



ERECTION OF A GARDEN ROOM

Planning, Design and Access Statement

Flat A 23 Hampstead Lane
London
N6 4RT

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Introduction

This Planning, Design and Access Statement has been prepared by NAPC Ltd to support a householder planning application seeking the erection of a garden room in the rear garden of *Flat A 23 Hampstead Lane, London, N6 4RT*. The use of the proposed garden room will be as a home office and a recreational room, a use incidental to the enjoyment of *Flat A, 23 Hampstead Lane*.

A garden room of this nature would usually fall under the Town and Country Planning (General Permitted Development) (England) Order (GPDO) 2015, Class E, Schedule 2, Part 1. However, due to the main dwelling being a flat and the height, planning permission must be sought.

This statement provides an assessment of the application proposals against the relevant planning policy framework. The statement focusses on the provisions of Section 38(6) of the Planning and Compulsory Act 2004 which requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise. This requirement is further reiterated in Paragraph 2 of the National Planning Policy Framework (NPPF).

This statement should be read in conjunction with the other supporting documentation submitted as part of this application, which include:

- Site Location Plan
- Existing and Proposed Site Plan
- Proposed Elevations
- Proposed Floor Plan
- Community Infrastructure Levy (CIL) Form 1

In accordance with Paragraph 38 of the National Planning Policy Framework, the applicant would like to work proactively with Camden Council to reach a positive conclusion on the application.

Application Site

Site Description

The application site is located on the southern side of Hampstead Lane, within the administrative boundaries of Camden Council. Flat A, 23 Hampstead Lane comprises a lower ground floor flat within a three storey (plus basement) terraced building. Nos 23, 25, 27 and 29 form a short, symmetrical terrace of four villas, finished in white panted render. The two end properties, 23 and 29 project forward from 25 and 27. The property is in Class C3 residential use.

To the rear of the building, the residential garden has been split to allow private amenity areas to the lower ground floor flat and upper floor flat. The private garden area to Flat A can be seen shaded in orange below.



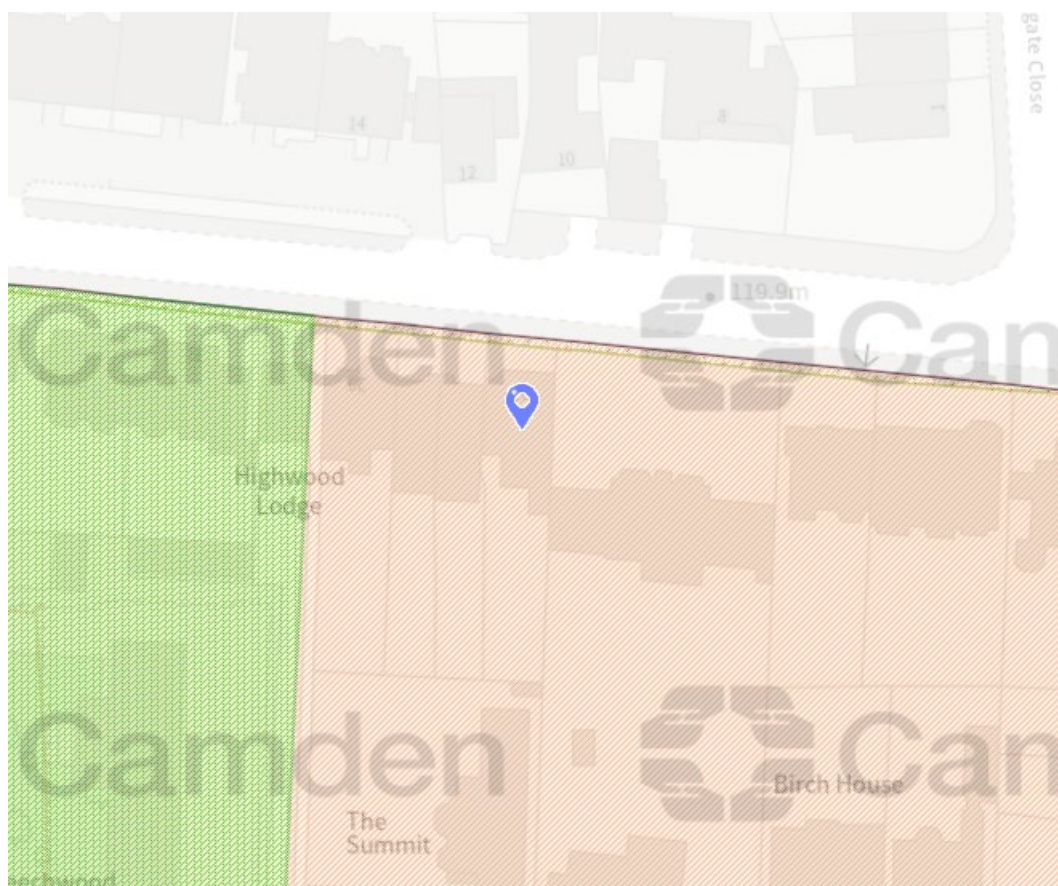
Bing Maps (accessed November 2024)

The application plot is bounded by neighbouring dwellings (mainly flats) and gardens to the east, south and west. The curtilage is well defined by domestic fencing and vegetation and provides effective screening to neighbouring properties and residential gardens. This ensures that any potential impact to neighbouring amenity and the street scene is negligible.

Statutory Designations

According to the adopted Camden Local Plan (2017) policy map (Figure 1), the application site is located within the Highgate Village Conservation Area.

Figure 1 – Camden Local Plan policy map extract (accessed November 2024)



The Environment Agency's Flood Map for Planning identifies that the application site is located within Flood Zone 1, which is categorised as the lowest probability of flooding from rivers and the sea.

Planning History

2023/5407/P

Planning permission was sought for the erection of an outbuilding within the rear garden of the application site. The application was refused for two reasons:

1 – The proposed outbuilding by reason of its siting, scale and design, would dominate the rear garden of the host property and detract from the open setting of neighbouring gardens, failing to appear as a subordinate garden addition and detracting from the character and appearance of Hampstead Conservation Area, contrary to Policies A1, D1 and D2 of the Camden Local Plan 2017 and Policy DH1 of the Highgate Neighbourhood Plan 2018.

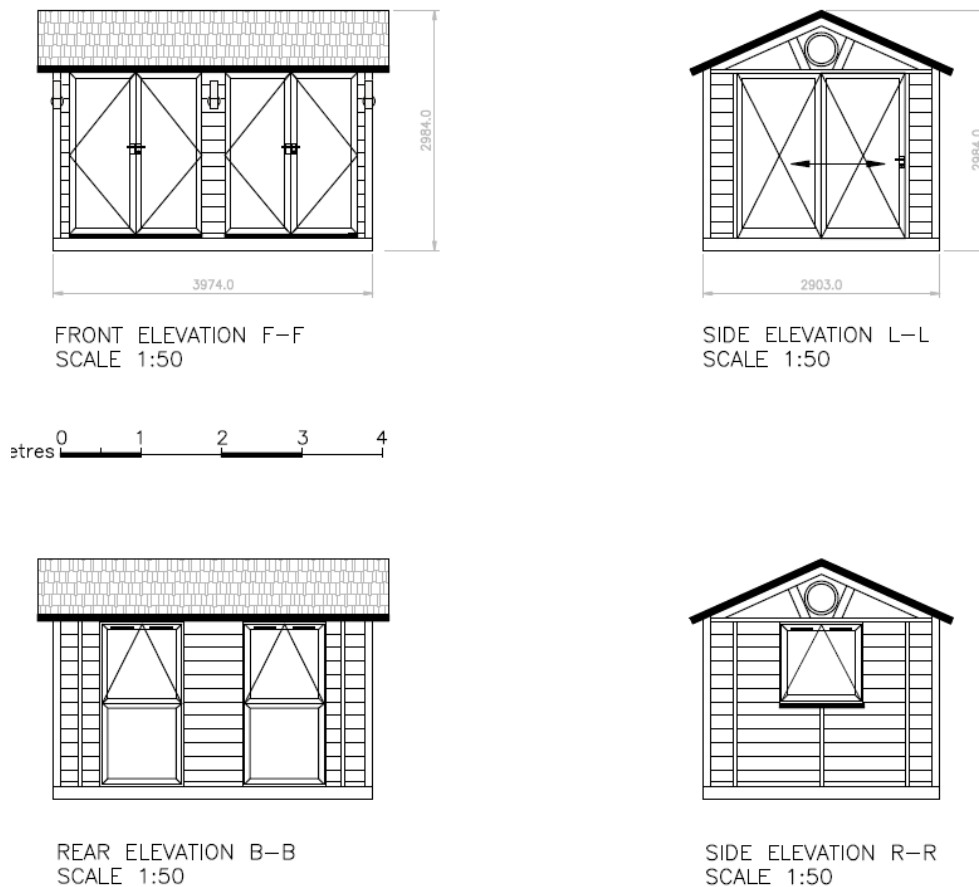
2 – The proposed development would fail to demonstrate that the existing trees on and off-site would be adequately protected, contrary to Policy A3 of the London Borough of Camden Local Plan 2017.

The decision notice and case officer report for the above application is provided in Appendix A. This application seeks to overcome the previous reasons for refusal.

Application Proposal

The application proposal seeks to erect an incidental garden room in the rear garden of Flat A, 23 Hampstead Lane. The garden room will measure 3.97m (width) x 2.903m (depth) with a maximum height of 2.984m.

Figure 2 – Proposed Elevations



The garden room will be of a single-storey and will comprise of natural timber cladding finished in Slate Grey and grey uPVC fenestration.



Example of garden room constructed by the provider

Planning Policy Context

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.

The application site is in the administrative boundaries of Camden Council, where the main development plan document includes the Camden Local Plan (2017) and the Highgate Neighbourhood Plan (2017). Material considerations exist in the form of the London Plan (2021), the National Planning Policy Framework (NPPF) (2023), Planning Practice Guidance, Supplementary Planning Documents and Guidance (SPDs/SPGs), and other local and national guidance documents.

The adopted development plan documents and planning policies, and other relevant material considerations, relevant to the determination of the application proposal are listed below.

Camden Local Plan (2017)

- Policy A1 – Managing the impact of development
- Policy A3 – Biodiversity
- Policy D1 – Design
- Policy D2 – Heritage

Highgate Neighbourhood Plan (2017)

- Policy DH2 – Development proposals in Highgate’s Conservation Areas
- Policy DH10 – Garden land and backland development

The London Plan (2021)

- Policy D4 – Delivering good design
- Policy D5 – Inclusive design

SPDs/SPGs

- Camden Planning Guidance Amenity (2021)
- Camden Planning Guidance Design (2021)
- Camden Planning Guidance Home Improvements (2021)
- Camden Planning Guidance Trees (2019)
- Highgate Conservation Area Appraisal and Management Strategy (2017)

NPPF (2023)

- Paragraph 8 – Achieving sustainable development

- Paragraph 11 – Presumption in favour of sustainable development
- Paragraph 38 – Approaching decision making in a positive and creative way
- Paragraph 96 – Achieving healthy, inclusive and safe places and beautiful buildings
- Paragraph 123 – Making effective use of land
- Paragraph 131 – Creating high quality, beautiful and sustainable buildings, and places

Planning Assessment

Principle of Development

The proposed use is for an incidental garden room for the enjoyment of the applicant. The principle of an outbuilding in this location is supported by National and Local Planning Policy. A garden room of this nature would usually fall under the Town and Country Planning (General Permitted Development) (England) Order (GPDO) 2015, Class E, Schedule 2, Part 1. However, due to the fact the main dwelling is a flat and the height, planning permission must be sought.

Outbuildings are a common occurrence within the rear gardens of the residential properties in this locality. The main considerations in this application are the design, the impact on the character and appearance of Highgate Conservation Area, the impact on amenity and the impact on nearby trees. The remaining section of this statement will assess the application proposal in relation to the more site-specific issues.

Design and Heritage

Local and national planning policy seeks to achieve the highest design standards in all developments. Local Plan Policy D1 requires development to be of the highest architectural and urban design quality, improving the areas' function, appearance and character. Regarding heritage, under section 72 of The Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended), the Council have a statutory duty to pay special attention to the preserving and enhancing the conservation area's character and appearance. Local Plan Policy D2 states that the Council will preserve, and, where appropriate, enhance Camden's conservation areas.

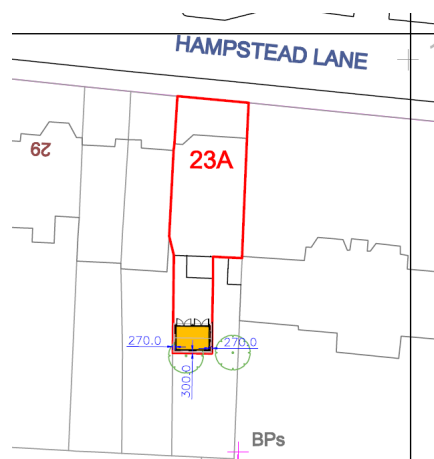
Highgate Village Conservation Area Appraisal (2017) recognises that Hampstead Lane has a range of mid to late 19th Century houses, with some 20th Century infill. It also notes that there is variety in the detail and materials, however, that the overall character is determined by the scale and relationship of the buildings with each other and to the road.

This highlights that the special historic interest of Hampstead Lane is the road frontages and how the buildings along these frontages interact with the road. The rear of dwellings along the road have been amended over the years with the addition of rear extensions. Furthermore, the addition of outbuildings in rear gardens is also common. Properties along the southern side of Hampstead Lane are bordered by green vegetation, which will be preserved as part of this application.

The proposed outbuilding is sited to the rear of the amenity area relating to Flat A, which is located on the upper portion of the rear garden. Concerns were raised as part of the previous planning application (ref: 2023/5407/P) that the design, size and location, it would be a dominant and visually overwhelming form of development.

Amends have been made from the previous application to include a pitched roof to reduce the overall bulk of the outbuilding. Furthermore, the outbuilding has been reduced in depth to retain a larger portion of the residential amenity area for Flat A and therefore, less visually intrusive on the ground floor flat.

The proposed garden room would not be visible from any public vantage points or the street scene along Hampstead Lane, thus protecting the main architectural features and special historic interest of the Conservation Area which concern building frontages. Furthermore, the application proposal does not look out of place when viewed together with the application property and the surrounding pattern of development (see proposed block plan below).



This revised proposal has taken on a more traditional design, with a pitched roof and the glazing on the garden building has been reduced from the previous application. The applicant would be happy to agree to obscure glazing, if necessary. The Case Officer noted in para. 3.6 of the delegated report that outbuildings in conservation areas tend to take on a more traditional character and appearance akin to ancillary garden structures to blend in with context.

Overall, the revised proposal would assimilate within the garden, the wider context, and would visually corollate with the surrounding pattern of built development. We believe that the proposal would have no greater impact upon the surrounding area than any permitted residential paraphernalia, if the main dwelling was a house.

Neighbouring Amenity

The garden room will measure approx. 4m x 3m, with a maximum height of approx. 3m. The size has been considered to reflect the relationship of a traditional residential outbuilding; the single storey design will provide a clear subordinate appearance to the application property, and surrounding properties, in terms of its mass and scale. It is a strong material consideration that if 23 Hampstead Lane was converted back into a single dwelling, an outbuilding of the same size and positioning could be constructed, without the need for planning permission.

Local Plan Policy A1 seeks to protect the amenity of Camden’s residents by ensuring that the impact of development is fully considered and would not harm the amenity of neighbouring residents, including privacy, outlook, noise, daylight and sunlight. As part of the previous planning application at the site, the Case Officer concluded in para. 4.3 that the amenity impact of the proposal would not be considered harmful enough to warrant a reason for refusal.

We believe that the application proposal would have no greater impact on the surrounding area than an outbuilding which would usually be permitted under Class E of the GPDO. Planning permission is purely sought due to the fact the host dwelling is a flat. Therefore, we believe the proposed garden room in its form and size is acceptable, and in accordance with national and local planning policies.

Trees

The site contains several small trees to the rear boundary, which would be close to the outbuilding. Policy A3 (Biodiversity) of the Camden Local Plan (2017) states that the council aims to protect biodiversity. Development will be assessed for its potential to enhance biodiversity through design and materials. The council will also protect trees and vegetation of significant value, ensuring they are protected during construction and integrated into site designs.

A Tree Survey, Arboricultural Impact Assessment, and Method Statement has been prepared by ROAVR Group (Ref: 24_5837_10_76) which recommends that the outbuilding is constructed using

screw pile foundations, and any excavation required is completed by hand, under the supervision of the arborist, to minimise any potential impact on the tree roots. Protecting fencing and ground protection measures should also be used, and these have been highlighted on the Tree Protection Plan (TPP) in Appendix 2 of the report.

The report further confirms on Pages 9-11 that:

- No trees are to be removed to facilitate the proposal
- No mitigation planting is required
- No new hard surfaces are proposed within the Root Protection Areas of any trees
- No underground services are to be installed through any Root Protection Areas
- No changes in ground level are proposed
- No changes are proposed to the existing boundary features that might impact on trees

The above measures, and the further measures highlighted in the report, demonstrate that the proposal will largely not impact the adjacent trees on site. Any trees that will potentially be impacted by the proposal will be adequately protected by the mitigation measures.

As such, the proposal complies with Policy A3 of the Camden Local Plan (2017), safeguarding the environment during construction and supporting biodiversity.

Material Considerations

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications should align with the local development plan unless material considerations indicate otherwise. In the case of the proposed outbuilding, several material considerations are deemed significant in the decision-making process.

Consistency in Decision-Making

Importance: While recognising the uniqueness of each application, consistency in decision-making is crucial for instilling confidence in the planning system. This principle aligns with legal precedents and decisions by appeal Inspectors.

Legal Significance: Consistency is not only paramount for public confidence but has legal weight, as evidenced in High Court decisions and appeal Inspector statements.

Planning Precedents

Whilst we note that all planning applications should be judged on their individual merit, it is important to consider the successful approvals of applications in the same local area as the application site, or those of a comparable nature, by the LPA. This approach ensures fairness and consistency in the decision-making process. As such, it is worthwhile noting that the below applications were granted planning permission by Camden Council.

2024/3939/P | Demolition and replacement of existing rear extension, erection of outbuilding in rear garden and reconfiguration and replacement of windows on side elevation | Flat Ground Floor 37 Compayne Gardens London NW6 3DD

This proposal sought the erection of a single-storey rear outbuilding to the rear garden of the Ground Floor Flat at 37 Compayne Road, as well as other amends to the property. The outbuilding measured 5.21m x 5.6m and the application was approved in November 2024.

2024/3246/P | Proposed replacement of a single storey outbuilding in the rear garden ancillary to the ground floor flat | Flat A 13 Oval Road London NW1 7EA

This proposal sought the replacement of an existing garden outbuilding with a larger structure measuring 4.1m width and 8.2m in depth, with an overall height of 2.8m. The application site was in Primrose Hill Conservation Area. The application was acceptable in terms of design, materials, height, bulk and footprint in the context of the garden setting and was approved in October 2024.

Conclusion

This Planning, Design and Access Statement has been prepared by NAPC Ltd to support a householder planning application seeking the erection of a garden room in the rear garden of *Flat A, 23 Hampstead Lane, N6 4RT*.

The statement focusses on the provisions of Section 38(6) of the Planning and Compulsory Act 2004 which requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise. This requirement is further reiterated in Paragraph 2 of the National Planning Policy Framework.

This statement has demonstrated that the application proposal has overcome previous reasons for refusal and complies with both national and local planning policies in terms of amenity, design, visual impact, and access.

In conclusion, based on the evidence provided, and the justification set out in this supporting statement, and having regard to the other supporting documentation, it is respectfully requested that the application is approved without delay.