

<b>Delegated Report</b>		<b>Analysis sheet</b>	<b>Expiry Date:</b>	<b>21/08/2015</b>
<b>(Members Briefing)</b>		N/A / attached	<b>Consultation Expiry Date:</b>	<b>13/08/2015</b>
<b>Officer</b>			<b>Application Number</b>	
Olivier Nelson			2015/3636/P	
<b>Application Address</b>			<b>Drawing Numbers</b>	
45 Maresfield Gardens London NW3 5TE			See decision notice	
<b>PO 3/4</b>	<b>Area Team Signature</b>	<b>C&amp;UD</b>	<b>Authorised Officer Signature</b>	
<b>Proposal</b>				
Retention of timber play structure in the rear garden.				
<b>Recommendation:</b>	Grant planning permission			
<b>Application Type:</b>	Full Planning Permission			

<b>Conditions or Reasons for Refusal:</b>	<b>Refer to Decision Notice</b>					
<b>Informatives:</b>						
<b>Consultations</b>						
Adjoining Occupiers:	No. notified	32	No. of responses	7	No. of objections	7
			No. Electronic	00		
<b>Summary of consultation responses:</b>	<p>Site notice – 22/07/2015 to 12/08/2015  Press notice – 23/07/2015 to 13/08/2015</p> <p><u>Seven Objections</u> have been received raising the follow concerns:</p> <ol style="list-style-type: none"> <li>1. The play structure will result in the loss of green space and is against Camden policy (<b>Officer Comment: addressed in paragraph 2.1</b>).</li> <li>2. The structure is of excessive size and height (<b>Officer Comment: addressed in paragraph 3.1</b>).</li> <li>3. The top of structure allows views into private terrace areas and will lead to a loss of privacy. (<b>Officer Comment: addressed in paragraph 3.1</b>).</li> <li>4. Use of the upper part of the structure would allow overlooking to neighbouring properties. (<b>Officer Comment: addressed in paragraph 3.1</b>).</li> <li>5. Structure which has been built is more akin to one at a public park (<b>Officer Comment: addressed in paragraph 2.2</b>).</li> <li>6. Applicant has chosen to ignore planning control and sought retrospective consent (<b>Noted</b>)</li> <li>7. Playhouse should be replaced by a lower building which is more appropriate for the intended purpose. (<b>Officer Comment: addressed in paragraph 3.3</b>).</li> </ol>					
<b>Fitzjohns/Netherall CAAC</b>	No comments have been received from the CAAC.					

## Site Description

The site comprises a 3 storey building (plus lower ground and roof levels), known as April House, located on the western side of Maresfield Gardens. The building is divided into two flats (Flats A and B). The application relates to the flat (Flat A) occupying the lower ground, ground and first floors. The garden area is occupied by Flat A and there is currently wooden play equipment in the rear garden. The property lies within the Fitzjohns/Netherhall Conservation Area and is considered to make a positive contribution to the Conservation area. The building is located slightly upslope from No. 43 Maresfield Gardens.

## Relevant History

8600254 - Change of use and works of conversion to form four flats on the ground floor and lower ground floor as shown on drawings No.0585A/06 and 07 - Granted on 23/04/1986.

9201060 - Erection of a rear extension at first floor level to the existing flat including new entrance canopy on the ground level front elevation - Granted on 04/02/1993.

2013/1071/P - Conversion of two existing flats into one single family dwelling (Class C3) and associated alterations - Granted on 22/07/2013.

2014/1394/P - Alterations to replace windows and doors on front elevation at ground floor level with 2 windows and 3 doors, including installation of glazed canopy over entrance - Granted on 05/06/2014.

2014/1956/P - Erection of a side extension at second floor level - Refused on 20/07/2015.

2014/5724/P - Extension of existing basement level (retrospective) - Withdrawn.

2014/5725/P - Extension of existing basement level (retrospective) - Granted on 12/06/2015.

2015/1609/P - Erection of 1st floor side extension and alterations to front and rear elevations (retrospective) - Granted on 14/07/2015 with Warning of Enforcement Action.

2015/3684/P - Retrospective application for the erection of a timber play structure in the rear garden. Installation of boundary treatment including means of access and hardstanding and the rearrangement of two off-street parking spaces - Decision is pending.

EN14/0713 (Enforcement) – Excavation of basement and the approved scheme 2013/1071/P has not been implemented. As a result the current application was submitted (2014/5725/P) in order to firstly regularise the first floor side extension in line with the previous approval in 2013, and then to amend the as built extension, which differed from both the original side extension which it replaced and the as approved design from 2013.

## Relevant policies

National Planning Policy Framework 2012

London Plan 2015, consolidated with alterations since 2011

Camden LDF Core Strategy 2010

CS5 Managing the impact of growth and development

CS11 Promoting sustainable and efficient travel

CS14 Promoting high quality places and conserving our heritage

Camden Development Policies 2010

DP24 Securing high quality design

DP25 Conserving Camden's heritage  
DP26 Managing the impact of development on occupiers and neighbours  
DP28 Noise and vibration

Camden Planning Guidance  
CPG1 Design  
CPG6 Amenity

Fitzjohns and Netherhall Conservation Area Statement 2001

## Assessment

### 1. Proposed Development

1.1 The application is retrospective and seeks planning permission for the retention of a timber climbing frame equipment at the end of the rear garden. The structure comprises a slide, ladder, cargo net, fireman's pole, basket pulley, swing and a platform with a cottage on it. The platform is 1.7m above ground level. The total height of the equipment is 3.5m and its depth is 4.8m. The total area is 6.75sq.m.

### 2. Design and impact on the wider Conservation Area

2.1 The play equipment is located towards the rear of the garden of the application site and is set in approximately 0.3m from the boundary. The frame is wooden and the slide is coated with a metal/plastic. Sufficient garden space would be retained for use by the occupiers of Flat A and the proposal has not resulted in any significant loss of green space.

2.2 The play structure is not visible from the public realm, but is visible from private vantage points. This type of development would normally constitute permitted development and only requires formal planning permission because of the raised platform. In design terms, the structure sits comfortably with the host building and surrounding properties. It is residential in its scale and is of a similar nature to play equipment commonly seen within many residential gardens.

### 3. Residential Amenity

3.1 Concern has been raised in relation to overlooking from the proposed structure to the neighbouring properties notably the terrace area at no. 43 and the properties behind. The highest point of the structure is home to a small cottage and this is above a platform which is 1.7m above ground floor level. There are some vantage points when using the cottage area at the top of the play structure. Although the internal heights would make it mainly for use by a child and as such in terms of overlooking, the intensity is likely to be less than if an adult was to use this equipment. There is some foliage and boundary treatment around the site which is the applicants attempt to reduce potential overlooking concerns.

3.2 CPG 1 states that developments in the rear garden should not detract from the open character and garden amenity of neighbouring properties. The height of the structure largely retains visibility of the neighbouring garden walls. There are no windows on the play structure although its openness has caused concern to neighbours. The structure is approximately 15m away from the rear elevation of the application property and is a greater distance away from neighbouring properties on Maresfield Gardens. It is not considered that the positioning of the structure leads to direct overlooking from the structure to any habitable rooms. The height of the climbing frame at 3.7m is visible, however, due to its infrequency of use it would be hard to state that this couldn't be used for the enjoyment of children.

3.3 The structure is not considered to adversely impact on the amenity of the adjacent properties with regard to access to sunlight, daylight, visual bulk or sense of enclosure and is in accordance

with Council policy.

4. Recommendation

4.1 Grant planning permission

**DISCLAIMER**

**Decision route to be decided by nominated members on Monday 7<sup>th</sup> September 2015.  
For further information, please go to [www.camden.gov.uk](http://www.camden.gov.uk) and search for 'Members Briefing'.**