



**Date: 05/12/2016**  
**Our ref: 2016/6184/PRE**  
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Mr Jeremy Steene  
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*By email*

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Dear Mr Steene,

**Re: 144 Mill Lane, London, NW6 1TF**

Thank you for submitting a pre-planning application enquiry for the above property which was received on 08 November 2016 together with the required fee of £420.00.

**1. Drawings and documents**

1.1. The following documentation was submitted in support of the pre-application request:

- Existing plans, elevation and section (DB350-01)
- Proposed plans, elevations and CGIs (DB350-02)
- Covering letter dated 01 November 2016

**2. Proposal**

2.1. Advice is requested in relation to the erection of a part single, part three storey outbuilding in rear garden of no.144 for use as a home office and additional habitable room space. The submitted scheme is essentially an amendment to the scheme allowed at appeal (APP/X5210/D/13/2211011) following the refusal of planning permission under application reference 2013/4974/P.

2.2. The revised scheme would include the addition of an extra, partially set back floor to the proposed studio/office (total of 3 storeys); alterations to the elevational treatment to give a more solid appearance; infilling an area of the ground floor footprint as well as the removal of the 1<sup>st</sup> floor terrace facing no.144.

**3. Site description**

3.1. The application site comprises a Victorian semi-detached 2 storey single family dwellinghouse on the southern side of Mill Lane at the junction with Holmdale Road. The location of site, on

the corner of Mill Lane and Holmdale Road, results in the side and rear elevation of the dwelling being visible from the public realm. In rear garden of the property there is a single storey garage building which fronts onto Holmdale Road.

- 3.2. As outlined in the inspectors report, the development site is slightly dissimilar to the very strong and clearly defined pattern of development along Holmdale road by virtue of the plot being perpendicular to this road as well as adjacent to the large block of 4 storey flatted development.
- 3.3. There are two mature lime trees in the rear garden of the property protected by a Tree Preservation Orders (T36). The property is not listed nor situated within a conservation area.

#### 4. Relevant planning history

- 4.1. The following planning history is relevant to this site:

**2008/4171/P** - Certificate of lawfulness was refused for 'erection of a new single storey rear extension and decking at rear of single family dwellinghouse' on the 17/10/2008 by virtue of its lack of conformity to the General Permitted Development Order.

**2008/5572/P** – Planning permission was granted for the 'additions and alterations in connection with the removal of the existing conservatory and replacement with new single storey conservatory to rear of existing single family dwelling (Class C3), including alterations to window on side elevation and ground floor terrace area at rear' on the 10/03/2009

**2013/1536/PRE** – Pre-application advice was issued regarding the 'The conversion of a rear garage into an ancillary annex of the existing house, providing an office and artists studio' on the 12/06/2016

**2013/4974/P** – Planning permission was refused for the 'Erection of a two storey building with roof terrace in rear garden ancillary to the existing house to provide office and studio (C3)' on the 04/10/2013. This decision was subsequently allowed under appeal ref. APP/X5210/D/13/2211011

**2016/3653/P** – Non-material amendment application for the 'Alteration to floor plans to include enclosed exterior spaces granted under reference 2013/4974/P dated 04/10/13' was withdrawn prior to a formal decision on the 09/08/16

#### 5. Relevant policies and guidance

- 5.1. The relevant policies that would apply to this proposal are taken from the London Borough of Camden Local Development Framework (Core Strategy and Development Policy documents) as adopted on 8th November 2010, The London Plan 2016 and the NPPF (2012). The following policies will be taken into consideration:

- **National Planning Policy Framework (2012)**
- **London Plan (2016)**
  - Policy 7.4 – Local Character
  - Policy 7.6 – Architecture
- **Local Development Framework**

- **Core Strategy (2011)**
  - CS5 – Managing the impact of growth and development
  - CS6 – Providing quality homes
  - CS14 – Promoting high quality places and conserving our heritage
- **Development Policies (2011)**
  - DP2 – Making full use of Camden’s capacity for housing
  - DP16 – The transport implications of development
  - DP19 - Managing the impact of parking
  - DP20 - Movement of goods and materials
  - DP21 - Development connecting to the highway network
  - DP22 - Promoting sustainable design and construction
  - DP24 – Securing high quality design
  - DP26 – Managing the impact of development on occupiers and neighbours
- **Supplementary Guidance**
  - CPG 1 – Design
  - CPG 6 – Amenity
  - CPG 7 – Transport
  - CPG 8 – Planning Obligations
- **LDF Fortune Green and West Hampstead Neighbourhood Plan (2015)**

- **Emerging policy:**

It should be noted that the Camden Local Plan will replace the Core Strategy and Development Policies in 2016/17. The submission draft has now been approved by Cabinet and Full Council after a period of public consultation. The Local Plan and associated documents were formally submitted to the Secretary of State for public examination along with copies of all representations received on 24 June. In accordance with Section 20 of the Planning & Compulsory Purchase Act 2004, Inspector Katie Child, was appointed to conduct an examination to determine whether the Plan is sound. The public hearings for the Examination were held at the Camden Town Hall during October 2016.

The submission draft is a material consideration in planning decisions. At this stage the Plan has weight in decision making and is a statement of the Council’s emerging thinking. Emerging policy is therefore a relevant consideration to this pre-app advice. A copy of the draft Local Plan can be found on our website [here](#).

## 6. Assessment

6.1. The main issues to consider in this case are as follows:

- Design and heritage;
- Impact on the amenity of adjoining occupiers;
- Transport.

### Design and heritage

6.2. 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 form and scale of neighbouring buildings, and the quality of materials to be used. The Council’s CPG1 (Design)

advises that the construction of buildings in rear gardens can have a significant impact upon the amenity, biodiversity and character of an area. They may detract from the generally soft and green nature of gardens and other open space, contributing to the loss of amenity for existing and future residents of the property.

- 6.3. The CPG1 design guidance therefore states that new outbuildings 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
  - not to detract from the open character and garden amenity of the neighbouring gardens and the wider surrounding area
  - to use suitable soft landscaping to reduce the impact of the proposed development
  - to ensure building heights will retain visibility over garden walls and fences
  - to use materials which complement the host property and the overall character of the surrounding area
  - should not cause harm to any nearby mature trees.
- 6.4. As the hereby proposed scheme represents an amendment to the scheme allowed at appeal, the previous reasons for refusal as well as the reasons given by the inspector for allowing the appeal are particularly pertinent to the assessment of any new scheme.
- 6.5. Planning application 2013/4974/P for the '*Erection of a two storey building with roof terrace in rear garden ancillary to the existing house to provide office and studio*' was refused by the Council on the 4 October 2013. The one reason for refusal was: "*The proposed outbuilding, by reason of its height, bulk, mass, detailed design and materials would result in an incongruous structure which would harm the garden setting, the host building and the streetscene*". The officers report for this application highlighted that whilst objection was not raised in relation to the footprint of the proposed outbuilding (subject to tree measures), it was considered that the structure by virtue of its height and bulk would fail to appear as a subordinate addition to the host property and rear garden, and would lead to a reduction to the characteristic views through to mature trees from Holmdale Road. As outlined in the officer's report, it was also considered that the detailed design of the proposed outbuilding (by virtue of its materials and particularly the visual prominence of the glazed first floor element) was inappropriate for its setting, failing to take into consideration the context of the surrounding built form.
- 6.6. Following the submission of an appeal of this decision, the planning inspectorate issued their decision to allow the appeal subject to conditions on the 24 February 2014. As the previous reason for refusal had related purely to the impact of the proposal upon the character and appearance of the area, the inspector focuses his assessment on this outstanding issue. The inspector found that the need to retain a visual gap between the host building's existing rear extension and the proposed structure, and whether the new building would be sufficiently subordinate to No. 144 were valid concerns raised by the Council which required careful consideration. It was however concluded that as the appeal scheme maintained a similar sized footprint to the existing garage, required an increase in height from the existing garage of only 2 metres, included a 'lightweight' glazed first floor and could retain the adjacent TPO trees; the appeal scheme would not harm the character and appearance of the area. Subject to conditions including the submission of facing materials and Arboricultural Impact Analysis for approval, the inspectorate therefore allowed the scheme.
- 6.7. The hereby proposed scheme would include the provision of an additional storey to the allowed scheme, as well as alterations to its design in order to give it a more solid appearance. When comparing the allowed scheme and that which is hereby proposed; the revisions would result in a structure which would appear far more visually dominant both within the streetscene as well as in relation to the host dwelling, and the cumulative impact of

the outbuilding and extensions would be considered an overdevelopment of the application site. This exacerbation of visual dominance would be due to the considerable increase in height as well as the fact that the structure would now appear to be much more solid. As the lightweight appearance of the allowed scheme at first floor level (maintaining at least some of the characteristic views through) and limited height had been a key justification given by the inspector as to its limited harm, the Council would maintain that any alterations to increase height or 'weight' of the structure above ground floor level would act to increase its visual impact and would be unlikely to be supported.

- 6.8. It should also be noted that, whilst the allowed scheme was of a scale which was still justifiable in terms of its use as ancillary to the host dwelling, the revised structure would primarily include additional habitable space and would have a Gross Internal Area of approximately 80sqm which would equate to roughly the same as the original GIA of the host dwelling. The Council would therefore not be able to accept that an outbuilding of this scale would be necessary for purposes incidental to that of the main dwelling; failing to demonstrate a subordinate relationship by virtue of its floor area regardless of its visual impact.
- 6.9. Within the appeal decision, the inspector stated that the site could support an outbuilding of good, contemporary design and high quality external materials. The Council would not discourage a contemporary design, however this must remain sympathetic to its local context. In terms of its details design; the points raised during the previous application regarding the chosen palette of materials are repeated as it is considered that the use of timber, render and metal cladding would appear inconsistent with the local context. The building also appears to lack a proper vertical hierarchy resulting in a top heavy appearance and a lack of clear alignment to fenestrations. The revised scheme is therefore not considered to have overcome the Council's previous reason for refusal regarding detailed design.
- 6.10. Finally, the proposal relates to the erection of an outbuilding for the use of the occupiers of no.144 and advice has been issued on this basis; however, it should also be noted that the structure would *appear* within the streetscene as though it was a self-contained dwelling and in fact could very easily be converted for independent use as a 1 bedroom, 2 person unit by installing kitchen facilities in the ground floor office / study and an external gate into the garden fence. Whilst the issue of the use of a self-contained dwelling would be conditioned if all other points were addressed to ensure that it cannot be used as an independent dwelling; this would not address the fact that within the streetscene the structure would be of a scale and design which would appear to the passer-by to be a dwellinghouse. This relationship would not be one of visual subordination and as such it is considered that a structure of this scale would fail to comply with the criteria of policy DP24 and the guidance set out in CPG1.
- 6.11. It should be noted that if the applicant did intend to create a self-contained dwelling that included its separation from the host dwelling and provided independent access, the policies relating to subordination to the host dwelling would not be applied, however it is outside the scope of this advice request to provide further comment in terms of development outside of the submitted proposal.

### **Trees**

- 6.12. It should also be noted that due to the proximity to two protected trees and the fact that the taller structure may require deeper / amended footings to the allowed scheme; any formal submission would need to include an updated Arboricultural Report in order for the Council to review whether it would be feasible to complete the proposed works without causing damage to the adjacent mature Lime trees.

### **Residential Amenity**

- 6.13. Although the previous application was not refused for reasons of impact upon the amenity of neighbouring occupiers, due to the increased height and 'weight' of the structure this would require a fresh assessment.
- 6.14. Policy CS5 seeks to protect the amenity of Camden's residents by ensuring the impact of development is fully considered. 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. This includes privacy, outlook and implications on daylight and sunlight. CPG6 seeks for developments to be designed to protect the privacy of both new and existing dwellings to a reasonable degree and that the Council will aim to minimise the impact of the loss of daylight caused by a development on the amenity of existing occupiers.
- 6.15. The proposed outbuilding would contain habitable room windows at first and second floor levels, situated directly opposite residential dwellings along Holmdale Road with a separation distance of approximately 16.5m. Although the Council's CPG6 (Amenity) states that there should normally be a minimum distance of 18m between the windows of habitable rooms of different units that directly face each other, as this relationship would be the same as units within the adjacent building and any permission would be conditioned to ensure that the outbuilding remains ancillary to the house (if other issues had been successfully addressed), it is not considered that there would be any significant loss of privacy. Similarly due to the siting of the proposed structure and the building lines of surrounding properties and its location adjacent to the large flank elevation of the flatted block next door, it is not considered that the structure would cause a substantial loss of outlook from any habitable room windows.
- 6.16. Notwithstanding the above, as the structure would be sited due south of the garden of no.146, would immediately abut the shared boundary with this property and would have a height approximately 6m above the level of the garden fence, it is considered that the proposed outbuilding would result in direct overshadowing of this private garden and would appear visually overbearing upon this space. This is exacerbated by the use of solid materials the entire way up the rear elevation. It is considered that the harmful impact caused upon the amenity space for the residents of no.146 alone would form a reason for refusal.

### **Transport**

- 6.17. In terms of transport, the development does not involve a change of use or the creation of an additional dwelling and therefore the Council's cycle and car parking policies would not be applied.
- 6.18. As the proposal involves the loss of the garage in the rear garden of the property and its replacement with the proposed office/studio, the crossover which serves the garage will become redundant and can be removed, with the footway reinstated in its place. This will require the applicant to enter into a Section 106 Agreement in respect of highway works, as referred to below.

#### Managing the impacts of construction on the surrounding highway network

- 6.19. Camden LDF Development Policy DP20 states that Construction Management Plans should be secured to demonstrate how a development will minimise impacts from the movement of goods and materials during the construction process (including any demolition works). Camden Development Policy DP21 relates to how a development is connected to the

highway network. The Council secures CMPs via section 106 agreements in order to ensure that developments do not damage nearby properties or the amenity of neighbours. Even for smaller schemes, impacts in terms of noise and disturbances can be particularly disruptive dependant on site factors such as access, proximity to sensitive uses, and the nature and layout of sites as well as procedural factors such as the construction process length.

- 6.20. The site would be accessed from Holmdale Road via Mill Lane. Traffic flows are likely to be fairly low, however due to the amount of construction required for the proposed building and the sensitive nature of the local streets, a CMP would need to be secured.
- 6.21. Although it is noted that the allowed scheme was not subject to this requirement, it is the view of the Council's transport officers that due to the increased scale of development and the close proximity to a large number of residential units; the requirements for a CMP are now triggered by the proposed scheme. The Council's primary concern is public safety but we also need to ensure that construction traffic does not create (or add to existing) traffic congestion in the local area. The proposal is also likely to lead to a variety of amenity issues for local people (e.g. noise, vibration, air quality, temporary loss of parking, etc.) and so the Council would need to ensure that the development can be implemented without being detrimental to amenity or the safe and efficient operation of the highway network in the local area. A CMP would therefore need to be secured as a Section 106 planning obligation if all other issues had been addressed.
- 6.22. The Council has a CMP pro-forma which must be used once a Principal Contractor has been appointed. The CMP, in the form of the pro-forma, would need to be approved by the Council prior to any works commencing on site. A CMP Implementation Support Contribution of £1,140 would also need to be secured as a Section 106 planning obligation if planning permission were to be allowed. The CMP pro-forma and an advice note providing further information on this financial contribution are available on the Council's website [here](#).

#### Highway and Public Realm Improvements directly adjacent to the site

- 6.23. Policy DP21 states that 'The Council will expect works affecting Highways to repair any construction damage to transport infrastructure or landscaping and reinstate all affected transport network links and road and footway surfaces following development'.
- 6.24. A financial contribution for highway works for removing the redundant crossover and reinstating the footway directly adjacent to the site would consequently be sought under a s106 planning obligation if the above issues were to be addressed/allowed. This would allow for any damage caused during construction of the proposed development to be repaired and enable the proposal to comply with Development Policy DP21.

## **7. Conclusion**

- 7.1. Overall it is considered that the proposed 3 storey outbuilding would cause an unacceptable visual impact on, and would fail to remain visually subordinate to, the host garden and dwelling. It is also considered that the proposal would fail to retain visibility over garden boundary treatment to a greater extent than the previously refused scheme, further detracting from the open character and garden amenity of the neighbouring gardens and the wider surrounding area. It is also considered that without evidence to suggest otherwise, it is considered that the proposed building would cause significant over shadowing to the neighbouring garden of no.146 and would result on a visually overbearing impact upon this private amenity space. As such it is advised that the amended scheme is unlikely to be supported by planning officers were a formal application to be submitted.

## 8. Planning application information

8.1. If you submit a planning application which addresses the outstanding issue detailed in this report satisfactorily, I would advise you to submit the following for a valid planning application:

- Completed form – Householder
- An Ordnance Survey based location plan at 1:1250 scale denoting the application site in red.
- Floor plans at a scale of 1:50 labelled 'existing' and 'proposed'
- Roof plans at a scale of 1:50 labelled 'existing' and 'proposed'
- Elevation drawings at a scale of 1:50 labelled 'existing' and 'proposed'
- Section drawings at a scale of 1:50 labelled 'existing' and 'proposed'
- Design and access statement
- Sample photographs/manufacturer details of proposed brick cladding
- The appropriate fee (£172.00)
- Please see [supporting information for planning applications](#) for more information.

8.2. We are legally required to consult on applications with individuals who may be affected by the proposals. We would notify neighbours by putting up notices on or near the site and sending out e-alerts to local residents. The Council must allow 21 days from the consultation start date for responses to be received.

8.3. It is likely that a proposal of this size would be determined under delegated powers, however, if more than 3 objections from neighbours or an objection from a local amenity group is received the application will be referred to the Members Briefing Panel should it be recommended for approval by officers. For more details click [here](#).

**This document represents an initial informal officer view of your proposals based on the information available to us at this stage and would not be binding upon the Council, nor prejudice any future planning application decisions made by the Council.**

If you have any queries about the above letter or the attached document please do not hesitate to contact me direct.

Thank you for using Camden's pre-application advice service.

Yours sincerely,

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