

Delegated Report		Analysis sheet		Expiry Date:		16/09/2014							
		N/A		Consultation Expiry Date:		28/08/2014							
Officer				Application Number(s)									
Angela Ryan				2014/4740/P									
Application Address				Drawing Numbers									
Flat 2 12 Lyndhurst Gardens London NW3 5NR				Please see decision notice									
PO 3/4		Area Team Signature		C&UD		Authorised Officer Signature							
Proposal(s)													
Erection of single storey timber clad garden room in the rear garden in connection with existing use as a flat (Class C3)													
Recommendation(s):		Refuse planning permission											
Application Type:		Full Planning Permission											
Conditions or Reasons for Refusal:		Refer to Draft Decision Notice											
Informatives:													
Consultations													
Adjoining Occupiers:		No. notified		16		No. of responses		0		No. of objections		0	
						No. electronic		0					
Summary of consultation responses:		A site notice was displayed on 06/08/2014, expiring on 27/08/2014, and a public notice was published in the local press on 07/08/2014, expiring on 28/08/2014. No comment/objections have been received in response to the consultation process.											
CAAC/Local groups* comments: *Please Specify		Fitzjohns and Netherhall CAAC: Were formally consulted. No representation has been received to date.											

Site Description

The site comprises a three-storey detached building (with accommodation in the roof space) located on the south side of Lyndhurst Gardens. The building was originally a dwelling house but has since been divided into 5 flats. The building forms part of a group of 7 detached houses built by the same developer, where the predominant land use is for residential. The application site dates back from c. Nos. 4 – 10 and 16 have relatively long gardens compared to those of nos. 12 and 14 Lyndhurst Gardens, which were truncated sometime in the mid C20.

The application site lies within the Fitzjohns/Netherhall Conservation Areas and is also a statutory listed Grade II building.

Relevant History

04/04/1985- Permission **granted** the erection of a new external staircase to act as a secondary means of escape (Ref: 8500255)

09/08/1999- Listed Building Consent **granted** for the change of use from nursing home to 5 self-contained dwelling units, together with the erection of side and rear extensions on ground and first floors and new rear roof dormer, removal of fire escape staircase and lift motor room and associated internal and external alterations (Refs: PW9802389 & LW9802516)

09/11/1999- Planning and Listed building consent **refused** for the erection of a two storey rear extension, as a variation to the planning permission and listed building consent dated 9th August 1999 (Refs. PW9802389R2 & LW9802516R2) for conversion to five flats and erection of side and rear extensions (Refs: PW9902734& LW9902765)

09/11/1999- Planning and Listed Building Consent **refused** for the erection of a two storey rear extension, as a variation to the planning permission and listed building consent dated 9th August 1999 (Refs. PW9802389R2 & LW9802516R2) for conversion to five flats and erection of side and rear extensions (Ref: PW9902735 & LW9902766)

Relevant policies

LDF Core Strategy and Development Policies

Core strategy:

CS5 (Managing the impact of growth and development)

CS14 (Promoting high quality places and conserving our heritage)

CS13 (Protecting and improving our parks and open spaces & encouraging biodiversity)

Development policies:

DP24 (Securing high quality design)

DP25 (Conserving Camden's heritage)

DP26 (Managing the impact of development on occupiers and neighbours)

Fitzjohn's /Netherhall Conservation Area Statement 2001

London Plan 2011

NPPF 2012

Assessment

1.0 Proposal:

1.1 Permission is sought for a rectangular outbuilding which would measure 2.5m high from base to top, 5.8m long, and 3.5m deep, providing an internal floor area of approximately 20.3m². The outbuilding would be located in rear of the garden at the lower tier adjacent to the side boundary wall and would be set back approximately 3.5m from the existing rear boundary comprising a trellised fence between the application site and Village Close. The outbuilding is proposed to be clad in timber (western cedar cladding) with a fascia installed on the front elevation. It is proposed to install high level timber framed windows on the rear and flank elevations, with a timber framed window and sliding door installed on the front elevation. The outbuilding is proposed to sit on a timber deck with base metal trims incorporated on the sides. Most of the glazing panels on the sides and front are proposed to be clear whilst the glazing panels proposed on the rear would be frosted. The flat roof is proposed to be used as a green roof. The outbuilding would include a bathroom (with shower and toilet) and a storage room as well as a single large room. The design and access statement indicates that single room would be used as a hobby room although it has been indicated that it will also be used as studio / yoga practice space.

1.2 Given that the outbuilding will not be attached to any of the historic fabric of this grade II listed building, a listed building consent application is not required in this instance.

1.3 During the course of the application the Council advised the applicant that the outbuilding was considered to be too large in the context of the site and should be reduced in size (4m by 3m) in order to reduce its impact on the setting of the listed building and the character and appearance of the conservation area and also its potential impact on the existing outlook to the occupiers of nos. 7 & 8 Village Close. The applicant was also informed that in the event that the scheme was not amended to reduce the size of the proposed outbuilding that the Council would be minded to refuse it. An amended scheme was submitted for consideration which showed the length of the building being reduced by approximately 0.8m (from 5.8m to 5m), with the depth and height remaining the same as originally proposed. The outbuilding in the amended scheme was still considered to be too large in the context of the host building and where it is to be positioned in the garden. As such, It was requested that the applicant consider reducing the size of the outbuilding even further. The applicant subsequently confirmed that they were unwilling to reduce the size of the outbuilding and requested that the Council consider the original scheme as opposed to the amended version.

1.4 The key considerations are:

- The impact on the character and appearance of the host building and conservation area; and
- Impact on amenity

2.0 The impact on the character and appearance of the grade II listed building and conservation area:

2.1 The Council provides specific advice on structures in gardens in Camden Planning Guidance CPG1 Design: Chapter 4. This document emphasizes the importance of rear gardens and this importance is partly identified as arising from rear gardens forming part of the semi- public domain where they are over looked by large numbers of properties and the occupants of surrounding buildings benefit from the outlook. It goes on to state that planning permission is unlikely to be granted for development whether in the form of extensions, conservatories, garden studios, basements or new development which significantly erode the character of existing garden spaces and their function in providing wildlife habitat.

2.2 The rear garden at the application site has two tiers, comprising an upper tier that is completely decked over and a lower tier that contains hard and soft landscaping (a small decked area, with the remainder being green with grass and shrubbery). The size of the lower tier of the garden is approximately 45m², and incorporates a further timber decked area measuring 17m². Close to the property there is a patio (length 3.8m). The length of the existing lawn and soft landscaped area is approximately 12.78m. The surrounding gardens are characterised by essentially open green spaces, and a few small unobtrusive sheds. In this context, an outbuilding 5.8m by 3.5m would be overly large

and have a dominant appearance and would harm the setting of the grade II listed building and the open green character of the space, urbanising the existing garden setting. There is already a timber decked patio area located on the upper tier in the garden measuring approximately 40m². Whilst it is acknowledged that the outbuilding would have a backdrop of trees and existing greenery this would not lessen the harm caused by a sizeable building in the rear garden. It is also acknowledged that the outbuilding's design attempts to blend in by virtue of the proposed green roof and timber cladding. However, these design details, whilst welcome, do not compensate for the dominant size of the outbuilding and its harm to the setting of this grade II listed building and the character and appearance of the conservation area. The proposal is considered to be out of keeping with the rear of these properties in the immediate vicinity which are characterised by greenery and small unobtrusive shed like structures which are appropriate to the garden setting. The open garden setting of these properties is considered to be an integral feature of this part of the conservation area. The proposed outbuilding if allowed; would set an unwelcome precedent within the immediate vicinity of the site and so cannot be supported in this instance.

2.3 For the reasons set out above the outbuilding would harm the setting of the grade II listed building, the garden setting of the neighbouring properties and the character and appearance of the conservation area by virtue of this incongruous, over-dominant outbuilding in the rear garden and is thereby contrary to policies CS13, CS14, DP24 and DP25 of Camden's LDF.

3.0 Amenity:

3.1 With regard to noise and disturbance that would be associated with the use of the outbuilding, it is considered the although the level of use would increase as would the footfall in the rear garden to access the garden room the level of activity associated with the reasonable use of an outbuilding of this size for domestic purposes would not materially harm the living conditions of nearby residents. The orientation of the proposed opening and the proposed high level/obscured glass windows would ensure that undue harm is not caused to the neighbouring properties by way of the loss of privacy. Moreover the use of the outbuilding would be essentially ancillary to the use of the host property as a flat. Possible light spillage from the proposed windows on the flank elevations could be remedied by the use of appropriate blinds and could therefore be overcome.

3.2 It is therefore considered that no undue harm would be caused with regard to the amenity of the neighbouring properties in terms of access to sunlight, daylight, noise or the loss of privacy.

3.3 CPG1 (paragraph 4.23) states that large garden buildings may also affect the amenity value of neighbours' gardens, and if used for purposes other than storage or gardening, may intensify the use of garden spaces. CPG7 on amenity in paragraph 7.9 states when designing developments consideration should be taken to ensure the proximity, size or cumulative effect of any structures do not have an overbearing and/or dominating effect that is detrimental to the enjoyment of their properties by adjoining residential occupiers.

3.4 As detailed in the design section above the outbuilding would harm the outlook of the occupiers of neighbouring properties. The properties located in Village Close currently have an open view across the rear garden of the application site. The proposed outbuilding by virtue of its size would affect the current outlook to occupier of nos. 7 & 8 village close, by blocking their open views to the east; particularly in light of open views to the west being limited by virtue of an existing high brick side boundary wall. Moreover it is considered that an outbuilding of this size would also add to the sense of enclosure for the properties in Village Close being set back only 3.5 m from the shared rear boundary.

3.5 Given the above, it is considered that the proposal would cause harm to existing neighbouring amenity by way of the loss of outlook and adding to the sense of enclosure and the proposal is thereby contrary to policies CS5 and DP26 of Camden's LDF.

Trees:

3.6 The arboricultural report is considered acceptable to demonstrate there will be no impact on existing trees which are to be retained. The protection measures are also considered to be

acceptable.

Recommendation: Refuse Planning Permission