

Delegated Report		Analysis sheet	Expiry Date:	06/04/2016
		N/A / attached	Consultation Expiry Date:	24/03/2016
Officer			Application Number(s)	
Ian Gracie			2016/0758/P	
Application Address			Drawing Numbers	
17 Boscastle Road London NW5 1EE			Refer to Decision Notice	
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature	
Proposal(s)				
Construction of a single storey 1 bedroom dwellinghouse (Class C3) following demolition of garages and a garden store.				
Recommendation(s):	Refuse Planning Permission			
Application Type:	Full Planning Permission			

Conditions or Reasons for Refusal:	Refer to Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	09	No. of responses	42	No. of objections	42
			No. electronic	00		
Summary of consultation responses:	<p>Public consultation on the application was carried out on 23/02/2016, by means of 9 letters to neighbouring/nearby occupiers. A site notice was erected on 26/02/2016, expiring on 18/03/2016. A press notice was published on 03/03/2016, expiring on 24/03/2016.</p> <p>A total of 42 objections were received on the following grounds:</p> <ul style="list-style-type: none"> • The house lies within a conservation area and the proposed structure would be very visible to all the neighbours from their rear gardens and is not in keeping with the character of the area; • The noise, dust and disruption would be unbearable; • There is no lighting the length of the mews and direct access for emergency services is impossible. There is no parking for the house, family, visitors or medical care. The applicants' future needs may well be better suited to simple conversion of their existing house with a stair lift to the first floor. • The proposal adversely impact the visual amenity of the conservation area causing irreparable harm; • The proposal would set a precedent for further development along the mews; • Vehicular access to the rest of the mews would be restricted; • The proposal conflicts with the spacious layout of the houses on Grove Terrace and Boscastle Road and the space between them. This contributes to the character of the conservation area and the setting of the Grade II* listed terrace; • The design is wholly inappropriate for the context. The scale, volume, and style are all wrong and excessive for its position; • It would adversely affect the amenity of neighbours including the outlook, overlooking, reduced security and newly damaging artificial light levels; • Access from Grove Terrace Mews is not available and would in any event be inappropriate for an elderly or disabled person; • Impact on the design and character of the conservation area; • Loss of outlook and amenity of future occupiers; • Unacceptable creation of construction traffic; • The proposed development is at odds with the Dartmouth Park Conservation Area architecture, and with the very special and peaceful arrangement of gardens in which it would sit and dominate; • The proposal would transform the site into an urban mews, changing irrevocably its character to one wholly different to that of now; • There is no public benefit to the development that would outweigh the harm that would be caused; • The building of a house at the bottom of the garden would result in considerable nuisance to the neighbours with increased traffic in what is currently a narrow lane, very rarely used by cars and often played in by young children. The extra traffic coming and going in the Mews 					

- might lead to increased problems of security for other residents;
- We disagree that building a new house in the rear garden will in any way enhance the conservation area. Instead, it will directly conflict with the spacious layout that has been maintained since houses were first erected on Boscastle Road and so will severely detract from the character of the residential area;
 - The architectural solution is totally out of character with the garden environment it occupies;
 - The design includes 3 roof lights which will produce a substantial light pollution for all houses that surround this 'backland';
 - The access route to the proposed house would be difficult to negotiate in a wheelchair owing to the rough nature of the path;
 - The frontage will be visible through the entrance to Grove Terrace Mews and is inappropriate for this outstanding Georgian terrace;
 - A dwelling the size of the proposal will highly inappropriate in relation to the modest surrounding structures;
 - To develop the Mews for residential purposes seems to potentially spell the end of the historic character of the Mews and surrounding gardens;
 - I am appalled to see that the beautiful green aspect at the rear of the property is being threatened by this development;
 - The idea that a house could be built in a back garden is unconscionable. The construction of a residential property would be hugely detrimental to the architectural and historic significance of the area, especially to the Grade II listed Grove Terrace;
 - The proposed development would set a precedent that back gardens can be turned into development opportunities;
 - Our ability and the ability of future owners to appreciate this open space will be very severely eroded if the application is approved;
 - The disruption to Boscastle Road during construction will last for years as all excavations and delivery of materials must come down the applicants side passage without the help of machinery;
 - This is a conservation area with fine trees, high amenity value, low levels of light pollution and unbroken Victorian buildings. This new building is completely out of sync and would destroy all that forever;
 - The proposed new building would ruin the character of a unique remnant of Georgian London;
 - There is no public benefit – the proposed house would not add to the supply of affordable homes.

Letters of support:

- The proposed building, I think, most exciting and ingenious, using interesting and high quality materials and arranged particularly successfully to be seen from above. A truly beautiful building can only improve the views and life of the residents of 4 Grove Terrace and Boscastle Road and should be supported on these grounds alone.

Grove Terrace Association

1. The development would be materially detrimental to the special architectural and historic significance of the Grade II* listed Grove Terrace and its setting to the character of the Dartmouth Park Conservation Area;
2. If approved, the development will set a precedent for further development in the gardens facing the Mews, which will lead to even greater harm to the character of the Conservation Area and the the listed Grove Terrace and its setting;
3. The design is inappropriate for the context; the scale and massing of the proposed development are excessive for the location and will dominate the other buildings in the Mews;
4. The applicant has not demonstrated how appropriate access to the site will be obtained. Access from Grove Terrace Mews is not clearly available and would in any event be inappropriate for an elderly disabled person;
5. By reason of its location, scale and massing, the proposed development will have an adverse impact on the quality of life and amenity of neighbours, particularly in respect of outlook, overlooking, security and artificial light levels.

The Georgian Group

The proposal would significantly alter the character of the historic mews by replacing small-scale garage buildings with a permanent residence.

The Group advises that the proposal would cause harm to the historic significance of the mews as identified by Camden reducing the small scale intimate, non-residential scale which characterises the mews. The current garages, while of no significance in themselves, nonetheless respect the historic garden wall heights in the mews and allow the mews to retain its historic informality. The proposed new building would introduce an increase in height in the mews and a vertical emphasis which sits in marked contrast to the horizontal grain of the current 'street' scape. The Group therefore advises that the proposals neither preserve nor enhance the Conservation Area, and would harm its historical character as recognised by Camden.

Grove Terrace Mews Ltd

The shareholders would be unable to approve any plans which would change the 'natural' character of the lane and especially the conversion of any outbuildings or garages to dwellings that would change its nature to that of an urban mews.

Furthermore the lane surface is unmade, bordered by fruit trees, shrub and flowerbeds, and single track, thus unsuitable for the movement of plant or construction materials which would obstruct its normal use, and be very damaging to the fabric of the lane, thus we would be unable to grant access for such traffic.

It is our understanding that there is no other example of this type of mews in London and the loss of this one would be profound and irreversible.

Dartmouth Park Conservation Area Advisory Committee (DPCAAC)

**CAAC/Local groups*
comments:**
*Please Specify

1. The proposal would have a deleterious effect on the 'semi-rural character' of the Dartmouth Park Conservation Area. The area would be grievously harmed by the proposed residential property, contrary to Camden's statutory duty to preserve and enhance the character of the conservation area and give the fullest regard to listed buildings in their settings.
2. The visual amenity of the DPCA would similarly be harmed, as would the ecological quality of the area, contrary to Appraisal and Management Strategy Statement, App 5.
3. It would cause serious light pollution in an area characterised by the quality of 'darkness at night', so rare in built-up regions;
4. There would be no great advantage to the applicant as wheelchair access to the proposed house would be very difficult. There can be no question of any public advantage outweighing the harm that would be done;
5. The proposed design is both inappropriate and harmful, in that it would by its height and massing dominate its surroundings, harm the amenities of near-by residents (including no.17 Boscastle Road), and itself lack amenity space;
6. Were it to be approved its character as a precedent would be entirely disastrous and could destroy the historic and visual character of the area, in contravention of all official policies, such as London Plan policies 7.6 and 7.8.

Site Description

The application site comprises of the rear garden of 17 Boscastle Road which includes garages and fronts Grove Terrace Mews, which is accessed from Grove terrace.

The donor site at no. 17 is located on the western side of Boscastle Road and comprises one half of a pair of semi-detached three storey buildings. It features a rear garden that is approximately 30m long with a single storey garage up against the rear boundary of the site which covers approximately 42sqm which is a feature of the area.

To the rear of the site is Grove Terrace Mews which is a private mews (approximately 4m wide) providing access to the rear of the properties along Boscastle Road and Grove Terrace. A number of properties along Boscastle Road and Grove Terrace feature single storey garages along the rear boundaries akin to the application site. There are currently no self-contained dwellings or other residential premises (i.e. granny annexes) located within the rear gardens of either Boscastle Road or Grove Terrace.

The application site is located near the rear of the grade II* listed terrace of buildings along Grove Terrace (No.6-27 consecutive). The area between the properties of Boscastle Road and Grove Terrace is characterised by long gardens and is dominated by mature trees and shrubbery which contribute to the semi-rural character of the surroundings.

The application site is also located within the Dartmouth Park Conservation Area. No.17 Boscastle Road (donor property) is recognised as a positive contributor to the conservation area which includes Nos.1-33(odd).

Relevant History

None relevant

Relevant policies

National Planning Policy Framework

Paragraphs 12, 14, 17, 53, 56-66, 126-141.

London Plan 2015 Consolidated with Alterations Since 2011

Policies 3.3, 3.4, 3.5, 7.4, 7.6 and 7.8

Camden LDF Core Strategy 2010

CS5 – Managing the impact of growth and development

CS6 – Providing quality homes

CS11 - Promoting sustainable and efficient travel

CS13 - Tackling climate change through promoting higher environmental standards

CS14 – Promoting high quality places and conserving our heritage

Camden Development Policies 2010

DP2 – Making full use of Camden's capacity for housing

DP5 – Homes of different sizes

DP6 - Lifetime homes and wheelchair homes

DP16 – The transport implications of development

DP17 – Walking, cycling and public transport

DP18 – Parking standards and limiting the availability of car parking

DP19 – Managing the impact of parking

DP22 - Promoting sustainable design and construction

DP23 - Water

DP24 – Securing high quality design
DP25 – Conserving Camden’s heritage
DP26 – Managing the impact of development on occupiers and neighbours

Camden Planning Guidance

CPG1 – Design (2015) – Section 5
CPG2 – Housing (2015) – Section 4
CPG3 – Sustainability (2015)
CPG6 – Amenity (2011) – Section 6
CPG7 – Transport (2011) – Section 5 and 9
CPG8 – Obligations (2015)

Assessment

1. Proposal

1.1 The applicant seeks planning permission for:

“Construction of a single storey 1 bedroom dwellinghouse (Class C3) following demolition of garages and a garden store.”

1.2 The proposal comprises the following elements:

- Single storey 1 bedroom dwelling 67sqm of gross internal area (GIA);
- The unit would be 3.5m at its highest point and feature an articulated roof made from brick with three triangular rooflights;
- The unit would include a front and rear courtyard, both measuring approximately 29sqm;
- The proposed dwelling would cover approximately 137sqm, leaving approximately 94sqm of rear garden space for No.17 Boscastle Road.

2. Heritage

2.1 Paragraph 53 of the NPPF states that local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area.

2.2 Policy 3.15 of London Plan notes that boroughs may in their LDFs introduce a presumption against development within back gardens or other private residential gardens where this can be fully justified.

2.3 This is recognised within Camden’s Local Development Framework within policy DP24:

“Development within rear gardens and other undeveloped areas can often have a significant impact upon the amenity and character of an area. Gardens help shape their local area, provide a setting for buildings and can be important visually. Therefore they can be an important element in the character and identity of an area (its ‘sense of place’). We will resist development that occupies an excessive part of a garden, and where there is a loss of garden space which contributes to the character of the townscape.”

2.4 Policy DP25 states that the Council will only permit development within conservation areas that preserve and enhance the character and appearance of the area. It also notes that the Council will take account of conservation area statements, appraisals and management plans when assessing applications within conservation areas.

2.5 When describing Grove Terrace Mews, the Dartmouth Park Conservation Area Appraisal and

Management Statement states that:

“Grove Terrace is broken between Nos.21 & 22 by a narrow lane, of granite setts with granite slab wheel tracks, running to the mews behind. The part of the lane adjacent to Grove Terrace footway is paved in York stone setts. Stone wheel-deflectors protect the flanks of the buildings. At the end of some of the narrow long garden plots on Grove Terrace are single storey sheds and buildings, some contemporary with the houses, varied in their design. The interest here is the small scale and intimate spaces created by the buildings that face the garden walls at the rear of Boscastle Road. A modern house to the north replaced an early 19th century one.”

- 2.6 This particular part of the conservation area is recognised as spacious and largely unaltered since the original construction of the properties along Boscastle Road and Grove Terrace. Other features include the long expansive rear gardens which are a rare feature in such an urban setting within London. Grove Terrace Mews itself is recognised within the conservation area statement for its small scale and intimate spaces created by the buildings that face the garden walls at the rear of Boscastle Road.
- 2.7 It is considered that the principle of a self-contained dwelling in this location would be contrary to the character of this part of the Dartmouth Park Conservation Area. Grove Terrace Mews is a quiet, secluded mews which offers relief to the urban environment to the south along Highgate Road, a busy thoroughfare which is characterised by a more commercial feel but with a mix of uses.
- 2.8 The character of the application site is such that the backland green space creates a sense of serenity and seclusion. As a result of the proposal, a large proportion of the garden for No.17 Boscastle Road would be lost which would ultimately erode this particular character of the mews. In addition, no new dwellings have been erected along the mews since the 1960s which was the replacement of an early 19th century building which it is thought was erected during the original construction of Grove Terrace and Boscastle Road (formerly Grove Road). It is considered that the creation of a new dwelling in this location would be an inappropriate addition which would therefore disrupt the historical pattern of development in this area.
- 2.9 As one of the oldest roads in Camden, Highgate Road features many fine 18th century Georgian terrace houses which share many common themes such as their plot width and materials. As characterised by the area to the rear of Boscastle Road and Grove Terrace the urban grain is faceted by long deep gardens some of which remain original and in general have remain unaltered for the last 100 years. It is considered that the introduction of residential development in this location will disrupt this rhythm and typical historic form of plot depth and development.
- 2.10 With regards to appearance, it is accepted that views of the site are restricted to those from the end of Grove Terrace Mews when standing on Grove Terrace and private views from the rear of the various properties along Boscastle Road and Grove Terrace. However, it is considered that the appearance of this area will be detrimentally affected by the increase of height on this site (rising to 3.8m at its highest point) which will contrast with the small intimate scale of the area surrounding the application site. As such, it is considered that the proposal does not preserve or enhance the character and appearance of the Dartmouth Park Conservation Area and therefore discords with policy 3.15 of the London Plan 2015 and policy DP25 of the London Borough of Camden Local Development Framework Development Policies.
- 2.11 Based on the above it is considered that a new residential dwelling would be unacceptable in principle in this location.

3. Design

- 3.1 Paragraph 56 of the NPPF attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.
- 3.2 Policy DP24 of Camden's Local Development Framework states that the Council will require developments to be of the highest standards of design and will be expected to consider character, setting, context and the form and scale of neighbouring buildings.
- 3.3 As noted above, officers have concerns as to the impact of the proposal on the character of the immediate surroundings and the loss of the backland green space that dominates this site.
- 3.4 Furthermore, the proposed form of the proposal would contravene with its surroundings which would create an inappropriate addition to an area which is characterised by small single storey garages within the rear gardens. The creation of a self-contained dwelling in this location would ultimately clash with the scale, form and context of its surroundings.

4. Standard of accommodation

- 4.1 Paragraph 26.11 of policy DP26 states that the size of a dwelling and its rooms, as well as its layout, will have an impact on the amenity of its occupiers. As such, new residential units must comply with the national technical housing standards.
- 4.2 In the technical requirements, criteria (i) states that the minimum floor to ceiling height is 2.3m for at least 75% of the Gross Internal Area. The table below compares the proposed floorspace for each respective unit against the current national space standards.

Proposed Unit	Proposed floorspace (sqm)	Required floorspace (sqm)
1b2p	67	50

- 4.3 It is considered that the proposed 1-bedroom 2-person unit is considered an acceptable size.
- 4.4 As noted above, the proposed dwelling features both a front and rear courtyard with identical measurements. Both measure 8.5m in length and from 2.9m to 3.9m in width and include 2m high boundary treatment which enclose the courtyards on either side. The main windows to the kitchen/dining room and bedroom are only 3.4m away from the enclosure. This would result in a poor level of outlook for the prospective occupiers as they would they would look directly into the enclosed wall. Therefore, the proposal would result in a substandard quality of living accommodation which does not accord with policy DP26 of Camden's Local Development Framework.

5. Amenity

- 5.1 Policy DP26 states that the Council will protect the quality of life of occupiers and neighbours by only granting permission for development that does not cause harm to the amenity of occupiers and neighbours which includes visual privacy and overlooking, overshadowing and outlook, sunlight, daylight, artificial light levels and noise and vibration levels.
- 5.2 A number of objections have raised the issue that, as a result of the proposal, there will be an unacceptable level of light pollution at night. However, it is not considered that the level of lighting required for a 1-bed residential development will lead to unacceptable levels of light pollution in this instance. It is however considered that the opportunity for overlooking will be increased at night time which adds to officers concerns of this issue.
- 5.3 It is not considered that the proposed unit will cause an unacceptable level of overshadowing to either the rear garden of No.17 Boscastle Road or the adjoining rear gardens. It is also not considered that the proposal will have a detrimental effect on the levels of daylight and

sunlight that reaches the adjoining properties.

- 5.4 As noted above, this area is characterised by a sense of serenity and seclusion which is made possible by the low levels of residential activity in this location. The current distance between the rear of the properties on Boscastle Road and those on Grove Terrace is approximately 75m. A distance which is occupied by rear gardens, rear outbuildings and sheds and the narrow Grove Terrace Mews. It is considered the proposed development would result in an unacceptable level of noise and general disturbance due to the creation of a residential development within the back gardens of Boscastle Road and the associated activity a new household would bring. There is currently minimal activity emanating from the application site but this activity would significantly increase with the introduction of a dwellinghouse. Noise and general disturbance would be created from the comings and goings of the new residence and its general use, where there is currently limited activity due to the presence of lock-up garages. The proposed dwelling would lie in close proximity to the rear gardens and houses of the adjacent occupiers at 17 and 19 Boscastle Road leading to a significant harm to their living conditions. It is therefore considered that the proposal is contrary to policies CS5 and DP26 of Camden's Local Development Framework.

6. Transport

- 6.1 Policy DP18 (Paragraphs 18.12 and 18.13) requires development to provide cycle parking facilities in accordance with the minimum requirements as set out within Appendix 2 of the Camden Development Policies document and the London Plan.
- 6.2 The proposed ground floor plan indicates that the potential for 2 cycle parking spaces is possible within the front courtyard. This is in accordance with table 6.3 of the London Plan standards and is therefore considered acceptable.
- 6.3 The application site is located in an area with a Public Transport Accessibility Level (PTAL) of 3. It is considered that a car free legal agreement is required in this instance. Policy DP18 states that such developments are expected to be car free which would apply to all five of the proposed self-contained residential units. In the absence of an acceptable scheme (and hence no section 106 agreement) this becomes a reason for refusal.
- 6.4 It is also considered that, due to access to the site being limited, a Construction Management Plan (CMP) is required. The Council needs to ensure that the development can be implemented without being detrimental to amenity or the safe and efficient operation of the highway network in the local area. Due to the application being refused the applicant has not entered into a legal agreement to secure a Construction Management Plan as a planning obligation which would form a further reason for refusal. It is therefore considered that the proposal fails to accord with policies CS5, DP18, DP19, DP20, DP21 and DP26 of Camden's Local Development Framework.
- 6.5 Officers also note that a number of objections have been received with regards to the accessibility of the proposed dwelling via Grove Terrace Mews. However, following a site visit, officers consider the level of access to the unit to be acceptable.

7. Arboricultural Impact

- 7.1 Policy DP24 states that the Council will require all development to be of the highest standard of design and will expect development to consider existing natural features, such as topography and trees. There are a number of trees surrounding the site, particularly to the rear of the building.
- 7.2 The applicant has submitted an Arboricultural Development Statement which states that no trees are proposed to be removed to facilitate the scheme. It is considered that that the arboricultural report submitted with the application is sufficient to demonstrate that the trees to

be retained will be adequately protected during development in line with BS5837:2012 - "Trees in relation to design, demolition and construction". As such, if the proposed development was considered acceptable, a suitably worded condition would be required to ensure that the development is carried out in accordance with the details submitted within the Arboricultural Development Statement.

8. Sustainability

- 8.1 DP22 (Promoting sustainable design and construction) requires that all new housing is encouraged to meet Code Level 6 (Zero Carbon) by 2016 (or at least code level 4 since 2013). However, this has recently been superseded by the London Plan which removes requirement the Code for Sustainable Homes but still requires development to demonstrate that sustainable design standards are integral to the proposal. To this end if the development is found to be acceptable, a condition should be added requiring that, prior to construction, a sustainability statement demonstrating how sustainable design principles and climate change adaptation measures have been incorporated into the design and construction of the development is submitted to and approved by the Council. It should also be required that prior to occupation, evidence demonstrating that the approved measures have been implemented must be submitted to and approved by the Council and shall be retained and maintained thereafter.
- 8.2 Policy DP23 expects all development to be designed to be water efficient and to minimise the need for further water infrastructure. To this end if the development is found to be acceptable, a condition should be added requiring a maximum internal water use of 105litres/person/day, allowing 5 litres/person/day for external water use (110lpd) to accord with building regulations.
- 8.3 An energy statement is only required for 5 dwellings or more and therefore would not be required in this instance.

9. Conclusion

- 9.1 It is considered that the proposal would neither preserve nor enhance the Dartmouth Park Conservation Area as it would detract from the backland setting of the application site. The proposed level of development does not accord with the history of form of development since the original construction of both Boscastle Road and Gove Terrace Mews, nor the context and scale of the surroundings and therefore does not accord with policies DP24 and DP25 of the London Borough of Camden Local Development Framework Development Policies. The principle of a new dwelling here is unacceptable.
- 9.2 It is considered that the quality of accommodation of the proposed unit is unacceptable by virtue of the poor level of outlook which is contrary to policy DP26 of the London Borough of Camden Local Development Framework Development Policies.
- 9.3 Due to the material increase of activity in this location brought about by a new dwelling, the proposal would result in a significantly detrimental level of harm to the living conditions of 15 and 17 Boscastle Road. As a result it is considered that the amenities of those residential occupiers would be significantly harmed failing to accord with the requirements of policies CS5 of the London Borough of Camden Local Development Framework Core Strategy and DP26 of the London Borough of Camden Local Development Framework Development Policies.
- 9.4 The applicant has failed to enter into a legal agreement securing a car free development and a CMP. As such, the proposal fails to comply with policies CS5 of the London Borough of Camden Local Development Framework Core Strategy and policies DP18, DP19, DP20, DP21 and DP26 of the London Borough of Camden Local Development Framework Development Policies.

10. Recommendation

10.1 Refuse planning permission.