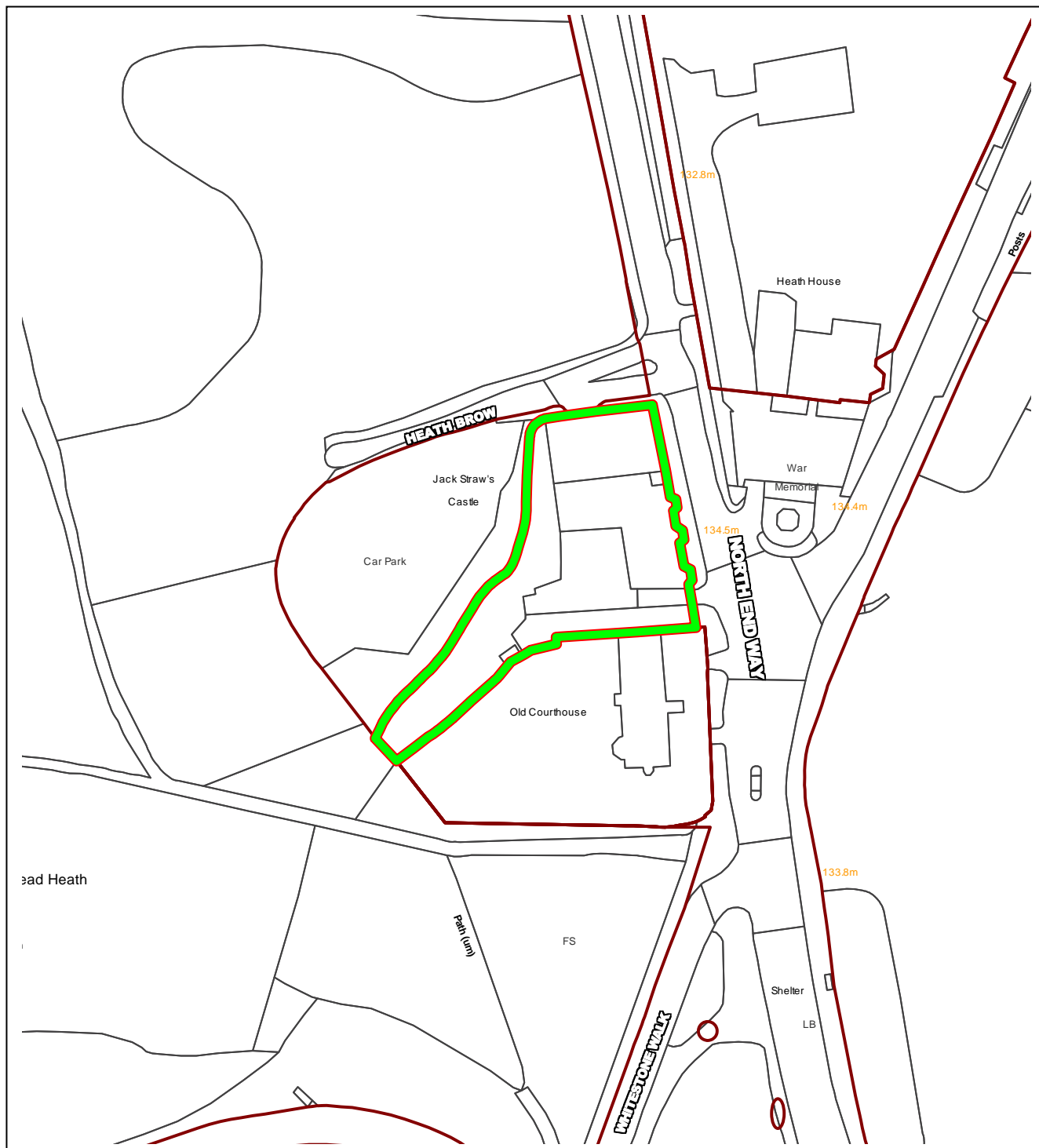


2015/6993/P –
Land to the rear of, The Old Court House, North End Way, London,
NW3 7ES



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Photos



View from east (standing on higher ground)



View from south (existing structure partially visible)



View from east (showing section of lower ground)



View of tall brick wall to north of proposed structure

Delegated Report		Analysis sheet		Expiry Date:	30/03/2016
(Members Briefing)		N/A / attached		Consultation Expiry Date:	27/06/2016
Officer			Application Number		
Kate Phillips			2015/6993/P		
Application Address			Drawing Numbers		
The Old Court House North End Way London NW3 7ES			Refer to Draft Decision Notice		
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature		
Proposal					
Erection of single storey timber outbuilding					
Recommendation(s):	Grant conditional planning permission				
Application Type:	Full Planning Permission				

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	15	No. of responses	3	No. of objections	3
Summary of consultation responses:	<p>A site notice was displayed on 18/02/2016 (consultation end date 10/03/2016) and a notice was displayed in the local press on 17/02/2016 (consultation end date 09/03/2016).</p> <p>In response to the original set of plans, and also the revised plans, responses were received from and on behalf of Nos. 1, 2, 3 Old Court House. The key issues are as follows:</p> <ul style="list-style-type: none">• Unsightly;• Too large;• Impact on setting of listed building;• Impact on conservation area;• Impact on openness of Metropolitan Open Land;• Proposed use of the shed / no need for building of this size;• Detrimental impact on neighbouring properties;• Will set precedent for further development of the site;• Promised by developer that there would be no further development of the land and the land would be communal space / land has been annexed to adjacent property; and• Applicant has a history of flouting planning rules. <p>An objection was also received from Cllr Currie, on the following grounds:</p> <ul style="list-style-type: none">• The site address is wrong;• Previous planning permissions require this area to be cultivated for the enjoyment of 1, 2, and 3 Old Court House; allowing permission for a residential shed, for the sole enjoyment and usage of the owner of a property that is on an entirely different site, would contravene this permission; and• Impact on Metropolitan Open Land. <p>Officer comment</p> <p><i>Please see section 1 of the officer's report relating to the principle of development; section 2 relating to the impact on Metropolitan Open Land; section 3 relating to the impact on the character and appearance of the wider area (including the Hampstead Conservation Area and the setting of the listed building); and section 4 relating to the impact on nearby residential properties.</i></p> <p><i>The fact the proposed outbuilding would relate to a building on a separate piece of land is not relevant to the determination of the application. Whilst development on Green Belt land should ordinarily provide a public benefit to outweigh any harm caused, in this case it is not considered that the proposed outbuilding would cause any undue harm (see section 2 of the officer's report).</i></p>					

	<p><i>It is not considered that the proposed use of the outbuilding would cause undue harm to nearby residential properties; however, if the use of the building changes over time, the Planning Enforcement team could investigate any potential breaches of planning control and act accordingly.</i></p> <p><i>Issues relating to land ownership and discussions between the developer and landowners are not relevant planning considerations and cannot be taken into consideration in the determination of this application. Similarly, issues relating to the character of the applicant and their past behaviour are not relevant to the determination of this application.</i></p> <p><i>Insofar as each application must be assessed on its merits, allowing this permission would not set a precedent for further development of the site. Whilst previous applications at the site have shown the land in question to be designated as communal space, this application will now consider whether the erection of an outbuilding is acceptable in planning terms. Any future applications that are submitted relating to the site will also be assessed on their merits.</i></p>
Hampstead CAAC	No comments received (consultation period ended 07/03/2016).
Redington Frognal Association	Object to rear garden development, which is contrary to the Redington Frognal Conservation Area Guidelines, the Local Plan and the Design Codes currently under preparation for the Redington Frognal Conservation Neighbourhood Plan. The development being proposed is for an enormous outbuilding of 3 metres by 7 metres and will result in considerable loss of garden in this sensitive area abutting Hampstead's West Heath. There can be no justification for permitting such an excessively large structure which will consume so much of the precious garden space.

Site Description

The application site is the land to the rear (west) of The Old Court House, North End Way. The Old Court House, which is Grade II listed, has been subdivided to form 3 separate dwellings and the land directly to the rear of the building is used as domestic residential gardens to serve the individual dwellings.

The whole site is enclosed by a brick wall and beyond the domestic gardens, towards the western and north-western edge of the site, there is a section of land which currently appears to be untended and which is separated from the domestic gardens by fencing and a path. At the northern edge of this land, the ground level is lower and the boundary treatment is a tall brick wall.

The brick wall which encloses the whole site prevents views into site from outside (e.g. from North End Way, Whitestone Walk, Hampstead Heath).

The application site is within the Hampstead Conservation Area. The land is also designated as Metropolitan Open Land (Hampstead Heath).

Relevant History

The Old Court House

2006/1617/P - Variation of approved details of hard and soft landscaping and means of enclosure of all un-built space, pursuant to details previously approved on 01/11/04 (2004/3887/P) which was pursuant to condition 4 of the planning permission dated 26/07/04 (2003/2777/P) for the change of use with works of conversion from former nursing home to 3x self-contained dwelling houses – Granted 19/05/2006.

2003/2777/P - Change of use with works of conversion from former nursing home to 3 self-contained dwelling houses, internal and external alterations, creation of 2 new basement floors and associated front and rear garden excavations, demolition of 2 storey front extension to north wing and erection of 3 storey plus attic rear extension to north wing, and provision of car parking spaces and dustbin enclosure in the front courtyard – Granted 26/07/2004.

Jack Straws Castle

PWX0202779 - Erection of new boundary fences in rear garden of Old Court House to create new rear gardens for approved dwellings in stable wing of Jack Straws Castle, associated alterations and extension to rear elevation of stable wing (as a variation to planning application and listed building consent granted 25 July 2002 (Ref: PWX0102190R2, LWX0102191R2) for conversion and extension to provide Class A3 use and ten dwelling units) demolition of part of boundary wall of Old Court House and erection of new perimeter wall and fences adjoining Heath to create additional new garden space for Old Court House from site of Jack Straws Castle – Granted 01/09/2003.

LWX0202846 - Erection of new boundary fences in rear garden of Old Court House to create new rear gardens for approved dwellings in stable wing of Jack Straw Castle, associated alterations and extension to rear elevation of stable wing (as a variation to planning application and listed building consent granted 25th July 2002 (Ref: PWX0102190/R2, LWX0102191/R2) for conversion and extension to provide Class A3 use and ten dwelling units) demolition of part of boundary wall of Old Court House and erection of new perimeter wall and fences adjoining Heath to create additional new garden space for Old Court House from site of Jack Straws Castle – Granted 22/08/2003.

LWX0202918 - The enlargement and lowering of the basement floor to provide a kitchen for the Class A3 use and a gymnasium for the residential flats, including provision of windows in the rear elevation, as a variation to the listed building consent dated 25/07/2002 Ref: LWX0102191/R2) for conversion and extension to provide Class A3 use and 10 dwelling units – Granted 22/08/2003.

PWX0202917 - The enlargement and lowering of the basement floor to provide a kitchen for the Class A3 use and a gymnasium for the residential flats, including provision of windows in the rear elevation, as a variation to the planning permission dated 25/07/2002 (Ref: PWX0102190/R2) for conversion and extension to provide Class A3 use and 10 dwelling units – Granted 22/08/2003.

PWX0302151 - Erection of roofed enclosure over existing car park, and erection of 2 two storey houses with rooftop conservatories and paved roof terrace above this enclosure, as shown on drawing numbers: 2504/P01, 2, 3 and site plan. – REFUSED 11/04/2003

LWX0102191 - Internal and external alterations to main building, erection of 2 storey rear extension, roof extension and alterations to stable wing, in association with conversion and extension of property to provide Class A3 use and 10 new residential units. – Granted 25/07/2002.

Relevant policies

National Planning Policy Framework (2012)

London Plan 2015 consolidated with alterations

LDF Core Strategy and Development Policies 2010

CS5 Managing the impact of growth and development

CS14 Promoting high quality places and conserving our heritage

CS15 Protecting and improving our parks and open spaces and encouraging biodiversity

DP24 Securing high quality design

DP25 Conserving Camden's heritage

DP26 Managing the impact of development on occupiers and neighbours

DP31 Provision of, and improvements to, open space, sport and recreation

Camden Planning Guidance

CPG1 Design (2013)

CPG6 Amenity (2013)

CPG7 Transport (2013)

Hampstead Conservation Area Statement (October 2001)

Assessment

1.0 Proposal:

- 1.1 This application seeks planning permission to erect a single storey outbuilding on the land to the rear (west) of the domestic gardens at the rear of The Old Court House.
- 1.2 Revised plans have been received during the course of the application to reduce the size of the proposed structure. As part of the original proposal the structure would have measured 6.1 metres by 3.2 metres, with a maximum height of 2.7 metres.
- 1.3 The revised plans show a footprint of 3 metres by 4.9 metres, and a maximum height of 2.5 metres. The structure would be constructed with timber and would include a green roof.
- 1.4 The structure would be sited towards the northern edge of the land in question, on a section of ground which is approximately 1.3 metres lower than the rest of the garden. The entrance door and windows would be on the northern elevation, facing towards the tall brick wall which divides the site from the land at the rear of the adjacent property. The sloping roof would slope upwards towards the tall brick wall.
- 1.5 The applicant notes that the intended use of the outbuilding is to store building materials, a lawnmower and ladders, buckets, garden furniture etc.

2.0 Impact on the Metropolitan Open Land

- 2.1 The application site is on land designated as Metropolitan Open Land (MOL) and paragraph 15.7 of the LDF Core Strategy notes that MOL land receives the same presumption against development as Green Belt land. The NPPF notes that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
- 2.2 When considering any planning application, the NPPF guides that local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. It notes that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
- 2.3 The proposed outbuilding would measure 3 metres by 4.9 metres, and would measure between 2.1 and 2.5 metres tall. Whilst a structure of this size might ordinarily have the potential to cause harm to the openness of the land on which it is situated, in this case the structure would be sited on a section of land which is approximately 1.3 metres lower than the adjacent ground level, such that the proposed structure would appear to be partially sunken when viewed from some angles. When viewed from the south, south-west and east, the structure would appear to be between 0.9 and 1.3 tall, which is not considered to be significant.
- 2.4 In views from the north (i.e. views of the front of the building), the full extent of the building would be appreciated; however, views from this angle are limited due to the tall brick wall and it is still considered that the structure would blend in well with its surroundings because the retaining wall and higher ground would be viewed in the background of the structure.
- 2.5 The proposed outbuilding would be constructed with timber and would feature a green roof, which would help the building to blend in with its natural surroundings, rather than it appearing as an incongruous feature in the landscape. The fact the green roof would slope upwards away from the adjacent grass helps to limit the impact of the proposed structure on its surroundings, and as the green roof develops and grows over time, the impact of the structure is likely to be further reduced.

2.6 On the whole, it is not considered that the proposed outbuilding would cause harm to the openness of the Metropolitan Open Land in this location. The application is therefore considered to be acceptable in this regard.

3.0 Impact on the character and appearance of the wider area (including the Hampstead Conservation Area and the setting of the listed building)

3.1 The application site is within the Hampstead Conservation Area, wherein the Council has a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of that area. Furthermore, The Old Court House is Grade II listed and the Council has a statutory duty to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses.

3.2 The proposed outbuilding would be located towards the western end of the plot and, as noted above, it would be partially sunken into the ground and would feature a green roof, which would significantly limit its impact on the immediate surroundings. Furthermore, the application site is well screened from public view due to the brick wall which extends around the edge of the site, which would limit the impact on the wider area and the Hampstead Conservation Area.

3.3 Subject to the use of high quality and long lasting materials (which a planning condition can ensure), and long-term sustainability of the green roof (which another planning condition can ensure), it is not considered that the proposed outbuilding would detract from the character and appearance of the surrounding area. Instead, it is considered that, by virtue of its sunken nature and design, the building would blend in well with its surroundings.

3.4 The proposal is unlikely to cause harm to the setting of the listed building. Some harm has already been caused by the subdivision of the land to create individual gardens and the proposed new outbuilding would be sited at the furthest point from the listed building. On the whole, it is considered that the proposed outbuilding would cause no more harm to the setting of the adjacent listed building than existing structures within the gardens at Nos. 1, 2 and 3 The Old Court House.

3.5 Overall, the proposal is considered to be acceptable in this respect.

4.0 Impact on the visual and residential amenities of nearby residential properties

4.1 The proposed outbuilding would be sited towards the western end of the site, beyond the domestic gardens belonging to Nos. 1, 2, 3 Old Court House (approximately 30 metres away). When viewed from the residential dwellings (i.e. in views from the east), the proposed outbuilding would appear to be sunken into the ground and views are likely to be obscured by the intervening vegetation. Even if the proposed outbuilding is partially visible, it is not considered that it would appear overly large or overbearing or cause any loss of light or outlook so as to warrant a refusal of the application on this basis.

4.2 The intended use of the business is to store building materials, a lawnmower and ladders, buckets, garden furniture etc. It is not considered that the proposed use of the building would cause undue harm to the occupiers of the nearby residential dwellings.

4.3 Overall, the proposal is considered to be acceptable in this respect.

5.0 Recommendation

5.1 Grant conditional planning permission.

DISCLAIMER

The decision to refer an application to Planning Committee lies with the Director of Regeneration and Planning. Following the Members Briefing panel on Monday 18th July 2016, nominated members will advise whether they consider this application should be reported to the Planning Committee. For further information, please go to www.camden.gov.uk and search for 'Members Briefing'.

Mr Reza Shafaei
Gridline Architecture
Winston House
2 Dollis Park
London
N3 1HF

Application Ref: **2015/6993/P**
Please ask for: **Kate Phillips**
Telephone: 020 7974 **2521**

11 July 2016

DRAFT

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Full Planning Permission Granted

Address:
The Old Court House
North End Way
London
NW3 7ES

DECISION

Proposal: Erection of single storey timber outbuilding

Drawing Nos: 348-EX-01 Rev. A; 499-EX-00 Rev A; 499-EX-01 Rev. A; 499-PR-00 Rev. D;
499-PR-01 Rev. D.

The Council has considered your application and decided to grant permission subject to the following condition(s):

Condition(s) and Reason(s):

- 1 The development hereby permitted must be begun not later than the end of three years from the date of this permission.

Reason: In order to comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

Executive Director Supporting Communities



- 2 The development hereby permitted shall be carried out in accordance with the following approved plans: 348-EX-01 Rev. A; 499-EX-00 Rev A; 499-EX-01 Rev. A; 499-PR-00 Rev. D; and 499-PR-01 Rev. D.

Reason: For the avoidance of doubt and in the interest of proper planning.

- 3 Detailed drawings, or samples of materials as appropriate, in respect of the following, shall be submitted to and approved in writing by the local planning authority prior to the commencement of development:

a) Manufacturer's specification details of all facing materials (to be submitted to the Local Planning Authority) and samples of those materials (to be provided on site).

The relevant part of the works shall be carried out in accordance with the details thus approved and all approved samples shall be retained on site during the course of the works.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policy CS14 of the London Borough of Camden Local Development Framework Core Strategy and policies DP24 and DP25 of the London Borough of Camden Local Development Framework Development Policies.

- 4 Full details in respect of the green roof in the area indicated on the approved roof plan shall be submitted to and approved by the local planning authority prior to the commencement of development. The buildings shall not be used until the approved details have been implemented and these works shall be permanently retained and maintained thereafter.

Reason: In order to ensure the development undertakes reasonable measures to take account of biodiversity and the water environment in accordance with policies CS13, CS15 and CS16 of the London Borough of Camden Local Development Framework Core Strategy and policies DP22, DP23 and DP32 of the London Borough of Camden Local Development Framework Development Policies.

Informative(s):

- 1 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts which cover aspects including fire and emergency escape, access and facilities for people with disabilities and sound insulation between dwellings. You are advised to consult the Council's Building Control Service, Camden Town Hall, Argyle Street WC1H 8EQ, (tel: 020-7974 6941).
- 2 Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You are advised to consult the Council's Compliance and Enforcement team [Regulatory Services], Camden Town Hall, Argyle Street, WC1H 8EQ (Tel.

No. 020 7974 4444 or on the website
<http://www.camden.gov.uk/ccm/content/contacts/council-contacts/environment/contact-the-environmental-health-team.en> or seek prior approval under Section 61 of the Act if you anticipate any difficulty in carrying out construction other than within the hours stated above.

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.

You can find advice about your rights of appeal at:

<http://www.planningportal.gov.uk/planning/appeals/guidance/guidancecontent>

Yours faithfully

Executive Director Supporting Communities

DRAFT

DECISION