

Delegated Report (Members Briefing)		Analysis sheet		Expiry Date:		22/09/2006	
		N/A / attached		Consultation Expiry Date:		30/08/2006	
Officer				Application Number(s)			
Bethany Arbery				2006/3090/P			
Application Address				Drawing Numbers			
5 Nassington Road London NW3 2TX				2 Site location plans (scale 1:1250 and 1:500); MW1; MW2; and 2 photo sheets.			
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature		Date:		
Proposal(s)							
Erection of a summerhouse in rear garden for use in connection with the existing single-family dwellinghouse (Class C3).							
Recommendation(s):		Grant conditional permission					
Application Type:		Full Planning Permission					

Conditions:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	06	No. of responses	09	No. of objections	09
Summary of consultation responses:	A site notice was displayed outside the property from 09/08/06 to 30/08/06.					
	The occupiers of nos. 1, 3, 9, 13, 15 Nassington Road and 22a Parliament Hill have raised objection to the proposal on the following grounds:					
	Amenity Issues					
	<ul style="list-style-type: none">It will allow overlooking of neighbouring gardens and habitable rooms. <p><i>Response: The summerhouse is located in the rear garden. It has two windows and a door, which face back towards the rear elevation of 5 Nassington Road. There will be views from the summerhouse into the gardens and towards the rear elevation of neighbouring properties, but these already exist from the rear garden of 5 Nassington Road. It is considered that there will be no significant increase in overlooking as a result of the proposal.</i></p>					
	Design Issues					
	<ul style="list-style-type: none">It will obstruct the uninterrupted view of the landscape, the allotments and the London skyline;It is an isolated, permanent and monolithic structure;When lit up at night it will be reminiscent of a New England style lone outpost;Overdevelopment of the site;It is too large for a summerhouse; andThe design is inappropriate. <p><i>Response: The proposed summerhouse is a modestly sized timber structure. It occupies 6% of the total garden area. It is not excessive in height, will be largely obscured by existing vegetation and will not harm views across this green space. Given the size of the glazed openings light pollution is unlikely to be excessive. It is not considered to be either inappropriately sized or designed.</i></p>					
	Other Issues					
	<ul style="list-style-type: none">It will be used as an independent dwellinghouse; <p><i>Response: There is no reason to suspect that the structure is to be used as an independent dwellinghouse. It is, however, recommended that a condition be imposed on the permission to ensure that the summerhouse only be used for purposes incidental to the existing dwellinghouse.</i></p>					
	<ul style="list-style-type: none">It will invade the wildlife and ecological balance; and <p><i>Response: This site is not a designated area of open space; neither is it a nature conservation site. It is likely that the rear garden provides a home to a variety of flora and fauna; however, this part of the garden has already been disturbed by the removal of the grass and introduction of gravel. It is considered that the placing of a timber structure on this part of the site is unlikely to significantly harm biodiversity.</i></p>					
	<ul style="list-style-type: none">It sets an extremely dangerous precedent. <p><i>Response: The issue of precedent is a material consideration. However, there must be sufficient evidence to suggest that by granting this permission it would make it difficult to refuse future applications for similar developments, which may then have a damaging effect. There is insufficient evidence to suggest that the introduction of a few small scale structures within rear gardens in this location is likely to result in harm. Were there to be an unacceptable proliferation of these structures, significantly reducing the ‘green’ space then the Council may resist further applications on the grounds of their cumulative impact.</i></p>					

CAAC/Local groups comments:

South Hill Park CAAC

No reply to date.

South End Green Association

Whilst the proposed building is not unpleasant it is large and tall. Although it is some 20m away it could cause overlooking. It could form the base for a separate residence. Permitted development rights that may have existed for this property have been used previously. There are no benefits for the conservation area.

Response: The issue of overlooking, the size and design of the structure and its use as an impendent dwellinghouse have been addressed above. It is not proposed to erect the structure under permitted development rights, an application for planning permission has been submitted. The legislation requires that works to the conservation should 'preserve or enhance', in this instance it is considered that the proposal preserves the conservation area.

Site Description

The application site is 5 Nassington Road which is located on the south side of the street. The building is a semi-detached property comprising ground and first floor and loft conversion. The property is currently in use as a single-family dwellinghouse (Class C3). The building is not listed, but is situated within the South Hill Park Conservation Area.

Relevant History

8600463

Planning permission was granted on 14.05.86 for change of use and works of conversion and extension to form two three-bedroom maisonettes.

2004/3068/P

Planning permission was granted on 17.09.04 for change of use from 2 x self-contained flats to a single-family dwelling house, including the erection of a single storey rear/side extension and minor elevational alterations.

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)

S1 & S2 - Sustainable development

SD6 - Amenity for occupiers and neighbours

B1 - General design principles

B7 - Conservation areas

N5 - Biodiversity

Supplementary Planning Guidance Adopted (2002) and Consultation Draft (2006)

Section 2.7 Alterations and extensions

Supplementary Planning Guidance Consultation Draft (2006)

Extensions, alterations and conservatories

South Hill Park Conservation Area Statement

Assessment

The properties along the south side of Nassington Road are set within a generous plot and enjoy the benefit of a large rear garden. Beyond the rear gardens are allotments, which occupy the land up to the railway embankment.

The proposal is to erect a summerhouse in the rear garden of the property. The summerhouse is to be timber clad with a tiled roof (western red cedar shingles). It is to have two timber framed windows and a timber door with glazed upper panels. The base of the summerhouse measures 3.0m x 4.3m. It is 3.7m in height to the roof ridge. There is a canopy, which extends over the entrance door and projects 1.0m from the front elevation. The proposed summerhouse is to be set 1.0m away from the boundary wall with 3 Nassington Road, 0.75m from the rear boundary wall of 7 Nassington Road and 0.75m from the rear boundary wall, which separates the garden from the allotments.

Class E allows the erection of buildings within the curtilage of a dwellinghouse subject to conditions. Condition (f) says that if it is in a conservation area and exceeds 10m³ then it is not permitted development. In this instance the volume of the summerhouse exceeds the permitted development rights, and therefore planning permission is required.

Unitary Development Plan policies and Supplementary Planning Guidance state that the Council should seek to protect gardens from development that may detract from the character or amenity of areas. The construction of sheds, stand-alone greenhouses and other structures in the rear gardens and other unbuilt areas, can often have a significant impact upon the amenity and character of an area. The introduction of buildings may detract from the generally soft nature of the garden and other open space contributing to incremental urbanisation.

In this instance the rear garden of the property is 20m in length and 11.5m in width (230m² in area). The proposed summerhouse is located at the rear of the garden and occupies 12.9m², which is 6% of the total garden area. Given both the size of the garden and the proposed structure it is considered that the proposal will not detract from the openness of the garden and will not destroy its value as an amenity space. The proposed structure is located in the rear garden and whilst partially visible through the vegetation from the allotments to the rear it will not have a significant impact on views and will not be visible from the street. It is therefore considered that the proposal will not have an adverse impact on the character and appearance of the South Hill Park Conservation Area.

If it is appropriate to build a structure the Supplementary Planning Guidance states that there is a need to avoid damage to existing trees and vegetation. It also makes reference to the importance of materials. The structure is to be located in an area of the garden, which is already devoid of vegetation, it is a gravelled section. There are trees on the edge of the plot and in the neighbouring gardens. The proposed structure does not have foundations; it is built on a 150mm concrete slab and therefore will not impact on the roots of the adjoining trees. The proposed materials of the summerhouse are considered to be acceptable.

Recommendation: Grant conditional permission.

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