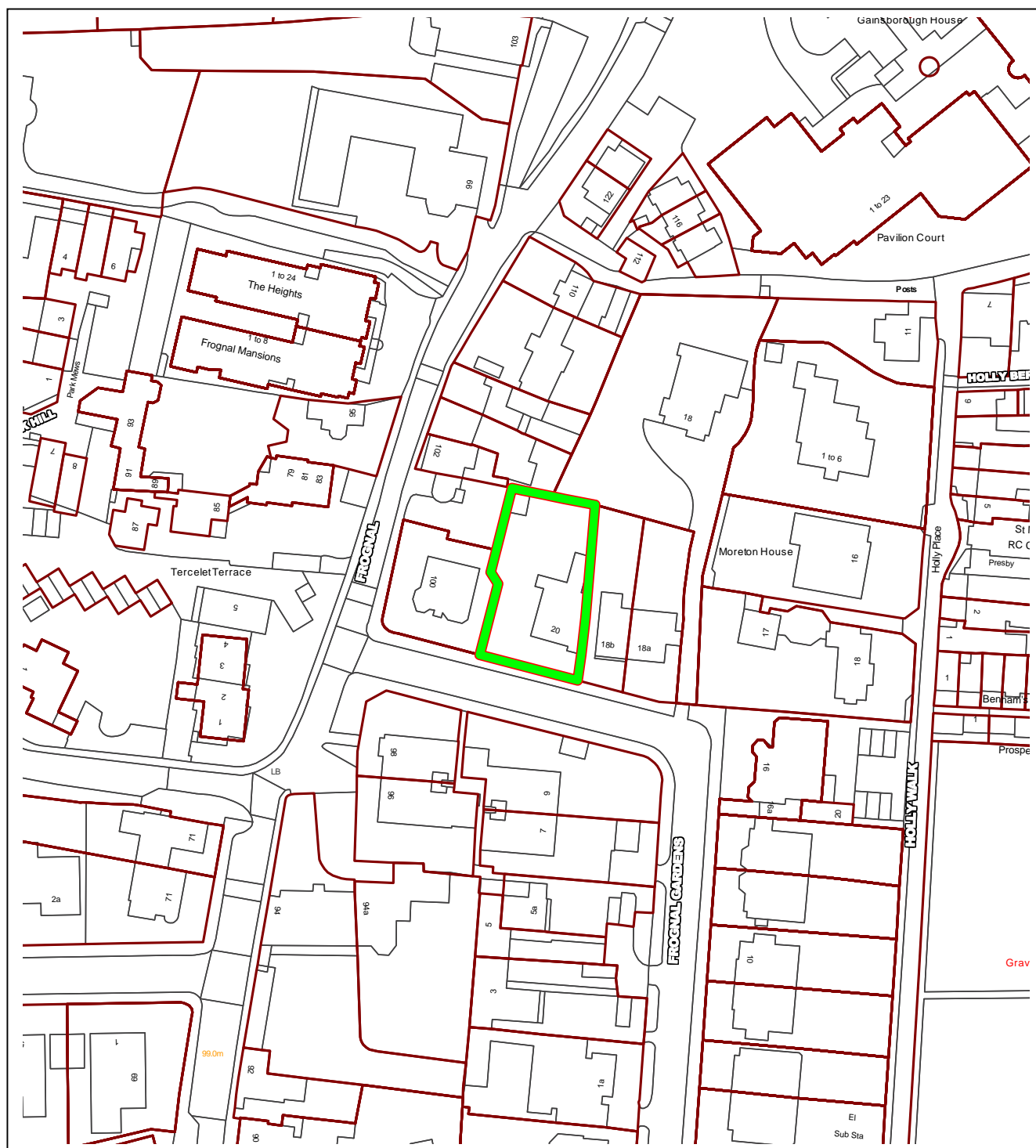


2017/1781/P - 20 Frognal Gardens



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Photo 1 – front elevation view



Photos 2 & 3 – street views





Photos 4 & 5 – views from front garden towards rear garden space (north)



Photo 6 – view from within rear garden (south-west)





Photos 7 & 8 – views of space where outbuilding would be sited (south-west)

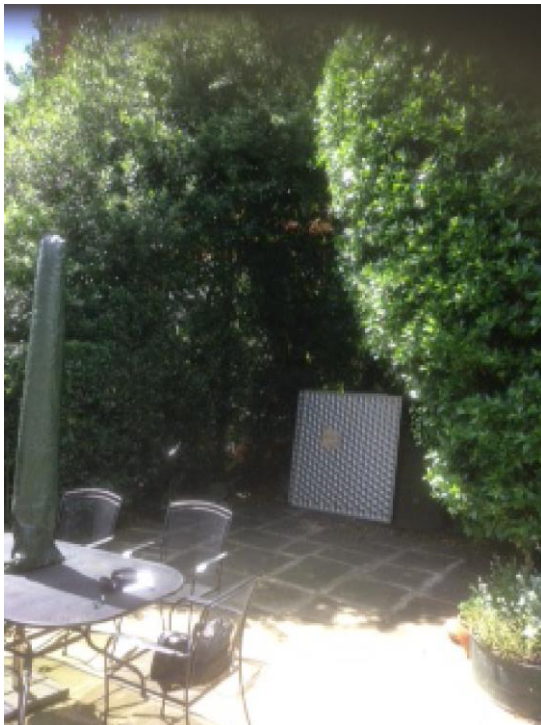


Photo 9 & 10 – rear garden views (north)



Photos 11 & 12 – rear garden views (north-east)



<b>Delegated Report (Members Briefing)</b>		<b>Analysis sheet</b>		<b>Expiry Date:</b>	27/06/2017
		N/A		<b>Consultation Expiry Date:</b>	08/06/2017
<b>Officer</b>			<b>Application Number(s)</b>		
Tony Young			2017/1781/P		
<b>Application Address</b>			<b>Drawing Numbers</b>		
20 Frogna! Gardens London NW3 6XA			Refer to draft decision notice		
<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 a single storey timber outbuilding in rear garden for ancillary residential purposes.					
<b>Recommendation(s):</b>		Grant Planning Permission (with conditions)			
<b>Application Type(s):</b>		Householder Application			

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	0	No. of responses	01	No. of objections	01
			No. Electronic	01		
Summary of consultation responses from local residents	<p><u>Original proposals:</u> Site notice was displayed from 30/03/2017 to 20/04/2017 Press notice was published on 06/04/2017 and expired 27/04/2017</p> <p><u>Revised proposals:</u> Site notice was displayed from 17/05/2017 to 07/06/2017 Press notice was published on 18/05/2017 and expired 08/06/2017</p>					
CAAC/Local groups comments	<p>Local resident (L.Hinder) living at 83B Frognal objected to the <u>original</u> proposals as follows:</p> <p>1. “Object to planning application 2017/1781/P. Their hedges block pedestrians trying to use the pavement.”</p> <p>Local resident (L.Hinder) also objected to the <u>revised</u> proposals as follows:</p> <p>2. “I think this house already overcrowds the lot space. the hedges overhang the walkway exceedingly. The cars take up the drive right to the property line. There is boxy addiction to side of home.”</p> <p><u>Officer response to points 1 &amp; 2 above:</u> The condition of the front hedges and existing parking arrangements fall outside the scope of these proposals, and as such, have not be considered as part of this application. The dimensions and siting of the proposed outbuilding have been considered within the main body of the report (see paragraphs 1-19).</p> <p>Hampstead CAAC objected to the <u>original</u> proposals as follows:</p> <p>3. “Object to the proposed front garden building. It is against policy and the CA Statement to be causing harm to the CA character with such an additions potentially acting as precedent.”</p> <p>4. “Such a building at 5 x 4 metres on plan is not to be considered ancillary to the use of the original building.”</p> <p>5. HCAAC is not convinced by the hedge shown as concealment of the proposed building.”</p> <p>Hampstead CAAC also objected to the <u>revised</u> proposals as follows:</p> <p>6. “We have reviewed this and are of the opinion the application should still be refused. We have only just seen that there is an outbuilding already in the rear garden.”</p> <p>7. Moreover the relocated proposed outbuilding would still be visible</p>					

*from the street. Accordingly we object to any proliferation of such and you will know it threatens damaging precedent."*

8. *We hope the council is alive to the threat to the CA posed by 'air-bnb' type arrangements, threat of growth of less desirable accommodation for home-workers, etc. While we acknowledge the NPPF stress on 'development' we think officers will conclude that outbuildings do not constitute such, otherwise we are agreeing to unwarranted and uncontrolled enlargement of accommodation which is harmful to the CA."*

Officer response to points 3-8 above:

3 & 5 - revisions have been received that address these concerns (see paragraphs 3-4);

4, 6 & 7 - the dimensions, siting and visibility of the proposed outbuilding have been considered within the main body of the report (see paragraphs 1-19).

8 - the outbuilding would be used as a space ancillary to the residential purposes of the main dwelling house only and cannot be used as self-contained accommodation without planning permission.

Heath & Hampstead Society objected to the original proposals as follows:

9. *"Garden buildings/summerhouses of this general description are often quite acceptable, but not when they are located in the front garden of the property."*
10. *"This proposal is for a large building, 4.9 x 3.9 x 2.8 ht, and potentially very obtrusive, close to the street boundary, and the adjoining house."*
11. *"The applicants make the point that it would be screened by the existing high hedges which surround the garden, and thus be invisible. This might be the case at the moment, but there is no guarantee that the hedges might not be cut down or reduced in height in the future; they are indeed very conspicuous, and might not please a future owner, or one next door. Temporary screening of this nature cannot be considered permanent elements in a Planning decision."*

Officer response to points 9-11 above:

9 - revisions have been received that address this concern (see paragraphs 3-4);

10 & 11 - the dimensions, siting and visibility of the proposed outbuilding have been considered within the main body of the report (see paragraphs 1-19).

## Site Description

The application site is located on the northern side of Frognaal Gardens. The property consists of a 2-storey detached dwelling house with large front to rear garden area within the western side of the property.

The building is not listed and sits within the Hampstead Conservation Area. It has been identified as being a neutral contributor within the conservation area (Hampstead Conservation Area Statement (adopted October 2001).



## Relevant History

2013/6781/P - Non-material amendment to planning permission dated 11/02/2013 (ref 2012/6664/P), namely to allow the additions to existing rear extension parapet. Amendments granted approval 19/11/2013

2012/6664/P - Installation of 3 dormer windows, one each in front, side and rear roofslope, skylight to side roofslope, installation of new roof to garage, replacement of garage door with entry door and timber screen, french doors and Juliet balcony at rear first floor level, alterations to windows/doors to existing rear single-storey extension, installation of new gate to front boundary, associated landscaping including light bollards and privacy fence all in connection with dwelling house (Class C3). Planning permission granted 11/02/2013

2012/5969/P - Erection of shed in rear garden of dwelling house (class C3). Lawful development certificate issued 21/01/2013

E6/12/7/8136 - Erection of a garage, and the formation of a means of access to the highway to enable part of front garden to be used for car parking. Planning permission granted 03/02/1970

E6/12/7/7175 - To form a means of access to the highway and provide forecourt parking. Planning permission granted 25/08/1969

E6/12/7/5960 - Erection of car port in front garden and construction of new means of access to the highway. Refused planning permission 14/11/1968 by virtue of not being in keeping with the scale and character of existing building, and adverse visual impact.

E6/12/7/4853 - Erection of a single storey rear extension to the existing house, comprising a guest room and toilet. Planning permission granted 20/03/1968

174500/42468 - Erection of a garage at the side of the premises. Planning permission granted 17/12/1937

## Relevant policies

### National Planning Policy Framework 2012

### The London Plan March 2016

### LDF Core Strategy and Development Policies

#### Core Strategy

CS5 (Managing the impact of growth and development)

CS14 (Promoting high quality places and conserving our heritage)

CS15 (Protecting and improving our parks and open spaces and encouraging biodiversity)

#### Development Policies

DP22 (Promoting sustainable design and construction)

DP24 (Securing high quality design)

DP25 (Conserving Camden's heritage)

DP26 (Managing the impact of development on occupiers and neighbours)

### Camden Planning Guidance

CPG1 (Design) 2015 – chapters 4 (Extensions, alterations and conservatories) and 6 (Landscape design and trees)

CPG3 (Sustainability) 2015 – chapter 10 (Brown roofs, green roofs and green walls)

CPG6 (Amenity) 2013 – chapters 6 (Daylight and sunlight) and 7 (Overlooking, privacy and outlook)

### 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.

The relevant policies are as follows:

A1 - Managing the impact of development  
A3 - Biodiversity  
D1 - Design  
D2 - Heritage  
CC1 - Climate change mitigation  
CC2 - Adapting to climate change

### **Hampstead Conservation Area Statement (adopted October 2001)**

**Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Enterprise and Regulatory Reform Act (ERR) 2013**

## **Assessment**

### **Proposal**

1. Planning permission is sought for the erection of a single storey timber outbuilding for ancillary residential purposes located in the rear garden close to the western boundary.
2. The external dimensions of the outbuilding are 4.4m wide x 3.6m deep x 2.8m high from ground level and with an internal floor area of 10.7sqm. The structure would be clad in premium grade western red cedar timber with glazed doors in the east elevation and a window in the south elevation. The windows would be made from Scandinavian laminated pine and the outbuilding would have a flat roof. The outbuilding would be supported by adjustable bearing shoes that do not require conventional foundations.

### **Revisions**

3. Concerns were initially raised with the applicant in relation to original proposals to position the structure at the front of the property and forward of the principal elevation and how these alterations might impact on the character and appearance of the building and any affected trees, especially given that the site sits within the Hampstead Conservation Area. In response, the proposal was revised and drawings amended to relocate the structure towards the rear of the property adjacent to the side of the main house and the external dimensions of the structure were reduced. An arboricultural impact assessment was also carried out in relation to any affected trees and details concerning sedum/green roof considerations were submitted.

### **Assessment**

4. The principal considerations material to the determination of this application are:
  - a) the design and impact of the proposal on the character and appearance of the Hampstead conservation area; and
  - b) impact of the proposal on neighbouring amenity.

### **Design and appearance**

5. Development Policy DP24 (Securing high quality design) of the LDF Core Strategy and Development Policies 2010 establishes that careful consideration of the characteristics of a site, features of local distinctiveness, and the wider context is needed in order to achieve high quality development in Camden which integrates into its surroundings. It advises that *“Designs for new buildings, and alterations and extensions, should respect the character and appearance of the local area and neighbouring buildings. Within areas of distinctive character, development should reinforce those elements which create the character”*.
6. Policy DP25 (Conserving Camden’s heritage) also states that the Council will only permit development within conservation areas that preserves and enhances the character and appearance of the area. The Hampstead Conservation Area Statement adopted in 2001 supports this when stating that it’s designation as a conservation area, *“provides the basis for policies designed to preserve or enhance the special interest of such an area.”*
7. More specifically with regard to structures in rear gardens, the Camden Planning Guidance (CPG1 – Design) asserts 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’*.
8. The outbuilding would be used as a space ancillary to the residential purposes of the main dwelling house.
9. The footprint, size, scale, height and massing of the proposed structure are considered to be acceptable in the context of this large residential garden space. Whilst it is recognised that an existing permitted shed already exists in the north-western corner of the rear garden (with a floor area of approximately 15sqm), the addition of the proposed outbuilding (with a floor area of approximately 14.8sqm) within a total garden area of approximately 510sqm, would amount to a relatively small cumulative total of garden space occupied by both structures (approximately 5%). The remaining available garden area would be approximately 480sqm and is considered more than a reasonably sized garden and would retain the open character of existing natural landscaping and garden amenity.
10. The structure would be set in from the nearest boundary fence (with no. 100 Froggnal) by approximately 600mm. The boundary treatment between this nearest neighbouring garden consists of a low wooden fence, various trees and vegetation which are considered would significantly limit the visual impact of the outbuilding. Given the dimensions of the proposed structure, it is considered that the numerous mature trees and vegetation surrounding the garden space would provide an extensive amount of natural screening from all private views, as well as, ensuring that the outbuilding would not be visually prominent from longer views at the front of the property or within the wider public realm. It is therefore considered that the siting, location and scale of the outbuilding would be visually subordinate to the host garden and would not detract from the open nature at the rear by virtue of its size and bulk.
11. The outbuilding would be constructed from high quality and natural materials, including red cedar and pine timber. These materials are considered to be appropriately sensitive to the special qualities of the host building and in keeping with the open, generous gardens which benefit from natural planting, and would also respect the character and appearance of the neighbouring buildings and wider Hampstead Conservation Area.
12. Overall, in design terms therefore the proposals are considered to preserve and enhance the character or appearance of the Hampstead Conservation Area, and as such, the proposals are in accordance with Council policies and guidelines, and would be acceptable.
13. Special attention has been paid to the desirability of preserving or enhancing the character or appearance of the Hampstead Conservation Area, under s.72 of the Listed Buildings and Conservation Areas Act 1990 as amended by the Enterprise and Regulatory Reform Act (ERR) 2013.



## Amenity

14. Policy CS5 (Managing the impact of growth and development) seeks to protect the amenity of Camden's residents by ensuring the impact of development is fully considered. Furthermore, Policy DP26 (Managing the impact of development on occupiers and neighbours) 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, overlooking, 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.*"
15. More specifically with regard to structures in rear gardens, the Camden Planning Guidance (CPG1 – Design) asserts that, '*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 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*'.
16. Given the the outbuilding's position towards the rear of the garden, the discrete nature of the siting surrounded by existing foliage, trees and boundary fences, as well as, the height of the structure at 2.8m relative to this screening, it is not considered that the proposals would be overbearing or result in any significant sense of enclosure, nor have any adverse impacts on levels of outlook or overlooking to either neighbours or existing and future occupiers of the host property.
17. The proposed glazed doors and window would face towards the residential unit it serves and towards the front garden space, and so would not adversely impact on neighbouring properties in terms of outlook or overlooking. Any possible light spillage from the proposed doors and windows is also considered to be small given that they will face away from any nearby neighbouring properties. Furthermore, there would also be no undue harm caused to the amenity of the neighbouring properties in terms of loss of sunlight or daylight given the position and relative heights of the proposed outbuilding, boundary treatments, and larger main properties surrounding the site location.
18. Due to the location and nature of the proposals, they are not considered to cause harm to neighbouring amenity in terms of outlook, overlooking, light-spill, loss of sunlight/daylight, or increased sense of enclosure. The proposals therefore accord with policies CS5 and DP26, and with Camden Planning Guidance.

### Other issues:

#### Trees

19. Policy DP24 states that, '*Development will not be permitted which fails to preserve or is likely to damage trees on a site which make a significant contribution to the character and amenity of an area*'.
20. The proposed scheme involves the remove of a small group of Holly and Bay Laurel trees (TG1). Group TG1 are considered to make a low contribution to the character of this part of the Hampstead Conservation Area and are of low visibility from the public realm. The removal this group are not considered to affect the screening that other existing trees and shrubs that are to be retained provide to neighbouring properties. As such, the removal of group TG1 is considered to be acceptable in planning terms to facilitate development.
21. Furthermore, the Arboricultural Impact Assessment is considered sufficient to demonstrate that the trees to be retained will not be adversely affected by the proposals as the proposed

scheme does involve excavation works within the root protection areas of some trees that are proposed to be retained. The degree of encroachment in these areas is minimal and will be undertaken by hand with any significant roots (those over 25mm in diameter in line with BS5837:2012) will be retained. As such, the impact of the scheme on the trees that are proposed to be retained is considered acceptable in planning terms.

### **Sedum/Green Roof**

22. CPG3 (Sustainability) recognises the important role that green and brown roofs and green walls can play in achieving a sustainable development, and states that, *'the Council will expect all developments to incorporate brown roofs, green roofs and green walls unless it is demonstrated this is not possible or appropriate'*. Policy DP22 affirms that green and brown roofs can often be easily incorporated into a flat roof.
23. The application does not include a sedum or green roof as part of the proposals. A document submitted with the application from a green roof supplier states that due to the shading from existing evergreen trees and shrubs a sedum or green roof would not receive adequate light to thrive and be adequately maintained. The Council's Tree Officer shares this view, and in this instance, it is accepted that a sedum or green roof is not considered suitable for the development.

### **Recommendation**

24. The proposed development is considered acceptable in terms of its design and impact on the Hampstead Conservation Area, and there is considered to be no adverse impact on the residential amenity of neighbouring occupiers. The development is also deemed consistent with the objectives, guidance and policies identified above. It is therefore recommended that planning permission be granted.

### **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 26th June 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'.***

Miss Zainab Khan  
Ecospace  
5a/6a Iliffe Yard  
London  
SE17 3QA

Application Ref: **2017/1781/P**  
Please ask for: **Tony Young**  
Telephone: 020 7974 **2687**

19 June 2017

**DRAFT**

Dear Sir/Madam

## **DECISION**

Town and Country Planning Act 1990 (as amended)

### **Householder Application Granted**

Address:  
**20 Frognal Gardens**  
**London**  
**NW3 6XA**

**DECISION**

#### **Proposal:**

Erection of a single storey timber outbuilding in rear garden for ancillary residential purposes.  
Drawing Nos: 1710.PL.01A, 1710.PL.02A, 1710.PL.03A, 1710.PL.04, 1710.PL.05;  
Arboricultural Impact Assessment from Tamala Trees Consulting Arborists (ref. 02700R)  
dated June 2017; Sedum Roof email from Bauder Ltd. received 13/06/2017; Design &  
Access Statement from Ecospace (ref. 1710.DAS.01B) received 11/05/2017.

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 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 2010, policies DP24 and DP25 of the London Borough of Camden Local Development Framework Development Policies 2010, and policies D1 and D2 of the Camden Local Plan Submission Draft 2016.

- 3 The development hereby permitted shall be carried out in accordance with the following approved plans: 1710.PL.01A, 1710.PL.02A, 1710.PL.03A, 1710.PL.04, 1710.PL.05; Arboricultural Impact Assessment from Tamala Trees Consulting Arborists (ref. 02700R) dated June 2017; Sedum Roof email from Bauder Ltd. received 13/06/2017; Design & Access Statement from Ecospace (ref. 1710.DAS.01B) received 11/05/2017.

Reason:

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

Informative(s):

- 1 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.
- 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.
- 3 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).

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 Regeneration and Planning

**DRAFT**

**DECISION**