

2016/6411/P

## 53 Gondar Gardens



View of the rear garden from within the property. The cemetery is right behind the rear boundary wall:



<b>Delegated Report</b>		<b>Analysis sheet</b>		<b>Expiry Date:</b>		<b>04/04/2017</b>	
<b>(Members Briefing)</b>		N/A / attached		<b>Consultation Expiry Date:</b>		03/03/2017	
<b>Officer</b>				<b>Application Number(s)</b>			
Matthias Gentet				2016/6411/P			
<b>Application Address</b>				<b>Drawing Numbers</b>			
Flat A 53 Gondar Gardens London NW6 1EP				Refer to Draft Decision			
<b>PO 3/4</b>		<b>Area Team Signature</b>		<b>C&amp;UD</b>		<b>Authorised Officer Signature</b>	
<b>Proposal(s)</b>							
Erection of outbuilding in the rear garden of residential flat and associated landscape (Class C3).							
<b>Recommendation:</b>		Grant Conditional Planning Permission					
<b>Application Type:</b>		Full Planning Permission					

<b>Conditions or Reasons for Refusal:</b>	<b>Refer to Draft Decision Notice</b>					
<b>Informatives:</b>						
<b>Consultations</b>						
<b>Adjoining Occupiers:</b>	No. notified	<b>00</b>	No. of responses	<b>00</b>	No. of objections	<b>03</b>
			No. Electronic	<b>03</b>		
<b>Summary of consultation responses:</b>	<p>A Site Notice was displayed on 10/02/2017, expiring on 03/03/2017.</p> <p>Two objections were received from <b>No 41 Gondar Gardens, NW6 1EP</b>, summarised as follow:</p> <ul style="list-style-type: none"> <li>- Rear gardens are important as they play a significant role in maintaining the biodiversity of the borough (see CPG3);             <ul style="list-style-type: none"> <li>o Provide important wildlife corridors;</li> <li>o Proposal will directly impact on wildlife corridor;</li> <li>o Structure and loss of habitat, disturbance will be caused by movement, light and noise pollution.</li> <li>o The garden is one of a row of mature gardens that harbour a variety of wildlife, and are important ecosystem.</li> </ul> </li> </ul> <p><i>Officer's Response:</i> See paragraph 3.2 to 3.6, 4.2, 5.1, 5.2 &amp; 5.3 below.</p> <p>An objection was received from <b>No 39 Gondar Gardens, NW6 1EP</b>, summarised as follow:</p> <ul style="list-style-type: none"> <li>o Looks like an accommodation with shower, basin and toilet;</li> <li>o Spare bedroom perhaps?</li> <li>o Opposed to anything but garden sheds at the bottom of gardens.</li> </ul> <p><i>Officer's Response:</i> See paragraph 3.2 to 3.6, 4.1 &amp; 4.2 below.</p>					
<b>CAAC/Local groups comments:</b>	N/A					

## Site Description

The site address is a 3-storey red brick terrace house with white painted arch window surrounds, capitals on brick pilasters, cornices, window ledge and sash windows with ornate timber detailed panels on the upper part of the sash, and white timber porch with slate roof. The property is part of a long row of terraces to the north of Gondar Gardens, and is divided into 3 residential flats.

The property is not listed and is not located in a Conservation Area.

## Relevant History

### Site History:

2014/6467/P – (granted on 03/12/2014) - Demolition of existing extension and construction of a side return and rear extension at ground floor.

### Adjacent Sites:

2007/5858/P – (granted on 28/04/2008) - Retention of timber shed and tiered decking at the rear in connection with the garden flat - 58A Gondar Gardens.

## Relevant policies

### LDF Core Strategy and Development Policies

#### Core Strategy Policies

CS5 – Managing the impact of growth

CS13 – Tackling climate change through promoting higher environmental standards

CS14 – Promoting high quality places and conserving our heritage

#### Development Policies

DP24 – Securing high quality design

DP26 – Managing the impact of development on occupiers and neighbours

#### Camden Planning Guidance

CPG1 (Design) – Chap 3, 4 & 6 (2015)

CPG3 (Sustainability) – Chap 6, 10 & 13 (2015)

CPG6 (Amenity) – Chap 7 (2013)

#### Local Plan draft 2016

Last summer, the Camden Local Plan was formally submitted to the government for public examination. Following the public hearings, the Council is consulting on Main Modifications to the Local Plan. Following the Inspector's report into the examination, which is expected in early-mid April 2017, policies in the Local Plan should be given substantial weight. Adoption of the Local Plan by the Council is anticipated in June or July. At that point the Local Plan will become a formal part of Camden's development plan, fully superseding the Core Strategy and Development Policies, and having full weight in planning decisions.

A1 – Managing the Impact on Development

A3 – Biodiversity

D1 – Design

D2 – Heritage

CC3 – Water and Flooding

#### National Planning Policy Framework 2012

#### The London Plan 2016

## Assessment

### 1. Proposal and Background

- 1.1 Planning permission is sought for the erection of an outbuilding in the rear garden of residential flat (Class C3) and associated landscape to be used as ancillary to the residential unit.
- 1.2 To comply with CPG3 (Sustainability), a Green Roof was requested to counter balance the loss of green amenity that would be taken by the footprint of the proposed outbuilding. However, it was judged to be in this case, impractical mostly due to the light weight structure of the outbuilding and shallow foundations.
- 1.3 It is also acknowledged that the outbuilding is located more than 0.5m away from each side and rear boundaries, thus providing a wild life/green corridor.
- 1.4 The proposed landscaping associated with the erection of the outbuilding will be mostly soft landscape with lawn at the centre with beds on both side and a small gravel feature outside the outbuilding. The addition of decking is very minor.

### 2. Assessment

2.1 The principal considerations material to the determination of the application are as follow:

- Design
- Sustainability
- Amenity
- Trees

### 3. Design

- 3.1 Along the north and south of Gondar Gardens, the large gardens to the rear contribute greatly to the landscape. Whilst a number of gardens feature incidental elements such as garden stores, it is considered, by virtue of their size, the gardens have retained their sense of openness. This is further enhanced by Hampstead Cemetery to the rear of the property. The rear gardens within this terrace are relatively large for the Borough.
- 3.2 The proposed outbuilding is to measure 4.09m in width, 6m in depth and 2.4m in height. The rear (north) and side (east) elevations are to be solid; the side (west) elevation will have a door opening onto a storage space set at the rear left of the structure – with no access to it from within the studio; and sliding doors, to the front (facing the rear of the host property) elevation of the studio, measuring approximately 2.6m in width by 2.2m in height. The studio is to be Cedar timber clad with a ply flat roof, double glazed sliding patio doors and timber storage door.
- 3.3 The structure is to be set onto 210mm x 350mm in the ground foundations, topped with 2 x 250mm in height by 150mm in depth (300mm altogether) battens upon which the studio is to sit. There is to be a corridor all around the outbuilding that will allow 1m gap on the west and 0.8m gap on the east side of the structure. The corridor at the rear is set at 0.8m from the widest part (west) down to 0.4m on the narrow corner (east). Although a 0.5m minimum is required, the 0.4m being only on one corner, it is therefore considered to be acceptable and offset by the more generous corridor space otherwise provided.
- 3.4 Timber decking is to adorn the front of the proposed studio to create a timber deck terrace measuring approximately 1.2m in depth by 4.09m in width and 100mm off the ground, followed by a small gravel circular area and very shallow timber steps down onto the lawn. The rest of the garden is to be formed of beds and timber stairs to access the existing hard standing terrace.
- 3.5 CPG1 states that development in rear gardens should ensure the siting, location, scale and design of the proposed development has a minimal visual impact on, and is visually subordinate to the host garden. The height

of the proposed outbuilding has been kept of a reasonably low level – 2.4m – minimising its bulkiness and impact on the rear garden, producing an addition that is subordinate to the main property. The use of sliding doors has also enabled the scale of the structure to be kept to a small size to fit within a restricted space at the end of an elongated garden. The outbuilding will only surpass the height of the proposed boundary walls by 40cm which will not have a tower effect onto the adjacent gardens.

3.6 The studio will occupy roughly a fifth of the garden which measures over 21m in length (the existing terrace not being included) by about 6.2m in width, with an area of roughly 135sqm. The structure will cover an area of 27.2sqm.

#### **4. Neighbourhood plan**

4.1 The Fortune Green and West Hampstead Neighbourhood (FGWH) plan states that In order to promote and reinforce the distinct and widely appreciated local character of Fortune Green and West Hampstead, new development shall respect, and be sensitive to, the height of existing buildings in their vicinity and setting. The proposal is in line with this statement. Its size and scale is rather modest in comparison to the size of the rear garden area, and a large proportion of the rear amenity would be left as demonstrated in the above paragraphs 3.2 to 3.5.

4.2 It also states that in order to protect the Area's green/open spaces, the development of new dwellings in private gardens should be avoided. If any developments are approved, they should maintain a much lower profile than existing housing stock, usually one or two storeys. The outbuilding is clearly of very small scale and is not to produce a new dwelling, but merely some external space to enhance the use of the garden.

#### **5. Sustainability**

5.1 The addition of a green roof has been considered by the Council. However, the argument made by the applicant against the introduction of this into the design of the structure was upheld by the Tree Officer and the Report Officer whereby the implementation of an added weight to a lightweight structure wouldn't have been feasible. Added to the presence of a rather large tree within the boundaries of Hampstead Cemetery directly to the rear of the site address, and its proximity to the location of the studio, would have casted significant shade which could impact on the durability of the Green Roof. There is also the size of the area of the garden that is left - 4/5 of the overall size – which will be able to easily absorb the loss of green space taken by the footprint of the studio.

5.2 The timber minor decking will offer a permeable 'membrane' that won't interfere with the natural irrigation of the rain water run-offs to be returned directly into the soil, and not requiring any drainage system. The same would apply to the circular gravel area. Any run-offs in severe weather conditions would be naturally absorbed by the new beds around the edges. This is in accordance with CPG3 which states that *surface water should be managed as close to its source as possible i.e using infiltration techniques – porous and permeable surfaces which allow water to soak (infiltrate) directly into the subsoil rather than flowing over the top.*

5.3 The soft landscaping will include a large grass area located between the existing terrace and the gravel area and bed strip, beds on either side from the existing terrace to the studio that will provide ample planting space and shelter and breeding ground for wild life.

#### **6. Amenity**

6.1 The existing boundary walls are of significant height – about 2m. The overall height of the structure measuring standing at approximately 2.4m will only protrude by 400mm which is rather negligible. The boundary walls therefore offer a decent level of privacy for adjoining properties.

6.2 The height and bulk of the outbuilding and walls are not considered to be such that they would result in unacceptable overshadowing, loss of light, and/or sense of enclosure. It must also be noted that once the planted part of the garden matures, the vegetation will assist in reducing the visibility of the structure.

6.3 In terms of the use of the proposed outbuilding, a condition is recommended to be added to any consent which requires that the outbuilding be used for purposes incidental to the residential use of the main building.

#### **7 Trees**

7.1 While no significant trees currently exist on site, there are two Yew trees located in Hampstead Cemetery

directly behind the site rear boundary wall.

7.2 The applicant has submitted a Tree Report from a suitably qualified arborist which concluded that *there are 2 Yew trees T1 & T2 behind the wall but these will not be impacted by the proposed garden studio which is to be built on shallow concrete strip slabs at a maximum depth of 250mm below ground level.*

7.3 As such, the proposal is considered to have an acceptable impact with regard to trees.

## **8 Recommendation**

8.1 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 20<sup>th</sup> 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](http://www.camden.gov.uk) and search for 'Members Briefing'.***

Ms Alice Nunn  
Nash Partnership  
25 King Street  
Bristol  
BS1 4PB

Application Ref: **2016/6411/P**  
Please ask for: **Matthias Gentet**  
Telephone: 020 7974 **5961**

7 March 2017

DRAFT

Dear Sir/Madam

## DECISION

Town and Country Planning Act 1990 (as amended)

### Full Planning Permission Granted

Address:

**Flat A**  
**53 Gondar Gardens**  
**London**  
**NW6 1EP**

DECISION

Proposal:

Erection of an outbuilding in the rear garden of residential flat (Class C3).

Drawing Nos: Tree Report; Green Roof Letter (03/02/2017); Cover Letter (22/11/2016); [16109\_]L001\_D, L002\_C (06/12/2016), L003\_C (06/12/2016), L004\_A; L005\_A; Studio Perspective Illustration; Site Location Plan.

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: Tree Report; Green Roof Letter (03/02/2017); Cover Letter (22/11/2016); [16109\_] L001\_D, L002\_C (06/12/2016), L003\_C (06/12/2016), L004\_A; L005\_A; Studio Perspective Illustration; Site Location Plan.

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 at No 53 **Gondar Gardens** 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 (Distribution of growth), CS5 (Managing the impact of growth and development), CS6 (Providing quality homes), DP2 (Making full use of Camden's capacity for housing), DP5 (Homes of different sizes), DP6 (Lifetime homes and wheelchair homes) and DP26 (Managing the impact of development on occupiers and neighbours) 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

Director of Planning and Regeneration

DRAFT

DECISION