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| Delegated Report | | | Analysis sheet | | | | |  | Expiry Date: | | **10/08/2016** | |
| N/A / attached | | | | | | **Cons. Expire:** | | 25/7/2016 | |
| Officer | | | | | | | Application Number(s) | | | | | |
| Kasuni Thewarapperuma | | | | | | | 2016/3330/P  Enforcement case: EN15/1297 | | | | | |
| Application Address | | | | | | | Drawing Numbers | | | | | |
| 4 Lock Mews  London  NW1 9AD | | | | | | | Refer to Decision Notice | | | | | |
| PO 3/4 | Area Team Signature | | | C&UD | | | Authorised Officer Signature | | | | | |
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| Proposals | | | | | | | | | | | | |
| Retention of garden shed to rear of dwelling class C4 (retrospective). | | | | | | | | | | | | |
| Recommendation(s): | | Refuse Planning Permission and Issue Warning of Enforcement Action | | | | | | | | | | |
| **Code:** | | Full Permission | | | | | | | | | | |
| Conditions or Reasons for Refusal: | | Refer to Decision Notice | | | | | | | | | | |
| Informatives: | |
| Consultations | | | | | | | | | | | | |
| Adjoining Occupiers: | | No. notified | | | **15** | No. of responses | | | **-** | No. of objections | | **9** |
| Summary of consultation responses: | | A site notice was displayed from 13/07/2016 expiring on 03/08/2016.  8 individual comments were received in opposition from 1, 3A, and 3B Torriano Avenue, 14, 19 and 30 Canal Boulevard, 4 Busby Mews, 33 North Point Square, The objections can be summarised as follows:   1. Not in keeping with the surrounding developments 2. Overdevelopment 3. Would not comply with Council’s HMO standards (10+ persons) 4. Documents do not relate to the planning application 5. Current state of the property: poor maintenance; noise disturbances; pests; concerns about living conditions for occupants 6. Inaccurate and misleading representation of a garden shed 7. Lack of due process: site notice stolen within a few days, 8. Retrospective applications to formalise illegal developments   *Officer comments;*   1. See sections 3.1-3.2, 3.7 2. See sections 3.4, 3.7 3. Does not relate to the current application for the retention of a shed. It is understood that the HMO officers would be undertaking an inspection of the property in due course. 4. All documents have been uploaded into the system and have been publicly available. 5. See comment 3 above. 6. See section 4.1 7. Letters were sent to all adjoining neighbours (dated 4/7/2016) and a site notice was put in place (13/07/2016) 8. History of the site has been taken into account in the assessment | | | | | | | | | | |
| CAAC/Local groups comments: | | No comments received | | | | | | | | | | |

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| Site Description |
| The property is a 3-storey mid-terrace property with a mansard roof located between Busby Place and Northpoint Square within a gated development, which was the former Jews Free School site. The site adjoins Torriano Avenue to the rear.  The site is not within a Conservation Area. |
| Relevant History |
| 2015/2220/P Erection of a single storey rear extension Withdrawn 04/06/2015  2015/5154/P Retrospective application for existing single storey rear extension Granted 22/10/2015  Enforcement: EN15/1297 Structure in rear garden – on-going and related to current application. |
| Relevant policies |
| National and Regional Policy  National Planning Policy Framework 2012 – paragraphs 56-66  London Plan 2016 – Policies 7.4, 7.6  LDF Core Strategy and Development Policies  CS5 Managing the impact of growth and development  CS14 Promoting high quality places and conserving our heritage  DP24 Securing high quality design  DP26 Managing the impact of development on occupiers and neighbours  Camden Planning Guidance  CPG 1: Design – Sections 2, 4 (2015)  CPG 6: Amenity – Sections 7, (2011) |
| Assessment |
| 1. **Proposal**    1. It is proposed to retain the shed located within the rear garden. The shed subject to the proposal spans the full width of the rear garden (5.4m); and is 2.3m high and 2.3m deep. At time of site visit the shed appeared to be used for storage, and due to the rotted door, it appeared almost derelict. The walls appeared to be made horizontal slatted timber (not shiplap timber as stated in the application form) underneath a grey membrane (felt or similar). The windows themselves were obscured by the horizontal timber panels. 2. **Assessment**    1. The following assessment will consider the impact upon the character and appearance of the building and the surrounding area as well as the amenity of neighbouring occupiers. The sites planning history and relevant appeal decisions were taken into account when coming to this decision 3. **Design**    1. Lock Mews has been designed as part of the redevelopment of former Jews Free School. Nos. 1-4 Lock Mews together form a terrace of three storey terraced properties with mansards and 9 metre deep rear gardens. The gardens back onto the gardens of the newly developed four storey townhouse-style terrace numbered 1-7 Torriano Avenue.    2. Large, standalone garden buildings do not form a common feature of development in the immediately surrounding area. From the aerial photography available, there are very few structures in neighbouring gardens; there is a garden shed to the rear of 3a Torriano Avenue, which does not appear to have planning permission and cannot be used as evidence of consented rear garden development in this development. It should be noted that at time of development of the mews, permitted development rights were removed, signalling that further development in this location is not anticipated as of right.    3. The outbuilding proposed to be retained is located to the rear of the property and is not visible from a public area. So there would be no public realm effects arising from this proposal. However there would be a harmful effect on the overall development pattern expected in this area when viewed from private vantage points. The terrace and adjoining block of 1-4 Northpoint Square have a plain rear elevation comprising few vertical or horizontal features. The shed is considered to be a dominant feature on the rear of Lock Mews, and is a disproportionate addition to the small rear gardens by way of height and bulk.    4. The CPG1 part 4.24 sets out that rear garden development should minimise visual impact, does not detract from the garden amenity. The shed proposed to be retained is considered as an overly bulky addition to the rear garden. Combined with the previously approved rear extension, the retention of the shed would further reduce the garden space available for residents: without the shed, the space available for use would have been 34sqm, which is now reduced to 19sqm of usable space (this excludes the narrow 0.9m wide space between the shed and the rear extension). This is a significant reduction from the original garden space of 49sqm.    5. The shed is considered as a visually dominant feature of the rear garden and the wider area and detracts from the open character of and the garden amenity of the rear gardens present in the area. It is an incongruent and uncharacteristic addition to the rear of the application site and the remainder of the terrace. The integrity of the rear elevation would be compromised due to the disruption of the plain form of the rear elevation.    6. The use of materials as currently present (grey felt with horizontal timber slats with gaps in between) would also sit uncomfortably with the predominant use of timber-framed windows and doors in the application property and adjacent buildings. Officers also have concerns in terms of the durability and weather tightness of the materials. Also, despite being a relatively new addition, the state of the rotting door indicates poor quality materials being used.    7. Given the above, the shed does not respect the original design of the building or the pattern of the neighbouring properties and as such the proposal is considered to be harmful to the character and appearance of the parent building and the surrounding area. When considering the planning history of the property, works to the property seems to be undertaken in an ad hoc manner progressively eroding the character and detracting from the townscape. The proposal when considered in context of the terrace as a whole represents inappropriate massing, detailing, materials and inadequate consideration to the form and character of surrounding buildings. 4. **Amenity**    1. The Supplementary Planning Guidance 1 section 4.22 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 the garden spaces. Several neighbours have raised concerns relation to this building being used as accommodation to the existing HMO. Whilst the building is currently used for storage, this is a concern and as no condition is in place and due to the design of the shed incorporating large windows, this could be used as accommodation causing harm to the neighbouring properties. Therefore, the shed is considered harmful to neighbouring amenity through the intensification of the garden space.    2. As the shed does not directly adjoin any living areas of adjoining properties, it is not considered to unduly harm the sunlight or daylight into neighbouring properties. Being at ground level would be unlikely to offer views into the habitable rooms of neighbouring properties. The proposal is not considered to result in harm to the residential amenity of the neighbouring properties. |
| Recommendation |
| **Recommendation: Refuse Planning Permission and Warn of Enforcement Action to be Taken**  **Reasons for refusal**   1. The unauthorised shed located in the rear garden, by reason of its size, siting, detailed design (including the choice of materials) and overly bulky appearance would be detrimental to the character and appearance of the property and the surrounding area. The development is therefore contrary to policies CS14 (Promoting high quality places and conserving our heritage) of the London Borough of Camden Local Development Framework Core Strategy and policy DP24 (Securing high quality design) of the London Borough of Camden Local Development Framework Development Policies. 2. The unauthorised shed located in the rear garden, by reason of its size and design is considered harmful to the amenity of neighbours by reason of its intensification of use of the garden space. The development is therefore contrary to policies CS5 (Managing the impact of growth and development) of the London Borough of Camden Local Development Framework Core Strategy and policy DP26 (Managing the impact of development on occupiers and neighbours) of the London Borough of Camden Local Development Framework Development Policies.   The Head of Legal Services shall be instructed to issue an Enforcement Notice under Section 172 of the Town & Country Planning Act 1990 as amended and to pursue any legal action necessary to secure compliance and officers be authorised in the event of non-compliance, to prosecute under section 179 or appropriate power and/or take direct action under 178 in order to secure the cessation of the breach of planning control.    **The Notice shall allege the following breach of planning control:**  Unauthorised installation of shed in the rear garden (Class C4).    **What you are required to do:**  1) Remove the unauthorised structure  2) Make good any damage caused.    **Period of compliance:**  The notice shall require that the above is carried out within a period of 3 calendar months of the notice taking effect.    **REASONS WHY THE COUNCIL CONSIDER IT EXPEDIENT TO ISSUE THE NOTICE:**  1. The unauthorised shed located in the rear garden, by reason of its size, siting, detailed design (including the choice of materials) and overly bulky appearance is detrimental to the character and appearance of the property and the surrounding area. The development is therefore contrary to policies CS14 (Promoting high quality places and conserving our heritage) of the London Borough of Camden Local Development Framework Core Strategy and policy DP24 (Securing high quality design) of the London Borough of Camden Local Development Framework Development Policies. |