

2016/5859/P - Flat A, 41 Buckland Crescent



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Site photographs

1. Rear boundary wall of No.41 and rear elevations of Adamson Rd in background.



2. Shared boundary with 39 Buckland Crescent and existing garden building



3. Area of rear garden to be occupied by proposed outbuilding, mature tree to be retained.



4. Shared boundary with 43 Buckland Crescent



5. Existing garden building at No.39



6. Rear elevation of No.41 including recently approved lower ground floor rear extension



7. Previous garden building at No.41



8. View of rear garden from first floor rear window of No.41



Delegated Report (Members' Briefing)		Analysis sheet		Expiry Date:		26/12/2016	
		N/A		Consultation Expiry Date:		01/12/2016	
Officer				Application Number(s)			
Patrick Marfleet				2016/5859/P			
Application Address				Drawing Numbers			
Flat A 41 Buckland Crescent London NW3 5DJ				See draft decision notice			
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature				
Proposal(s)							
Replacement of existing garden structure to rear of the site with enlarged single storey outbuilding to provide ancillary space to lower ground floor flat (C3).							
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	00	No. of responses No. electronic	05 05	No. of objections	04
Summary of consultation responses:		Site notice: 04/11/2016 - 25/11/2016 Press notice: 10/11/2016 - 01/12/2016 Objections were received as follows, 4 from the occupiers of the upper floor flats at 41 Buckland Crescent: 1. The space will provided with an electricity supply to provide light and heating allowing it to be used at any time as a habitable space. 2. The structure will significantly affect privacy of upper floor flats as it would look directly into rear habitable room windows. 3. The distance of 16m between windows of proposed outbuilding and existing rear windows of upper floor flats falls below the minimum 18m requirement. 3. The proposed metal roof will dominate outlook onto rear garden for residnets of flats above.					

	<p>5. Possibility of building becoming a separate dwelling in the future which would cause noise and disturbance to neighboring properties.</p> <p>6. The proposed structure would increase the value of the lower ground floor whilst decreasing the value of the first and second floor flats.</p> <p><u>Officer Comment</u></p> <p><i>1. The proposed ancillary structure would not benefit from independent access and would not be used as a self contained C3 unit, this would be secured by condition.</i></p> <p><i>2. The amenity impact of the proposal is discussed in paragraph 2.3 of this report.</i></p> <p><i>3. The amenity impact of the proposal is discussed in paragraph 2.3 of this report.</i></p> <p><i>4. The metal roof element has been removed from the scheme.</i></p> <p><i>5. The proposed ancillary structure would not benefit from independent access and would not be used as a self contained C3 unit, this would be secured by condition.</i></p> <p><i>6. The financial implications of development do not form a material planning consideration.</i></p>
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<p>CAAC/Local groups comments:</p>	<p>The Belsize CAAC raised the following objection:</p> <p>1. Object to new habitable space in rear garden. Gardens are for the peaceful enjoyment of all residents and neighbours.</p> <p><u>Officer Comment</u></p> <p><i>1. The proposed outbuilding is not considered to impinge on the peaceful enjoyment of the garden by residents of the application site and neighbouring properties.</i></p>
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Site Description

The application site is located on the south western side of Buckland Crescent and relates to the lower ground floor flat of a converted four storey semi-detached property. The property has an area of hard landscaping to the front and a mature garden to the rear and has an existing three storey side extension.

The site is located within the Belsize Park Conservation Area, it is not a listed building but is identified as making a positive contribution to the character of the conservation area.

Relevant History

2016/4096/P - Erection of single storey rear extension at lower ground floor level, enlargement of existing terrace at upper ground floor level and alterations to fenestration on side elevation at lower ground floor level. Planning permission granted 14/09/2016.

Relevant policies

National Planning Policy Framework (2012)

London Plan (2016)

LDF Core Strategy and Development Policies (2010)

CS5 Managing the impact of growth and development

CS14 Promoting high quality places and conserving our heritage

DP24 Securing high quality design

DP25 Conserving Camden's Heritage

DP26 Managing the impact of development on occupiers and neighbours

DP28 Noise and vibration

Camden Planning Guidance

CPG1 Design (2015)

CPG6 Amenity (2011)

Camden Local Plan Submission Draft 2016

D1 (Design)

D2 (Heritage)

A1 (Managing the impact of development)

The emerging Local Plan is reaching the final stages of its public examination. 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.

Belsize Conservation Area Statement 2003

Assessment

1.0 PROPOSAL

- 1.1 Permission is sought for the erection of a single storey timber outbuilding to the rear of the existing garden at the site to provide ancillary space to the existing dwelling. The proposed development would have a flat roof height of 2.7m, a width of 6m, a depth of 4m and an external footprint of approximately 24sqm. A small area of decking would be located to the front and side of the proposed structure with a privacy hedge located in front of the northern elevation which would face the rear elevation of the host dwelling.

1.2 Revisions

The plans originally submitted proposed a metal pitched roof structure with a maximum height of 3.7metres which officers considered added unnecessary bulk to the development which would have an overly dominant impact on the character and appearance of the host garden and wider conservation area as a result. The proposed plans have since been amended and the development now has a (slightly sloping) flat roof design which has reduced the overall height of the development by approximately 1m and is considered to be more sympathetic to the appearance of the host dwelling and surrounding conservation area.

2.1 ASSESSMENT

The material considerations for this application are summarised as follows:

- Design and Conservation;
- Amenity of neighbouring residential occupants;

2.2 Design and Conservation

- 2.2.1 The Council's design policies are aimed at achieving the highest standard of design in all developments. The following considerations contained within policy DP24 are relevant to the application: development should consider the character, setting, context and the form and scale of neighbouring buildings, and the quality of materials to be used. Policy DP25 'Conserving Camden's Heritage' states that within conservation areas, the Council will only grant permission for development that 'preserves and enhances' its established character and appearance.
- 2.2.2 The proposed outbuilding is not considered to be excessive in size, given its external area of 24sqm which would occupy approximately 12% of the existing rear garden. Furthermore, its simple design, timber finish and location, set in from the side boundaries of the site, would ensure it remains visually subordinate to the host and neighbouring gardens and is of a size and design that is appropriate to the landscaped character of this part of the conservation area.
- 2.2.3 The proposal would be located in close proximity to a mature lime tree to the south western corner of the site and appropriate measures will need to be taken to ensure the roots are protected during construction, the details of which will be secured by condition.
- 2.2.4 Special attention has been paid to the desirability of preserving or enhancing the character or appearance of the conservation area under s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Enterprise and Regulatory Reform Act 2013. The proposal is not considered to have a significant impact on the character of the conservation area given its limited visibility from the public realm and the prevalence of similar sized timber garden structures to neighbouring properties along Buckland Crescent and Adamson Road.

2.3 Amenity of neighbouring residential occupants

- 2.3.1 Policy CS5 seeks to protect the amenity of Camden's residents by ensuring the impact of development is fully considered. Furthermore, Policy DP26 seeks to ensure that development protects the quality of life of occupiers and neighbours by only granting permission to development that would not harm the amenity of neighbouring residents.
- 2.3.2 Concerns have been raised from the residents of the upper floor flats at No.41 over the loss of privacy that would occur as result of the development, given the windows of the proposed structure would be facing back towards the rear elevation of the host dwelling. It is noted that the distance (16m) between the windows of the outbuilding and the habitable room windows of the closest neighbouring properties falls slightly below the minimum 18m requirement. However this difference is marginal and considered acceptable in this instance particularly as the windows of the proposed outbuilding would largely look out over the existing garden at the site and the rear windows of the lower ground floor flat and as it is not intended to be used for long term habitable space for the flat.
- 2.3.3 Furthermore, views from the outbuilding towards neighbouring habitable windows would be at an oblique angle and would not result in the direct overlooking of any neighbouring windows thus preserving the privacy of neighbouring residents.
- 2.3.4 The size, scale, height and location of the proposed development, along the rear boundary of the existing garden at the site, would ensure no undue loss of residential amenity would occur in terms of loss of light and outlook.

2.3.5 The host dwelling currently has around 191sqm of rear garden space, this would be reduced to approximately 150sqm following construction of the proposed development which is considered sufficient for the occupiers of the dwelling.

3.0 Recommendation

3.1 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 6th March 2017, 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'

Mrs Kasia Whitfield
90a Fellows Road
London
NW3 3JG

Application Ref: **2016/5859/P**
Please ask for: **Patrick Marfleet**
Telephone: 020 7974 1222

1 March 2017

DRAFT

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Full Planning Permission Granted

Address:

**Flat A
41 Buckland Crescent
London
NW3 5DJ**

DECISION

Proposal:

Replacement of existing garden structure to rear of the site with enlarged single storey outbuilding to provide ancillary space to lower ground floor flat (C3).

Drawing Nos: BC41/EX0 rev.A, BC41/EX1 rev.A, BC41/EX3, BC41GH/PP1 rev.C, BC41GH/PP2 rev.C, BC41GH/PP3 rev.B, BC41GH/PP4 rev.C

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: BC41/EX0 rev.A, BC41/EX1 rev.A, BC41/EX3, BC41GH/PP1 rev.C, BC41GH/PP2 rev.C, BC41GH/PP3 rev.B, BC41GH/PP4 rev.C

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

- 3 The outbuilding hereby approved shall only be used for purposes incidental to the residential use of Flat A, 41 Buckland Crescent and shall not be used as a separate independent Class C3 dwelling.

Reason: To ensure that the outbuilding does not adversely affect the amenity of adjoining residential premises and is not used for unauthorised purposes, in accordance with policies CS1, CS5 and CS6 of the London Borough of Camden Local Development Framework Core Strategy and policies DP2, DP5 and DP26 of the London Borough of Camden Local Development Framework Development Policies.

- 4 Prior to the commencement of any works on site, details demonstrating how trees to be retained shall be protected during construction work shall be submitted to and approved by the Council in writing. Such details shall follow guidelines and standards set out in BS5837:2012 "Trees in Relation to Construction". All trees on the site, or parts of trees growing from adjoining sites, unless shown on the permitted drawings as being removed, shall be retained and protected from damage in accordance with the approved protection details.

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

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