



Planning Statement

6 Elsworthy Terrace, NW3



Boyer

Report Control

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1. INTRODUCTION

- 1.1 This Planning Statement has been prepared on behalf of Mr. Maurice Ostro in support of their planning application to erect an Pavilion within the curtilage of 6 Elsworthy Terrace, NW3.
- 1.2 The proposals for the site follow a Certificate of Lawful Proposed Development (Ref. 2014/4187/P) that was granted on 18th November 2014.
- 1.3 This Planning Statement assesses the proposals against the policies in the Development Plan and other material considerations, which are relevant to the determination of the application. The statement is structured as follows:
 - Section 2 – provides detail of the application proposals;
 - Section 3 – describes the site and surrounding context;
 - Section 4 – details recent planning history;
 - Section 5 – provides an overview of the principle national, regional and local planning policy and guidance relevant to the assessment of the proposed development;
 - Section 6 – provides an assessment of the proposals against the provision of the development and other material considerations;
 - Section 7 – concludes the findings of the assessment of the proposed development.
- 1.4 This Planning Statement should be read in conjunction with the other supporting planning application documents.

2. THE PROPOSAL

2.1 The application is seeking permission for the erection a Pavilion that is of the same design as that previously consented under a Lawful Development Certificate (Ref. 2014/4187/P) that was granted permission in 18th November 2014. Planning permission is requested for the proposals because it is currently situated on the existing garden level but we seek to excavate the garden to make the Pavilion less intrusive and more in keeping with the local area.

2.2 The proposals outlined on the planning application form therefore should read:

“The erection of a Pavilion with associated landscaping.”

2.3 The Pavilion will be situated at the rear of the garden and is intended to be used as a study/gym area. The garden levels will be adjusted to allow for step-free access to the rear of the house and to make the Pavilion that was permitted under permitted development rights less intrusive to the surrounding neighbours.

3. THE SITE AND SURROUNDING AREA

- 3.1 6 Elsworthy Terrace is four storey mid-terrace townhouse located towards the south of the terrace on the eastern side close to Primrose Hill.
- 3.2 The terrace is characterised by a small terrace of family houses. Each of these houses is set back from the road and have large gardens to the rear.
- 3.3 The site is located in the Elsworthy Conservation Area that was originally designated on 27th February 1973 that has since been extended. It is described within the Elsworthy Conservation Area Appraisal as:

“The Elsworthy Conservation Area is situated in an area immediately to the north and west of Primrose Hill. Terraced Townhouses, large semi-detached villas, and latterly large detached houses following a ‘garden suburb’ pattern were built for well-to-do families wishing to live in spacious, pleasant, leafy surroundings within easy reach of central London. This character as a wealthy residential suburb has remained to the present day. There is no real ingress of other uses, with commercial activities being located to the north-east in Swiss Cottage.”

- 3.4 The site has a public transport accessibility level (PTAL) of 2, with bus services from Adelaide Road and underground services from Swiss Cottage.

4. PLANNING HISTORY

Site Planning History

4.1 The following planning applications are relevant to the current application.

Application Ref.	Proposed Development	Decision	Decision Date
2014/6860/P	The erection of a garden Pavilion, installation of rooflights and the enlargement of a window (Certificate of Lawfulness)	Withdrawn	30/10/2014
2014/4187/P	The erection of an outbuilding and the installation of 3 x rooflights, 1 x to the front and 2 x to the rear. (Certificate of Lawfulness)	Granted	03/07/2014
2003/0040/P	The erection of an additional rear dormer window within the existing mansard roof	Refused	04/07/2003
PE9800822R1	Certificate of lawfulness for erection of single storey rear extension at lower ground floor level. As shown on drawing NOs 38/98/002N, GS712/10	Granted	11/01/1999

4.2 As highlighted within the above table, a Pavilion has already been permitted under Lawful Development Certificate Application 2014/4187/P and this application seeks to excavate the Pavilion to reduce its height.

5. PLANNING POLICY CONTEXT

The Development Plan

- 5.1 Section 38(6) of the Planning and Compulsory Purchase Act (2004) states that applications must be determined in accordance with the relevant development plan, unless material considerations indicate otherwise. The development plan for the London Borough of Greenwich comprises the Council's Core Strategy (2014) and the London Plan (2011) (as amended 2013) (FALP 2015).
- 5.2 Although the National Planning Policy Framework (2012) does not alter the statutory status of the development plan as the primary consideration in the determination of a planning application, it provides national guidance, conveys the government's intentions for the planning system and is a material consideration in the determination process.

National Planning Policy Framework (2012)

- 5.3 The National Planning Policy Framework (NPPF) sets out the Government's objectives for the planning system; to achieve sustainable development through economic, social and environmental gains, and to secure economic growth.
- 5.4 The presumption in favour of sustainable development, which should be seen as the golden thread running through both plan making and decision making, involves seeking positive improvements in the quality of the built, natural and historic environments including replacing poor design with better design, improving the conditions in which people live and work, and widening the choice of high quality homes.
- 5.5 Paragraph 40 states that well designed housing should be functional, attractive and sustainable. It should also be adaptable to the changing needs of its occupants.
- 5.6 Paragraphs 131 to 134 require the Council when determining applications to take account of sustaining and enhancing the significance of heritage assets.
- 5.7 Chapter 12 of the NPPF covers conserving and enhancing the historic environments. It recognises that heritage assets should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations.

National Planning Guidance (2014)

- 5.8 The National Planning Practice Guidance (NPPG) expands upon the NPPF to provide detail on the Government's objectives for a wide range of planning related topics.

The London Plan (2015)

- 5.9 The London Plan provides the strategic policy context for all of London and seeks to provide an integrated framework for its development to 2036.

- 5.10 The Mayor's stated Strategic Policies aim to promote opportunity and provide more homes, and that housing should be of the highest quality internally, externally and in relation to its surrounding context.

London Borough of Camden Core Strategy (2010)

- 5.11 LB Camden has adopted their Core Strategy. The Core Strategy set out the key elements of the Council's planning vision and strategy for the Borough. The overall vision of Camden's Core Strategy is to create a borough of opportunity.
- 5.12 The vision includes four themes which aim to make sure that Camden adapts to a growing population; has an economy that includes everyone, is connected where people can live active, healthy lives; and a safe Camden that is a vibrant part of our world city.
- 5.13 Core Strategy Policy CS6 aims to provide quality homes.
- 5.14 Policy CS13 aims to tackle climate change by promoting higher environmental standards.
- 5.15 Policy CS14 requires development to be of the highest standard of design which respects local context and character including heritage assets.

London Borough of Camden Development Policies (2010)

- 5.16 Camden's Development Policies Document sets out the detailed guidance and policies to enable the Borough broader objectives as set out within the Core Strategy to be achieved. The development policies are grouped in to the four themes as identified within the Core Strategy.
- 5.17 Policy DP24 requires all developments to be of the highest quality design and to consider amongst others, the character, context and setting of the site and the form and scale of neighbouring buildings, the quality of materials to be used, the provision of visually interesting frontages at street level, the provision of appropriate hard and soft landscaping including boundary treatments and the provision of appropriate amenity space.
- 5.18 Policy DP25 aims to conserve Camden's conservation areas. The Council will only permit development within the conservation area that preserves and enhances the character and appearance of the area.
- 5.19 Policy DP26 aims to manage the impact of development on occupiers and neighbours. The Council will aim to protect the quality of life of occupiers and neighbours by controlling the impact of matters such as visual privacy and overlooking, overshadowing and outlook, sunlight and daylight levels, dwelling and room sizes.

London Borough of Camden Planning Guidance

- 5.20 Camden has adopted eight Planning Guidance (CPG) documents which cover a variety of topics such as design, housing, amenity and transport.

- 5.21 CPG 1 'Design' provides more detailed guidance in respect of policies CS14 and DP24. Careful consideration has been afforded to sections 3, 4 and 6 in particular, as they provide advice on appropriately designed rear garden development and advice on landscape design and trees.
- 5.22 CPG 2 'Housing' provides detailed residential standards including ceiling heights, room sizes, daylight, sunlight and privacy, security, basements and outdoor amenity space.
- 5.23 CPG 6 'Amenity' provides guidance on all types of amenity issues including daylight and sunlight, overlooking, privacy and outlook.
- 5.24 Significant consideration has also been given to the Elsworthy Road Conservation Area Appraisal and Management Strategy (2009).

6. ASSESSMENT OF PROPOSALS

6.1 This section assesses the principle of the development and its potential impacts against the aims and objectives of the Development Plan. It demonstrates that the proposed development complies with the Development Plan and National Planning Policy.

Principle of Development

6.2 Core Strategy Policy CS6 aims to make full use of Camden's capacity for housing and also seeks to provide homes of the highest quality. The design of the proposed Pavilion is of high quality, using excellent materials provides a higher standard of living accommodation to the existing dwelling and is formed by a high quality design which adheres to the Development Plan.

6.3 CPG 1 'Design' contains specific advice relating to development within rear gardens in accordance with DP24 and DP25. This document sets out the key principles for this type of development. These principles relate to the importance of scale, location and overall design of development in relation to the host garden and surrounding area. The proposal adheres to these principles as discussed in more detail in the below paragraphs.

6.4 As highlighted in Section 4 a lawful development certificate has already been granted under application reference 2014/4187/P for *"The erection of an outbuilding and the installation of 3 x rooflights, 1 x to the front and 2 x to the rear."*

6.5 These proposals seek to minimise the harmful impact of the lawful development certificate by excavating the garden under the Pavilion to reduce its overall height, and thus reduce its visibility and effect on both the surrounding area.

6.6 The proposals reduce the height of the Pavilion to 1.585m at the front and to 1.972m at the rear above the existing garden level. The consented structure would sit 2.5m above the existing garden level. The proposals therefore provide a much less intrusive building on both the neighbours as well as the Elsworthy Conservation Area.

6.7 It should be recognised by the local authority that within the NPPF, paragraphs 131-134, when determining applications, account should be taken of the desirability of sustaining and enhancing the significance of conservation areas. The excavation under the Pavilion to allow for a reduction in height will help to sustain the attractiveness of the area and should be seen as an opportunity to enhance and reduce the harm compared to what already has permission under application 2014/4187/P.

6.8 The proposed reduction in the height of the Pavilion through excavation would not be readily visible from the surrounding Conservation Area or from Primrose Hill behind, by virtue of the existing boundaries and the existing boundary wall and fencing to the rear, whereas the Lawful Development would be.

6.9 Also, in line with CPG1 'Design', Development Management Policies DP24 & DP25 the proposed Pavilion will be more subordinate than in its current guise.

Impact on the Conservation Area

- 6.10 Policy CS14 of the Core Strategy and DP25 of the Development Policies Document promote high quality development which preserves and enhances Camden's heritage.
- 6.11 More specifically, Policy DP25 only supports development which preserves and enhances the character and appearance of conservation areas.
- 6.12 The detailed design of the Pavilion provides a sympathetic addition to the property. The high quality and sensitive design of the proposal, its size, reduced height and sensitive position in the rear garden wall results in a proposal that will be largely concealed from view, projecting only 0.6m above the existing rear fence. However, the position of the proposal, set back and in from the rear and side boundaries further minimises its visual impact.
- 6.13 Notwithstanding the 0.6m projection above the rear boundary fence, the proposals will not have a detrimental visual impact upon the setting of Primrose Hill behind, or the character and appearance of the surrounding Elsworthy Conservation Area and will help to enhance these areas compared to the Pavilion confirmed as a lawful development certificate.

Residential Design

- 6.14 Policy CS14 of the Core Strategy expects development to be of the highest quality design which respects local context and character and also that which enhances heritage assets including conservation areas.
- 6.15 Development Policies Policy DP24 reflects Policy CS14 and requires the consideration of the character and proportions of the existing building as well as the scale, character, setting, context and the form of neighbouring buildings.
- 6.16 The proposal is sensitively positioned at the end of the rear garden and so would be clearly legible as an ancillary residential Pavilion. The proposal is also of a more modest scale than the lawful development Pavilion and would not appear overly dominant in its context. The open nature of the rear gardens is considered part of the established character of the Conservation Area and the excavated Pavilion will help to preserve this in line with local, regional and national planning policy.
- 6.17 The proposed design is high quality using natural materials. The proposed Pavilion will not detract from the open character of the garden as the majority of the garden will remain with the Pavilion sympathetically designed.

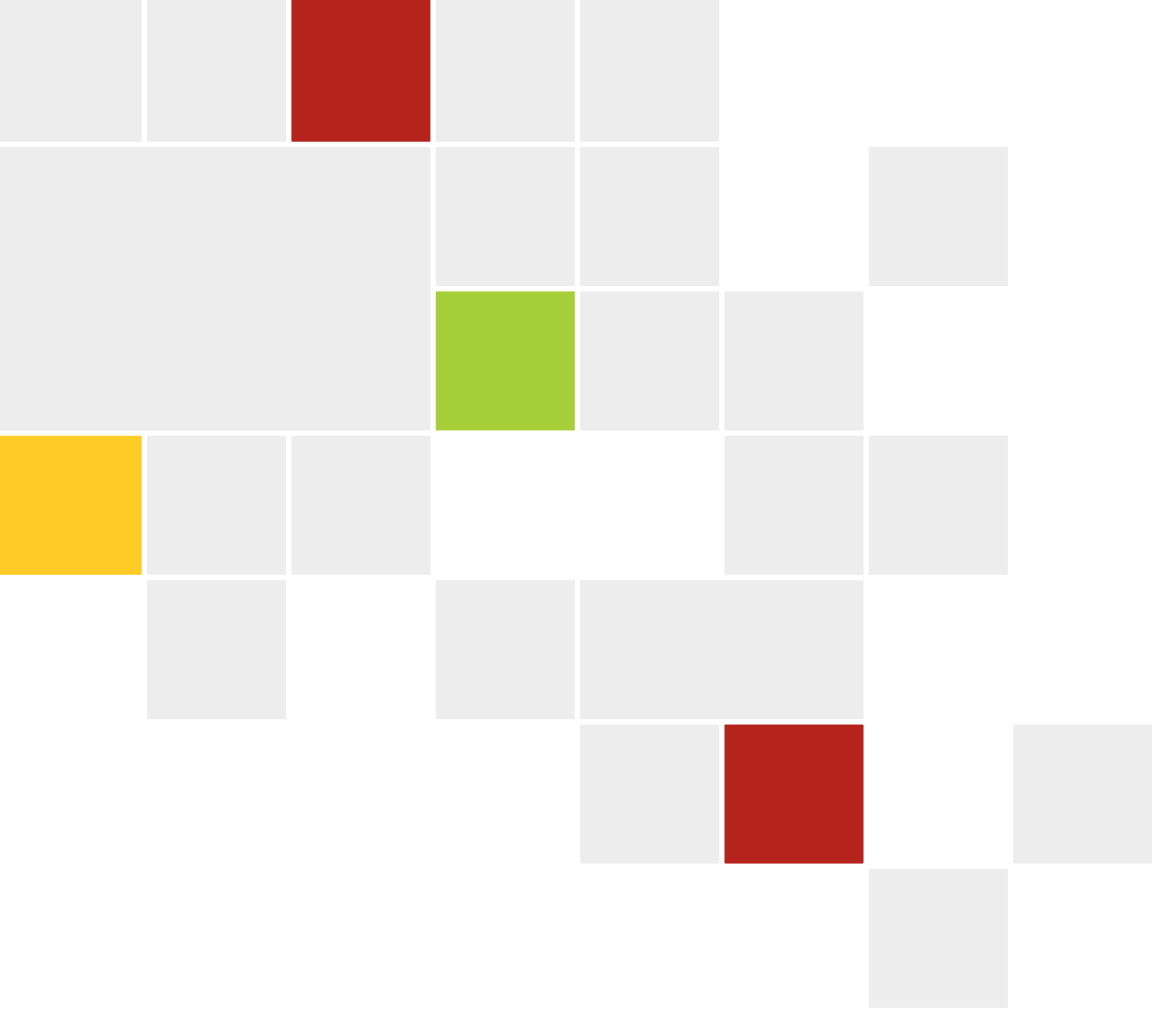
Residential Amenity

- 6.18 Development Policy DP26 regarding impact of development on occupiers and neighbours only allows development to be permitted that does not harm amenity. Factors considered include visual privacy and overlooking; overshadowing and outlook; and daylight and sunlight.

- 6.19 CPG 6 'Amenity' provides further detail on factors considered under Policy DP26 and identifies potential amenity impacts caused by developments.
- 6.20 The scale and position of the proposed Pavilion is such that it will not cause any adverse impact upon the amenity of neighbouring residents. The majority of the proposal will be contained behind the existing garden boundary on either side and will be largely obscured from view by the reduction of the height. The same cannot be said for lawful development certificate 2014/4187/P that sits on the existing garden and will be far more intrusive to surrounding residents.
- 6.21 In view of the position of the proposal at the end of the rear garden, together with its modest scale when considered in context with the remainder of the rear garden, the proposal will not cause any significant overshadowing; loss of daylight and sunlight or loss of privacy to the neighbouring properties on Elsworthy Terrace.
- 6.22 The proposed Pavilion has been sympathetically designed in relation to its context, maintaining a reasonable relationship between neighbouring occupiers in accordance with Policy DP26 and also CPG6. It also provides a substantial reduction in harm compared to lawful development certificate 2014/4187/P.

7. CONCLUSION

- 7.1 This application seeks planning permission for the erection of a Pavilion for ancillary use with the existing dwellinghouse.
- 7.2 The proposals for the site follow a Certificate of Lawful Proposed Development (Ref. 2014/4187/P) that was granted on 18th November 2014.
- 7.3 The proposal is modest in scale, sensitively design and located so not to adversely harm the character or appearance of the surrounding Conservation Area or setting of Primrose Hill behind. It should be viewed as providing a substantial reduction in harm compared to Certificate of Lawful Proposed Development (Ref. 2014/4187/P)
- 7.4 The soft landscaping and tree protection measures proposed will also soften any visual impact of the proposal. Furthermore, these measures also ensure the amenity of neighbouring residents will not be adversely harmed by the proposal but improved.
- 7.5 This Planning Statement demonstrates that the proposed development complies with the Development Plan and relevant supplementary planning guidance and respectfully requests planning permission is granted.



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