

Delegated Report (Members Briefing)		Analysis sheet		Expiry Date:	16/11/2012
		N/A / attached		Consultation Expiry Date:	01/11/2012
Officer			Application Number(s)		
Miheer Mehta			2012/4083/P		
Application Address			Drawing Numbers		
39 A Belsize Square London NW3 4HL			See Decision Notice		
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature		
Proposal(s)					
Minor material amendments to planning permission granted on 28/04/11 (Ref: 2010/1289/P) for the erection of a single storey garden house at the rear of the garden, for the use of the lower ground floor flat (Class C3), namely repositioning of garden house adjacent to brick wall of No. 40, omission of skylight and installation of sloped green roof, alterations to detailed design including design of timber cladding and fenestration, and installation of 2m high privacy screen on boundary wall with No. 38.					
Recommendation(s):		Grant Conditional Permission			
Application Type:		Variation or Removal of Condition(s)			

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	48	No. of responses	07	No. of objections	07
Summary of consultation responses:	<p>Objections received from 6 local residents from 19a Belsize Park Gardens, 38 Belsize Square, Flat 1 & Flat 2, 39 Belsize Square, Flat 3 40 Belsize Square, 44 Belsize Square on the following grounds:</p> <ul style="list-style-type: none"> - The outbuilding does not preserve or enhance the special character or appearance of the Belsize Conservation Area - The height, scale and bulk of the proposed building clash violently with the distinctive character and with the established and uniform pattern of the neighbouring buildings and gardens. The proposed extension will have an adverse effect on trees, light, views and openness to neighbouring properties and also increases the potential for noise pollution - There will be a loss of privacy as more activity will be apparent - There will also be a loss of nature - If the plans were to be approved it could set a precedent to others in the garden flats - The building is likely to take sunlight from neighbours on all sides - Noise and inconvenience during building period - The structure will be visible from many of the surrounding houses and flats - The minor material changes are extensive that it must be considered a completely different proposal - Change of roof shape from flat to pitched, creating a large protruding parapet <p>Response: <i>Please see main report in regards to minor material changes, impact on Conservation Area, outlook, height, scale, noise and light pollution and privacy. In regards to noise and inconvenience during the building period, this is not a planning matter.</i></p> <p><i>The application has also been determined at the latest date possible in order to ensure any late correspondence can be taken into consideration.</i></p>					
CAAC/Local groups* comments: *Please Specify	Belsize CAAC – No objection raised.					

Site Description

39 Belsize Square is a semi-detached villa comprising lower ground, upper ground, first and second floors. It is located on the northern side of Belsize Square, within the Belsize Conservation Area and is listed as a building that makes a positive contribution to the conservation area.

The property has been divided into flats; the garden flat is the subject of this application.

Relevant History

Application Site History

2010/1289/P Erection of a single storey garden house at the rear of the garden, for the use of the lower ground floor flat (Class C3). Permission was Allowed on appeal 28/04/2011

Planning permission was refused on 24/06/2010 due to its bulk and height within the context of its location in the rear garden and was considered to be harmful to the landscaped setting of the adjoining rear gardens and the character and appearance of the conservation area

2006/3562/P Replacement of side entrance door to existing self-contained flat, plus replacement of the centre window in the front, lower ground floor bay with French doors. Granted 15/09/2006

Street History

23A Belsize Square 2006/0403/P Erection of a free standing timber-clad summerhouse in rear garden of ground floor flat. Granted 08/03/2006

50A Belsize Square 2005/2651/P Erection of a timber summerhouse in rear garden of single family dwellinghouse. Granted 09/09/2005

77 Belsize Park Gardens 2005/2236/P Erection of a summer house and associated timber decking, incorporating a 2.4m high side boundary wall, in rear garden for upper ground floor flat. Granted 19/08/2005

17A Belsize Square 2005/0413/P Removal of existing greenhouse in rear garden, and erection of a new single storey timber framed extension with pergola for use as an artist's studio. Granted 03/05/2005

Relevant policies

LDF Core Strategy and Development Policies

CS5 Managing the impact of growth and development

CS13 Tackling climate change through promoting higher environmental standards

CS14 Promoting high quality places and conserving our heritage

CS15 Protecting and improving our parks and open spaces and encouraging biodiversity

CS16 Improving Camden's health and wellbeing

DP22 Promoting sustainable design and construction

DP23 Water

DP24 Securing high quality design

DP25 Conserving Camden's heritage

DP26 Managing the impact of development on occupiers and neighbours

DP32 Air quality and Camden's clear zone

National Planning Policy Framework (2012)

Supplementary Planning Guidance

CPG (2011)

CPG 1 Design

CPG 6 Amenity

Belsize Conservation Area Statement (CAS) 2002.

Assessment

Background

The proposed outbuilding was previously allowed on appeal (see Planning History). The current application makes minor alterations to the previous approved plan for an outbuilding. The changes include:

- The location of the outbuilding was previously centrally positioned at the foot of the rear boundary wall of the site. The proposed location is against the flank boundary wall with no.40 Belsize Square and the overall footprint of the outbuilding remains the same.
- The height of the outbuilding is marginally increased from 2.7m to 3.0m in height and replaces the skylight for a sloping green roof.
- There are minor alterations to the elevations, with 4 sliding doors replacing the previous 3 sliding doors attached to the front elevation and a further 2 sliding doors replacing the pocket window on the west elevation. The remaining flank walls (north and east elevations) would form walls. The materials to be used remain the same, as approved, in the form of grey framed aluminium folding/sliding doors and natural wood cladding.

The current proposal is described as follows:

“Minor material amendments to planning permission granted on 28/04/11 (Ref: 2010/1289/P) for the erection of a single storey garden house at the rear of the garden, for the use of the lower ground floor flat (Class C3), namely repositioning of garden house adjacent to brick wall of No. 40, omission of skylight and installation of sloped green roof, alterations to detailed design including design of timber cladding and fenestration, and installation of 2m high privacy screen on boundary wall with No. 38.”

The principal consideration material to the determination of this application and summarised as follows:

- Location and design of the proposed structure and its impact on the surrounding area
- The impact of the development on the amenity of adjoining occupiers
- The alterations forming minor material amendments to the previous planning permission

Location and Design considerations / Impact on the Conservation Area

The proposed outbuilding was allowed on appeal and the current application seeks to locate on locating the outbuilding closer to the adjoining boundary wall with No.40 Belsize Square.

The properties on the northern side of Belsize Square enjoy generous rear gardens. The garden of no. 39 Belsize Square measures approximately 21m in length and 8.5m in width. The proposed structure would measure 5.8m wide x 3.3m deep and 3.0m high. The structure would not be the full width of the garden, leaving a gap of approximately 2.8m between the building and the garden boundary with no.38 Belsize Square.

The building which has a footprint of approximately 19.4sqm in a garden of approximately 178sqm would occupy 11% of the garden space, complying with the Camden Planning Guidance which requires extensions to allow for the retention of a reasonably sized garden.

The rear gardens of this part of Belsize Square cannot be seen from the public realm and therefore are not noted in the conservation area statement as making a positive contribution to the appearance of the conservation area. There are various garden structures such as sheds in the area, and summer houses at nos. 17A, 23A and 50A Belsize Square and 77 Belsize Park Gardens.

Due to the size of the rear gardens of Belsize Square and Belsize Park Gardens and the presence of other structures in the area, it is considered that the alterations to the height and position of the approved structure would not harm the character and appearance of the conservation area.

The structure is to be clad in natural wood with folding aluminium framed doors to the front and side. The design is modern, yet utilitarian, and is not considered to harm the appearance of the conservation area. Natural wood is an acceptable choice which will blend into its surroundings better than brick or render.

The existing garden is a mixture of hard and soft landscaping; there is a small shed at the rear and shrubbery around the borders, a paved area extends from the house, and two paths and raised decking surround a central lawn. The proposed structure would see the loss of some shrubbery and a small increase in the area of decking, but would not affect the grassed area.

No trees on site would be affected by the proposal. There is an ash tree in the garden of no. 17 Belsize Park Gardens, but as it is on the other side of the boundary wall and the proposed structure would sit on a concrete plinth with no, it is not considered that the proposal would harm this tree. A informative has been attached to advise on protecting the neighbouring tree.

As such the proposal would allow for the retention of a reasonably sized garden and is of a size, design and materials that would not harm the character and appearance of the conservation area in line with relevant Council policies on Design and Conservation.

It is considered that the principle and location of the outbuilding is considered acceptable.

Residential Amenity

There are no windows to the side facing no.40 and to the rear of the proposed structure. The two sliding doors to the east would be set away by 2.8m from the boundary wall with no.38. The only unobscured view from the building would be back towards 39 Belsize Square.

Due to the location of the proposed structure in the rear garden, and its position 17m away from the closest adjoining properties, it is considered that the proposal would not create any unacceptable overlooking of or a subsequent loss of privacy to adjoining occupiers. Surrounding vegetation on the application site and immediately adjoining sites would also partially obscure the proposed structure.

Concern has been raised by neighbouring residents about loss of outlook, but their concern was primarily that they would be looking at a new building where there was once green space. Existing views are not protected by the planning process unless specifically identified as having a level of amenity that it is desirable to protect. It must be noted that planning permission has already been granted for the outbuilding and the changes proposed would not further harm outlook from neighbouring properties.

The proposed structure would be 3.0m high and located in a rear garden surrounded by 4-storey properties; it would also be 17m away from the closest adjoining properties, as such it would not cause a loss of daylight or sunlight to any surrounding dwellings or their gardens.

Gardens provide outdoor amenity space for dwellings, and the proposed building is described as being a combination of garden house. Due to its size and fact that such structures are incidental to a residential use, it is considered that use of the garden house would not be likely to create a noise problem for adjoining occupiers.

The structure does include a green roof on the top of the building with 2m high sliding doors to the elevations. There is potential for some light pollution from these doors, but such buildings are ancillary to the main residential use and it is assumed that it will not be in constant use during night time hours. Combined with the distance from adjoining properties and the amount of light that is likely to escape from a building of this size, it is considered that the proposal would not create an unacceptable amount of light pollution.

Therefore it is considered that the proposal would not harm the amenity of adjoining occupiers.

Minor Material Amendments

The alterations being made as part of this application are minor in nature and the process in submitting this application is similar to a full planning application with statutory consultation having taken place. It is considered that the changes to this proposal, when compared to the previous approval, as listed above are considered to warrant minor material amendments and permission should be granted accordingly.

CONCLUSION

The size of the structure and its location in the rear garden are not considered to harm the character or appearance of the conservation area. The basic design and wooden cladding are also considered to be acceptable for a structure in a rear garden and would cause no harm to the appearance of the conservation area. The size and location of the structure are not considered to harm the amenity of adjoining occupiers in terms of a loss of daylight or sunlight, loss of privacy, light or noise pollution.

Recommendation

Grant conditional permission.

DISCLAIMER

Decision route to be decided by nominated members on Monday 19th November 2012.
For further information please click [here](#).