

Delegated Report	Analysis sheet		Expiry Date:	01/01/2025
	N/A		Consultation Expiry Date:	04/05/2025
Officer		Application Numbers		
Blythe Smith		2024/4892/P		
Application Address		Drawing Numbers		
Ground Floor Flat 97 Priory Road London NW6 3NL		Please refer to decision notice		
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature	
Proposals				
Erection of outbuilding in rear garden				
Recommendations:	Refuse Planning Permission			
Application Type:	Full Planning Permission			
Conditions or Reasons for Refusal:	Refer to Draft Decision Notice			
Informatives:				

Consultations				
Adjoining Occupiers:	No. of responses	04	No. of objections	01
Summary of consultation responses:	<p>The application was advertised in the local press on 03/04/2025 and 10/04/2025, and a site notice was displayed on 02/04/2025.</p> <p>Four responses were received, two in support, one objection and one comment which raised concerns (however the respondent stated that it was not a formal objection). The concerns raised within the objection and comment are as follows:</p> <ol style="list-style-type: none"> <li>1. The proposed height is excessive and would result in loss of light to neighbouring properties.</li> <li>2. The proposed height would have a negative impact on aesthetics</li> <li>3. The proposed colour is inconsistent with neighbouring structures</li> <li>4. Concern over the outlook of the upper flat</li> <li>5. Concern over water/sewage connections</li> </ol> <p><u>Officer Response</u></p> <ol style="list-style-type: none"> <li>1. <i>The proposed size and its impact on the conservation area is assessed within section 3.</i></li> <li>2. <i>Impacts to neighbouring amenity and outlook is assessed within section 4.</i></li> <li>3. <i>Water/sewage connections is not a planning concern.</i></li> <li>4. <i>The suitability of the structure is assessed within section 3.</i></li> </ol> <p>The comments in support noted the following:</p> <ol style="list-style-type: none"> <li>1. The development would increase privacy between neighbours with no loss of light or outlook</li> <li>2. Green roof will provide improved aspect/enjoyment of private amenity space.</li> <li>3. Development would not be visible to public areas</li> <li>4. Development is proportionate and tasteful</li> </ol> <p><u>Officers Response</u></p> <p><i>All material planning considerations made within these comments have been taken into account in the determination of this application</i></p>			

**Combined Residents  
Association of South  
Hampstead (CRASH)**

- C.R.A.S.H. objected on the below points
1. Lack of details to the plans, namely foundations, drainage.
  2. Size of the outbuilding and the colour of the elevations will be overbearing.
- Officer Response
1. *Sufficient details have been provided to assess the application.*
  2. *Size of the outbuilding and its details are assessed within section 3*

## Site Description

The application relates to a three-storey detached building on the western side of Priory Road. It is located within the Fortune Green and West Hampstead Neighbourhood Plan area and the South Hampstead Conservation Area and is identified as making a positive contribution to the character and appearance of the conservation area.

The building has been sub-divided into flats. The ground floor flat has direct access to the rear amenity space.

## Relevant History

**2019/4073/P** - Non-material amendments (increase in width of rear extension by 0.2m and replacement of windows) of planning permission 2019/0639/P dated 26/04/2019 for the erection of single storey rear extension with associated alterations and rear garden decking to ground floor flat - **Granted 13/08/2019**

**2019/0639/P** - Erection of single storey rear extension with associated alterations and rear garden decking to ground floor flat - **Granted 26/04/2019**

**H5/3/1/931** - Erection of a single storey extension at the rear of the ground floor - **Granted 15/10/1965**

## Relevant policies

### National Planning Policy Framework (2024)

### The London Plan (2021)

### Camden Local Plan (2017)

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

### Fortune Green and West Hampstead Neighbourhood Plan (2015)

- Policy 2: Design & Character
- Policy 3: Safeguarding and enhancing Conservation Areas and heritage assets
- Policy 18: Trees

### Camden Planning Guidance:

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

### South Hampstead Conservation Area Statement (2011)

### Draft Camden Local Plan

A [Submission Draft Camden Local Plan](#) (updated to take account of consultation responses) was reported to Cabinet on 2 April 2025 and the Council on 7 April 2025. The Council resolved to agree the Submission Draft Local Plan for publication and submission to the government for examination (following a further period of consultation). The Submission Draft is a significant material consideration in the determination of planning applications but still has limited weight at this stage.

### 1. Proposal

- 1.1. Planning permission is sought for the erection of an outbuilding in the rear garden of the property.
- 1.2. The proposed outbuilding would be located at the bottom of the rear garden. The outbuilding would have two enclosed structures at either end, with an open pergola structure in the middle, totaling 11.34m in width. The northern structure would be 6m wide and 4.3m deep and would be used as a gym/summer house, and would contain a bathroom, including a shower. This structure would have a mono-pitched sedum green roof with a maximum height of 3.7m to the rear, reducing to 2.22m at the front of the structure. The pergola would be approximately 4.1m wide, containing a dining area and sink/basin, and would be open to the front and rear. The materiality of the pergola has not been specified. The southern structure would be approximately 1.8m wide and 4.3m deep and would have a flat roof with a height of 2.7m. This structure would be used for storage.
- 1.3. The outbuilding would be setback a minimum of 1m from all boundaries and would be constructed in natural stained shiplap with uPVC folding doors and windows.

### 2. Assessment

3.1 The principal planning considerations are considered to be the following:

- Design and Heritage
- Neighbouring Amenity
- Trees
- Biodiversity Net Gain

#### **Design and Heritage**

- 2.1. The Council's design policies aim to achieve the highest design standard in all developments. The following considerations contained within policy D1 are relevant to the application: development should respect local context and character; comprise details and materials that are of high quality and complement the local character; and respond to natural features. Policy D2 'Heritage' states that in order to maintain the character of Camden's conservation areas, the Council will not permit development within a conservation area that fails to preserve or enhance the character and appearance of that conservation area.
- 2.2. The Fortune Green and West Hampstead Neighbourhood Plan Policy 2 states that *"All development shall be of a high quality of design, which complements and enhances the distinct local character and identity of Fortune Green and West Hampstead"*. Policy 3 expands with *"Proposals which detract from the special character, and/or, architectural and/or historic significance, and setting of Conservation Areas and heritage assets in the Area will not be supported"*
- 2.3. The South Hampstead Conservation Area Appraisal states that *"Development which results in the loss of private open spaces is unlikely to be acceptable due to the positive contribution of these spaces to the character and appearance of the conservation area"*. Within Paragraph A.13 of the same statement is expands on outbuilding with *"in order to protect the Area's green/open spaces, the development of new dwellings in private gardens should be avoided."*
- 2.4. The CPG (Home Improvements) states that outbuildings should:
  - *Ensure the sitting, location, scale and design has a minimal visual impact on and is visually subordinate within, the host garden*
  - *The works should preserve or enhance the existing qualities and context of the site, and character of the Conservation Area*
  - *Not detract from neighbouring gardens' open character and garden amenity and the wider surrounding area.*
- 2.5. The proposed outbuilding would be located within the rear garden within the private amenity space for

the dwelling. The outbuilding would be finished in timber shiplap, with uPVC doors and a mono-pitched green roof and would extend the majority of the width of the rear garden. Permission has recently been granted under reference 2019/0639/P for a single storey rear extension (later amended by app ref: 2019/4073/P). The area of the garden is approximately 147sqm and the outbuilding would be approximately 27.4sqm.

- 2.6. The proposed outbuilding is excessively large and due to its size and position in the garden would result in the loss of the sense of openness in the back garden. The design, with uPVC and the excessively large canopy, is not appropriate for the garden setting in the South Hampstead Conservation Area.
- 2.7. Given the floor area of the proposed outbuilding and its design, roof form and height/width and location, it would result in increased prominence, emphasising its volume and making it an overly dominant and visually overwhelming development. It would also exceed the height of the boundary wall by approximately 0.8m and would therefore be visible in multiple private views from surrounding properties.
- 2.8. As such, the proposed outbuilding is considered to be excessively large for this domestic setting and would be out of proportion to the main dwellinghouse and surrounding area. Although not visible from the public realm, it is considered to represent unsympathetic overdevelopment of the private garden space and South Hampstead Conservation Area.
- 2.9. The design and proportion of the outbuilding (in relation to the garden) would result in the erosion of green space contrary to local policies, which is considered to be harmful to the character of the conservation area but also the character of the positive contributor building.
- 2.10. It is important to note that there are other outbuildings in the gardens of Priory Road in close proximity to the site which could be argued to set precedence for this proposal, please see below information regarding these outbuildings:
- 99 Priory Road – Planning permission for the construction of the outbuilding cannot be found however this has existed in situ since 1976 where permission was granted to convert the garage to a separate dwelling (app ref: H5/3/2/23180) This outbuilding cannot set precedence as it was approved under different policies and guidelines
- 1 & 2 Banister Mews - Planning permission cannot be found for its construction, however this has existed in situ since 2003 as seen under app ref: 2003/0478/P. This outbuilding cannot set precedence as it was approved under different policies and guidelines
- 2.11. Therefore, due to its size, bulk, and location, the proposal would represent an overbearing addition that would cause less than substantial, 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.
- 2.12. The council has had special regard to the desirability of preserving the character and appearance of the Conservation Area.

### **3. Neighbouring Amenity**

- 3.1. Policy A1 seeks to protect the quality of life of occupiers and neighbours by only granting planning permission to development that would not harm the amenity of residents. This includes factors such as privacy, outlook, and implications to natural light, artificial light spill, odour and fumes, as well as impacts caused from the construction phase of development.
- 3.2. Although the outbuilding would be visible from properties which share a boundary of this site it is unlikely to have detrimental impact of daylight, sunlight or outlook. The proposed windows on the rear and side elevations are high level and proposed to be obscurely glazed and would not produce any overlooking impacts
- 3.3. Therefore, given the orientation of the building design and distance from the other residential dwellings, it is unlikely that the proposal would harmfully affect the quality of life of neighbouring occupiers. The development is thus considered to be in accordance with planning policy A1

### **4. Trees**

- 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 harm to the trees or vegetation has been justified by the proposed development it is expected that development should incorporate replacement trees or vegetation.

- 4.2. Policy 18 of the Fortune Green and West Hampstead Neighbourhood Plan states that “*Development shall protect trees in good health that contribute to the character of the Area, individual streetscapes, and green spaces*”. Additionally, the South Hampstead Conservation Area Statement states that “*Where there are trees on or adjacent to the site, including any street trees, an arboriculture report will be required with the submission of a planning application*” and that “*views along rear garden vistas and into areas of dense tree cover are characteristic of the conservation area and should be protected.*”
- 4.3. As evident from aerial images, the site contains several small trees, and there are a number of larger mature trees adjacent to the site which will be within close proximity to the proposed outbuilding. An arboricultural report was not submitted as part of this proposal and so, in the absence of this information, the Council cannot adequately assess the potential impacts of the proposed development on nearby trees and vegetation, and whether any mitigation or protection measures are required to ensure against damage during and after work. All trees within 10 metres of the development should be clearly identified and evidence should be provided to demonstrate this outbuilding would not have a detrimental impact on the nearby trees. The absence of sufficient information to demonstrate that the development will not have an adverse effect on existing trees is an additional reason for refusal.
- 4.4. Overall, due to the failure to provide information in relation to the protection of trees, the proposal fails to comply with policy A3 of the 2017 Local Plan and Policy 18 of the Fortune Green and West Hampstead Neighbourhood Plan.

## **5. Biodiversity Net Gain**

- 5.1. Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 (“1990 Act”) states that planning permission granted in England is subject to the condition (“the biodiversity gain condition”) that development may not begin unless:
- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
  - (b) the planning authority has approved the plan.
- 5.2. Biodiversity Net Gain (BNG) requirements came into effect for small sites on 02 April 2024 with the aim to leave biodiversity in a better state than before the development. As the application type does not fall below the exemptions listed in paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990, the applicant would be required to submit the “Small Sites Metric” for the application to be valid.
- 5.3. It is acknowledged that the application was validated without the required Small Sites Metric. As a result, the application has been assessed on its merits. Had the proposal been otherwise acceptable, the Biodiversity Net Gain requirements would have been requested at that stage.
- 5.4. However, the applicant has not submitted evidence using the Small Sites Metric to demonstrate that the development would achieve at least a 10% net gain in biodiversity. Additionally, due to site-specific constraints, the Council cannot confirm that this requirement could be met. Consequently, this shortfall constitutes a reason for refusal.

## **6. Recommendation**

- 6.1. Refuse Planning Permission for the following reasons:

1. The proposed outbuilding, by virtue of its siting, massing, bulk and scale would be an incongruous and insubordinate addition to the host property, dominating the rear garden space and causing harm to the character and appearance of South Hampstead Conservation area, contrary to Policies D1 (Design) and D2 (Heritage) of the Camden Local Plan 2017 and Policies 2 (Design and Character) and 3 (Safeguarding and enhancing Conservation Areas and heritage assets) of the Fortune Green and West Hampstead Neighbourhood Plan.

2. In the absence of an adequate Tree Survey and Arboricultural Impact Assessment and submission of the Statutory Biodiversity Metric , the applicant has failed to demonstrate the development would not cause unacceptable harm to trees or on site habitats, or that they are capable of complying with the statutory biodiversity gain condition, contrary to Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990, policy A3 (Biodiversity) of the London Borough of Camden Local Plan 2017 and Policy 18 (Trees) of the Fortune Green and West Hampstead Neighbourhood Plan.



