

Delegated Report		Analysis sheet		Expiry Date:		11/08/2010	
				Consultation Expiry Date:		19/07/2010	
Officer				Application Number(s)			
Jenny Fisher				2010/3066/P			
Application Address				Drawing Numbers			
20 King Henry's Road London, UK NW3 3RP				Refer to decision letter			
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature				
Proposal(s)							
Erection of studio building in rear garden and extension of front lightwell to self contained flat (class C3)							
Recommendation(s):		Refuse planning permission					
Application Type:		Full Planning Permission					
Conditions or Reasons for Refusal:		Refer to Draft Decision Notice					
Informatives:							
Consultations							
Adjoining Occupiers:		No. notified	14	No. of responses	05	No. of objections	05
				No. electronic	00		
Summary of consultation responses:		<p>Letters of objection have been received from the occupants of 18, 22b, 22c King Henry's Road and two from addresses unknown.</p> <p>Structure too large, would destroy valuable city garden. Had enough of garden encroachment. Regret loss of trees.</p> <p>Description of sheds to rear of 22 as outbuildings disingenuous, they are 25 year old timber sheds serving 2 separate flats (the garden is divided and shared between flats in the house).</p> <p>Structure includes facilities; more of an annex than studio. Even if intention is to use as office, could subsequently be used as living accommodation.</p> <p>Photos submitted do not represent precedent, one is a garden shed the other a commercial nursery therefore limited use throughout the day and for specific purpose; set further back in garden, largely concealed by trees, there has been no noise or light pollution.</p> <p>Would lose pleasant outlook, bedroom affected by light pollution, relative peace and quiet would be detrimentally affected.</p> <p>Design of front extension unsympathetic. Concern about covering of manhole cover.</p>					
CAAC/Local groups* comments: *Please Specify		No response					

Site Description

The application premises comprise 3 storeys plus basement, divided into 3 apartments. The application refers to the basement /ground floor maisonette.

A front bay to one side of the front elevation of the house extends down to basement level.

The site is located on the north side of King Henry's Road, the site backs onto a railway embankment.

Not within a conservation area and the building on site is not listed. The buildings on this side of King Henry's Road back onto a railway embankment. Rear gardens are generally well planted with large trees that screen the rail tracks and contribute to the garden character of the local area.

Relevant History

26/4/1991 (9005590) Pp for enlargement of the roof of the existing rear conservatory at ground floor level to form an enclosure for a staircase in association with internal alterations to form one self-contained maisonette at basement and ground floor level.

03/03/2008 (2007/6006/P) Planning permission for:

The replacement of an existing door within the front lightwell with a timber sliding sash window as an alteration to the lower ground floor flat.

12 King Henry's Road

03/11/2009 (2009/4261/P) Planning permission for:

Erection of a rear single storey extension at lower ground floor level, relocation of stairs and creation of a rear roof terrace over flat roof, alteration to existing rear extension, erection of pavillion building in rear garden; excavation of lower ground floor level to front to create a single storey front basement level extension with replacement planting area and minor alterations to the front garden and lightwell.

14 King Henry's Road

26/05/2006 (2006/1286/P) Planning permission for:

Erection lower ground and upper ground floor level rear extensions to flat (class C3)

Approved drawing includes extension to front as proposed for the current application for No. 20.

Flat A 39 Belsize Square

24/06/2010 (2010/1289/P) refused by Committee:

Erection of a single storey garden house at the rear of the garden, for the use of the lower ground floor flat (Class C3).

The proposed garden structure, by reason of its bulk and height within the context of its location in the rear garden, is considered to be harmful to the landscaped setting of the adjoining rear gardens and the character and appearance of the conservation area, contrary to policies B1 (design principles) and B7 (conservation areas) of the London Borough of Camden Replacement Unitary Development Plan 2006.

Proposal was the erection of a single storey timber clad structure in the rear garden to be used as a gym/playroom (5.8m wide x 3.8m deep and 2.7m high)

37 Kingswear Road

22/12/2009 (2009/4547/P) refuse/ warning of enforcement action by Committee:

Retention of a timber garden shed in the rear garden associated with the 1st floor residential flat (Class C3).

The existing shed, by reason of its bulk and height and excessive size in relation to the garden, is considered detrimental to the landscaped setting of rear gardens and the character and appearance of the conservation area.

Appeal lodged – no decision to date

Relevant policies

Replacement Unitary Development Plan 2006

SD6 (amenity for occupiers and neighbours); SD7 (light pollution); B1 (general design principles); B3 (alterations and extensions); N5 (biodiversity); N8 (ancient woodlands and trees)

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. However, as a matter of law, limited weight should be attached to them at this stage.

CS5 (managing the impact of growth and development); CS14 (promoting high quality places and conserving our heritage); DP24 (Securing high quality design); DP26 (managing the impact of development on occupiers and neighbours); DP22 (promote sustainability)

Camden Planning Guidance 2006

Assessment

Proposed

Rear: erection of detached single storey structure in the centre of the rear garden. It would be 8m. (l) adjacent to the boundary with No. 18, rear elevation would be 2.5m.(w), garden elevation 4.5m. (l), the front of the structure would be 2m. (w) then extend 3m. and a 1.3m. (w) front elevation would face the main dwelling. The structure would include a toilet and hand basin. The applicant wishes to use the building as an office. The pitched roof and the walls would be finished in cedar shingles. The windows (overlooking the applicant's garden) would be clear glass with hardwood frames.

Front: erection of a single storey extension.

Steps lead down to the basement. Originally a door provided access to a basement flat, however when basement and ground floor flats were joined to form a maisonette, the door was replaced with a window. The extension would enclose an area underneath steps and a landing leading to the main ground floor entrance into the property. It would have a mono pitch roof and extend out over the lowest step linking the basement to ground floor level. Two high level windows would be installed, one facing steps leading up, the other opening onto the basement area in front of the bay. The area would be used to provide en-suite facilities for a bedroom. Etched glass with white painted frames proposed.

The main issues for consideration are trees and biodiversity, design and amenity.

Trees and biodiversity

Gardens are recognised for their role in the biodiversity of urban areas. This garden backs onto a railway embankment enhancing its bio diversity value. Rear gardens along this stretch of King Henry's Road are generally well planted with medium sized trees. A Cherry tree and Birch growing within the rear garden of the application site both contribute to the garden character of the area and local biodiversity.

Apart from the general amenity value of mature trees growing to the rear of the site, in this case they also provide an effective barrier between residential properties and the railway. The Cherry tree and Silver Birch closer to the house are the subject of a TPO. Both trees also provide a screen to the railway beyond from the outlook of No.20. The proposal would result in the loss of some large shrubs and an Apple tree along the boundary with the neighbouring garden, however in so far as these provide a screen they will be replaced by the building itself.

The Council's Landscape Architect considers that the proposed building would be sufficiently far from Cherry and Birch trees not to cause direct damage. Nevertheless working room is limited and indirect damage may be caused if protection measures are not carried out. In addition damage could be caused if a path and trenches for services are constructed. The building would take up a large proportion, approximately 25%, of the garden, and only a narrow strip (1.7m.) would be retained to the side of the proposed structure. The biodiversity value of the garden would be limited by the development proposed, however a green roof could mitigate the loss of habitat.

Had planning permission been considered conditions would have been imposed for the submission and approval of a method statement for the protection of the Cherry and Silver Birch; no work to commence until the Tree Officer has inspected and approved tree protection measures in writing and details of hard and soft landscaping and a green roof would have been required.

Design

The application has been considered for compliance with policies B1 that requires development to respect site and setting and B3 declaring that respect for setting should include the garden and trees nearby and requires extensions to be subordinate to the main dwelling. Planning Guidance adds specific advice covering development in rear gardens.

Development to the rear of the site is constrained by mature trees. Proposed is a building of a substantial size with its impact exacerbated because it would be built in the centre of the garden. It is considered that examples of development in neighbouring gardens provided by the applicant are not comparable with what is proposed and should not be considered as having set a precedent. The building to the rear of No. 12 is at end of the garden and largely concealed by trees and shrubs. The garden to the rear No. 22 is divided into 4, a section for each of the 4 flats within the property. Two have erected small sheds for garden implements. They are typical garden sheds and even taken together, occupy far less of the garden than currently proposed on this site.

It is considered that the proposed development would detract from the soft landscaped green nature of the rear garden. It is also considered that the use of a building of this size for home office use, taking up a large proportion of a residential garden and within close proximity to others, would have an adverse impact on the

character and garden amenity of the area and contribute to incremental urbanisation.

The site is not within a conservation area and very little of the proposed infill to the front would be visible from the public realm. Works to the front are considered acceptable.

Amenity

In considering this application is merits examination of the recent approval of a new pavilion at rear no 12. The front elevation of the garden pavillion to the rear of No. 12 is approximately 17m away from the rear elevation of the main building and would be c. 14m² in net internal area. It is for use for teaching and storage by the nursery school that occupies the main building. It is considered that this has not set a precedent that would make it difficult to refuse the current application.

The development under assessment proposes windows directly facing the rear of the original building 8m. away with the window in the flank wall facing No. 22 only be 2m. from the boundary between properties. The applicant proposes to use the building as an office/studio for use at any time the applicant choses. Drawing 1003 02 A suggests that the structure may be used for accommodating a number of individuals rather than as a more conventional home office. However no change of use for the site is sought as part of this proposal and the structure is therefore assessed on its use as a home office ancillary to the residential unit. As a consequence activity associated with the use proposed within close proximity to residential premises may be noticeable to but it is considered that it is unlikely to have a more significant impact on quiet enjoyment of neighbouring gardens than general activity in a rear garden associated with the use of a rear shed or other structure related to enjoyment of garden amenity.

Daylight: the front extension would replace one of the windows to a basement bedroom. High level windows that would be installed would allow light and ventilation to the proposed en-suite. Natural light and ventilation to the bedroom would be restricted to a single window. The window faces the retaining wall to the area in front of the bay at basement level. The space between the window and the wall is 1.6m. However the wall is only 1m. in height, there is then a 2.2m. gap before the wall rises an additional 0.6m. The 30 degree angle has been applied to the window to test whether the area of unrestricted glazing would be more than 10% of the floor area of the room. Although one of the existing windows to the bedroom would be lost, it is considered that there would be sufficient daylight to the room.

Summary

The proposals for a large and prominently positioned structure in the rear garden would fail to take account of the site and its setting within the green and soft landscaped rear garden character of the area, contrary to policy B1. In the event that a suitable scheme were forthcoming details of the protection of trees would be sought by condition.

Recommendation: Refuse permission.

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