3.1 The proposal is considered to cause harm to visual amenity of the area and harms the setting of the neighbouring properties, by virtue of its size, design and use of materials which are out of keeping and results in the creation an incongruous feature within the site's context.

4 Conclusion

- 4.1 The outbuilding, by virtue of its size, design, and materials used causes harm to, the character and appearance of the application site's immediate context and the wider area. It is contrary to the aims of policies A1 and D1 of the Local Plan and therefore on this basis the application is recommended for a refusal.

5 Refuse and Warning of Enforcement Notice to be Issued

- 5.1 That the Borough Solicitor be instructed to issue an **Enforcement Notice** under Section 172 of the Town and Country Planning Act 1990 as amended to demolish the outbuilding and restore the garden to its previous condition and officers be authorised in the event of non-compliance, to commence legal proceedings under Section 179 or other appropriate power and/or take direct action under Section 178 in order to secure the cessation of the breach of planning control.
- 5.2 **The notice shall allege the following breaches of planning control:**

The unauthorised erection of an outbuilding in the rear garden.

5.3 What are you required to do:

- Completely demolish the outbuilding;
- Completely remove all resulting debris from the site.

5.4 Period of Compliance: 3 months

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

6.1 The outbuilding, by virtue of its size, location and detailed design is an incongruous addition which harms the character and appearance of the host building and the wider terrace contrary to policies A1 and D1 of Camden's Local Plan 2017.