

Delegated Report (Members Briefing)		Analysis sheet		Expiry Date:		22/10/2007	
		N/A		Consultation Expiry Date:		27/09/2007	
Officer				Application Number(s)			
Matthew Durling				2007/3831/P			
Application Address				Drawing Numbers			
26a Elsworthy Road London NW3 3DL				See decision notice.			
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature				
Proposal(s) Retention of hard landscaping works to rear garden of existing maisonette, including fireplace, screen wall and planters.							
Recommendation(s):		Grant subject to conditions					
Application Type:		Full Planning Permission					
Conditions or Reasons for Refusal:		Refer to Draft Decision Notice					
Informatives:							
Consultations							
Adjoining Occupiers:		No. notified	10	No. of responses	00	No. of objections	00
				No. Electronic	00		
Summary of consultation responses:		Site notice displayed from 06/09/2007 to 27/09/2007. Adjoining occupiers/neighbours No responses received to date.					
CAAC		Elsworthy CAAC <i>'Object to excessive height and bulk of new structure containing fireplace'.</i> Officer response: in this context, the fireplace structure does not dominate or detract from the garden setting. See assessment.					

Site Description

A 4-storey semi-detached property located on the north side of Elsworthy Road near to its junction with Elsworthy Terrace. The property has been sub-divided into flats, of which this application relates to the ground and lower ground floor maisonette. Although not a listed building, the site is located within the Elsworthy Conservation Area.

Relevant History

24/11/2006: PP granted (reference 2006/3774/P) for erection of a single storey extension at rear lower ground floor level with balustrade and privacy screen to facilitate the use of the flat roof as a terrace, plus erection of a two storey lower ground and ground floor level side extension all for the existing maisonette.

22/12/2004: PP granted (reference 2004/4852/P) for the erection of a full width single storey rear extension to the lower and upper ground floor maisonette at garden level with roof terrace, balustrading and roof light above; the repositioning of existing spiral staircase to the garden; and the replacement of a window with French doors on upper ground floor rear elevation.

14/01/2004: Certificate of Proposed Lawful Development refused (reference 2003/3236/P) for the demolition of existing front boundary fence and gate and the erection of a new brick wall incorporating a replacement pedestrian gate and a new vehicular access gate together with alteration to the front garden to accommodate a vehicle.

09/10/2003: PP refused (reference PWX0302193) for the formation of a means of access to the highway, incorporating the construction of a vehicle hardstanding in the front garden, the erection of a new front garden wall and gates, and associated landscaping.

11/12/2000: PP granted (reference PE9900938) for the erection of a single storey rear extension at lower ground floor level.

Relevant policies

Set out below are the UDP policies that the proposals have primarily been assessed against, together with officers' view as to whether or not each policy listed has been complied with. 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 Replacement Unitary Development Plan (2006)

SD6 Amenity for occupiers and neighbours

B1 General design principles

B3 Alterations and extensions

B7 Conservation areas

N8 Ancient trees and woodland

Camden Planning Guidance (2006)

Assessment

Proposal:

Permission is sought for the retention of hard landscaping works in the rear garden of this property. The hard landscaping works include the laying of a limestone patio area adjacent to the rear of the lower ground floor level extension, the erection of two long planters along both side boundary walls and a built in fireplace structure with decking on the boundary with No. 24 Elsworthy Road. A wall with a water feature has also been erected to screen the repositioned timber shed, which is also located on the boundary with No. 24 and a timber seat has been erected around the base of an existing Plane tree.

Assessment:

With the exception of the screen wall and fireplace, the majority of the hard landscaping works are considered to be typical of works and structures found in rear garden settings. These works are considered to enhance the visual and recreational amenity value of the garden and are considered acceptable in terms of design and materials.

The fireplace is located 5.3m from the rear elevation of the building and further from the rear elevation of No. 24, whose boundary it is located adjacent to. The fireplace is approximately 2.3m high and 1.6m wide. The screen wall is approximately 2.4m high and located towards the rear of the garden. By virtue of the fireplace being positioned in front of a large tree located in the garden of No. 24, and the screen being located perpendicular to the boundary wall, neither structure has any impact on the amenities of the adjoining occupiers in terms of outlook, sense of enclosure, loss of light or overshadowing. In addition, neither structure dominates the garden to an extent that detracts from its otherwise soft character and as they are not widely visible from anywhere other than the application property they are considered to preserve the character and appearance of the wider Conservation Area.

A silver birch tree that was relocated has died and it is recommended a suitable replacement is sought by condition (details below). The installation of the planter and bench on the boundary with No. 20 are likely to have caused significant root severance to the existing Plane tree. Photographs showing the construction of the planters that were submitted with the application would also suggest a significant degree of compaction within the root protection zone of this tree. This combination of both damaging practices will have been detrimental to the safe useful life expectancy of the tree. It is considered that this damage can be mitigated by:

1. Carrying out a programme of soil decompaction and soil inoculation with mycorrhizal injection. Carrying out this

remedial treatment will at least give the tree a chance of recovery from the root damage; and

2. The planting of a replacement tree in the corner of the play area to provide for the long-term tree coverage of the site when the Plane tree has to be removed and in lieu of the Silver Birch that has been lost. A Common Walnut (*Juglans Regia*) or native Cherry (*Prunus Avium*) would be a suitable replacement.

It is recommended that these remedial works be required by condition and that an informative is added to advise the applicant that the decompaction work should either be carried out in the presence of a tree officer or a report provided to confirm how the work has been carried out.

Recommendation: Grant subject to conditions.