

<i>Delegated Report</i>		<i>Analysis sheet</i>		<i>Expiry Date:</i>		19/12/2022
		N/A		Consultation Expiry Date:		21/11/2022
<i>Officer</i>				<i>Application Numbers</i>		
Ben Greene				2022/3386/P		
<i>Application Addresses</i>				<i>Drawing Numbers</i>		
Flat A 190 Fordwych Road London NW2 3NX				Please refer to draft decision notice		
<i>Proposal</i>						
Erection of a single storey rear outbuilding. Retrospective.						
Recommendation(s):		Refuse Planning Permission				
Application Type:		Full Planning Permission				
Conditions or Reasons for Refusal:		Refer to Draft Decision Notice				
Informatives:						
Consultations						
Adjoining Occupiers:		No. notified	00	No. of responses	01	No. of objections
Summary of consultation responses:		N/A				

Site Description

The site is a 2 storey semi-detached dwelling located at the northern end of Fordwych Road, close to the junction with Ebbsfleet Road. The site is not within a conservation area or the setting of a listed building and has no other relevant site specific restraints.

The existing building has been subdivided into flats (C3), with Flat A at ground floor level and Flat B at 1st floor level.

The application relates to a rear outbuilding solely belonging to Flat A, 190 Fordwych Road. The rear garden is not subdivided and belongs solely to the occupant of Flat A.



Photo taken 17 July 2024



Photo taken 17 July 2024

Evidence to show the structure is not connected to the main dwelling on all elevations and by non-permanent means on others, and so is not an extension but an outbuilding.

Relevant History

The site has no planning history

Relevant Policies

National Planning Policy Framework (2023)

London Plan (2021)

Camden Local Plan (2017)

A1 Managing the impact of development
D1 Design

Camden Planning Guidance

CPG Amenity (2021)
CPG Design (2021)
CPG Housing (2021)

Camden Town Conservation Area Appraisal and Management Plan (2007)

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. Proposal

- 1.1. The application form seeks retrospective planning permission for a rear extension, but a site visit showed the building is attached to the main dwelling not by a permanent structure but a canopy/ pergola, and so would be considered an outbuilding.
- 1.2. The existing outbuilding has a length of 8.25m, giving it a depth of 10.76m from the rear building line of the adjacent neighbour no. 188 with a height to the eaves of 2.94m. Its use is as two separate bedrooms.
- 1.3. The structure has a small porch to the rear 2.02m deep and a height of 2.53m to enclose the rear portion of the outbuilding while remaining open at the side elevation.

2. Assessment

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

- 2.2. Design
- 2.3. Amenity
- 2.4. Submitted information

3. Design

- 3.1. Local Plan policy D1 (Design) is aimed at achieving the highest standard of design in all developments. Policy D1 requires development to be of the highest architectural and urban design quality, which improves the function, appearance and character of the surrounding area.
- 3.2. The site is not within a conservation or the setting of a listed building.
- 3.3. The outbuilding has a grey render exterior with a footprint of 8.25m x 2.02m and a height to the flat roof of 2.94m. Attached to the outbuilding is a small porch with a reduced depth and height constructed of white timber with rear opening French doors, giving it a clear subservient design to the main outbuilding. All windows and doors are white uPVC.
- 3.4. The outbuilding would not use materials or design characteristics of the main dwelling or surrounding area, but it is not considered that it causes significant harm because of this. It would have minimal to no views from the public footpath, Ebbsfleet Road, to the north, and the site directly to the rear among others in the area have a rendered finish. It is constructed in a way that is typical for an outbuilding or rear extension in a residential area.
- 3.5. Due to this, the outbuilding does not cause harm to the character of the host dwelling, or the wider street scene and it is therefore in accordance with Policy D1 of the Camden Local Plan 2017.

4. Amenity

- 4.1. Policy A1 seeks to protect the amenity of Camden's residents by ensuring the impact of development is fully considered. It seeks to ensure that development protects the quality of life of occupiers and neighbours by only granting permission for development that would not harm the amenity of neighbouring residents. This includes privacy, outlook and implications on daylight, sunlight, and noise. This is supported by the CPG Amenity.
- 4.2. The building as existing, including the wooden structure connecting it to the main dwelling would have a maximum depth of 10.76m along the boundary the adjacent neighbour to the south no. 188 Fordwych Road. While the neighbour does have an outrigger to the rear as all dwellings in

the immediate area do, it is sited away from the boundary. This exposed flank means a window to a habitable room being within a 'corridor' created between the outrigger and the outbuilding. This is considered to create an overbearing and imposing structure that reduces the light afforded to the habitable room despite the outbuilding being located to the north of the site.

4.3. Due to its significant depth, the outbuilding is an overbearing, imposing structure that reduces access to light afforded to the adjacent neighbour and would cause harm to the amenity afforded to the adjacent neighbour, contrary to policy A1 of the Camden Local Plan 2017.

5. Submitted Information

5.1. The applicant provided information to try and demonstrate that the structure had been completed 4 years before the date of the first complaint 06/05/2022 which would therefore make the development a lawful development and immune from enforcement action. The evidence provided consists of a letter from AK Carpenters who claim to have constructed the outbuilding in March 2020, and provided all labour and materials for the project. No receipts or time stamped photos have been provided as was suggested, and Aerial photography of the site show no development in 2020, and so **on the balance of probability, due** to lack of evidence provided, it is not considered that the structure has been in situ for over 4 years before 06/05/2022 when the first complaint to planning enforcement was made. It is therefore not a lawful development due to passage of time and would not be immune from enforcement action being taken against it.

5.2. The council note documents submitted from Mind in Camden explaining the importance of the outbuilding to the applicant's health. While this would not be a planning consideration, it has been considered regarding the period of compliance for the recommended enforcement notice, which has been increased from 3 months to 5 months after discussion with an Enforcement Officer to give the applicant more time to deal with the situation.

6. Recommendation

Refuse planning permission for the following reasons:

7. The rear outbuilding, by virtue of its height, depth and location adjacent to neighbouring habitable windows, is an overbearing structure creating a harmful sense of enclosure and loss of daylight/sunlight, detrimental to the amenity of neighbouring occupiers, contrary to policy A1 (Managing the impact of development) of the Camden Local Plan 2017

Issue an enforcement notice:

7.1. That the Borough Solicitor be instructed to issue an Enforcement Notice under Section 172 of the Town and Country Planning Act 1990 as amended regarding the rear outbuilding and associated rear porch that 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.

7.2. The notice shall allege the following breaches of planning control:

7.2.1. The unlawful construction of a rear outbuilding

7.3. What you are required to do:

7.3.1. Completely remove the outbuilding including the connecting rear porch.

7.3.2. Make good any resulting damages and return the site to its previous state.

7.4. Period of Compliance

7.4.1. 5 months

Reason why the council considers it expedient to issue the notice:

8. The rear outbuilding, by virtue of its height, depth and location adjacent to neighbouring habitable windows, is an overbearing structure creating a harmful sense of enclosure and loss of daylight/sunlight, detrimental to the amenity of neighbouring occupiers, contrary to policy A1 (Managing the impact of development) of the Camden Local Plan 2017

ENFORCEMENT ADDENDUM

Issue an enforcement notice:

That the Borough Solicitor be instructed to issue an Enforcement Notice under Section 172 of the Town and Country Planning Act 1990 as amended requiring for the complete removal of the rear outbuilding, including the connecting rear porch, 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:

Without planning permission: Erection of a rear outbuilding, including the connecting rear porch, located adjacent to the side boundary of 188 Fordwych Road.

What you are required to do:

1. Completely remove the rear outbuilding, including the connecting rear porch, located adjacent to the side boundary of 188 Fordwych Road; and
2. Remove any constituent materials and make good any damages as a result of the above operation.

Period of Compliance: FIVE (5) months

Reason why the council considers it expedient to issue the notice:

- a) The development has occurred within the last 4 years; and
- b) The rear outbuilding, by virtue of its height, depth and location adjacent to neighbouring habitable windows, is an overbearing structure creating a harmful sense of enclosure and loss of daylight/sunlight, detrimental to the amenity of neighbouring occupiers, contrary to policy A1 (Managing the impact of development) of the Camden Local Plan 2017