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Chris Nash
The Planning Inspectorate
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Temple Quay House
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Dear Mr Nash,

Appeal by Mrs Caroline Gladstone
Site Address: 17 Boscastle Road, London, NW5 1EE

Proposal: Planning permission (2016/0758/P): Construction of a single storey 1 bedroom dwellinghouse (Class C3) following demolition of garages and a garden store.

The Council's case is largely set out in the officer's delegated report (Appendix 4) which details the proposal, site and surroundings, the site history, consultation responses and an assessment of the proposal.

In addition to the information sent with the questionnaire I would be pleased if the Inspector would take into account the following information and comments before deciding the appeals.

1. Summary

The appeal site is located within a conservation area. It is a backland site surrounded by residential properties. 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. The rear half of the garden is the focus of this appeal.

The proposed works relate to the construction of a single storey 1 bedroom dwellinghouse (Class C3) following demolition of garages and a garden store.

The proposed erection of a self-contained single storey dwelling in this backland location is unacceptable on three grounds. It would harm the sensitive nature of this part of the Dartmouth Park Conservation Area which characterised by unique long back gardens of a particularly verdant quality. The development of this site would create an inappropriate use both in terms of its impact on the surrounding conservation area but

also the amenity of the surrounding occupiers. The site's particularly confined surroundings does not lend it well to the development of a self-contained dwelling. It would offer sub-standard accommodation to future occupiers by virtue of a high degree of overlooking from the surrounding properties.

2. Status of policies and guidance

In arriving at its current decision the London Borough of Camden has had regard to the relevant legislation, government guidance, statutory development plans and the particular circumstances of the case.

The London Borough of Camden Local Development Framework was formally adopted on the 8th November 2010. The policies of relevance to the appeal scheme are:

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

These represent the council's current policies. However the emerging replacement development plan is due to be adopted later in 2017, see relevant paragraph below.

The Council also refers to supporting guidance documents. The Camden Planning Guidance (CPG) was adopted on 7 November 2011 for which CPG1 was revised in 2015. CPG 1 (*revised 2015*): Design (Chapter 5) provides guidance for good design in this location and CPG 6 (*2011*): Amenity (Chapter 6) provides guidance for privacy.

NPPF

With reference to the National Planning Policy Framework 2012, policies and guidance contained within Camden's LDF 2010 are up to date given that there are no material differences with the content of emerging policies. These emerging policies are set out in the paragraph below. The council's current adopted policies therefore address paragraphs 214 – 216 (Annex 1) of the NPPF and should be given substantial weight in

the decision of this appeal. In addition the NPPF states that development should be refused if the proposed development conflicts with the local plan unless other material considerations indicate otherwise. There are no material differences between the Council's policies and the NPPF in relation to this appeal.

Emerging policy

The emerging Camden Local Plan is reaching the final stages of its public examination. It is due to be adopted in mid-2017. Consultation on proposed modifications to the Submission Draft Local Plan began on 30 January and ends on 13 March 2017. The modifications have been proposed in response to Inspector's comments during the examination and seek to ensure that the Inspector can find the plan 'sound' subject to the modifications being made to the Plan. The Local Plan at this stage is a material consideration in decision making, but pending publication of the Inspector's report into the examination only has limited weight. The following policies are considered to be relevant and are set out in Appendix 6:

H1 – Maximising housing supply;

H6 – Housing choice and mix;

H7 – Large and small homes;

A1 – Managing the impact of development;

A3 – Protection, enhancement and management of biodiversity;

D1 – Design;

D2 – Heritage;

CC1 – Climate change mitigation;

T1 – Prioritising walking, cycling and public transport;

T2 – Car-free development and limiting the availability of parking.

3. Summary of Appellant's grounds of appeal

3.1 The appellants' grounds of appeal are summarised below and addressed beneath in section 4:

1. The appellant disagrees with officers' view that the proposal will be out of keeping with the prevailing pattern of development and detrimental to the character and appearance of the Dartmouth Park Conservation Area. Thus, it accords with policies CS14, DP24 and DP25 of Camden's Local Development Framework.
2. The appellant disagrees with officers' view that the proposal would be an intrusive form of development that would harm the living conditions of neighbouring residential occupiers. Thus the proposal accords with CS5 and DP26 of Camden's Local Development Framework.
3. The appellant disagrees that the proposal would result in sub-standard living accommodation and is therefore in accordance with policies CS6 and DP26 of Camden's Local Development Framework.

4. Response to the Appellant's Statement

4.1 The below sections seek to address the appellant's grounds of appeal chronologically.

1. Paragraphs 6.1-6.11 of the Appellant's Statement of Case considers the Council's first reason for refusal. Officers are of the view that the delegated report, in sections 2.1-2.11 deal with the points made by the appellant here. The officer's delegated report is provided within Appendix 4.

In addition to this, however, a number of developments have emerged since the original decision which is pertinent to the ultimate consideration of this case by the Inspector. Paragraphs 7.1-7.3 of the Appellant's Statement of Case note that the construction of a 147sqm building would be lawful under Part 1 Class E of the General Permitted Development Order. Since, the original decision to refuse planning permission, the Appellant has indeed submitted two certificate of lawful development applications to demonstrate that the above is true. The first case (LPA Ref no. 2016/5916/P) was refused as it was considered that the proposal could not reasonably be considered incidental to the enjoyment of the dwellinghouse by virtue of the facilities proposed as part of the rear outbuilding. Despite this being refused, a second certificate was submitted (LPA Ref no. 2017/0703/P) and subsequently granted as the applicant sought to remodel the garage and include a conservatory. To that end, the applicant has indeed established that the proposed footprint of the building could be developed under permitted development rights.

Despite that being the case, the Inspector should be made aware of the fact that a petition has been received by the Council from residents of Boscastle Road and Grove Terrace requesting that an Article 4 direction be put in place to prevent such development from taking place (See Appendix 3). The Council did indeed consider issuing an immediate Article 4 direction but it was considered unviable for compensation reasons. The Council are therefore currently considering whether to programme a non-immediate Article 4 direction in the future. This is by virtue of the fact that such permitted development rights in this location would directly contravene the Council's policies for developments in this location, which is apparent from the Council's first reason for refusal in this case. Whilst it is clear that the impending Article 4 direction can have no bearing on this appeal, it is important for the Inspector to be made aware of such developments to make it clear that the Council believes that this development would be in direct contravention to policies CS14, DP24 and DP25 of the Council's Local Development Framework.

To that end, it is considered that the Council's first reason for refusal should be upheld and therefore dismissed on these grounds.

2. Paragraphs 6.12-6.16 of the Appellant's Statement of Case considers the Council's second reason for refusal. Officers are of the view that the delegated report, specifically sections 5.1-5.4 deal with the points made by

the appellant here. The following paragraphs however deal with specific points raised within the Appellant's statement.

Paragraph 6.15 notes that the proposal has been designed with the particular requirements of an elderly couple in mind. It is not within the confines of the planning system to be able to control the occupants of a self-contained C3 dwelling. As such, this proposal has been assessed as any other self-contained dwelling that is accessible to all and hence the level of activity that would be associated with such a unit.

Paragraph 6.16 notes that the appellant, Mrs Gladstone, is intending on joining a car club to limit car usage. The appellant contends that should 17 Boscastle Road fall into different ownership then they would be within their rights to alter the rear outbuilding into a 3-bay garage which will ultimately exacerbate the council's concerns with the level of activity at the site location. It is however considered that the level of activity associated with a new residential unit would be significantly more harmful than the potential activity should this development not come forward. It is considered that the consistent comings and goings associated with a residential unit would be more impactful than the more occasional use of the site as a garage. What's more, the appellant's assertion is purely hypothetical. It would be far more accurate to assess the site for what it has been historically used for, an ancillary single bay garage with minimal activity associated with its use.

It is considered that the proposed use of the site as a self-contained dwelling would therefore be more harmful to surrounding residential occupiers but also out of character with the surrounding Dartmouth Park Conservation Area.

3. Paragraphs 6.17-6.25 of the Appellant's Statement of Case considers the Council's third reason for refusal and contends that the proposed dwelling would benefit from a good level of outlook. The justification for this reason for refusal is set out in paragraphs 4.1-4.4 of the officer's delegated report.

To add to the justification for this reason for refusal, it is not considered that the courtyards provided as part of the development overcome the council's concerns in terms of levels of outlook. Whilst the two outdoor courtyards are indeed a benefit to the proposal, the areas (as well as the rear windows of the proposal) are likely to be overlooked from the rear of the properties along Boscastle Road which ultimately will reduce the amenity value of the unit by virtue of a poor level of outlook. A number of site photos have been attached at Appendix 2 which illustrate the difficulty in placing a self-contained residential unit in this location and the difficulties the proposal will have with regards to outlook and being overlooked.

5. Conclusion

- 5.1 On the basis of information available and having regard to the entirety of the Council's submissions, including the contents of this letter, the Inspector is respectfully requested to dismiss the appeal.

5.2 If any further clarification of the appeal submissions are required please do not hesitate to contact Ian Gracie on the above direct dial number or email address.

Yours sincerely,

Ian Gracie
Planning Officer
Culture and Environment

Appendices

Appendix 1: Suggested conditions for 2016/0758/P

Appendix 2: Photographs of the site

Appendix 3: Petition received from residents of Boscastle Road and Grove Terrace requesting an Article 4 direction

Appendix 4: Delegated Report (LPA Ref no. 2016/0758/P)

Appendix 5: Decision Notice (LPA Ref no. 2016/0758/P)

Appendix 6: Camden Draft Local Plan

Appendix 1: Suggested conditions for 2016/0758/P

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).

2. All new external work shall be carried out in materials that resemble, as closely as possible, in colour and texture those of the existing building, unless otherwise specified in the approved application.

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 policy DP24 and DP25 of the London Borough of Camden Local Development Framework Development Policies.

3. The development hereby permitted shall be carried out in accordance with the following approved plans: 073-A-001; 073-A-011; 073-A-012; 073-A-101; 073-A-102; 073-A-103; 073-A-201; 073-A-202; 073-A-203; 073-X-001; 073-X-011; 073-X-101; 073-X-201.

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

4. A sample panel of all facing materials, including a brickwork panel demonstrating the proposed colour, texture, face-bond and pointing shall be provided on site and approved in writing by the local planning authority before the relevant parts of the works are commenced and the development shall be carried out in accordance with the approval given. The approved panel shall be retained on site until the work has been completed.

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.

5. Prior to the commencement of construction/demolition works on site, tree protection measures shall be installed in accordance with approved drawings and evidence of this shall be submitted to the council. The protection shall then remain in place for the duration of works on site, unless otherwise agreed in writing by the local authority.

Reason: To ensure that the Council may be satisfied that the development will not have an adverse effect on existing trees and in order to maintain the character and amenities of the area in accordance with the requirements of policy CS15 of the London Borough of Camden Local Development Framework Core Strategy.

6. The approved cycle parking facility shall be provided in its entirety prior to the first occupation of any of the new units, and permanently retained thereafter.

Reason: To ensure the development provides adequate cycle parking facilities in accordance with the requirements of policy CS11 of the London Borough of Camden Local Development Framework Core Strategy and policy DP17 of the London Borough of Camden Local Development Framework Development Policies.

7. The dwelling hereby approved shall be designed and constructed in accordance with Building Regulations Part M4 (2), evidence demonstrating compliance should be submitted to and approved by the Local Planning Authority prior to occupation.

Reason: To ensure that the internal layout of the building provides flexibility for the accessibility of future occupiers and their changing needs over time, in accordance with the requirements of policy CS6 of the London Borough of Camden Local Development Framework Core Strategy and policy DP6 of the London Borough of Camden Local Development Framework Development Policies.

Appendix 2: Photographs of the site

Front elevation



Front entrance



Rear elevation



Rear elevation in context of neighbouring building

