

Enforcement Delegated Report	Receipt date:	
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Officer	Enforcement Case
Gary Bakall	EN22/0659
Breach Address	Photos & Other material
54 Parkway, London, NW1 7AH	See Report

Authorised Officer Signature



11/07/2023

Alleged Breach

Erection of outbuilding in rear garden

Recommendation(s): 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 permanently remove the outbuilding from the rear garden 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.

Site Description

The site is a ground floor café within a three storey, mid terrace property on the north side of Parkway opposite the junction with Albert Street. Like most premises in parkway the ground floor is commercial, currently in use as a café with residential above. The premises are within the Camden Town Conservation Area and the rear garden borders directly with the Primrose Hill Conservation Area and the rear gardens of the Listed Buildings in Gloucester Crescent.

Investigation History

A case was opened in August 2022 and despite correspondence to the free-owner and visits with the leaseholder the outbuilding has not been removed and no attempt has been made to apply for a more acceptable scheme.

Relevant policies / GPDO Category

National Planning Policy Framework (2021)

London Plan (2021)

Camden Local Plan (2017): D1 (Design), D2 (Heritage), A1 (Managing the impact of development), A3 (Biodiversity);

Camden Town Conservation Area Appraisal and Management Plan
Primrose Hill Conservation Area Appraisal and Management Plan

Camden Planning Guidance – Design

Assessment

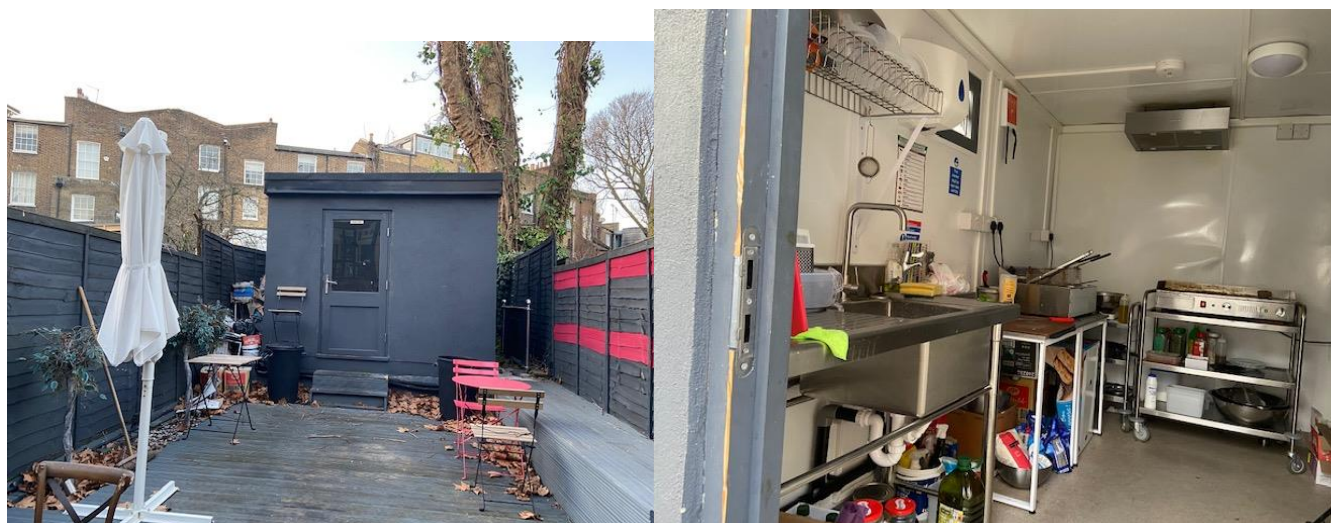
Planning history: There is no relevant planning history

Issues: The main issues are the impact of the development on neighbours, reduction of garden space and the large size, poor quality design and materials of this outbuilding that detract from the property, the street and Camden Town Conservation Area. The outbuilding is 2:6m high, (almost 3m on the raised decking), 3m wide and 3:5m deep (and effectively cutting off another 1:3m behind the outbuilding). This structure takes up the nearly the entire width of the back garden and over a third of the entire garden. It was constructed by the freeholder for use as a kitchen by the café operating in the ground floor commercial unit but it is poorly designed for such use being made out of black timber with no ventilation or natural light except for one small window.

- 1.1 Policy A1 of the Local Plan seeks to protect the quality of life of occupiers and neighbours. The factors to consider include: visual privacy and outlook; artificial light levels; noise and vibration and odour, fumes and dust. Considering that the outbuilding was built to be used as a kitchen with no ventilation provision except for a small window it is considered that the potential for nuisance to neighbouring residential occupiers from odour and fumes is significant. Likewise the structure is only single storey but it is 3m high on top of a raised platform and adjacent to the rear residential gardens of Gloucester Avenue and has a detrimental visual impact on these amenity spaces.
- 1.2 If a suitably scaled extension was proposed it would be expected to have a green roof in line with Policy A3 (Biodiversity) of the Local Plan that seeks to protect features with nature conservation value like rear gardens. Although this rear garden area was previously mostly hardstanding and many neighbouring gardens in Parkway have been built on, reduction of the garden area without providing a green roof is not in compliance with policy A3.
- 1.3 Policy D1 (Design) of Camden's Local Plan 2017 seeks a high standard of design and requires new development to (a) respect local character and context, (b) preserve or enhance heritage assets, (c) is sustainable in design and construction, (e) comprise details and materials that are high quality and complement local character, (f) integrates well with surrounding streets and open space and (j) responds to natural features and preserves gardens. This structure is poorly constructed with no thought to good design and as such does not respect the local character and context with regards the adjacent open gardens of Gloucester Crescent.
- 1.4 Policy D2 (Heritage) advocates for the preservation and where appropriate, enhancement of Camden's rich and diverse heritage assets, and their settings, including conservation areas. The site is within the Camden Town Conservation Area and lies adjacent to the Primrose Hill Conservation Area and the rear gardens of the Grade II listed properties in Gloucester Crescent. There is a duty to preserve and enhance the character and appearance of Conservation Areas under S.72 and the setting of Listed Buildings under S.66 of the Listed Buildings and Conservation Areas Act 1990 (as amended). This unauthorised and poorly designed outbuilding can be seen from the rear of properties in Parkway and Gloucester Crescent and is therefore considered not to preserve or enhance the character and appearance of the Camden Town or Primrose Hill conservation areas, the setting of listed buildings in Gloucester Crescent or the host building.
- 1.5 Paragraph 202 in the NPPF 2021, says "where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use". Less than substantial harm in this case is the impact that the development has on the setting of the heritage assets. The significance of this part of the Camden Town conservation area is the architecture with its simple design and classical proportions that is adversely affected by this incongruous shed. Likewise the significance of the neighbouring Primrose Hill conservation area lies in the lower density of development, abundant trees and vegetation and the views of the rear gardens which is adversely affected by this new building on the border of the Conservation Area, similarly the setting of 14 Gloucester Crescent, a Grade II listed building is negatively impacted. The Council can see no public benefit in terms of the development that has occurred at the site

and therefore it does not outweigh the less than substantial harm caused to this designated heritage asset.

1.6 The property lies within a designated conservation area and adjacent to another conservation area and the rear gardens of a crescent of Grade II listed buildings. This large, poorly designed and constructed outbuilding detracts from these heritage assets as well the streetscene and the property itself. Furthermore the lack of a green roof reduces the biodiversity of the area.



Recommendation: That the Borough Solicitor be instructed to issue an Enforcement Notice under Section 172 of the Town and Country Planning act 1990 as amended for the removal of the outbuilding in rear garden, 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.

The notice shall allege the following breaches of planning control: The erection of an outbuilding in the rear garden

WHAT ARE YOU REQUIRED TO DO:

1. Totally remove the outbuilding in the rear garden
2. Removal any resulting debris from the site and make good any damage caused as a result of the above works

PERIOD OF COMPLIANCE: 3 months

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

The outbuilding that has been erected at the rear of the property by reason of its scale, design and materials is considered to detract from the character and appearance of the host building and the this part of the Camden Town Conservation Area, the neighbouring Primrose Hill Conservation Area and the setting of adjacent listed buildings and is thereby contrary to policies D1 (Design) & D2 (Heritage) of the London Borough of Camden Local Plan 2017.

The use of the outbuilding as a commercial kitchen is considered likely to cause nuisance to residential neighbours through noise, odour and fumes and detracts from local biodiversity and is therefore contrary to policy A1 (managing the impact of development) and A3 (biodiversity) of the London Borough of Camden Local Plan 2017.