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| Delegated Report (Members Briefing) | | Analysis sheet | | Expiry Date: | 22/10/2010 |
| | | N/A / attached | | Consultation Expiry Date: | 04/10/2010 |
| Officer | | | Application Number(s) | | |
| Jonathan Markwell | | | 2010/4501/P | | |
| Application Address | | | Drawing Numbers | | |
| 1a Lupton Street London NW5 2JA | | | Please see decision notice | | |
| PO 3/4 | Area Team Signature | C&UD | Authorised Officer Signature | | |
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| Proposal(s) | | | | | |
| Erection of single storey garden studio outbuilding to rear of existing residential dwelling (Class C3). | | | | | |
| Recommendation(s): | | Grant Planning Permission | | | |
| Application Type: | | Householder Application | | | |

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| Conditions or Reasons for Refusal: | Refer to Draft Decision Notice |
| Informatives: | |

Consultations

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| Adjoining Occupiers: | No. notified | 09 | No. of responses | 05 | No. of objections | 04 |
| | | | No. Electronic | 05 | | |

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| Summary of consultation responses: | <p>A total of four objections have been received from the following addresses: 17 Railey Mews (two separate submissions from separate occupiers; one of these occupiers have submitted two separate submissions), 1 Lupton Street and 93 Leverton Street. A summary of the issues raised are as follows:</p> <ul style="list-style-type: none"> a) Proximity to tree with TPO (any damage will put the protected tree at significant risk) and lack of arboricultural report / method statement being submitted. b) Concern of future use being for a separate residential unit, live/work unit or as a music studio for girlfriend of applicant, who one objector denotes is not a permanent resident at the site. c) Potential for business use at the site and associated implications regarding increase in traffic and associated parking in local area. d) Loss of green/garden space is excessive (in context of No 17 Railey Mews previously being part of the garden prior to being developed), as very few properties in the neighbourhoods have gardens, in association with overdevelopment of site (development does not respect the garden setting). e) Proposed materials not in keeping with the area, for example loss of wall and red engineering brick and cedar cladding. f) Excessive height of proposed building means it will have a significant visual impact on 17 Railey Mews, including loss of outlook (thus amenity) from side window at first floor level), which is denoted as important as most glazing is obscured on this building. g) Questioning the validity of the sedum roof, given it will be shaded by the TPO tree. h) Noise nuisance to neighbouring occupiers as studio will be used for music purposes & provision of door so close to No. 17 Railey Mews; i) Proximity to No. 17 Railey Mews and associated issues of maintenance, structural stability and security (increased risk of burglary) of this building owing to that proposed. j) Proposed building should not form a street boundary; k) Proposed development not in accordance with the lease agreement with No. 1 Lupton Street; l) Loss of light to other part of garden; m) Loss of privacy to occupier at No. 1 Lupton Street owing to window and door on east elevation; n) Disruption to local occupiers during construction. <p>Officer response: a) A Tree Survey and Implications Study has been submitted during the course of the application – see section 5 of the assessment; b) see section 2; c) see section 2 and 6; d), e), f), l) and m) see section 4; g) see section 5; h) see section 4; i) see sections 4 and 6; j) the proposals have been revised during the course of the application – see paragraph 1.2 and section 3; k) This is a civil matter and not material to the consideration of this planning application; n) Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. Noise nuisance from building works are therefore covered under separate legislation and are thus not relevant to the determination of this planning application.</p> |
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| CAAC/Local groups* comments: *Please Specify | None. |
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Site Description

The application site is located to the rear of No. 1 / 1a Lupton Street, which is a five storey building split into two self-contained residential units (No. 1 on the lower floors and No. 1a on the upper floors). It occupies an end of terrace plot on the junction of Lupton Street, Ospringe Road, Leverton Street and Railey Mews.

The application site comprises the rear garden of No. 1a Lupton Street, in the area adjacent to the Railey Mews (south) boundary of the site. The rear garden of the building is split in ownership between No. 1a and No. 1. The rear amenity space of No. 1 Lupton Street is on the north side of the garden, up to the boundary with No. 3 Lupton Street. To the west of the application site is the three-storey 17 Railey Mews dwelling, which was built in the late 1990s on land that was previously the rear garden of the application site (see history section below).

The immediate area is predominantly residential, with a variety of buildings including those in the style of the host building and smaller mews style buildings. The application site does not include a listed building and is not within a conservation area. The Lime tree is TPO protected, as per a 2009 designation. Soon after the designation an application was refused to fell the tree but a subsequent application to crown the tree was approved (see relevant history section below). During the officer site visit on 20/09/2010 it was seen that these works had been carried out.

Relevant History

1 Lupton Street

2009/0925/P - Erection of single storey garden studio to the rear of 1a Lupton Street and erection of replacement boundary wall on the south (Railey Mews) elevation. Refused 01/06/2009.

Reason for refusal: The proposed development, by reason of the removal of a protected Lime tree, would be detrimental to the character and appearance of the streetscene and the area generally, contrary to policies B1 (General design principles) and N8 (Ancient woodlands and trees) of the London Borough of Camden Replacement Unitary Development Plan 2006 and guidance contained within Camden Planning Guidance 2006.

Land at the rear of 1 Lupton Street

PE9700933R1 - The erection of a three storey house with integral garage. Granted 28/04/1998. This dwelling is now known as No. 17 Railey Mews.

Tree applications at 1 Lupton Street

2009/3045/T - (TPO Ref: C869) REAR GARDEN: 1 x Lime - Fell. Refused 11/08/2009.

Reason for refusal: The Lime tree is considered to be of particular amenity value. The reasons given for felling the tree are considered to be insufficient to warrant its felling. (1) no evidence of the tree's role in building damage has been provided; (2) the wall could be repaired in such a way as to retain the tree; (3) during a site visit with the applicant it was agreed that some crown raising could be carried out which would improve light levels to the garden and there improve the usability of the garden; (4) the tree does restrict sunlight to the rear and side facades of 1a Lupton St and 17 Railey Mews respectively, however the windows affected are not the only sources of sunlight to these properties. (5) the tree is a mature specimen and has a reasonable safe useful life expectancy (20 years+). Whilst a replacement would be a requirement of any permission to fell the Lime it is considered preferable to maintain the current level of amenity that this tree provides to the area.

2009/4417/T - (TPO Ref: C869) REAR GARDEN: 1 x Lime - Raise canopy to 5.5m. Cut back laterals encroaching on neighbouring property. Cut back laterals overhanging Railey Mews and telephone wires. Thin crown by 25%. Remove basal growth. Approved 14/10/2009.

Relevant policies

London Borough of Camden Replacement Unitary Development Plan 2006

SD6 – Amenity for occupiers and neighbours

B1 – General design principles

B3 – Alterations and extensions

N5 – Biodiversity

N8 – Ancient woodlands and trees

Camden Planning Guidance 2006

LDF Core Strategy and Development Policies

The Inspector's Report into the Camden Local Development Framework Core Strategy and Development Policies Development Plan documents ("DPD"s) was published on 13th September and found the policies in the DPDs to be sound. This means "considerable weight" can now be given to these LDF policies even though at this stage they have yet to be formally adopted by the Council. Where there is a conflict between UDP policies and these LDF policies the Planning Inspectorate would consider it reasonable to follow the latter. However prior to formal adoption UDP policies should still be taken into account as the Council's adopted Development Plan.

LDF Core Strategy

CS1 – Distribution of growth

CS5 – Managing the impact of growth and development

CS14 – Promoting high quality places and conserving our heritage

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

LDF Development Policies

DP22 – Promoting sustainable design and construction

DP24 – Securing high quality design

DP26 – Managing the impact of development on occupiers and neighbours

Assessment

1. Introduction

1.1 Planning permission is sought for the erection of a single storey garden studio outbuilding in the rear garden area of No. 1 / 1a Lupton Street dwelling (Class C3). Access remains unaltered from a side gate close to the rear building line of the main building. The outbuilding includes a door and window on the east elevation (facing No 1 / 1a Lupton Street), a high level window on the south elevation and a further door on the west elevation. It also includes a rooflight, which is surrounded by a sedum roof. Trellis 0.4m in height is proposed along the existing brick wall boundary of the site with Railey Mews. The proposed outbuilding is 'r' shaped in order to be positioned away from a nearby TPO protected lime. It is proposed to be part 2.4m and part 5.4m in width, part 2.73m and part 4.5m in depth and part 2.7m and part 3.5m in height. The lower figures relate to the part of the outbuilding closest to the Railey Mews frontage, with the outbuilding wider, deeper and higher away from the streetscene. The outbuilding is set within the part of the garden owned by No 1a Lupton Street and close to the boundary with No. 17 Railey Mews.

1.2 During the course of the application the scheme has been amended in a number of ways. It was originally proposed to replace a portion of the boundary wall fronting onto Railey Mews with fencing; this is no longer proposed and it is instead proposed to replace the part of the wall which is in a poor condition in a like-for-like manner. Furthermore, the proposed outbuilding has been repositioned to within the garden area, away from the original position of adjacent to the street frontage (the repaired boundary wall will separate the outbuilding from the street frontage). In addition, a Tree Survey and Implications Study has been submitted during the course of the application having not been submitted at the time of the application. The applicant has also clarified the proposed use of the outbuilding.

2. Land use

2.1 The applicant has confirmed in writing during the course of the application that the outbuilding will be used as a practice studio for a piano and harp instrumentalist. This is for private use ancillary to the main residential use at 1a Lupton Street. Moreover, the applicant has also confirmed that it is not going to be used as a commercial studio or be rented to third parties. The access to the site will be from the existing garden entrance and there is no active frontage onto Railey Mews. Therefore it is considered that the proposed use can be classed as a purpose incidental to the primary Class C3 residential use at 1a Lupton Street. However, it is considered necessary to add a condition denoting that the outbuilding shall not be used as a separate independent Class C3 dwelling, Class B1 business unit or Class D1 non-residential education & training centre. If this condition is not adhered to if and when a subsequent permission is implemented, the Council would have sufficient grounds to take the necessary enforcement action.

3. Design

3.1 The proposed design has been altered during the course of the application. The building is now set back from Railey Mews frontage, so that it is read as a structure within the garden rather than being up against the line of the pavement (which was not considered to be appropriate). Furthermore, following revisions the brick boundary wall is to be retained (repair works on a like-for-like basis are to be carried out). This preserves what is considered to be an important townscape feature. Therefore, the proposed outbuilding will not be largely visible from the public realm, rising above the existing brick wall by 1m on the boundary.

3.2 In terms of detailed design, the proposed timber materials (cladding, trellis and timber framed triple glazed windows) are considered to be appropriate in this garden setting, located outside of a conservation area. The height and overall size of the structure is not considered to be excessive and has been minimised where possible given the context of the application site. In addition, despite the granting of planning permission for what is now 17 Railey Mews (see planning history above), it is considered that a sufficiently sized garden is retained to the rear of No. 1 Lupton Street as a result of the proposed garden studio.

4. Amenity

4.1 With regard to privacy and overlooking matters, the outbuilding is provided within the rear garden of the application site. It is positioned as far as possible from the main building and includes only a single door and window on the east elevation facing the rear of No. 1 Lupton Street. There are no windows on the rear elevation at lower ground floor (garden) level on the rear return, facing towards the application site building. Any overlooking would be at oblique angles and thus no significantly overlooking/loss of privacy is considered to result.

4.2 The small scale of the single storey building and its carefully thought out location is considered to ensure that no significant daylight/sunlight or outlook/sense of enclosure matters are likely to occur as a result of the proposals. The rear amenity area of No. 1 Lupton Street and No. 17 Railey Mews are considered to receive adequate daylight from other points if the proposed outbuilding were to be built. Any loss of outlook from the first floor side window at No. 17 is not considered to be sufficient to warrant the refusal of the application, owing to this window being largely at a higher level than the proposed outbuilding, mitigating any potential significant adverse impact at this point.

4.3 In terms of noise and disturbance matters, it is considered that a structure of this size is in normal circumstances unlikely to have a significant impact. However, the applicant has indicated that the outbuilding will be used as a practice studio for a piano and harp instrumentalist. As such, it is considered reasonable and necessary to add a condition

denoting further details of sound insulation measures to be submitted. This is in order to protect the residential amenity of neighbouring occupiers in what is a predominantly residential area. This is

4.4 In terms of crime and safety matters, given the proposed building does not have a new access point direct from the street frontage and is set away from the boundary with No. 17 Railey Mews, it is not anticipated to result in a significant increase in opportunities for crime in the locality.

5. Trees and landscaping

5.1 As noted above, an arboricultural report has been submitted during the course of the application. This outlines what is considered to be a satisfactory method of protection for the TPO protected Lime tree. The report is considered to be appropriate and no further details are required prior to planning permission being able to be recommended for approval. However, it is considered necessary to add a condition denoting that works shall not begin until the tree protection measures set out in the tree protection plan and methodology have been inspected by the tree officer. This is considered necessary in order to ensure the protection of the TPO tree, which is considered to be an important feature in the local area.

5.2 The applicant has indicated that the roof of the proposed outbuilding includes a green roof. The proposed plans indicate that a system by a recognised company in this field is to supply the green roof. The principle of providing a green roof is considered to be welcomed. It is considered that the proximity of the Lime would not impinge significantly on the future health of the green roof. Given the context of the nature of the application and the information submitted, it is not considered necessary to provide further details of the green roof.

6. Other matters

6.1 Given the outbuilding is to be used for purely ancillary residential purposes, it is not considered that the proposed development would result in neither an increase in traffic or reduction in available on-street parking spaces. The condition specifying the outbuilding will not be used for separate Class C3, B1 or D1 uses downplays the likelihood of the proposal having any adverse impact on the local transport situation.

6.2 In terms of the maintenance of neighbouring properties being curtailed by the proposed development, it is considered that the proposed scheme has been positioned carefully in order to adequately maintain this for the adjacent building and the proposed building.

6.3 With regard to the structural implications of the proposed development, it will only include shallow screw piles in order to protect the adjacent lime tree. Therefore, it is considered highly unlikely that the proposed development would impinge on the structural stability of neighbouring buildings.

7. Recommendation

7.1 Grant Planning Permission

DISCLAIMER

Decision route to be decided by nominated members on Monday 18th October 2010. For further information see

<http://www.camden.gov.uk/ccm/navigation/environment/planning-and-built-environment/planning-applications/development-control-members-briefing/>