

<b>Address:</b>	Land to the rear of 14 Lawn Road London NW3 2XS	
<b>Application Number:</b>	2010/3420/P	<b>Officer: Jonathan Markwell</b>
<b>Ward:</b>	Gospel Oak	
<b>Date Received:</b>	28/06/2010	
<b>Proposal:</b> Erection of a single storey outbuilding at rear of existing garden flat (ClassC3) following demolition of four lock-up garages (Sui Generis) and associated alterations.		
<b>Drawing Numbers:</b> Site Location Plan; P-01 Rev H; P-02 Rev H; P-03 Rev J; P-04 Rev J; P-05 Rev J; P-06 Rev H; P-07; Tree Survey / Arboricultural Implications Assessment / Arboricultural Method Statement dated 28/05/2010 Ref: CC/518 AR909.		
<b>RECOMMENDATION SUMMARY: Grant planning permission subject to a Section 106 Legal Agreement</b>		
<b>Related Application</b>		
<b>Date of Application:</b>	28/06/2010	
<b>Application Number:</b>	2010/3421/C	
<b>Proposal:</b> Demolition of four lock-up garages (Sui Generis).		
<b>Drawing Numbers:</b> Site Location Plan; P-01 Rev H; P-02 Rev H.		
<b>RECOMMENDATION SUMMARY: Grant Conservation Area Consent</b>		
<b>Applicant:</b>	<b>Agent:</b>	
Mr and Mrs Jeremy Nicholls Garden Flat 14 Lawn Road London NW3 2XS	Helen J Bowers Architect 35 Inkerman Road London NW5 3BT	

### ANALYSIS INFORMATION

Land Use Details:			
	Use Class	Use Description	Floorspace
Existing	<i>Sui Generis</i>		50m <sup>2</sup>
Proposed	<i>C3 Dwelling House (Ancillary to the Garden Flat)</i>		43m <sup>2</sup>

Parking Details:		
	Parking Spaces (General)	Parking Spaces (Disabled)
Existing	4	0
Proposed	0	0

## **OFFICERS' REPORT**

**Reason for Referral to Committee:**     **The Director of Culture and Environment has referred the application for consideration as it involves the demolition of a building in a conservation area [Clause 3 (v)]**

### **1. SITE**

- 1.1 The application site comprises land to the rear of 14 Lawn Road, which presently includes four lock-up garages which have not been in active use for a number of years. In the area leading from Lawn Road to the rear of the site is a concrete vehicle access passage. The application site was previously part of the residential building at No. 14 Lawn Road, but has been sold off to a separate owner (the occupiers of the Garden Flat at 14 Lawn Road). The existing garages are believed to date from the late 1950s, at which time No. 14 Lawn Road was sub-divided into four flats.
- 1.2 No. 14 Lawn Road is a four-storey semi-detached Victorian building located on the east side of Lawn Road, close to the junction with Downside Crescent (to the west). It is stucco and brick in material, with a front porch supported by classic columns. Lawn Road at this point is made up of pairs of semi-detached buildings. No. 14 differs to others nearby by way of the dedicated access to the rear of the building where the four existing lock-up garages are located. Originally this area was garden space, until the aforementioned subdivision of the building and erection of garages.
- 1.3 The application site is located within Parkhill / Upper Park Conservation Area. No specific reference is made to the existing garages within the conservation area statement. No. 14 Lawn Road is identified as making a positive contribution to the character and appearance of the conservation area. There are also a number of trees and vegetation to the rear of properties along this part of Lawn Road, in contrast to the garages at the application site.

### **2. THE PROPOSAL**

- 2.1 Conservation area consent is sought for the demolition of the four existing lock-up garages to the rear of No. 14 Lawn Road. These garages are collectively 10m in width, 5m in depth and between 2.2m and 2.45m in height. They are set off the rear boundary of the site with No. 35 Upper Park Road by between 1m and 2m and the side boundaries with No's 13 (to the south) and 15 (to the north) Lawn Road by 2.5m and 0.6m respectively.
- 2.2 Planning permission is sought for the erection of a single storey outbuilding to be located in close proximity to the footprint of the existing garages. It would provide a hobby room for the occupiers of the Garden Flat at No. 14 Lawn Road and thereby be ancillary to this existing residential use. The proposed outbuilding is of identical depth (5m) to the existing garages and is 1.4m less in width (at 8.6m) than the garages. It would be set back from the boundary with No. 13 Lawn Road by 0.7m and No. 15 by 2.2m. In terms of height, this has been revised during the course of the application to 2.95m from ground level, compared with the maximum 2.45m

height of the existing garages. As such, the proposed outbuilding would be 0.5m higher than the existing garages. The proposed outbuilding comprises a simple palette of natural materials including timber panelling and a green roof. A single door and a set of folding doors on the west elevation (facing the rear of the 14 Lawn Road building) provide the only access points to the outbuilding.

- 2.3 In addition, the proposals also include landscaping to the existing concrete area between the garages and the rear of No. 14 Lawn Road, including a lawn area, a new tree and associated planting and paving. It is also proposed to remove an existing Elder tree on the boundary with No. 13. Furthermore, a new gate 2.5m in width and 1.5m in height is proposed on the side elevation between No's 14 and 15 Lawn Road. During the course of the application this has been set back 0.5m from the main front building line. In addition, a fence originally proposed on the boundary between No's 14 and No. 15 Lawn Road has been omitted and is no longer proposed.

### **3. RELEVANT HISTORY**

- 3.1 8600235 - Erection of a new one-bedroom house. Refused planning permission 16/04/1986. Reasons for refusal: 1. It is considered that the proposed development represent undesirable backland development in that: (a) it would represent an overdevelopment of the site of 14,Lawn Road as a whole, (b) it would give rise to unreasonable overshadowing of neighbouring premises, (c) it would tend to prevent a future return to the use of the area for private open space purposes and would encourage hopes of backland development elsewhere in Lawn Road to the detriment of the area as a whole. 2. The proposal would involve the loss of off-street parking spaces which the Council wish to see retained in present circumstances. Appeal against refusal of planning permission (Ref: T/APP/X5210/A/86/055166) dismissed 08/04/1987.
- 3.2 8670073 - Demolition of four garages at the rear of 14 Lawn Road in connection with the erection of a one bedroom house. Appeal received against the Council's failure to issue their decision within an appropriate period - Appeal (Ref: E/06/801807/P4) allowed 08/04/1987.
- 3.3 2009/5351/P - Erection of a single storey and basement outbuilding at rear of site (following demolition of four lock-up garages--Sui Generis), erection of new railings along part of the existing side (north) boundary wall, all for garden flat (Class C3). Withdrawn 08/04/2010.
- 3.4 2009/5360/C - Demolition of four lock-up garages (Sui Generis). Withdrawn 08/04/2010.

### **4. CONSULTATIONS**

#### **Statutory Consultees**

- 4.1 English Heritage has been formally consulted and confirmed that do not wish to comment on the planning permission or conservation area consent applications. It recommends that the applications for planning permission and conservation area

consent are determined in accordance with national and local policy, and on the basis of specialist conservation advice from London Borough of Camden.

### **Conservation Area Advisory Committee**

- 4.2 Parkhill CAAC objects to the proposals and have commented in full as follows“[The CAAC] object to the principle of development of self-contained accommodation in rear garden, and to the loss of garden space. Object to the size, bulk, design and materials of the proposal. The proposals are contrary to paras 7.34, 7.35 and 7.36 of the Parkhill/Upper Park CA statement and policies EN23 of the UDP and 7.2 and SPG”.

### **Adjoining Occupiers**

	<b>Original</b>
<i>Number of letters sent</i>	27
<i>Total number of responses received</i>	10
<i>Number of electronic responses</i>	9
<i>Number in support</i>	0
<i>Number of objections</i>	9

- 4.3 Site notices were erected on 09/07/2010, expiring on 30/07/2010. Twenty three letters were sent to adjoining occupiers, with a further four letters sent to respondents to the previously withdrawn applications (2009/5351/P & 2010/5360/C) at the site. A total of nine objections have been received from the following addresses: 12, Hall floor flat 12, 12a, 13, 13a, Upper ground flat 14, First floor flat 14, 14 Lawn Road and 37 Upper Park Road. A summary of the issues raised are as follows:

- A number of objections acknowledge no objection to the unsightly garages being demolished, but suggest that the area should revert to a garden in full and thus object to the new building; one objector notes “the remainder of the rear space should now be landscaped and returned permanently to proper garden use for present and future residents of this Conservation Area”; In addition, any building development “on these rare and valuable spaces become a permanent, irreversible attack on the historic urban grain in this area, which the Council is legally obliged to protect under designated “Conservation Areas”. Another objector denotes that “if Camden allow this in a Conservation Area it will be a denial of all a Conservation Area stands for”;
- Objection to the loss of garden space, as the proposed building would “destroy the proportionality between garden space and Victorian buildings that characterises this conservation area and makes it pleasant”.
- Several objections are made to the use of the proposed building, suggesting it will be as a separate dwellinghouse and not a hobby room as proposed, resulting in inappropriate backland development. Suggestions that any permission should “condition out” the proposed kitchenette or any possible future toilet/shower facilities and awnings being attached to the outbuilding.
- Design considered to be wholly unsympathetic with the design of the existing house, in particular the solid to void ratio of the front elevation and it is suggested that the concertina door should either be drastically reduced or

omitted. Furthermore, the increase in height compared with the existing structure is excessive, causing a significant increase in bulk and mass.

- Concerns over the design of the proposed gate being wholly unsympathetic in design to the host building and the conservation area. Suggestion that it should be set back from the front building line.
- Proposals would set a precedent “to all kinds of requests to spoil the garden areas here and elsewhere”, with knock on consequences of more parked cars, traffic and less natural drainage in back gardens.
- Concern over the proposed green roof being maintained; if not properly maintained it would become an eyesore.
- Loss of light/outlook and increase in noise/disturbance to neighbouring occupiers;
- Concern over the possible use of land in front of proposed building as parking;
- One objector notes that the occupiers of the garden flat already has a conservatory (in effect questioning the need for the proposed outbuilding); another has concerns that in future a link between the conservatory and outbuilding would be created;
- One objector denotes the proposals to be contrary to policy EN23 of the UDP, 7.2 of SPG and paras 7.34, 7.35 and 7.36 of the conservation area statement.
- Objection to the applicant not consulting the freehold of the whole of 14 Lawn Road.

## **5. POLICIES**

### **5.1 Replacement Unitary Development Plan (UDP) 2006**

SD1	Quality of life
SD2	Planning obligations
SD6	Amenity for occupiers and neighbours
SD9	Resources and energy
B1	General design principles
B7	Conservation areas
N5	Biodiversity
N8	Ancient woodlands and trees
T3	Pedestrians and cycling
T7	Off-street parking, city car clubs and city bike schemes
T8	Car free housing and car capped housing
T9	Impact of parking
T12	Works affecting highways

### **5.2 Other Relevant Planning Policies**

Camden Planning Guidance (CPG) 2006

### **5.3 Supplementary Planning Policies**

Parkhill and Upper Park Conservation Area Statement

### **5.4 LDF Core Strategy and Development Policies**

As the draft LDF Core Strategy and Development Policies documents have now been published they are material planning considerations particularly where they

directly stem from and accord with national policy. However, as a matter of law, limited weight should be attached to them at this stage because they cannot override the Council's legal duty to determine planning applications in accordance with its existing development plan unless material considerations indicate otherwise. At the present time it is likely to be difficult to justify refusal of any application based solely on draft LDF policies and members should always seek specific officer advice before considering voting for refusals on this basis.

#### 5.5 **Core Strategy Proposed Submission**

CS1	Distribution of growth
CS5	Managing the impact of growth and development
CS11	Promoting sustainable and efficient travel
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 & encouraging biodiversity
CS19	Delivering and monitoring the Core Strategy

#### 5.6 **Development Policies Proposed Submission**

DP17	Walking, cycling and public transport
DP18	Parking standards and the availability of car parking
DP19	Managing the impact of parking
DP20	Movement of goods and materials
DP21	Development connecting to the highway network
DP22	Promoting sustainable design and construction
DP24	Securing high quality design
DP25	Conserving Camden's heritage
DP26	Managing the impact of development on occupiers and neighbours
DP29	Improving access

### 6. **ASSESSMENT**

6.1 The principal considerations material to the determination of these applications are summarised as follows:

- Principle of development;
- Design / Impact on conservation area;
- Tree/Landscaping considerations;
- Amenity impact on neighbours and occupiers;
- Transport issues;

Principle of development

6.2 The existing garages are understood to date from the late 1950s; conservation area consent is required for demolition owing to the structure having a volume above 115m<sup>3</sup> and being an unlisted building within a conservation area. The existing garages are a simple structure with up and over garage doors and a corrugated roof. Lawn Road is characterised by large houses and relatively large verdant gardens to the rear. By virtue of their appearance (the garages are not of any

specific historic or architectural merit) the garages are considered to harm the character and appearance of the conservation area. Given this context there is subsequently no objection to the demolition of the garages.

- 6.3 Turning to the proposed use, the applicant has denoted as part of the submission that the proposed outbuilding would be used as ancillary accommodation to the existing Garden Flat at No. 14 Lawn Road. This is denoted as a hobby room and the proposed plans indicate a small kitchenette internally but no toilet facilities in a single storey building, which externally measures 8.6m in width and 5m in depth. As a result it is considered that the proposed space could function as ancillary residential accommodation to the existing Garden Flat at No. 14 Lawn Road.
- 6.4 However, in order to ensure that the ancillary building is not used for unauthorised purposes (such as a separate independent dwellinghouse or business unit) it is recommended and considered necessary for a condition to be added to any planning permission denoting this to be the case. Such a condition would provide the Council with sufficient control over the use of the proposed outbuilding. Should it be established in time that the outbuilding is being used for other purposes (such as those noted above), the Council would have sufficient power to take the necessary enforcement action. Within this context it is considered that the principle of development can be established.

#### Design / Impact on conservation area

- 6.5 It is noted that the current applications represent a re-submission of recently withdrawn applications at the site. As means of context, it is denoted that the previous applications showed proposals for an outbuilding with a larger footprint and height than the existing garages, basement and an orientation along the length of the garden. This has been amended within the current proposals so that the outbuilding now runs across the width of the garden in a position similar to the existing garages and is more modest in width than the existing garages. Furthermore, the height has been reduced from the previous proposals and the basement omitted, so that only a single level is now proposed at ground floor level.
- 6.6 The proposed width of the outbuilding is 8.6m (compared with the existing 10m wide garages) with the depth of 5m metres (the same as the existing garages). It is considered that this reduction in width would allow the full depth of the garden to be read, whereas the existing garages are considered to visually truncate the garden. Moreover, as the proposed outbuilding is located at the southern side of the garden it is considered that it would have less of an impact from the street. This is owing to the gap between No's 14 and 15 Lawn Road is situated on the northern side of the plot. Therefore it is considered that the positioning of the proposed outbuilding has been carefully considered and thus in principle there is no objection to such a layout.
- 6.7 In terms of height the proposed outbuilding would be, following revisions during the course of the application, 2.95m in height. This incorporates a couple of steps being sunken into the existing ground level and would only be 0.5m higher than the front part of the existing garages. This is considered to represent only a modest

increase in height and not one which would add obvious bulk when compared with the existing garages on site.

- 6.8 Turning to the appearance of the proposed outbuilding, this would utilise a palate of natural materials such a timber panelling and a green roof. Such an approach in principle is considered to be appropriate in design terms and would lend itself to the backland garden setting of the structure. Given that the site is overlooked to a degree by a number of neighbouring properties the proposed green roof would reintroduce greenery into what is considered to be a stark and sterile space at the moment. This, combined with the landscaping works proposed, incorporating a lawn with paving around the edge, a new tree and various other planting, is welcomed in design terms as it would introduce significantly more greenery and would transform the space into what is considered to be a garden setting rather than a car park.
- 6.9 It is also proposed to install a gate to prevent access to the rear garden and outbuilding area. This is fairly utilitarian in design terms, but is sufficiently set back from the front building line (by 0.5m) and is relatively limited in terms of height (1.5m) so as to have only a minimal impact on the character and appearance of the conservation area from the Lawn Street streetscene.
- 6.10 In overall terms it is considered that, given the existence of the garages on the site, some form of ancillary garden structure could be appropriate on the site. It is not considered possible for the Council to insist on the application site being returned to a pure garden area owing to the existing site context. It is considered that the proposed outbuilding has been carefully positioned and designed to preserve the character and appearance of the conservation area. Together with the landscaping measures put forward, it is considered that the proposed scheme may, when implemented, in-fact enhance the character and appearance of the conservation area. In addition, it is not thought that the proposed outbuilding would set a precedent for other such development, as other gardens in the vicinity of the application site appear to be uncluttered and without similar garage structures as those at the application site.

#### Tree/Landscaping considerations

- 6.11 Closely linked to the design merits of the scheme are the tree/landscaping considerations. An arboricultural report has been submitted as part of the proposals, which demonstrates that an Elder (on the south boundary of the site with No. 13 Lawn Road) would require removal as a result of the proposals. It is considered that this small Elder makes little contribution to the character of the conservation area and thus no concerns are raised to it being removed. No other trees, either on the application site or adjacent to it would be affected by the proposed development. It is however considered necessary for a condition to be added denoting that a method statement, outlining how the trees to be retained are to be protected during construction, is submitted for consideration.
- 6.12 Furthermore, the proposals also indicate generously sized landscaping areas alongside the proposed outbuilding, the planting of a new tree and various other areas of planting. This is considered to be both appropriate and welcomed in



relation to policies B1, N5 and N8, in an area which was formerly in garden use prior to becoming garages. In order to ensure the proposed works are both implemented and maintained, a condition is recommended to be added in this regard. This denotes that if any trees/planting die or are seriously damaged or diseased within 5 years, they shall be replaced.

- 6.13 As already indicated the proposed outbuilding includes the provision of a green roof. The inclusion of such an area is welcomed with policy N5 in mind, which seeks new development to conserve and enhance wildlife habitats. Full details of the proposed green roof were not submitted as part of the application submission. Thus full details are to be secured via condition, which includes reference to the green roof being retained and maintained as such in the future to ensure its longevity.

#### Amenity

- 6.14 In terms of amenity considerations, the proposed outbuilding is situated in broadly the same location as the existing garages. As noted previously, it would be 0.5m taller than the existing garages, of identical depth and 1.4m narrower in width. As such, it is not considered that the proposed outbuilding would lead to a significant loss of sunlight/daylight or outlook/heightened sense of enclosure to neighbouring occupiers at ground floor or upper floor levels. Although there are folding doors providing outlook and possible instances of overlooking for neighbouring occupiers, this is not considered to be of a sufficient level to result in a significant loss of amenity for any neighbouring occupiers. In respect of noise and disturbance matters, that created by an outbuilding and associated landscaped area is anticipated to be less than the potential noise and disturbance of four lock-up garages if they were in active use. This in this regard the proposals would be likely to improve residential amenity for existing and future occupiers at No. 14 Lawn Road and neighbouring properties.

#### Transport issues

- 6.15 The application site comprises four unused garages. Based on the information provided by the applicant, it is understood that the garages have not been in active use for a number of years and is instead merely used for the storage of personal effects. In this context there is no objection to the loss of the garages from a transport perspective. It is noted that application site is separate from the residential building at No. 14 Lawn Road. However, it is also known that the occupiers of the Garden Flat intend to use the application site as ancillary residential accommodation. Thus the occupiers of the Garden flat could theoretically use the proposed building to apply for further on-street parking permits. Therefore to ensure that the proposed development does not have an impact on the Controlled Parking Zone (CPZ) the application site is located within, it is proposed to make the application site (land to the rear of 14 Lawn Road) car-capped, as secured via a S106 Legal Agreement. This is required as the CPZ is highly stressed with 117 parking permits per 100 parking bays and the Public Transport Accessibility Level (PTAL) of the site is 4 (good).

6.16 A financial contribution is also sought to repave the vehicular crossover at the application site. This is to tie the development into the surrounding urban environment and has the added benefit of making good any damage to the highway caused by the construction of the proposed development. The estimate of the cost of this work has been calculated to be £2,619.65, as secured via a S106 Legal Agreement. The applicant has indicated a willingness to enter into the S106.

6.17 With regard to the construction of the proposed development, given the small scale of the proposed works and the existing access, it is not considered that a construction management plan (CMP) is necessary in this instance.

## **7. CONCLUSION**

7.1 The existing garages are considered to harm the character and appearance of the conservation area and therefore it is recommended that conservation area consent for its demolition can be granted.

7.2 The proposed outbuilding is to be used for ancillary purposes to the Garden Flat at No. 14 Lawn Road, as secured via condition to ensure that an independent dwelling or business unit does not occur in the future. Given the existence of garages on the site it is not thought possible for the Council to insist on the whole area to the rear of No. 14 Lawn Road being returned to garden use. Instead the proposed outbuilding and associated landscaping is considered to have been carefully designed and has the potential to enhance the character and appearance of the conservation area at this point when compared with the existing site context. No significantly adverse amenity implications are anticipated and the applicant has agreed in principle to the S106 obligations of a financial contribution for highways works and making the development car-capped.

## **8. LEGAL COMMENTS**

8.1 Members are referred to the note from the Legal Division at the start of the Agenda.

## **9. RECOMMENDATION**

9.1 Conservation area consent for the demolition of the existing garages is recommended to be granted.

9.2 Planning Permission is recommended subject to a S106 Legal Agreement covering the following Heads of Terms:-

- A financial contribution of £2,619.65 for highways works
- Car-capped development

### **Disclaimer**

***This is an internet copy for information purposes. If you require a copy of the signed original please contact the Culture and Environment Department on (020) 7974 5613***