

27 March 2025

The Savills logo consists of the word "savills" in a lowercase, red, sans-serif font, positioned on a solid yellow rectangular background.

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Dear Sir/Madam,

**TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)
SUBMISSION OF AN APPLICATION FOR PLANNING PERMISSION (RETROSPECTIVE)
BASEMENT AND GROUND FLOOR FLAT, 35 HOLYCROFT AVENUE, LONDON, NW3 7QJ**

On behalf of our Client, Savills (UK) Ltd have been instructed to prepare and submit this application seeking retrospective planning approval relating to the construction of an outbuilding within the rear garden of the above referenced property. The development can be described as follows:

“Construction of an outbuilding within rear garden (retrospective)”.

The application is made following discussions between the applicant and the Council’s planning enforcement team in relation to enforcement action taken under reference EN24/0425 in relation to the outbuilding structure. The applicant constructed the outbuilding on an understanding that planning permission would not be required, however since being notified of the planning breach has fully engaged with officers to resolve the matter. Correspondence between the applicant (and their representatives) and officers is provided for reference as an appendix to this document. It has been agreed that a retrospective planning application should be submitted by the applicant to resolve the matter.

This document forms a Planning, Design and Access Statement and sets out the background to the development and has been prepared following an examination of the site and surroundings, research into the relevant planning history for the site and a review of adopted planning policy and all other material considerations relevant to the proposals. This document should be read in conjunction with the following documents which have been prepared in support of this planning application:

- Completed application form (via the Planning Portal)
- Completed CIL additional information form (Form 1)
- Site and location plans, prepared by Vita Architecture
- Pre-existing and existing (as constructed) architectural plans, prepared by Vita Architecture
- Arboricultural impact assessment, prepared by Landmark Trees
- Arboricultural method statement, prepared by Landmark Trees

This documentation is discussed and referenced where appropriate throughout this Statement. The relevant application submission fee will be paid via the Planning Portal by our Client.

Offices and associates throughout the Americas, Europe, Asia Pacific, Africa and the Middle East.

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Site and surroundings

The application site is located to the north of the borough, specifically within the Frognal ward. The property is located on the north-eastern side of Hollycroft Avenue which runs from Ferncroft Avenue south-west of the site, to Platt's Lane to the north-west. The property is semi-detached with number 37 Hollycroft Avenue and has been sub-divided into two flats. This application relates to the flat arranged over basement and ground floor level which has direct access to the rear garden.

The application property is not statutorily listed, however is located within the Redington Frognal Conservation Area. The site is also located within the Redington Frognal Neighbourhood Area, for which a Neighbourhood Plan has been prepared by the Redington Frognal Neighbourhood Forum (see planning policy context).

Whilst the site is shown as within an Archaeological Priority Area (APA) on the Council's adopted planning policy map, following a review of Camden's APA's undertaken by Historic England in October 2018 the boundaries of these areas have been altered. As a result, the site is no longer designated within an APA.

Planning history

Application site

The application site has been subject to a limited planning history of relevance with two planning applications registered since the turn of the century. These applications are summarised below:

- 2011/0468/P- Reinstatement of windows to side and rear elevations at ground and lower ground floor levels and replacement of a door and windows with sliding doors at rear lower ground floor level- Granted 6th April 2011.
- 2024/5461/P- Removal of existing conservatory and replacement with roof terrace with associated alterations- Granted 29th January 2025.

Application 2011/0468/P related to the whole building, with application 2024/5461/P relating to the flat arranged over first and second floor level only. In addition to these applications, various applications for works to trees (given the conservation area location) have been made and approved over the last decade.

Surrounding properties

Of particular relevance to this application is permission granted by the Council for an outbuilding at 7 Hollycroft Avenue in July 2024 under reference 2024/0978/P. In this case, officers concluded that the construction of such building would not be harmful to the character or appearance of the host building, or the conservation area. Officers further concluded that the development would not impact on neighbouring amenity, nor result in any impact to trees on site. Planning permission was duly granted.

The consented development at no.7 Hollycroft Avenue is very similar to that at no.35 and is similar in context in respect to development constraints (trees). This decision sets clear precedence for the acceptability of such structures in rear gardens of properties in this area.

Proposals

This application seeks retrospective planning consent for the construction of an outbuilding located within the rear garden of the property. The structure is 6.2m in length x 2.4m in width and is constructed with an Irish Oak finish. A retaining wall to the rear of the structure has been constructed of approximately 85cm in height. Images of the structure in situ, and of the retaining wall to the rear are shown below.



Figure 1- Images showing the as-constructed structure

The structure replaced a former structure in this location which was approximately 3m x 2m in size constructed upon a concrete base. The structure was removed in February/March 2024, with a new level base created. The new structure, which was prefabricated off site, was installed in May 2024.

Architectural drawings of the proposal are provided as part of the submission package which should be read in conjunction with this document.

Planning policy context

Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990 (as amended) sets out the requirement for all planning applications to be determined in accordance with the adopted development plan for an area, unless any material considerations indicate otherwise. This legal requirement is reiterated in the introduction to the National Planning Policy Framework (NPPF) (paragraph 2) and again at section 4 (paragraph 47).

National Planning Policy Framework (December 2024)

The National Planning Policy Framework (NPPF) does not form part of the adopted development plan however is an important material consideration in the determination of all planning applications, setting out the Government's planning policies for England and how these shall be applied.

The latest adopted version of the NPPF was published in December 2024 by the new Labour government.

Adopted development plan

The adopted development plan for the London Borough of Camden comprises of the following documents:

- Camden Local Plan (July 2017)

- London Plan (March 2021)
- Redington Frogna! Neighbourhood Plan (September 2021)

The Council adopted its Local Plan in July 2017 with the document forming the key strategic document for planning decision making in the borough. The document sets out the vision for shaping the future of the Borough and contains policies for guiding planning decisions.

The London Plan is the strategic planning policy document for Greater London as a whole, prepared by the Mayor.

The Redington Frogna! Neighbourhood Plan was 'made' adopted in September 2021. The document, prepared by the Redington Frogna! Neighbourhood Forum, sets out policies for the Neighbourhood Area.

Emerging planning policy

The London Borough of Camden are currently in the process of preparing a new Local Plan. The Council consulted on the draft new Local Plan between January and March 2024. Following this consultation, the Council are currently reviewing responses and intend to publish an updated version of the Plan for further consultation in Spring 2025. The Council's Local Development Scheme currently targets adoption of the Plan in Summer of 2026. At this stage, this draft Plan holds limited weight in the determination of applications given that it has not yet been independently reviewed by a Planning Inspector as to its consistency with national policy, as set out at paragraph 49 of the NPPF.

Other Material Considerations

In addition to the adopted development plan and the NPPF, the council also has a suite of supplementary planning documents which provide guidance on how the Council will apply their planning policies. Of relevance to this application is the Home Improvements CPG, adopted in January 2021.

The Redington Frogna! Conservation Area Character Appraisal & Management Plan (December 2022) is also a material consideration in this case.

Relevant legislation

The Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) allows for various forms of development without the need for planning permission. Class E of Schedule 2, Part 1 allows for the construction of buildings etc incidental to the enjoyment of the dwellinghouse. Outbuildings would fall within this right, as acknowledged within the Council's Home Improvements CPG. The outbuilding proposed at no.35 Hollycroft Avenue would comply with the legislation in terms of its size and scale however is only not available to the applicant in this case by virtue of the fact that the property has been sub-divided into two units of occupation.

Planning considerations and assessment

The following section of this Statement provides detailed consideration of the development, taking account of the policies within the adopted development and all other material considerations, as set out above.

The key planning considerations in this case are the following:

- 1. Design and conservation**
- 2. Arboricultural matters**
- 3. Neighbouring amenity**

Each of these matters are considered in turn below.

1. Design and conservation

Policy D1 of the Council's Local Plan states that they will seek to secure high quality design in development and require development to respect local context and character, preserve or enhance the historic environment and respond well to natural features. Policy D2 relates to conservation areas and sets out that development within such areas to preserve or enhance the character and appearance of the area.

The Redington Froggnal Neighbourhood Plan sets out at policy SD 5 that extensions to existing buildings, including outbuildings, should be designed to complement the character of the original building and context. The policy goes on to state that outbuildings should involve no significant reduction in the overall area of natural soft surface and have no adverse impact on the amenity, biodiversity and ecological value within the site.

The Council's Home Improvements CPG sets out guidance in relation to the design of outbuildings at section 5.5. This section recognises that outbuildings are permitted by the GPDO, as mentioned above, which is only not available in this case due to the building having been converted to flats. Had the building remained in use as a single dwellinghouse, the outbuilding as constructed would be permitted development and would not require express permission from the local authority.

The outbuilding at the property is of a modest scale and is clearly incidental to the dwellinghouse. The height of the structure is 2.43m to the ridge and, due to the topography of the site, sits below the existing fence height to the rear of the site. As a result, the visibility of the structure is limited and this is further reduced by the existing foliage surrounding the area.

The outbuilding is of timber construction with a tiled roof which is considered to be appropriate for the site and its context. The timber allows the building to integrate well with the trees surrounding the outbuilding. The outbuilding results in no change to how the main dwellinghouse is perceived or viewed within the conservation area context.

Overall, the outbuilding is considered to be appropriate for the site and its context. The structure does not cause any adverse impact on the character and appearance of the property, the garden or the wider conservation area. Its construction is considered to be in full compliance with policies D1 and D2 of the Council's Local Plan, SD5 of the Redington Froggnal Neighbourhood Plan and the Council's Home Improvements CPG. The fact that the construction of the outbuilding would be permitted development in the scenario that the host building was a single dwellinghouse is a clear indication of the acceptability of such a structure in this location.

2. Arboricultural matters

Policy A3 of the Local Plan sets out protection for trees and vegetation in the borough and outlines an expectation for trees to be adequately protected from harm. Policy D2 of the Local Plan states that development in conservation areas should preserve trees which contribute to character and appearance. Similar protection is set out at policies BGI 1 and BGI 2 of the Redington Froggnal Neighbourhood Plan. The Home Improvements CPG sets out that construction methods for outbuildings should minimise any impact on trees.

When the applicant was made aware of the Council's enforcement action, they commissioned an arboricultural expert, Landmark Trees to review any impacts of the construction to trees on site and on adjacent land. There are 5 no. trees on site and within the vicinity of the structure which were assessed within the impact assessment. The majority of these trees are of moderate and low quality, however an Oak Tree which straddles the boundary between the application site and 71 Redington Road is identified as being a category A tree. This tree is also protected by a Tree Preservation Order (TPO).

The Arboricultural Impact Assessment (AIA) carried out by Landmark Trees is provided as part of this application. This assessment concludes that the works undertaken have no, or very limited, impact on the existing trees in the surroundings. An Arboricultural Method Statement (AMS) detailing the methods to protect the trees during construction has also been provided as part of the application demonstrating the care that was

taken to protect the trees. A completion walkover survey was conducted by Landmark Trees which confirmed that there was no defects or signs of ill-health of damage.

The applicant ensured that the construction works were managed appropriately so as to cause no harm to the trees in the vicinity. This has been verified by the AIA and AMS provided as part of the application. As such, it can be concluded that the proposal is in full conformity with policies A3 and D2 of the Local Plan, policies BGI 1 and BGI 2 of the Redington Frognal Neighbourhood Plan and the Council's Home Improvements CPG. It should be noted that had permitted development rights been available to the applicant (discussed above) such assessment of tree impact would not have been required.

3. Neighbouring Amenity

Policy A1 of the Local Plan seeks to protect the quality of life of occupiers and neighbours. The policy goes on to state that the Council will grant permission for development unless this causes unacceptable harm to amenity. Policy SD5 of the Redington Frognal Neighbourhood Plan states that outbuildings should ensure that they have no adverse impact on amenity, whilst similar principles are set out within the Council's Home Improvements CPG.

The structure is located to the rear of the garden set below the height of the rear fence-line. The structure is also shielded by existing foliage. Both of these characteristics mean that the structure's visibility is limited and it does not result in amenity issues in any neighbouring gardens.

It can be concluded therefore that the development is in full conformity with relevant planning policy and guidance in this respect. As has been mentioned previously, the development would be permitted development had the host dwelling been in use as a single dwellinghouse. The availability of such a right clearly indicates that development of this type in this context would be acceptable and not be harmful to neighbouring properties.

Conclusions

This Planning, Design and Access Statement has been prepared by Savills (UK) Ltd in support of a retrospective planning application seeking consent for the construction of an outbuilding within the rear garden. The application is made following discussions between the Council's enforcement team and the applicant in relation to the structure. The applicant has fully engaged with officers during this process and it has been agreed that this retrospective application should be submitted to resolve the matter.

The structure has been evidenced to be in full conformity with the adopted development plan and all other material considerations. The supporting information provided as part of the application demonstrates that the development has not caused any impacts to surrounding trees and that these remain in good health.

It should be noted that the works would have been classified as permitted development (not requiring express permission from the local planning authority) had the building been in use as a single dwellinghouse. This right is only not available in this instance due to the building having been converted into two separate units of occupation. Whilst this is acknowledged, the presence of such right clearly demonstrates the in principle acceptability of such form of development within this context.

Taking account of the above, we consider there to be no reason why the application and planning permission should not be granted to the works.

We trust that the submitted information provides you with a suitable overview of the proposals and sufficient information to allow you to validate and progress this application. Should you require any further information at this stage, or have any queries, please do not hesitate to contact me using the details at the head of this letter.

Yours sincerely,

A handwritten signature in dark ink, appearing to read "Joe Oakden", written in a cursive style.

Joe Oakden MPLAN MRTPI
Savills (UK) Ltd