

Delegated Report Members' Briefing		Analysis sheet		Expiry Date:	02/11/2007
		N/A / attached		Consultation Expiry Date:	22/10/2007
Officer			Application Number(s)		
Philip Niesing			2007/4502/P		
Application Address			Drawing Numbers		
10 Park Village East London NW1 7PX			Photo sheet; J07/34.001		
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature		
Proposal(s)					
Retention of open-sided timber shelter in rear garden of existing dwellinghouse.					
Recommendation(s):		Grant permission			
Application Type:		Full Planning Permission			

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	37	No. of responses	02	No. of objections	00
			No. electronic	00		
Summary of consultation responses:	<p>Site Notice placed on 01/10/2007</p> <ol style="list-style-type: none"> 1. Works will result in noise and air pollution 2. Extremely unsightly and constructed with low grade material unbefitting to its environment 3. Over-development of the relatively small garden 4. Out of keeping with the conservation area and the materials are totally out of character with a Grade 2* listed building 5. Detrimental to the green corridor and effects the bio-diversity of the area 6. An example of creeping development - in conflict with John Nash's concept of the Regent's Park area 					
CAAC/Local groups* comments: <small>*Please Specify</small>	<p>Regents Park CAAC – Object</p> <p>Reasons for objection:</p> <ul style="list-style-type: none"> • 'poor quality; the structure was shoddy and detrimental to the character and setting of the listed building'... 'obtrusive and unsympathetic.' • 'the structure could damage the tree around which it was centred') • 'create a more permanent structure' • 'These structures [the subject pergola and the existing rear extension] has a damaging effect on the boundary line....' • 'The garden, which was a very special and quintessentially rural feature of the Park Village East houses, was rapidly becoming built over.' • 'a damaging precedent would be created' (see para. 4) <p>English Heritage – No response</p> <p>Enforcement Team – No response</p>					

Site Description

The site is located on the southwestern side of Park Village East, and falls within the Regent's Park Conservation Area. The site comprises a 2-storey semi detached family dwelling house and forms part of a symmetrical pair with number 12. The building which forms part of a series of 2 and 3 storey stucco detached villas of varying styles dated back to 1825-1836, is currently Listed as a Grade II* Listed Building. Additions to the original dwelling premises comprises a rear extension, a rear timber garden shed and the subject timber pergola.

Relevant History

1974 Listed building Grade II*

1997 Planning permission was granted for the demolition of an existing garage at ground floor level, excavation to basement level on the side of the garage and the erection of a single storey side extension at basement level, together with the erection of railings at street.

2006 Planning permission granted for a single storey rear extension

Relevant policies

SD1 – Quality of life

SD6 – Amenity

B1 – General design principles

B3 – Alterations and extensions

B6 – Listed buildings

B7 – Conservation Areas

Camden Planning Guidance Section 10 – Conservation Areas

Camden Planning Guidance Section 26 – Listed Buildings

PPG 15 – Planning and the Historic Environment

Regent's Park Conservation Area Statement

Assessment

Following an enforcement investigation the applicant is seeking planning permission to retain an open sided timber pergola.

The pergola is located in the rear garden, approximately 14 metres from the rear wall of the rear extension on the boundary with number 8 Park Village East. The pergola comprises four timber posts set in a concrete base with a timber roof frame with a grey mineral felt cover. The roof of the pergola has been constructed around two trees.

Material considerations:

Visual impact and precedent

The building to be retained is modest in footprint size in relation to the rear garden and suitably located some 14m away from the nearest part of the dwelling. It has a similar bulk to a garden shed, although, being an open sided structure, it appears even less obtrusive in its context. The fact that it sits under the canopy of a number of trees and adjacent to a well vegetated side boundary further reduces its visual impact. The use of timber is entirely appropriate for the site context and the felt/concrete for the roof/floor is acceptable as it would not be widely visible. It is therefore concluded that the structure would not detract from the openness of the rear gardens, would preserve the character and appearance of the conservation area and the setting of the Grade II* listed buildings

Any grant of planning permission would only act as a precedent inasmuch as it would allow reasonable sized residential outbuildings in the rear gardens. The Council would, in any event, look favourably on the principle of a residential outbuilding in such large plots and there is a permitted development right for outbuildings not exceeding 10m³ in the gardens of any adjoining buildings that are in use as single family dwelling houses. All site specific considerations (ie position in plot, size, relationship to neighbours and impact on trees) would still apply and would be taken into account when considering applications for similar structures

Tree protection

The matter has been assessed in conjunction with the Council's Tree Officer. The roof of the structure has been finished crudely in relation to the tree canopy above. Neither tree directly affected is sufficiently important to justify preservation in its own right; however the group value of the canopies contributes to the general green character of the rear gardens in this location. It is considered that such a canopy has been preserved as a result of the erection of the building and is likely to remain healthy in the foreseeable future

Neighbour amenity

Whilst it is apparent from views from the neighbouring garden that the building has been finished in a crude manner, however it is not bad enough to justify its demolition on grounds of loss of light, privacy or outlook.

Other matters raised by objectors:

- The building will not materially reduce biodiversity in the area;
- The structure would not be materially different in use terms and is very unlikely to result in additional noise. In any event, if noise nuisance were to occur, it would be as a result of unneighbourly behaviour - an Environmental Health matter and not a basis for refusing planning permission;
- Air pollution would not result;
- A more enclosed structure would be materially different, would require planning permission and would be considered on its merits.