

<b>Delegated Report</b>		<b>Analysis sheet</b>		<b>Expiry Date:</b>	05/08/2016
		N/A		<b>Consultation Expiry Date:</b>	11/08/2016
<b>Officer</b>			<b>Application Number(s)</b>		
Matthias Gentet			2016/3229/P		
<b>Application Address</b>			<b>Drawing Numbers</b>		
Flat First Second and Third Floor 25 Rochester Square London NW1 9SA			Arboricultural Report; 114-20-01 RevB; 114-00-02; 114-00-01.		
<b>PO 3/4</b>	<b>Area Team Signature</b>	<b>C&amp;UD</b>	<b>Authorised Officer Signature</b>		
<b>Proposal(s)</b>					
Installation of an outbuilding replacing existing shed in the rear garden of residential flat (Class C3).					
<b>Recommendation(s):</b>		Refuse with Warning of Enforcement Action to be Taken			
<b>Application Type:</b>		Full Planning Permission			

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
<b>Consultations</b>						
Adjoining Occupiers:	No. notified	<b>08</b>	No. of responses	<b>02</b>	No. of objections	<b>02</b>
Summary of consultation responses:	<p data-bbox="424 465 1505 645">Comments were received following the statutory consultations carried out in the form of consultation letters to the relevant parties (expiry date: 02/08/2016), a Site Notice (erected on 15/07/2016 and expiring on 05/08/2016), and a Press Advert (published on 21/07/2016 and expiring on 11/08/2016).</p> <p data-bbox="424 723 767 757"><u>Summary of Objections:</u></p> <p data-bbox="424 792 1481 869">An objection from the Owner/occupier at <b>25 Rochester Square</b>, has been received, summarised as follow:</p> <ul data-bbox="475 904 1326 943" style="list-style-type: none"> <li>o Significant negative effect on the use of our living space.</li> </ul> <p data-bbox="424 1014 1481 1090">An objection from the Owner/occupier at <b>24 Rochester Square</b>, has been received, summarised as follow:</p> <ul data-bbox="475 1126 1481 1305" style="list-style-type: none"> <li>o Works already carried out;</li> <li>o Building will have a detrimental effect with regards the usage of our property;</li> <li>o Set a negative precedent of creating a habitable space within gardens.</li> </ul> <p data-bbox="424 1420 708 1453"><u>Officer's Response:</u></p> <p data-bbox="424 1489 1481 1599"><i>The structure has already been erected in full. The addition is very tall, giving it an over dominant appearance which is unsuitable for the location. The structure is to be refused permission on this basis.</i></p> <p data-bbox="424 1635 1422 1673"><i>An enforcement case was opened following a complaint by a resident.</i></p> <p data-bbox="424 1709 1505 1856"><i>The structure is to be used as a gym and would therefore be ancillary to the top floor maisonette. Its presence is not considered to prevent anyone from enjoying their own garden space or infringe onto the neighbours' way of life in terms of privacy and overlooking.</i></p>					

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

No comments from the CAAC or Local group were received.

## Site Description

The site comprises a 2-storey semi-detached terraced house with roof mansard and semi-basement. It has steep steps to the front door. It is divided into 2 flats. There is a verandah access from the upper flat to the rear garden

The house is located on the northern part of Rochester Square. It forms part of the identical sets of semi-detached properties surrounding the square. The abundant vegetation within the front garden gives the square its leafy characteristic.

The property sits within Camden Square Conservation Area, but is not listed.

## Relevant History

### Site Address:

2016/2413/P – (not yet decided) - Installation of external air conditioning condenser unit within acoustic enclosure at lower second floor level to side elevation of residential unit (Class C3).

P9601045 – (granted on 09/08/1996) - Infill of rear elevation at ground and first floors, relocation of rear staircase to side passage and enlargement of rear dormer window.

### Site Enforcement History:

EN16/0315 - Large outbuilding hard up against a boundary wall in the garden of property. and AC unit.

EN16/0483 - Installation of an unauthorised A/C unit to the rear elevation at top floor level - in connection with undetermined application ref: 2016/2413/P

### Adjacent Sites:

2005/1396/P – (granted on 10/06/2005) - Erection of garden shed/studio - 20 Rochester Square.

## Relevant policies

### LDF Core Strategy and Development Policies

#### Core Strategy Policies

CS5 – Managing the impact of growth

CS14 – Promoting high quality places and conserving our heritage

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

#### Development Policies

DP24 – Securing high quality design

DP25 – Conserving Camden's Heritage

DP26 – Managing the impact of development on occupiers and neighbours

#### Camden Planning Guidance 2015 (as amended)

CPG1- Design – Chap 2, 4 & 6

CPG6 – Amenity – Chap 7

#### National Planning Policy Framework 2012

# Camden Square Conservation Area Appraisal (Adopted on 11/03/2011)

## The London Plan 2016

### Assessment

#### 1. Proposal and Background

1.1 Planning permission is sought for the following:

1.2 The retention of an outbuilding for use as a gym, replacing an existing shed (as stated by the applicant) in the rear garden to be used in connection with the upper floor flat.

1.3 It is noted at this stage that the proposal is the subject of an enforcement case reference: EN16/0315 following the starting of the works to erect the said fixture prior to planning permission having been applied for or granted. The application is therefore retrospective.

1.4 Issues have arisen with regards the details provided on the submitted proposed drawings which do not coincide with the actual outbuilding in terms of accuracy of measurements and size. The actual unauthorised outbuilding is taller than demonstrated on the drawings.

The application being for the retention of the unauthorised outbuilding, the accuracy of details on the drawings cannot be overlooked. Despite the request to have the drawings amended to give a true reflection of the outbuilding in situ, this has not been fully addressed. The details on the drawings represent a very slightly smaller structure. The application however is assessed on the basis of the plans submitted. The fact that the outbuilding already constructed is slightly taller will be clarified on an informative attached to the decision notice.

#### 2. Assessment

The issues are Design, Trees and Amenity

##### Design and Amenity

2.1 One of the considerations in the determination of this application is the impact of the proposal on the appearance of the host building, the character and appearance of the conservation area, and the rear streetscape. It is considered that the detailed design of the building is acceptable. However the structure is too tall. It is clearly apparent that the constructed building on site is too high and that the submitted plans which shows a slightly lower building (by 10cm -15cm) would also be too high

2.2 The outbuilding on the submitted plan is to measure 3.4m in width by 1.97m in depth by 1.74m in height - from ground level up to the roof underside, and by 2.97m in height – from ground level up to the roof ridge. The structure is set a course of exposed bricks measuring 0.14m in height which is then set on an exposed concrete slab measuring 0.14m in height, the whole resting on concrete foundations dug at a depth of 0.45m.

2.3 This setting produces an overall height of 3.22m in height – from ground level to the roof ridge, and 2.08m (shallow elevation) - from ground to the roof underside.

2.4 The application states that the outbuilding has been erected on the site of the previous garden shed. It would appear that the shed would have been erected also without the required planning permission. The presence of the previously existing shed would not justify the proposed replacement as no details of its size, height etc have been submitted.

2.5 The proposed out building is constructed of high quality material with timber elevations, double glazed window and welsh slates covering the roof. There is also the more than adequate provision of guttering and grey water pipes. The installation is very sturdy and has been black painted finish.

2.6 The overall design of the outbuilding is acceptable. However, its height is the main cause of concern. Although the footprint is reasonable – covering a surface of around 6.8sqm, the highest point reaches up to 3.22m, towering over the boundary fence by over 1.3m. This would be out of keeping with other rear gardens in this uniform terrace in the conservation area. It is noted that permission was granted for a smaller shed in the adjacent site.

2.7 It must also be noted that the above measurements are taken from the submitted drawings. As stated above, the actual structure in situ is slightly taller, increasing the last measurements by about 10-15cm

2.8 The outbuilding has been viewed from a neighbouring perspective. Bearing in mind that during the growing seasons, the Willow tree does provide some form of a shield, keeping the structure somewhat hidden away from view, the same cannot be said during the Autumn and Winter months where, by the deciduous nature of the Willow tree, all the leaves would fall, revealing the structure to be in full view of the neighbours.

### Trees

2.9 The outbuilding is also in close proximity to the side boundary fence of a height of around 1.9m, and a mature Willow tree abutting on the other side of the wall. The tree is growing lop-sided its main bough growing over the proposed outbuilding. The tree is a protected tree given its size and location with the conservation area

2.10 Due to the close proximity of the structure to the base of the tree and no information regarding the construction method used it is difficult to assess the impacts on the tree. Although the depth of the foundations is clearly showing on the proposed drawings, no information detailing how these were constructed has been provided. The impact of the overall structure on the Willow tree has therefore not be entirely demonstrated – be it minimal or extensive. The proposal is unacceptable in terms on likely impact on the tree. Amenity here will be no loss of daylight, or privacy to any adjoining property.

2.11 Although the elevation facing the back of the properties has a window, this would not result any harm to the lower ground floor flat because the flat is in a lower position and has a screen/hedge providing privacy. The presence of vegetation and the boundary fence also restrict the level of intrusion from the adjacent property sufficiently shielding the window.

## **3. Conclusion**

3.1 Therefore the proposal is considered to be unacceptable in terms of height and impact on a valued tree. The proposal is contrary to policies CS5, CS14, CS15, DP24 and DP25.

## **4. Recommendation**

a. Refuse planning permission.