

**DISCLAIMER**

Decision route to be decided by nominated members on Monday 16<sup>th</sup> November 2009. For further information see

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

<b>Delegated Report (Members Briefing)</b>		<b>Analysis sheet</b>	<b>Expiry Date:</b>	<b>30/11/2009</b>
		N/A / attached	<b>Consultation Expiry Date:</b>	<b>2/11/2009</b>
<b>Officer</b>			<b>Application Number(s)</b>	
Hugh Miller			2009/4547/P	
<b>Application Address</b>			<b>Drawing Numbers</b>	
37 Kingswear Road, London, NW5 1EU			Site Location Plan; P-01; P-02	
<b>PO 3/4</b>	<b>Area Team Signature</b>	<b>C&amp;UD</b>	<b>Authorised Officer Signature</b>	
<b>Proposal(s)</b>				
Retention of a timber garden shed in the rear garden associated with the 1 <sup>st</sup> floor residential flat (Class C3).				
<b>Recommendation(s):</b>		Grant		
<b>Application Type:</b>		Full Planning Permission		

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	05	No. of responses	03	No. of objections	02
			No. Electronic	01		
Summary of consultation responses:	Site Notice displayed 7/10/09, expired 28/10/09. Objections from 24 and 26 Brookfield Park-					
	<u>Objection no.1:</u> The "house" is a maisonette in a block of flats, of which the freehold belongs to London Borough of Camden, which is not how it is described in the application. The building can be seen from the public way. It is a garden room rather than a "shed", having an ornamental front and windows on three sides. It is far larger than required to store furniture for a garden of the size in which it stands. Provided with electricity, it is clearly intended as additional accommodation. There are adjacent trees: a large sycamore within two feet and a large ash also close. As the building has a pitched roof, the height internal floor to underside of roof truss is irrelevant. The ground sloping from north-east to south-west, the back is raised on decking and stands about three metres high to the ridge. Consequently the building does dominate my small garden (see photo attached), rising between two and three feet or more above my fence, the top of which is 6ft from the ground level. Moreover, one of the back windows overlooks my garden, contrary to Camden policies. The building is an undesirable back garden development of excessive size, contrary to LBC, Replacement UDP policy B1, para.3.10 and 12, and to LBC, SPG 1.4.18 and 2.7.29-30. It has a dominating effect, contrary to SPG 2.7.33. It closes what was an open view between houses, stretching Croftdown Road, a characteristic of the Conservation Area as noted in the Dartmouth Park CA Statement, 2009. Allowing this building to remain would establish a very bad precedent, disrupting the historic layout of the Brookfield "Homes for Heroes" Estate planned on the garden suburb principles devised by Lutyens, and encouraging backland development contrary to LBC policy. Were permission by any regrettable chance to be given for the structure to remain, there should be a condition that it is not to be used except for storage, and in no way as a studio or office.  <u>Objection no.2.</u>  The erected shed is of such a size that we are worried that it might be used for other purposes, and not only for storage of garden furniture, as indicated.					

	<p>We are worried for increased noise, and since our garden joins the 37 Kingswear Rd garden, we feel that a possibly planned expanded living space gets too close to our garden living space.</p>
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Since the garden shed is of such large size we now can see the shed from our bedroom window.

These are our objections- to safeguard our privacy and also our view.

***Officers comment:*** See Neighbour amenity section below

1 letter of support from 39 Kingswear Rd- shed is visible from her garden, it looks nice, complements the garden and is an enhancement of the neighbourhood.

**CAAC/Local groups\***

**comments:**

\*Please Specify

Dartmouth Park CAAC:

1. This is a retrospective attempt to legitimise a very large garden room built in breach of planning control. The Council should not reward such behaviour but should strain against legitimising illegality unless it is clear beyond misadventure that enforcement would fail if the applicant took the matter on appeal and this certainly isn't the position here. Frankly, if this is allowed, no garden in the conservation area would be safe, the words 'shanty town' spring to mind.
2. This isn't a shed, particularly in planning terms, it is a substantial, albeit sub-standard, permanent backland development. It must be judged as such against all the relevant guidelines. Plainly what has been built doesn't meet any and, in particular, plainly no one could reasonably claim it meets even the most basic design standard required of a permanent structure. The materials used at present may be appropriate to a shed but this isn't a shed.
3. If planning permission were to be granted for it, there would be no practicable way of precluding the applicant from replacing this sub-standard garden room with a fully habitable garden room just by digging down a little and flattening the roof.
4. In most allotments the largest allowable shed on a full twelve pole plot would be around 10' by 6' and the height at the apex of the roof can't be more than 6'6" and that is large enough to provide not only storage for a full range of tools and gardening activity (eg potting on plants) but also a small gas burner and a small table and a couple of chairs. It is risible to the point of being insulting to suggest that the main purpose of this garden room is the storage of tools.
5. The pattern of back to back gardens here is integral to the character of the conservation area and needs to be protected.
6. Finally, in smallish gardens such as these, it is, we would have thought, plainly unacceptable to effectively halve the available garden area in the way the applicant has done. It is disingenuous of the applicant's representative to suggest that no works, changes to the landscaping, etc are required. That is only true because this sub-standard garden room has already been built in breach of planning control.
7. For the record, Michael Port, the Chair of DPCAAC, absented himself from our discussion of this application. His garden abuts the applicant's and the structure is near the common boundary with his garden.

*Officers comment: See Neighbour amenity section below.*

## Site Description

No. 37 comprises two self-contained flats. The application is associated to the maisonette at 1<sup>st</sup> floor level / loft. The s/c flat is within a terrace block of properties located on the south side of Kingswear Road, east of the junction with St. Albans Rd. and west of Croftdown Road. The property is within Dartmouth Park C.A. The building is not listed.

## Relevant History

None

## Relevant policies

### **RUDP 2006:**

SD6 - Amenity for occupiers and neighbours

B1 –General design principles

B3 –Alterations and extensions

B7 –Conservation areas

N8 –Ancient Woodlands and trees

### **CPG 2006:**

Section 19 – Extensions, alterations and conservatories;

Section 29 –Overlooking and privacy.

## Assessment

### 1. Background

- 1.1** In September 2009, the Council (Enforcement Team) received a complaint regarding the erection of the timber garden shed within the rear garden of the application site.
- 1.2** Upon further investigations, it transpires that the timber shed was associated with occupiers of a self-contained flat (maisonette) at the application site. As the residential unit is self-contained, planning permission is required for its erection. This planning application seeks retrospective planning permission to regularise its retention.

The application proposes the following:

- Retention of a timber garden shed at rear of the residential property.

### 2 Design

**2.1** The shed as erected comprises timber walls with asphalt roof covering and part timber and glazed doors and fixed glazed windows. It has dimensions of 4.9m x 4.6m, height 2.8m at the ridge (2.2m at the eaves at the rear). A raised timber decking forming part of the shed at the front measures approx. 2.5m x 4.6m.

**2.2** The timber shed as erected is partially raised off the ground at the rear by bricks and is located at the rearmost section of the host rear garden. At 22.54sqm, the shed is larger than the average garden shed which generally measures between 3.0 -5.0sqm. Nevertheless, it is located well away from the application building although it appears closer to the properties (south) at nos. 24 – 26 Brookfield Park due entirely to their rear gardens' shallower depth. Notwithstanding, the shed as erected would not have any detrimental impact in terms of design, use of materials, size and setting on the neighbouring residential properties (see discussion below). The design is of a traditional timber style shed to be found in domestic gardens and is entirely appropriate for the rear garden setting in its use of materials and pitched roof form. Its bulk is not excessive, only appearing 0.8m higher than surrounding fences at its apex. Its footprint, although large at 22.5 sqm, is not excessive in relation to the entire garden here which is approx 112sqm in area.

**2.3** The garden shed as erected is not considered to harm the appearance of the host building and would not detract from the character and appearance of the conservation area. The proposal is in compliance with policies B1, B3, B7 and CPG guidelines.

### 3 Amenity

**3.1** The shed is screened by a tall privet hedge to the north-west, which projects well above the height of the shed. It is partially screened by a bamboo and timber fence to the east and semi-mature shrubs to its south / rear (Brookfield Park). The shed projects above the height of the common boundaries on both the east and south sides, but would only project by 0.8m above the height of any fence or wall that could be erected under pd rights. Neither is it visible from the public realm as views through the side gap between 37 and 39 Kingswear Road are obscured by vegetation. However, because of its location, setting adjacent to the semi-mature hedge and tall privet hedge, it is considered that no harm would be caused to neighbouring visual amenity or outlook in terms of creating a sense of enclosure. Neither would it obscure sunlight or daylight to

habitable rooms of adjacent residential properties.

**3.2** Concerns have been raised about the use of the shed and the potential for noise nuisance and the impact on privacy. The shed as erected is for storage purposes, with the deck being used for sitting out and enjoying the garden; it has no toilet or other utilities/services that could make it suitable for use a habitable room or independent office/studio. Officers do not consider this use would pose any noise nuisance to adjacent residential occupiers.

**3.3** Between the host building and the erected shed is located a trampoline structure. The timber decked area is used in association with the remainder of the rear garden amenity space. It is not considered that the use of the timber decked area would cause harm to neighbour amenity in terms of privacy or noise nuisance.

**3.4** In order to minimise the impact on overlooking & on privacy, CPG considers that a minimum distance of 18m between the windows of habitable rooms of different units that directly face each other would be satisfactory. The erected shed would not impact on the neighbouring occupiers amenities because;

- Of the two windows within the rear elevation of the shed, one is obscure and one is clear. The clear glazed window provides partial views into the rear gardens of nos. 24 & 26 Brookfield Park.
- The windows are approximately 11.0m away from the closest window of both houses and offering very limited views into habitable rooms (24 & 26 Brookfield Park) due to the existing shrubs and timber fencing. In any event, only the first floor window at no.26 is visible from the inside of the shed. Officers consider that the distance and partial view afforded from this window would not cause harm through loss of privacy to the occupiers of nos. 24 & 26. Neither would the partially glazed front elevation harm the privacy to occupiers at the ground floor s/c flat at no.37 Kingswear Road located approx. 13m to the north.

NB. The applicant has sole use of the rear garden space.

**3.5** The garden shed as erected is not used as a habitable room and is considered to harm the amenity of adjacent residential occupiers in terms of overlooking and privacy. The proposal is in compliance with policy SD6 and CPG guidelines and is satisfactory.

## **4 Tree**

**4.1** The shed as erected is free-standing on a raised timber deck. The ground slopes from north-east to south-west and the back is raised on bricks. Consequently, the shed would not harm the root system of the mature sycamore and ash trees located close to the shed and it is satisfactory.

## **5 Conclusion**

**5.1** As noted above, although the timber shed as erected is generally larger than the typical garden shed, it is considered that it would not have any detrimental impact on the landscaped setting and amenity value of the garden space or the Conservation Area. Neither is it considered to have any impact on the amenity of adjacent occupiers because of its location and setting within the rear garden.

**5.2** Contrary to the assumptions indicated by the objectors, the primary purpose of the shed is for the storage of householder items and garden tools. On balance therefore and in this instance it is considered that the

shed is satisfactory.

**Recommendation Grant.**