

Delegated Report		Analysis sheet	Expiry Date:	05/04/2017
		N/A	Consultation Expiry Date:	09/03/2017
Officer			Application Number(s)	
Evelyn Jones			2017/0417/P	
Application Address			Drawing Numbers	
5 Chetwynd villas Chetwynd Road London NW5 1BT			5/17	
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature	
Proposal(s)				
Retrospective application for the erection of an outbuilding in the rear garden				
Recommendation(s):		Refuse Planning Permission and Enforce		
Application Type:		Householder Application		

Conditions or Reasons for Refusal:	Refer to Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	00	No. of responses	00	No. of objections	11
Summary of consultation responses:	<p>A site notice was displayed from 10/02/2017 and a public notice was published in the Ham & High from 16/02/2017.</p> <p>The owner/occupiers of 23 Woodsome Road, 6 Grove Terrace, Flat 2 3 Dartmouth Park Road, Lamorna Dartmouth Park Road, 9 Laurier Road, 8A Woodsome Road, The House Lisenden Gardens, 27 Dartmouth Park Avenue, 25 Croftdown Road, 2 Dartmouth Park Road and 1 Dartmouth Park Road objected to the proposal on the following grounds:</p> <ul style="list-style-type: none"> • The garden shed is oversized and unattractive. It is too large and high above the boundary wall. • The poor design is noticeable from Dartmouth Park Road, it is also crowding a tree on the corner of the property • The outbuilding blocks views through the gardens and houses of Chetwynd Road • This is not a replacement shed, in contrast to the previous structure the shed is oversized and visible, the outbuilding is much bigger than is stated on plans and does not fall within the perimeters of permitted development. • It is out of keeping with the design of other buildings in the area • It has the potential to impact immediate neighbours through deprivation of light into garden space • Approval could set a dangerous precedent • The drawings submitted show a much smaller shed than what was actually built • There is a tree at risk from the outbuilding • The shed projects above the back and west garden walls by 1.1 metres contrary to the Dartmouth Park Conservation Area Appraisal and Management Statement. • The shed is 200sqm and therefore much too large for a small area of garden space. • It is a poor quality design • It is an overbearing structure that only 4m from the living accommodation of some neighbouring properties will result in the loss of visual amenity • The shed is high above the garden wall and crowds the garden space • The shed will add to light pollution <p>The owner/occupiers of 2 Chetwynd Villas and 3 Chetwynd Villas made the following comments in support of the application:</p> <ul style="list-style-type: none"> • It is a contemporary well designed structure built in attractive timber which will soften over time. • The green roof will be an ecological benefit to the neighbourhood. • The shed is a positive addition to the neighbourhood, pleasant to look at and environmentally sound. 					

**Dartmouth Park
CAAC**

- The top of the development can be seen from Dartmouth Park Road
- It will also set a bad precedent for other properties in Chetwynd Villas.

Site Description

The site is a two storey end of terrace residential (Class C3) property located within the Dartmouth Park Conservation Area. The property has been identified as a positive contributor within the conservation area but is not listed.

Relevant History

No relevant site history

Relevant policies

National and Regional Policy

National Planning Policy Framework (2012)
London Plan (2016)

LDF Core Strategy and Development Policies

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

Camden Local Plan Submission Draft 2016 Policies

A1 - Managing the impact of development
D1 - Design
D2 - Heritage

Camden Planning Guidance

CPG1 Design (2015)
CPG6 Amenity (2011)

Dartmouth Park Conservation Area Statement 2009

Draft Camden Local Plan

The Inspector's report on the Local Plan was published on 15 May 2017 and concludes that the plan is 'sound' subject to modifications being made to the Plan. While the determination of planning applications should continue to be made in accordance with the existing development plan until formal adoption, substantial weight may now be attached to the relevant policies of the emerging plan as a material consideration following publication of the Inspector's report, subject to any relevant recommended modifications in the Inspector's report.

Assessment

1. Proposal:

1.1 The application proposes:

-The retention of a timber clad outbuilding, measuring approximately 2.8m in height, 6m in width and 3.2m in depth, providing 19.2sqm of ancillary space on the rear boundary of the rear garden. The outbuilding features two east facing windows and a pair of doors, a flat timber roof, with the intention to plant a green roof, and timber clad walls.

1.2 It is considered the proposed single storey outbuilding fails to satisfy criterion E.1 (e)ii of Class E, Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended). On this basis the proposal would not constitute permitted development.

1.3 The main issues for consideration are:

- The impact of the proposal upon the character or appearance of the building, the surrounding area and the wider Dartmouth Park Conservation Area and;
- The impact that the proposal may have upon the amenity of the occupiers of the neighbouring properties.
- The impact on trees within the garden.

2. Impact on the host building and surrounding area:

2.1 In consideration of Camden Planning Guidance, the construction of garden buildings, including sheds, stand-alone green houses and other structures in rear gardens, can often have a significant impact upon the character of an area. The Council would ensure the siting, location, scale and design of the proposed development has a minimal visual impact on, and is visually subordinate to, the host and surrounding gardens.

2.2 The Dartmouth Park Conservation Area Statement refers to front and rear gardens in residential streets as making an important contribution to the streetscape and character of the residential area. While the outbuilding would be contained to the rear garden of 5 Chetwynd Villas, given the gap between the residential buildings of Lamora and 1 Dartmouth Park Road that border the site to the rear, the outbuilding is visible from Dartmouth Park Road.

2.3 The application site forms part of a terrace of properties known as 1-5 Chetwynd Villas. These properties are much smaller in form than other properties within Chetwynd Road and Dartmouth Park Road and but as a result have larger gardens. No other properties within the terrace of Chetwynd Villas has built a structure in the rear garden or extended to the rear, therefore maintaining the appearance of these large open gardens.

2.4 To the rear, Dartmouth Park Road is made up of large four storey semi-detached properties with substantial gardens backing onto the rear gardens of Chetwynd Road. To the east end of Dartmouth Park Road are 2 x two-storey detached residential buildings. One of these properties, the building known as Lamora, backs onto the subject site. This has very little garden space and therefore rear elevation windows are approximately 3m from the outbuilding.

2.5 In terms of siting and design, the outbuilding covers 19.2sqm of a garden measuring 82sqm and is designed appropriately as a standalone garden structure. Within its setting however, it is considered the outbuilding, by virtue of its size, bulk and position at raised garden floor level, is the subject of clear and direct view points. Whilst the outbuilding is level with the 3m high boundary wall with the neighbouring property at 1 Chetwynd Road, it rises approximately 1m above the boundary fence with 4 Chetwynd Villas. It is also level with the 3m high open weave timber fence boundary with Lamora. The outbuilding can be viewed from the all properties comprising Chetwynd Villas, many properties on Chetwynd Road and Dartmouth Park Road and particularly in close views from the rear elevations of

the properties on Dartmouth Park Road. It is considered neither the surrounding mature trees, nor the boundary walls and associated screening would discreetly hide nor adequately compensate the surrounding properties and gardens in respect of their views of a widely visible, intrusive, overly dominant and incongruous feature.

2.6 Where the surrounding properties on Chetwynd Road and Dartmouth Park Road have retained a sense of openness, contributing greatly to the character and appearance of the surrounding area and conservation area. It is considered the outbuilding, by virtue of its location and position to the end of the garden, scale, size and bulk, spoils the sense of garden openness when viewed from the surrounding properties and from Dartmouth Park Road.

2.7 Within this context, it is considered the proposal would constitute an unduly prominent element which would detract from the open character of the neighbouring gardens and the wider surrounding area. The proposal would therefore neither preserve nor enhance the character or appearance of the terrace or the Dartmouth Park Conservation Area.

3. Neighbour amenity

3.1 It is considered that no undue harm would be caused with regard to the amenity of the neighbouring properties in terms of access to sunlight, daylight, visual bulk or sense of enclosure. While the residential building of Lamora bordering the site to the rear has a rear window 3m from the outbuilding, the angle of the building in relation to the window is such that is considered there would be no impact on amenity of residents of the building Lamora.

3.2 With particular regard to privacy, noise and disturbance associated with the use of the outbuilding, it is considered the level of activity associated with the reasonable use of an outbuilding of this size for domestic purposes would not materially harm the living conditions of nearby residents, particularly those along Dartmouth Park Road.

4. The impact on trees within the garden.

4.1 One point of objection raised by a neighbouring property relates to a hawthorn tree in the rear corner of the garden that the structure encroaches on. The council's tree officer has reviewed the application and has confirmed there is no tree preservation order within the boundaries of the site or any bordering properties. The development is not considered to impact on any trees within the site or adjoining properties.

5. Recommendation:

a) Refuse planning permission

b) Authorise enforcement action

That the Borough solicitor be instructed to issue an Enforcement Notice under Section 172 of the Town & Country Planning Act 1990 as amended and to pursue any legal action necessary to secure compliance and officers be authorised in the event of non-compliance, to prosecute under section 179 or appropriate power and/or take direct action under 178 in order to secure the cessation of the breach of planning control.

The Notice shall allege the following breach of planning control:

The unauthorised erection of a single-storey outbuilding located in the rear garden

The Notice shall require within a period of 2 calendar months of the Notice taking effect:

Remove the single-storey outbuilding located in the rear garden.

REASONS WHY THE COUNCIL CONSIDER IT EXPEDIENT TO ISSUE THE NOTICE.

The single-storey outbuilding located in the rear garden, by reason of its scale and location would be overly dominant and appear as an incongruous form of development which would neither preserve nor enhance the character or appearance of the surrounding area, contrary to policy CS14 (Promoting high quality places and conserving our heritage) of the London Borough of Camden Local Development Framework Core Strategy, policy DP24 (Securing high quality design) of the London Borough of Camden Local Development Framework Development Policies and policies D1 (Design) and D2 (Heritage) of the Camden Local Plan Submission Draft 2016.