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Via planning portal only

Dear Sir/Madam

RE: FULL PLANNING APPLICATION - THE TOWN & COUNTRY PLANNING ACT 1990

FLAT 5, 9-11 BELSIZE GROVE, LONDON, NW3 4UU

ERECTION OF SUMMER HOUSE / GARDEN PAVILION

Please accept this covering letter as an accompaniment to this planning application for proposed works within the rear garden at 9-11 Belsize Grove ('the site'). This letter provides a summary of the site and the proposed development.

Please also find also enclosed a completed application form, site location plan, a full set of existing and proposed plans and an Arboricultural Method Statement with associated plans.

The site

The application site is located on the west side of Belsize Grove and comprises a substantial paired villa which is typical of this part of the Belsize Conservation Area of which the site is a part (sub-area 1).

Belsize Grove slopes down gently from north-east to south-west towards Belsize Park Gardens providing a view along the street to villas on Belsize Park Gardens and mature trees in front of most properties are identified as important elements in the street. The host building is identified by the Belsize Conservation Area Statement as one that makes a positive contribution to the character of the area although the property is not statutorily listed.

In terms of the rear garden setting, it is firstly noted that this area is not visible in the public domain by virtue of the built presence fronting Belsize Grove as well as the contained nature of all built form to the north, south and west.

The rear garden comprises an attractive array of landscaped features that unquestionably enhance the rear garden setting. There are however examples of other garden rooms that have recently been approved by the local planning authority.

On 08 April 2024. Full planning permission was granted for a single storey timber garden studio for ancillary residential purposes at flat 6 in part of the sub-divided garden. It is noted that the approved garden room is located in a directly comparable location to that proposed in this application – see extract below:



Extract from planning permission 2022/2863/P at Flat 6

In addition to the above, full planning permission was granted on 30 April 2004 for the erection of a timber outbuilding in the rear garden of flat 4. This has been built out and is located centrally, and therefore more prominently within the rear garden setting – see below:



Extract from planning permission 2003/3023/P at Flat 4

The Proposal

This application seeks full planning permission for the erection of a summer house / pergola close the rear boundary of the rear garden and a small shed between the summer house and the southern boundary of the site.

It is noted that retrospective planning permission was previously sought under application reference 2023/4603/P for the retention of the 'as built' structure. The application was refused on 18 July 2024 for the following reasons:

- 1. The proposed 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, D1 (Design) and Policy D2 (Heritage) of the London Borough of Camden Local Plan 2017.*
- 2. In the absence of an adequate Tree Survey and Arboricultural Impact Assessment with tree protection measures, the applicant has failed to demonstrate the development does not cause unacceptable harm to trees, contrary to the aims of policies A2 and A3 of the Camden Local Plan 2017.*

Accordingly, and in discussion with Planning Officer's, this application proposes a reduction in the scale of the proposed outbuilding and provides an updated Arboricultural Impact Assessment. The revised scale of the building ensures that the structure would not be harmful to the character and appearance of the area or on neighbour amenity and the updated Arboricultural information confirms there would be no unacceptable harm to existing trees.

For full details of the proposed development please refer to the supporting plans and elevations.

Planning Policy & Legislation

LEGISLATION

Planning (Listed buildings and Conservation Areas) Act 1990

Section 72 of the Planning (Listed buildings and Conservation Areas) Act 1990 requires the Council to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area.

Planning and Compulsory Purchase Act 2004

Section 38 of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.

NATIONAL PLANNING POLICY

National Planning Policy Framework (2023)

The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these are expected to be applied. It is a material consideration in formulating local planning policies and taking decisions on planning applications.

At the heart of the NPPF is a presumption in favour of sustainable development (paragraphs 7-14) and paragraphs 8, 9 & 11 are helpful in applying this presumption. Paragraph 11 sets out how this is to be applied. It states that, *for decision-taking, this means:*

- *Approving development proposals that accord with an up-to-date development plan without delay; or*
- *Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*
 - *the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
 - *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

The NPPF introduces three objectives to 'Sustainable development' (Economic, Environmental & Social - paragraph 8), and advises that they are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives).

Further, the decision-taker is required to consider whether the development accords with an up-to-date development plan – and if it does planning permission should be granted unless material considerations indicate otherwise.

Finally, the decision-taker is required to determine whether there are any relevant development plan policies, or the policies which are most important for determining the application, that are out-of-date and if not, grant permission unless:

- *the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
- *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.*

The following sections are relevant to the consideration of this application;

- Section 11 (making effective use of land)
- Section 12 (achieving well designed places)
- Section 16 (conserving and enhancing the historic environment)

Section 11 refers to the effective use of land and states at paragraph 123 that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. It states further at 124(c) that policies and decisions should give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land.

Section 12 refers to well-designed places. Paragraph 135(a) states that development should function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development. Further, paragraph 135(b) states that developments should be visually attractive as a result of good architecture, layout and appropriate and effective landscaping.

Section 16 refers to the historic environment and requires the decision maker to consider whether the proposal sustains and enhances the significance of heritage assets, making a balanced judgement having regard to the scale of harm and the significance of the heritage asset (paragraphs 205-209).

LOCAL PLANNING POLICY

For the purposes of this application, the adopted Development Plan for the London Borough of Camden (LB Camden) comprises the London Plan (2021), the Camden Local Plan (2017) and the Camden Planning Guidance (CPG) Documents.

The Council are currently preparing a new Local Plan, however, this is at an early stage of preparation and can currently only be given very limited weight.

London Plan 2021

The London Plan states the importance of good design which will be applicable to buildings of all types. All development is expected to respect the urban form and structure of the locality and requires all development to make best use of the land available following a design led approach that optimises the capacity of sites.

Relevant policies in the London Plan include:

- Policy GG2: Making the best use of land
- Policy D4: Delivering good design
- Policy HC1: Heritage conservation and growth
- Policy G7: Trees

Camden Local Plan 2017

The Camden Local Plan sets out the Council's planning policies and covers the period from 2016-2031. Relevant policies in the Local Plan include:

- Policy A1: Managing the impact of development
- Policy A2: Open space
- Policy A3: Biodiversity
- Policy D1: High quality design
- Policy D2: Heritage

Planning Assessment

Principle of development

Law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.

The site comprises a building in active residential use and no changes are proposed to the established use class of the host building or its associated plot. In such locations, there are no development plan or national planning policies that restrict the provision of outbuildings within a residential curtilage in principle, subject to the consideration of all other detailed matters.

Impact on the character and appearance of the area and heritage impact

Policy context:

Section 12 of the NPPF refers to well-designed places. Paragraph 135(c) states that planning policies and decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change.

Policy D1 of the local plan provides further detail on local requirements and, importantly, states that the council will require that development respects local character and context, guidance that is consolidated by Camden Planning Guidance on Design.

Policy D2 of the Local Plan states that the Council will preserve, and where appropriate, enhance Camden's rich and diverse heritage assets and their settings, including conservation areas. The aims of these policies are further reflected in London Plan Policies D4 (Delivering Good Design) and HC1 (Heritage Conservation and Growth).

Land use:

The proposed development does not depart from the primary residential use of the site and the main issue relating to impact would therefore be limited to design, density, scale and appearance.

Existing character:

In order to understand impact, consideration must first be given to the significance of the heritage asset and the characteristics of the surroundings.

The rear garden scene clearly provides an attractive, verdant context, albeit this is not visible from any public vantage points within the conservation area itself. While largely green in character, the rear garden scene over the immediate and wider surroundings is contextualised further by the presence of outbuildings, either centrally and more prominently located or towards the rear boundary where they benefit from natural screening. In any case, the presence of outbuildings do not adversely affect or overwhelm the overriding green and landscaped characteristics of the wider garden context.

Density:

In terms of density, this is best read through the existing (or pre-construction) and proposed plot ratios. The proposed structure would represent only modest incursion into the readable garden space (at a ratio of approximately 14%). A large extent of the garden would be maintained and the existing under-utilised space developed in order to make the best use of the land available; a key driver of sustainable development as defined by the NPPF. On this basis, the proposed development would not therefore lead to an overdevelopment of the plot and therefore would respect both the existing characteristics of the site and the surrounding ratios of built development.

Scale:

As above, the scale of the proposed building is entirely appropriate in this context. It has nevertheless been reduced in both overall ridge height and eaves height and the width of the building is further proposed to be reduced at its northern end which is the most visible point of the structure. This ensures that the reductions in scale will be most noticeable and will reduce the overall perception of scale.

Notwithstanding the above, the reduced outbuilding would not be visually prominent, or at the very most, from the private areas of the surroundings, views would be largely transient as a result of the presence of built form and intervening structures, boundary treatments and natural landscaping that would largely screen any elements that would otherwise be visible. The hierarchy of built form would be maintained because the proposed development would not be discernibly more prominent than the existing boundary wall and the sense of spaciousness from private vantage points would therefore be maintained. Its scale and massing is therefore considered to contextually align with the site and surroundings.

Design/Appearance:

In terms of design and appearance, the building has been sited to sit comfortably and inconspicuously within the landscaped setting of the rear garden. Existing trees have been retained to ensure the building aligns naturally in the space.

The architecture is simple in appearance, with a series of columns linking to a pitched roof. A large expanse of glazing, with traditional glazing bars is proposed to the southeast elevation and this serves to create a degree of transparency, further reducing any perception of mass.

The entire composition successfully transitions between the larger-scale development either side, so as to create a subservient structure akin to residential curtilage buildings.

To conclude on matters of character therefore, the proposed development is considered to sympathetically adjoin neighbouring development, would not be overly prominent in the wider surroundings and would provide for a simple and elegant form of development that both respects and responds to its context. The proposed development is therefore considered to accord with the principles of the development plan and national planning policy guidance in this regard.

Residential amenity

Policy A1 of the Local Plan seeks to ensure that standards of amenity are protected. This requires the highest standards of design to ensure the amenities of existing and future occupiers are safeguarded and this is echoed in guidance contained within the NPPF and the London Plan. Further guidance is provided in CPG Amenity which sets specific standards of development.

Existing garden space:

The host dwelling benefits from a well-proportioned amenity area. The proposed development would not erode that space to an unacceptable extent (around 14%) and the proposal would not therefore represent an overdevelopment of the plot.

Privacy:

The proposed outbuilding comprises openings only on its southeast and northeast elevations which face into the application site. As such, the proposed building will not create vantage points to directly overlook neighbouring properties or gardens to the northwest. Similarly, overlooking to other properties or garden areas to the northeast and/or southeast would not be possible as a result of the single storey proportions of the structure in combination with extensive landscaped screening.

Outlook:

The outbuilding is located adjacent to the rear boundary of the site which is shared with properties on Howitt Road. It is acknowledged that the properties on Howitt Road benefit from only a modest rear garden area. However, the proposed building has been reduced in both eaves height and overall ridge height and the pitch of the roof has been amended to create a shallower angle and reduce the visual perception further.

The eaves height extends only marginally above the existing brick boundary wall and the pitched roof thereafter extends away from the shared boundary. This, in conjunction with significant boundary landscaping, ensures that the perception of the building from properties on Howitt Road would be minimal.

Daylight, sunlight, and overshadowing:

The relationship of built development has been carefully considered in the context of the topography and distances between buildings and the absence of clear relationships with sensitive windows that could suffer substantive reductions in outlook means that there are unlikely to be any detrimental effects on levels of sunlight/daylight.

The single storey height of the outbuilding (reduced) ensures it would not lead to an overbearing impact on the neighbouring properties and their associated amenity space. By virtue of the size, scale and location of the proposed works, the proposed development will not have an adverse impact on neighbouring amenity, in accordance with the development plan and national planning policy guidance.

Trees and landscaping

Policy G7 of the London Plan states that existing trees of value should be retained. Policy G1 of the London Plan refers to urban greening and seeks development to integrate green infrastructure such as tree planting, green roofs and walls, and soft landscaping.

In general terms, soft landscaping, whether or not there is public access to it, is important for its contribution to the quality of urban life by providing important green lungs, visual breaks and wildlife habitats in built-up areas. In site specific terms, soft landscaping is an integral part of the application site and wider surroundings.

The extent and type of built development proposed would respect the character of the site. However, in refusing the earlier scheme for the larger outbuilding the council raised concerns about the potential impact on trees along the rear boundary and beyond. Accordingly, the application was refused for the following reason:

In the absence of an adequate Tree Survey and Arboricultural Impact Assessment with tree protection measures, the applicant has failed to demonstrate the development does not cause unacceptable harm to trees, contrary to the aims of policies A2 and A3 of the Camden Local Plan 2017.

It is noted that Tree Surveys and an Impact Assessment were provided as part of the former application but these were never considered. Notwithstanding this, an updated survey and impact assessment has been prepared in support of this application and this concludes that the overall quality and longevity of the amenity contribution provided for by the trees and groups of trees within and adjacent to the site will not be adversely affected as a result of the proposed development.

It is considered that any issues raised in the report, or beyond the scope of it can be controlled by condition. Please refer to the Arboricultural Impact Assessment and Tree Survey Plans for full details.

Summary

As demonstrated within this letter and supporting documents, the proposed outbuilding constitutes a sustainable form of development.

The sequence of built form in the immediate surroundings creates a strong sense of enclosure. In a rear garden context, this creates a sense of seclusion as the land is enclosed by residential development to the east and west.

The rear outbuilding would be limited in footprint and its single storey proportions ensure it would not unduly compete with the hierarchy of the host dwelling, particularly in light of its isolated location, screened significantly by natural landscaping which has not been compromised by the built structure. This is a position that is substantiated by a supporting Arboricultural Impact Assessment and Tree Protection/Survey drawings. The outbuilding has been reduced in both width and height and the roof pitch has been further reduced in order to ensure the perception of development from the perspective of neighbouring properties is reduced further.

Accordingly, the development provides a well-designed scheme which responds positively to its surrounding context and neighbouring development, whilst make an effective use of this site.

The development is in accordance with the relevant Development Plan policies, and it is therefore respectfully requested that planning permission is granted.

I trust this letter and the enclosed documents provide you with sufficient information to determine the application but if you require any points of clarification or have any questions, please do not hesitate to contact me.

Yours faithfully

Allen Sacbucker
Associate
SM Planning