

**DISCLAIMER**

Decision route to be decided by nominated members on Monday 05<sup>th</sup> October 2009. For further information see

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

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| <b>Delegated Report</b><br>(Members Briefing)   |                            | <b>Analysis sheet</b><br>N/A                             | <b>Expiry Date:</b><br>06/10/2009              |
|   |                            |  | <b>Consultation Expiry Date:</b><br>09/09/2009 |
| <b>Officer</b><br>Eimear Heavey   |                            | <b>Application Number(s)</b><br>2008/4621/P              |  |
| <b>Application Address</b><br>59B Frognal<br>London<br>NW3 6YA  |                            | <b>Drawing Numbers</b><br>Refer to draft decision notice |  |
| <b>PO 3/4</b>   | <b>Area Team Signature</b> | <b>C&amp;UD</b>  | <b>Authorised Officer Signature</b>            |
|   |                            |  |  |
| <b>Proposal(s)</b><br>Retention of a free standing garden shed and 2 condenser units with enclosure in the rear garden of a single family dwellinghouse (Class C3). |                            |  |  |
| <b>Recommendation(s):</b>   | Grant planning permission  |  |  |
| <b>Application Type:</b>  | Full Planning Permission   |  |  |

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| <b>Conditions or Reasons for Refusal:</b> | <b>Refer to Draft Decision Notice</b> |
| <b>Informatives:</b>                      |                                       |

### Consultations

|                             |              |           |                  |           |                   |           |
|-----------------------------|--------------|-----------|------------------|-----------|-------------------|-----------|
| <b>Adjoining Occupiers:</b> | No. notified | <b>09</b> | No. of responses | <b>00</b> | No. of objections | <b>00</b> |
|                             |              |           | No. electronic   | <b>00</b> |                   |           |

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| <b>Summary of consultation responses:</b> | <p>A <b>site notice</b> was displayed from 19/08/2009 until 09/09/09.</p> <p><b>Adjoining occupiers/owners</b><br/> <i>An objection was received from the occupiers of 61 Frognal who object to the incessant noise coming from the air conditioning units which has resulted in them not being able to enjoy their own back garden.</i></p> <p><u>Response:</u> Please see assessment section of report for further comment.</p> |
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| <b>CAAC/Local groups* comments:</b><br>*Please Specify | <p><b>Hampstead CAAC</b><br/> Object to the positioning of the air conditioning units and state that they should be closer to the dwellinghouse.</p> <p><b>Local Groups</b><br/> No reply to date.</p> |
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### Site Description

The application site is located on the west side of Frognal at its junction with Frognal lane. The site was originally occupied by a mid 1950's 2-storey plus attic single family dwelling house. Conservation area consent and planning permission were granted in April 2006 (subject to a legal agreement) for redevelopment of this site to provide 2 new two-storey plus basement semi-detached dwellinghouses. This scheme has now implemented and this application relates to 59B Frognal. The site lies within the Hampstead Conservation Area and within an archaeological priority area.

### Relevant History

#### **2005/2719/C & 2005/2711/P**

Conservation area consent and planning permission were granted on 24/04/06 for demolition of existing building and the erection of 2 x 2-storey plus basement semi-detached houses with integral garages

#### **2006/3974/P**

Details of materials of windows including cills, lintels, dormers and eaves, pursuant to conditions 2 (b) and 4, 5 and 8 of the planning permission dated 24/04/06 (2005/2711/P) were submitted to the Council and approved on 24.10.06.

#### **2006/4212/P**

Details of a programme of archaeological investigation pursuant to condition 3 of the planning permission dated 24/04/06 (2005/2711/P) were submitted to the Council and approved on 13.11.06.

#### **2006/5798/P**

Planning permission was granted on 12/02/07 for amendment to planning permission dated 24/04/2006 (2005/2711) for demolition of existing building and the erection of 2 x 2-storey plus basement semi-detached

houses with integral garages, namely additional excavation to create deeper basement to provide plunge pools and allow provision of greywater storage tanks.

## **Relevant policies**

Set out below are the UDP policies that the proposals have primarily been assessed against. However, it should be noted that recommendations are based on assessment of the proposals against the development plan taken as a whole together with other material considerations.

### **London Borough of Camden adopted Unitary Development Plan 2006**

- SD1 Quality of Life
- SD6 Amenity for occupiers and neighbours
- SD7 Noise and vibration pollution
- B1 General Design Principles
- B3 Alterations and Extensions
- B7 Conservation Areas
- N8 Landscaping and trees
- Appendix 1 Noise and vibration thresholds

### **Camden Planning Guidance 2006**

#### **Hampstead Conservation Area Statement**

## **Assessment**

### **Proposal**

Retrospective planning permission is sought for the erection of a free standing garden shed and air condenser units within enclosure, in rear garden of single family dwellinghouse.

### **Design**

Camden Planning Guidance states that built structures in rear gardens should: not affect the amenity of neighbour's gardens; should not impact on trees or vegetations; should not detract from the soft and green nature of garden and other open space and should respect the existing properties in the area.

The proposed garden structure which has been erected at 59b Frognal is located in the north western corner of the garden and is constructed of wood with a door and a window on the front elevation and a grey asphalt roof. It is understood that the structure is used as a 'wendy house'. The dimensions of the structure are 1.7m wide x 2.2m in length x 2.4 metres in height, giving an overall area of 3.7sq metres.

Given that the existing garden covers an area of approximately 310sq metres (excluding the dwellinghouse) the structure is not considered to adversely impact upon the nature of the garden as it will still allow for a generous amount of garden space. The roof of the structure can however, be seen over the boundary fence along Frognal Lane, but this is only in long views and is not considered to detrimentally affect the surrounding Conservation Area. The proposed timber structure is considered to be acceptable and does not harm the setting of the original building or the character of the surrounding Conservation Area.

The proposed air conditioning unit will be located within a wooden trellis type enclosure next to the garden structure. The proposed units cannot be seen from the public realm and are not considered to adversely impact upon the character of the original building or on the garden space.

### **Amenity**

The existing structure is not considered to impact adversely on neighbour amenity given that it is small in scale, is not visible from neighbouring properties and will be used as ancillary space to the existing dwellinghouse. Consequently the structure will not result in overlooking or a loss of privacy or loss of sunlight or daylight to neighbouring properties.

Objections were received with regards to the noise from the existing air conditioning units. An acoustic report was submitted which has been considered by the Council's Environmental Health Department who have advised that provided the units are placed within an acoustic enclosure they will adhere with the noise standards set out in Camden Planning Guidance. The acoustic enclosure is required so that in order for the Councils noise standards to be met without relying on someone to switch the setting to 'super silent mode' at night-time

In light of this a condition has been placed on the permission requesting that a scheme of acoustic isolation be submitted to the Council within one month of the date of the decision. The condition requires the acoustic isolation to be installed and maintained in accordance with any approved details.

### **Landscaping and Trees**

The structure has not resulted in any of the trees in the garden area being damaged or felled.

### **Conclusion**

The garden structure is considered to be acceptable and accords with the relevant policies in the UPD 2006, namely B1, B3, B7, N8, SD1, SD6 and SD7 and the guidelines set out in Camdens Planning Guidance 2006. Accordingly approval is recommended.