

<b>Delegated Report</b>		<b>Analysis sheet</b>		<b>Expiry Date:</b>		10/02/2025			
		N/A		<b>Consultation Expiry Date:</b>		26/01/2025			
<b>Officer</b>				<b>Application Number(s)</b>					
Matthew Kitchener				2024/5573/P					
<b>Application Address</b>				<b>Drawing Numbers</b>					
Flat A 23 Hampstead Lane London N6 4RT				See draft decision notice					
<b>PO 3/4</b>		<b>Area Team Signature</b>		<b>C&amp;UD</b>		<b>Authorised Officer Signature</b>			
<b>Proposal(s)</b>									
Erection of a detached timber outbuilding in the rear garden.									
<b>Recommendation(s):</b>		Refuse planning permission							
<b>Application Type:</b>		Full Planning Application							
<b>Informatives:</b>		See decision notice							
<b>Consultations</b>									
<b>Adjoining Occupiers:</b>		No. of responses		07		No. of objections		07	

A site notice was displayed 26/12/2024 which expired 19/01/2025.  
A press notice was published 02/01/2025 which expired 26/01/2025.

Objections were received from seven neighbours. The following issues were raised:

- This building appears oversized and inappropriate in this specific location. It is sited at the centre of the gardens which will create problems of outlook, privacy, noise, light pollution and loss of amenity for all surrounding residents.
- The materials proposed including UPVC windows and doors would not reflect the materials of the conservation area.
- The proposal would not reflect the environmental standards that are expected in the area.

*The impact on Design is addressed within Section 2, Amenity Section 3 and Tree and Landscaping (environmental) issues Section 4 of the report below.*

- Concerns that the building will be used for short-term rental.

*The Applicant has not suggested that the property will be used for anything other than a C3 dwellinghouse.*

- Concerns that the application site includes an area not within the applicant's ownership.

*The location and block plans submitted appear to show the application site appropriately outlined in red.*

- Impact on property values.

*Property values are not a material planning consideration.*

- The work has already commenced.

*It appears that the outbuilding itself is not currently in situ. Any enabling works such as installing electrical cabling in the garden would not require planning permission.*

**Summary of  
consultation  
responses:**

*Officer's response in  
italics*

**Other responses:**

*Officer's response in italics*

Highgate CAAC objected to the proposal for the following reasons:

- The cumulative impact of 2023/5037/P (lower ground floor rear extension) and the current application should be considered in terms of the proportion of garden space used, which is limited due to the garden being split in half, and light pollution.
- The setting of the building, which is considered a positive contributor to the Conservation Area, should be considered.
- While the design of the new proposal is an improvement on the 'box' of the previous application, it precludes the introduction of a green roof.
- It is not quite as large as the previous proposal being approximately 65cms less deep, but the pitched roof is 50cms higher, which might be intrusive for neighbours.
- There is fenestration on all four elevations, which could result in harmful overlooking of the garden space of numbers 23b and 25 Hampstead Lane.
- There is no reference to any environmental impact or any evident attempt to minimise energy usage or increase biodiversity.

The Highgate Society objected to the proposal for the following reasons:

- The design of the outbuilding is inappropriate for this setting and the proposed development would harm both the character of the Highgate Conservation Area and the amenity of neighbouring residents. The building when combined with the previously approved rear extension is too large and takes up most of the garden. It is also high and dominates the surrounding properties.

*The impact on Design is addressed within Section 2, Amenity Section 3 and Tree and Landscaping issues section 4 of the report below.*

**Site Description**

The application relates to the lower ground floor flat of no.23 Hampstead Lane, which is a three-storey plus basement terraced building. The building is situated on the southern side of Hampstead Lane and is noted as a positive contributor to the Highgate Village conservation Area. The rear garden has been subdivided with the upper floor flat so that the application site has only a small section of rear garden as shown on the site location plan below.

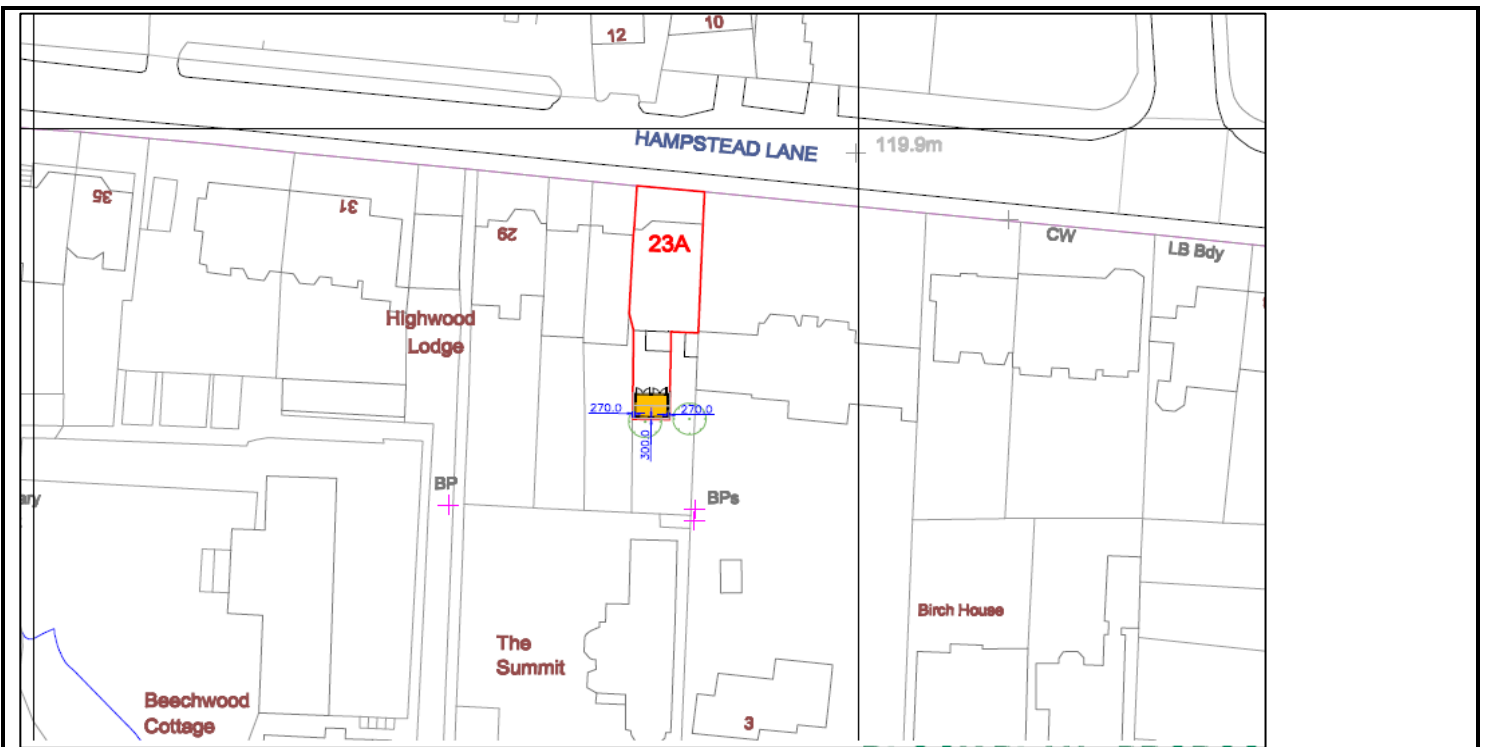


Figure 2 Site location plan showing division of rear garden

## Relevant History

**2023/5407/P** – Erection of outbuilding – **Refused 17/09/2024** for the following reason:

- The proposed outbuilding, by reason of its siting, scale and design, which 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 and that the application would fail to demonstrate that the existing trees on and off-site would be adequately protected.

**2023/5037/P** - Lower ground floor rear extension – **Granted - 25/07/2024**

**2016/0064/P** - Single-storey rear extension to include a green roof, 4x roof lights and lightwell with associated landscaping at the rear garden to lower ground floor flat – **Granted – 15/03/2016**

**2010/4066/P** - Installation of replacement window on front elevation for basement level flat (Class C3) – **Granted – 21/09/2010**

**2008/0805/P** - Retention of existing railings associated with the use of flat roof at rear first floor level as a terrace. – **Granted - 04/04/2008**

## Relevant policies

**National Planning Policy Framework (2024)**

**London Plan (2021)**

**Camden Local Plan (2017)**

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

**Camden Planning Guidance:**

- CPG Amenity (2021)
- CPG Design (2021)
- CPG Home Improvements (2021)
- Trees CPG (March 2019)

### **Highgate Neighbourhood Plan (2017)**

- Policy DH2 Development Proposals in Highgate's Conservation Areas
- Policy DH10: Garden land and Backland Development

### **Draft Camden Local Plan**

The Council has published a new Draft Camden Local Plan (incorporating Site Allocations) for consultation (DCLP). The DCLP is a material consideration and can be taken into account in the determination of planning applications but has limited weight at this stage. The weight that can be given to it will increase as it progresses towards adoption (anticipated 2026).

## **Assessment**

### **1.0. Proposal**

- 1.1 Planning permission is sought for the erection of a garden room at the rear of the property.
- 1.2 The outbuilding would measure approximately 3.9m wide and 2.9m deep. It would feature a dual pitch roof measuring a maximum height of 2.9m. It would be clad in timber with significant glazing on three sides, including a pair of double doors on the front and a smaller window on the fourth side.
- 1.3 The outbuilding that was previously refused measured approximately 3.9m wide, 3.5m deep and 2.5m high with a flat roof. It would have been constructed from timber, including a timber roof with a pair of double doors to the front and a large amount of glazing to the remaining three sides.
- 1.4 This current proposal shows a reduction in the overall depth of the outbuilding however an increase in height dual to the pitched roof. The amount of glazing proposed is still to all four elevations.
- 1.5 The main planning considerations for the proposal are:
  - Design and Heritage
  - Neighbouring Amenity
  - Trees and Landscaping

### **2.0 Design and Heritage**

- 2.1 Local Plan policy D1 (Design) states that the Council will seek to secure high quality design in development. The Council will require that development that respects local context and character. Policy D2 (Heritage) states that development within conservation areas preserves or, where possible, enhances the character or appearance of the area and preserve garden spaces which contribute to the character and appearance of a conservation area.

- 2.2 Policy DH2 (Development Proposals in Highgate's Conservation Areas) of the Highgate Neighbourhood Plan Development states that proposals should preserve or enhance the character or appearance of Highgate's conservation areas, and respect the setting of its listed buildings and other heritage assets. Development should preserve or enhance the open, semi-rural or village character where this is a feature of the area.
- 2.3 The application site is within the Highgate Village Conservation Area, wherein the Council has a statutory duty, under section 72 of The Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended), to pay special attention to the desirability of preserving or enhancing the conservation area's character or appearance.
- 2.4 The proposed outbuilding would be located within the application site's rear amenity space. Due to the site's topography, the rear garden is split into two sections: "upper" and "lower." The outbuilding would be located within the "upper" portion. Permission has recently been granted under reference 2023/5037/P for a single-storey rear extension that would occupy most of the "lower" garden.
- 2.5 Due to the ground levels at this property, the outbuilding's location would add to its prominence when viewed from surrounding private gardens. The proposed outbuilding is substantial, and due to its size and position in the elevated section of the garden, it would result in the loss of the sense of openness in the back garden. The design, in timber with a large amount of glazing, is not appropriate for the garden setting in Hampstead Conservation Area. Given the proposed outbuilding's design, size, and location, it would be an overly dominant and visually overwhelming development. It's location in the upper garden when combined with the recently approved rear extension at the lower level would result in a sense of overdevelopment within the rear curtilage of the property.
- 2.6 The proposed outbuilding is considered excessively large for this domestic setting and out of proportion to the main dwellinghouse and surrounding area. Although not visible from the public realm, it represents the unsympathetic overdevelopment of the private garden space and Hampstead Conservation Area.
- 2.7 The outbuilding's design, with its considerable glazing, does not integrate well into the rear garden context. Typically, outbuildings in conservation areas take a more traditional appearance akin to ancillary garden structures to blend in with the context.
- 2.8 There is one other outbuilding in the gardens of Hampstead Lane near the site at 25 Hampstead Lane. In 2022, it was granted a lawful development certificate under reference 2021/6130/P. This outbuilding was permitted development and was not assessed against development plan policies. It also occupies a more extensive garden that has not been subdivided.
- 2.9 It is noted that the current proposal is reduced in depth compared to the previously refused application which results in a slight reduction in the footprint by approximately 2.3 square metres, however the building is higher by approximately 0.4m due to the pitched roof. The footprint of the outbuilding would measure approximately 11.3 square metres and would therefore appear quite large when sited in the relatively small rear garden of the property. This is compounded when the previously approved lower ground floor extension (2023/5037/P) which would occupy the current "lower" ground floor area of the garden is taken into consideration. The resultant remaining garden area (the upper garden only) is approximately 40 square metres of which approximately 28% would be taken up by the proposed outbuilding.

2.10 Therefore, due to its size, bulk, and location, the proposal would represent an overbearing addition that would cause unacceptable harm to this site's domestic setting and the character and appearance of the conservation area. There are no public benefits that would outweigh the less than substantial harm identified in the conservation area.

2.11 Considerable importance and weight have been attached to the harm and special attention has been paid to the desirability of preserving or enhancing the character or appearance conservation area, under s. 72 of the Listed Buildings and Conservation Areas Act 1990 as amended by the Enterprise and Regulatory Reform Act 2013.

### **3. Amenity**

3.1 Policy A1 aims to protect the quality of life of occupiers and neighbours. This includes such factors as visual privacy, outlook, sunlight, daylight, overshadowing and artificial light levels.

3.2 The proposed outbuilding would have windows facing Nos. 23b and 25 Hampstead Lane, which could result in harmful overlooking of these garden spaces. As such, if the application were otherwise considered acceptable, a condition would be added to require these windows to be obscure glazed.

3.3 The large amount of glazing proposed would result in light overspill and would therefore potentially result in a large amount of light pollution into neighbouring properties. The applicant has suggested that they would consider obscure glazing to reduce this, as well as overlooking however it is not considered that this would reduce the amount of light pollution significantly and it would also not reduce the sense of being overlooked due to the amount of glazing and the raised location of the outbuilding.

3.4 The outbuilding's size and location are considered unneighbourly. It is an overbearing structure when viewed from the adjacent gardens of No. 23 and 25 Hampstead Lane which not only is inappropriate in terms of urban design principles and impact on the conservation area as discussed in the previous section but in the same way also detracts from the setting of neighbouring gardens and the occupant's enjoyment of them. It is therefore undesirable on amenity grounds and policy A1; however, the amenity impact itself is not considered harmful enough to warrant a separate reason for refusal.

### **4. Trees and Landscaping**

4.1 Policy A3 of the Local Plan states that the Council will resist the loss of trees and vegetation of significant amenity, historic, cultural or ecological value, including proposals which may threaten the continued wellbeing of such trees and vegetation, and it requires that the retained trees and vegetation are satisfactorily protected during the demolition and construction phase of development. It also advises that where the proposed development has justified the harm to the trees or vegetation it is expected that development should incorporate replacement trees or vegetation.

4.2 Policy DH10 of the Highgate Neighbourhood Plan advises against garden developments that cumulatively erode the character of backland spaces and result in a loss of openness. It also states that Policy DH10 (Garden land and Backland Development) states that existing mature trees and landscaping shall be retained wherever possible. Development proposals should allow

sufficient space above and below ground to prevent damage to root systems and to facilitate future growth.

- 4.3 A 'Tree Survey, Arboricultural Impact Assessment, and Method Statement' has been submitted with the application. This identifies that no trees will be removed due to the proposal and adequate space has been allowed between the remaining retained trees and the proposed development works. It is proposed that screw pile foundations shall be used to protect tree roots, any that excavation works must be completed by hand. This has been reviewed by Council's Tree and Landscape Officer who considers that the tree protection measures proposed are appropriate to protect adjoining trees during construction works. Had the proposal been otherwise acceptable, these tree protection measures would have been secured via condition.
- 4.4 In terms of biodiversity loss, the outbuilding will not leave ample space to attract wildlife and given the amount of existing area paved in the rear garden, the proposal would not support biodiversity. No measures are incorporated in the proposal to offset the loss of garden space in terms of biodiversity. The outbuilding would be sited in the raised area of the rear garden, as the lower area has gained permission for an extension. The proposed outbuilding would take up approximately 28% of this grassed area. In the absence of measures to replace or enhance the potential for biodiversity lost due to the siting of the garden room in this location, it is considered that the proposal fails to comply with Policy A3 of the Local Plan. Had the proposal been otherwise acceptable the Applicant would have been encouraged to explore opportunities for incorporation of a green roof and a condition would have been included to require the submission and approval of soft landscaping details to increase biodiversity at the site.

## **5. Recommendation:**

### **Refuse Planning Permission for the following 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 DH2 of the Highgate Neighbourhood Plan 2018.