

Delegated Report		Expiry Date:	09/02/2015	Officer:	David Peres Da Costa
Application Address		Application Number(s)	1st Signature	2nd Signature	
94 Frognal London NW3 6XB		2014/7696/P			
Proposal(s)					
Variation of condition 3 (approved plans) of 2014/0559/P 08/05/14, for; erection of new garden room, namely enlargement of garden room (retrospective).					
Recommendation(s):		Refuse variation of condition and warn of enforcement action			
Application Type:		Variation of condition			
Consultations	Date advertised	21 days elapsed	Date posted	21 days elapsed	
Press notice	12/2/15	5/3/15	Site notice	11/2/15	4/3/15
	Date sent	21 days elapsed	# Notified	# Responses	# Objections
Adjoining Occupier letters	6/2/15	27/2/15	10		2
Consultation responses (including CAACs):	<p>2 objections received from 88 Frognal and 90 Frognal. The objectors raised the following issues:</p> <ul style="list-style-type: none"> No notification bedroom of 12b Church Row is now overlooked by the new garden room the effect of the enlarged size of the Garden Room is that our garden which was hitherto private now is overlooked from close quarters. It is not only closer to us but all 3 dimensions are significantly larger than were granted permission for It is visible from almost every window of our house and looms over our garden. Not only is it huge and ugly, but there is a window in the side wall that looks over our garden. <p>Following the receipt of a revision to obscure glazed window the objector was asked whether this removed their objection. They responded as follows:</p> <ul style="list-style-type: none"> To obscure glaze the side window is certainly a step forward. However, the garden Room remains bigger and looms over the garden in a way which was not expected based on the previous agreed planning consent. Lowering the building would solve the problem without their having to change the internal dimensions. The entrance is well above ground level so it should be doable. 				
Site Description					
The site is a 2 storey detached house, now sub-divided. The central part is c1700 with wings added in late C19. 94 AND 94A Frognal are Grade II* listed and fall within the Hampstead Conservation Area.					

Relevant History

2014/0559/P: Erection of new garden room. Granted 08/05/2014

2014/0693/L: Repair and refurbishment works to existing orangery building and erection of new garden room. Granted 08/05/2014

EN14/0970: The approved garden room 2014/0559/P and 2014/0693/L has been built larger than shown on the plans and that was approved.

Relevant policies

NPPF 2012

The London Plan March 2015, consolidated with alterations since 2011

LDF Core Strategy and Development Policies

CS1 (Distribution of Growth)

CS5 (Managing the Impact of Growth and Development)

CS14 (Promoting High Quality Places and Conserving Our Heritage)

DP24 (Securing High Quality Design)

DP25 (Conserving Camden's heritage)

DP26 (Managing the Impact of Development on Occupiers and Neighbours)

Camden Planning Guidance (paragraphs 6.29, 6.31 and 4.22-4.24)

Hampstead Conservation Area Statement pages 57-58 and 60

Assessment

Proposal: Planning permission (and listed building consent) was previously granted for a garden room measuring 4m by 3m and 2.47m high. The garden room has been built but is larger than was approved so retrospective consent is sought for the enlarged garden room. The garden room would measure 5m by 4m and would be 3.17 high (as the ground is slightly higher at the rear of the garden room, the height at the rear would be 3.03m). There is a window in the garden room in the side (south) elevation. As the garden room is not attached to the wall or the listed building, listed building consent is not required for the enlarged garden room. The application for listed building consent has therefore been withdrawn.

Assessment:

Design:

The Council provides specific advice on structures in gardens in Camden Planning Guidance CPG1 Design. 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 overlooked 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.

The Hampstead conservation area statement indicates that some parts of the Conservation Area have large plots with open green land where there is also pressure for backland development which can reduce the quality of the visual as well as the ecological environment. At paragraph H11 of the conservation area statement the guidelines emphasizes that rear gardens and backlands contribute to the townscape of the Conservation Area and provide a significant amenity to residents and a habitat for wildlife.

The additional 0.7m height of the garden room and the repositioning of the garden room closer to the southern boundary wall (1.35m rather than 2.17m) and further forward (1.73m rather than 1.37m from the rear (eastern) boundary) result in the garden room having an overly dominant appearance when viewed from the neighbouring properties of 12b Church Row and 90 Frognal. The result of the additional depth of the building (4.13 rather than 3.14) and the repositioning further away from the rear eastern boundary result in the garden room projecting 5.86m into the garden rather than the approved 4.51m. It is noted that the southern boundary wall (between 94 Frognal and 12B Church Row) is higher at the eastern boundary and drops down with a lower wall between these properties towards the west. The garden room also stands on higher ground than the majority of the garden. The additional height and 4.13m depth of the garden room harms the open green character of the space when viewed from neighbouring properties. The timber cladding does not compensate for the dominant size of the outbuilding.

For the reasons set out above the outbuilding would harm the garden setting of the neighbouring properties and the character and appearance of the conservation area.

Amenity

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. It is considered that no undue harm would be caused with regard to the amenity of the neighbouring properties in

terms of loss of sunlight or daylight. A (top hung) window in the side elevation faces directly towards 12B Church Row. The proposed drawing has been amended so that this window would be obscure glazed. Taking into account the obscure glazing there would be no loss of privacy or harmful overlooking to the occupiers of 12B Church Row. However, as detailed in the design section above the outbuilding would harm the outlook of the occupiers of neighbouring properties.

Recommendation: Refuse variation of condition and warn of enforcement action.