

2024/0535/P – 78 Canfield Gardens - Map



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2024/0535/P – 78 Canfield Gardens (Ground/lower ground floor flat)



Outbuilding proposed at rear of site, between two trees



Site of proposed outbuilding

(Note: The building in the background is a very large outbuilding at the rear of 76 Canfield Gardens)



Rear boundary of the site, with outbuilding at the rear of 53 Compayne Gardens beyond the rear boundary wall



Rear, north east corner of site. Site of proposed garden outbuilding

Delegated Report		Analysis sheet	Expiry Date:	19/09/2024
(Members Briefing)		N/A / attached	Consultation Expiry Date:	25/08/2024
Officer			Application Number(s)	
Adam Greenhalgh			2024/0535/P	
Application Address			Drawing Numbers	
Flat Ground Floor 78 Canfield Gardens London Camden NW6 3EE			<i>Refer to decision notice</i>	
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature	
Proposal(s)				
Erection of single storey garden room in rear garden				
Recommendation:	Grant conditional planning permission			
Application Type:	Full Planning Permission			

Conditions or Reasons for Refusal:	Refer to Decision Notice			
Informatives:				
Consultations				
Summary of consultation:	<p>Site notices were displayed in Canfield Gardens and in Compayne Gardens to the rear on 01/05/2024 (expiry 25/05/2024) and 31/07/2024 (amended plans) (expiry 24/08/2024)</p> <p>The development was also advertised in the local press on the 02/05/2024 (consultation end date 26/05/2024) and again (amended plans) on 01/08/2024 (consultation end date 25/08/2024).</p>			
Adjoining Occupiers:	No. of responses	3	No. of objections	3
Summary of consultation responses:	<p>Letters of objection received from 3 neighbouring residents in Compayne Gardens. 2 received in response to the original consultation, 1 receive further to the second consultation.</p> <p>Objections raised (and Officer comments) are as follows:</p> <ol style="list-style-type: none"> 1. Potential use as a separate residential unit (W.C. and shower room included). Noise disturbance from residential use. <ul style="list-style-type: none"> - <i>Officer response: The application drawings do not indicate that a new residential unit is to be provided. A condition will be attached to ensure that the outbuilding is only used for purposes ancillary to the ground floor flat and not for separate dwelling (or business) purposes. The condition would serve to prevent an Air B n B use to the same extent that such a use would be subject to control in the ground floor flat. With the condition that the outbuilding could be used for ancillary purposes only the outbuilding would not result in excessive noise or disturbance.</i> 2. Harm to trees and potential flooding due to new water use/discharge. Lack of plumbing details. <ul style="list-style-type: none"> - <i>Officer response: The scale of water use/discharge is unlikely to result in any significant harm to any trees or flooding of adjoining sites. Water discharge onto adjoining sites is a private matter. The Council's Tree Officer has reviewed the proposals and considers that existing trees can be adequately protected.</i> 3. Inappropriate design/materials <ul style="list-style-type: none"> - <i>Officer response: The design of the outbuilding and materials (stained black timber clad walls, green roof, RAL 3004 aluminium windows) would result in an appropriate garden building which would blend with the verdant nature of the site and the character and appearance of the Conservation Area.</i> 4. Loss of greenery/wildlife. Green roof should be provided <ul style="list-style-type: none"> - <i>Officer response: During the course of the application the proposal</i> 			

	<p><i>was amended to include a green roof. Consequently, there is no significant loss of biodiversity.</i></p> <p>5. Adverse amenity impact and appearance of 'rear' facing window</p> <ul style="list-style-type: none"> - <i>Officer response: The obscure glazed W.C. / shower room window would not result in undue overlooking or excessive emissions and there would be no undue further loss of privacy or enjoyment of adjoining sites than that which currently exists. The RAL 3004 aluminium framed window would not result in significant harm to the character or appearance of the proposal, the site or the visual amenity of any neighbouring occupiers</i> <p>6. Neighbouring outbuilding is excessive.</p> <ul style="list-style-type: none"> - <i>Officer response: This application cannot 'undo' any mistakes made at any adjoining sites. The application proposal only can be assessed and controlled under this application.</i>
<p>CRASH (The Combined Residents Association of South Hampstead)</p>	<p>The applicant for a new garden room includes the installation of a bathroom with WC to provide facilities should people wish to sleep in the room. Any provision of such facilities raises the risk of the room being used for sleeping for a longer term, e.g. Airbnb, other holiday type occupancy or longer term family use.</p> <p><i>Officer response: See 'Potential use as a separate residential unit (W.C. and shower room included – i.e. Point 1)' above</i></p> <p>The application stresses the use of ground screws to avoid digging foundations. However, the work to connect the WC to the sewage system will involve material digging. None of the submitted plans or details show the effect of this sewage digging work.</p> <p><i>Officer response: See 'Landscaping and Trees' within the Assessment below</i></p>

Site Description

78 Canfield Gardens is a four storey (with lower ground floor) semi-detached building located towards the western end of Canfield Gardens on its northern side. It has a 23.5m deep, 12.5m wide rear garden. This has trees on its side and rear boundaries.

The neighbouring plots are similar in their size and layout. Furthermore, there are outbuildings at the rear of two of the immediately adjoining plots, 76 Canfield Gardens to the east and 53 Compayne Gardens to the rear.

The site is located in the South Hampstead Conservation Area. It does not comprise a listed building and there are no listed buildings in the vicinity. It is noted as being a 'positive contributor' in the South Hampstead Conservation Area Appraisal 2011 (as are nos. 2 – 92 on this side of Canfield Gardens and nos. 25 – 65 Compayne Gardens to the rear).

Relevant History

Application site:

2005/3693/P - Alterations to windows on glazed rear extension to replace with sliding doors and add glass balustrade to its upper level, plus replacement of 2 windows by new sash windows on rear ground floor bay – granted 09/11/2005

76 Canfield Gardens:

2008/0371/P - The erection of a rear extension and outbuilding for use in association with the ground floor flat (Class C3) – granted 28/08/2008

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
- CC3 Water and flooding

Camden Planning Guidance:

- CPG – Design (2019)
- CPG – Amenity (2018)

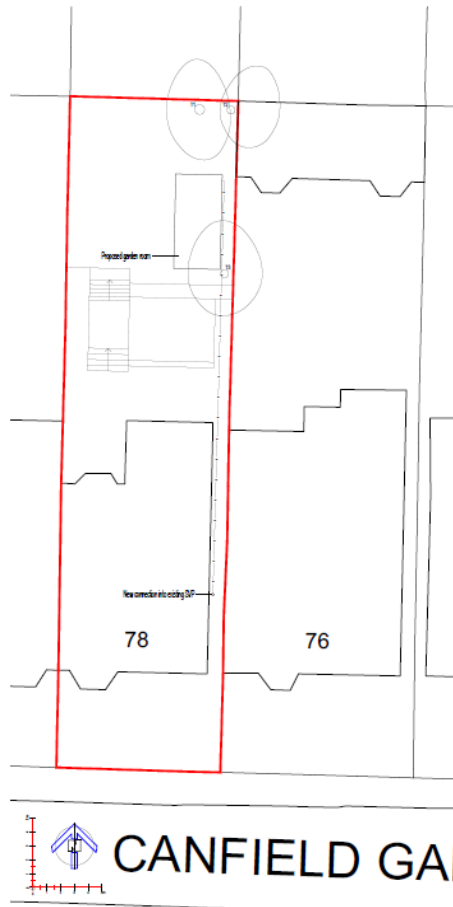
Assessment

1. The proposal

1.1 A 6.86m long, 3.36m wide, 3.29m high mono-pitched outbuilding is proposed in the north east corner of the rear garden at 76 Canfield Gardens. The outbuilding would have a large garden room and a shower room/W.C. The outbuilding would have timber clad, stained black walls and aluminium framed windows and doors.

Revisions during the course of the application:

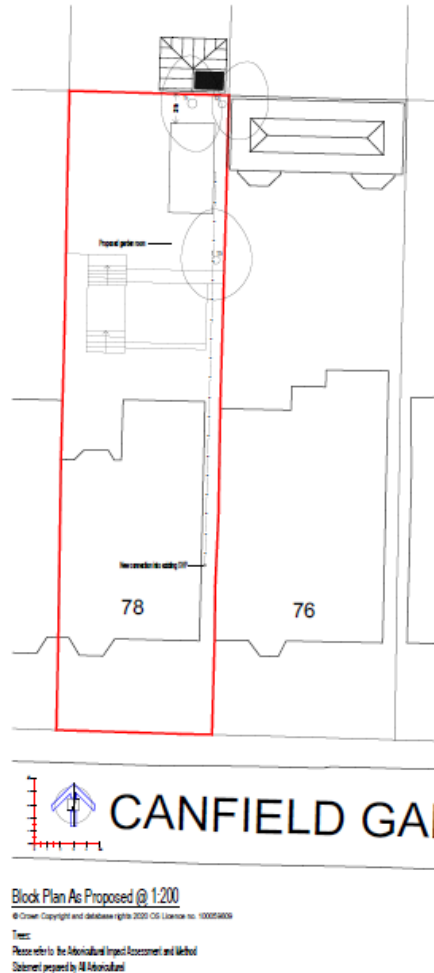
1.2 The original application showed the outbuilding being sited 5.5m from the rear boundary wall. It was hard up against a tree:



Block Plan As Proposed @ 1:200
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Title:
Please refer to the Arboricultural Impact Assessment and Method
Statement prepared by All Arboricultural

1.3 Amended drawings were received on 17/07/2024 (and consulted upon, as noted above). On the amended drawings the proposal is shown 2m from the rear boundary wall and 3.5m from the aforementioned tree on the amended drawings.

1.4 A green roof was also included on amended drawings during the course of the application. Construction details, maintenance arrangements, weeding proposals and planting species were also included.



2. Assessment

2.1. The principal considerations material to the determination of this application are as follows:

- Design and conservation
- Residential amenity
- Landscaping and Trees

3. Design and Conservation

- 3.1. The Council's design policies are aimed at achieving the highest standard of design in all developments. The following considerations contained within policy D1 'design' are relevant to the application: development should respect local context and character; comprise details and materials that are of high quality and complement the local character; and respond to natural features. Policy D2 'Heritage' states that in order to maintain the character of Camden's conservation areas, the Council will not permit development within conservation area that fails to preserve or enhance the character and appearance of that conservation area.
- 3.2. Situated in the north east corner of the site, between two existing trees which would be retained, and close to the large outbuilding at the rear of 76 Canfield Gardens, the proposed outbuilding would not detract from the character or appearance of the host building or the site within which it sits. Given the size of the site, the proposed siting and design (including timber clad walls and green roof) the proposal would not detract unduly from the green and verdant nature of the site or the Conservation Area or the visual amenity of neighbouring occupiers.
- 3.3. It is noted that the outbuilding was relocated closer to the rear boundary wall and a green roof proposed during the course of the application. Both these amendments assist to ensure that the outbuilding is a subservient feature within the Conservation Area that does not harm the character and appearance of the local built environment.

3.4. Special attention has been paid to the desirability of preserving or enhancing the character or appearance of the 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. Residential Amenity

4.1. Policy A1 'managing the impact of development' of the Local Plan 2017 seeks to protect the amenity of Camden's residents by ensuring the impact of development is fully considered. Policy A1 also seeks to ensure that development protects the quality of life of occupiers and neighbours by stating that the Council will only grant permission for development that would not harm the amenity of neighbouring residents. This includes privacy, outlook, noise and impact on daylight and sunlight.

Overlooking

4.2. The obscure glazed W.C. / shower room window would not result in undue overlooking above and beyond that which would typically be expected from a residential garden and there would be no undue further loss of privacy or enjoyment of adjoining sites than that which currently exists from the existing garden.

Daylight & Sunlight

4.3. Given the height and siting of the outbuilding there would be no undue overshadowing or loss of light to any neighbouring rooms or private amenity spaces.

Outlook

4.4. Given the distance from the neighbouring flats and houses, and the size and siting of the proposal there would be no undue loss of outlook or 'overbearing' effects.

Noise

4.5. Noise from the proposed outbuilding is not expected to be excessive. Furthermore, the planning condition which is to be attached to control the use and ensure that it is used for ancillary residential purposes only and not as a separate dwelling or for separate commercial purposes would ensure that there would be no unacceptable noise or disturbance resulting from the proposal.

5. Landscaping and trees

5.1. An Arboricultural Implications Assessment (AIA) has been submitted. The Council's Tree Officer has reviewed the report which indicates that the existing trees can be retained. A condition is deemed to be necessary to ensure the protection of the trees during construction.

5.2. Space would be provided between the proposal and the site boundaries for plants to grow and water to drain. Furthermore, a green roof is proposed. This would mean that there would be no significant loss of natural greenery at the site and it would ensure that the appearance, amenity, biodiversity and sustainability impacts of the development are appropriate and in accordance with policy advice. Insufficient details of the green roof have been submitted at planning application stage so a condition will be attached to secure details of the construction, maintenance and species provision.

6. RECOMMENDATION

6.1. Grant planning permission subject to conditions.

The decision to refer an application to Planning Committee lies with the Director of Regeneration and Planning. Following the Members Briefing panel on Monday September 2nd, nominated members will advise whether they consider this application should be reported to the Planning Committee. For further information, please go to www.camden.gov.uk and search for 'Members Briefing'

Application ref: 2024/0535/P
Contact: Adam Greenhalgh
Tel: 020 7974 6341
Email: Adam.Greenhalgh@camden.gov.uk
Date: 27 August 2024

Development Management
Regeneration and Planning
London Borough of Camden
Town Hall
Judd Street
London
WC1H 9JE

Phone: 020 7974 4444

planning@camden.gov.uk
www.camden.gov.uk

Scott Associates LLP
Cromer Farm
Whitehill
Cromer
Cromer Farm, Whitehill
SG2 7QA
United Kingdom

DRAFT

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Full Planning Permission Granted

Address:

Flat Ground Floor
78 Canfield Gardens
London
Camden
NW6 3EE

DECISION

Proposal:

Erection of single storey garden room in rear garden (amended drawing 17/07/2024)

Drawing Nos: Proposed Garden Room 224001-01 Rev B, Arboricultural Implications
Assessment/Tree Protection Plan AATPP78CA (All Arboriculture 08/02/2024)

The Council has considered your application and decided to grant permission subject to the following condition(s):

Condition(s) and Reason(s):

- 1 The development hereby permitted must be begun not later than the end of three years from the date of this permission.

Reason: In order to comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby permitted shall be carried out in accordance with the following approved documents and drawings:

Proposed Garden Room 224001-01 Rev B, Arboricultural Implications
Assessment/Tree Protection Plan AATPP78CA (All Arboriculture 08/02/2024)

Reason: For the avoidance of doubt and in the interest of proper planning.

- 3 All new external work shall be carried out in materials that resemble, as closely as possible, in colour and texture those of the existing building, unless otherwise specified in the approved application.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policy D1 and D2 of the London Borough of Camden Local Plan 2017.

- 4 The development hereby approved shall only be used for purposes ancillary to the ground floor flat at 78 Canfield Gardens, NW6 3EE. It shall not be occupied for purposes which are not ancillary to the ground floor flat, for separate commercial purposes or as a separate unit of residential accommodation.

Reason: To protect the amenity of neighbouring occupiers and to protect the character of the area in accordance with policies A1, D1 and D2 of the Camden Local Plan 2017.

- 5 Prior to commencement of any works on site, details of the design of building foundations and the layout, with dimensions and levels, of service trenches and other excavations on site in so far as these items may affect trees on or adjoining the site, shall be submitted to and approved in writing by the local planning authority. The relevant part of the works shall not be carried out otherwise than in accordance with the details thus approved.

Reason: To ensure that the development will not have an adverse effect on existing trees and in order to maintain the character and amenities of the area in accordance with the requirements of policies A2 and A3 of the London Borough of Camden Local Plan 2017.

- 6 Prior to the commencement of works on site, tree protection measures shall be installed and working practices adopted in accordance with the document entitled Arboricultural Impact Assessment and Method Statement ref. AAAIA78CA dated 8th February 2024 by Allarboriculture. All trees on the site, or parts of trees growing from adjoining sites, unless shown on the permitted drawings as being removed, shall be retained and protected from damage in accordance with BS5837:2012 and with the approved protection details. The development shall be monitored by the project arboriculturalist in accordance with the approved report.

Reason: To ensure that the development will not have an adverse effect on existing trees and in order to maintain the character and amenity of the area in accordance with the requirements of policies A2 and A3 of the Camden Local Plan.

- 7 The green roof shall be fully provided in accordance with the approved details indicated on approved drawing 'Proposed Garden Room 224001-01 Rev B' (prior to the occupation of the development) and thereafter retained and maintained in accordance with the approved details.

Reason: In order to ensure the development undertakes reasonable measures to take account of biodiversity and the water environment in accordance with policies CC1, CC2, D1, D2 and A3 of the London Borough of Camden Local Plan 2017.

Informative(s):

- 1 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts that cover aspects including fire and emergency escape, access and facilities for people with disabilities and sound insulation between dwellings. You are advised to consult the Council's Building Control Service, Camden Town Hall, Judd St, Kings Cross, London NW1 2QS (tel: 020-7974 6941).
- 2 This approval does not authorise the use of the public highway. Any requirement to use the public highway, such as for hoardings, temporary road closures and suspension of parking bays, will be subject to approval of relevant licence from the Council's Streetworks Authorisations & Compliance Team, 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No 020 7974 4444). Licences and authorisations need to be sought in advance of proposed works. Where development is subject to a Construction Management Plan (through a requirement in a S106 agreement), no licence or authorisation will be granted until the Construction Management Plan is approved by the Council.
- 3 All works should be conducted in accordance with the Camden Minimum Requirements - a copy is available on the Council's website (search for 'Camden Minimum Requirements' at www.camden.gov.uk) or contact the Council's Noise and Licensing Enforcement Team, 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No. 020 7974 4444)

Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You must secure the approval of the Council's Noise and Licensing Enforcement Team prior to undertaking such activities outside these hours.

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraph 38 of the National Planning Policy Framework 2021.

You can find advice about your rights of appeal at:

<https://www.gov.uk/appeal-planning-decision>.

Yours faithfully

Chief Planning Officer