

10 Rosslyn Hill - 2017/2356/P





Front boundary of 10 Rosslyn Hill

Delegated Report		Analysis sheet		Expiry Date:		20/06/2017	
(Members Briefing)		N/A / attached		Consultation Expiry Date:		08/06/2017	
Officer				Application Number(s)			
Rachel English				2017/2356/P			
Application Address				Drawing Numbers			
10 Rossllyn Hill London NW3 1PH				See draft decision			
PO 3/4		Area Team Signature		C&UD		Authorised Officer Signature	
Proposal(s)							
Alterations to front boundary including widening of entrance, installation of new gates and bin store.							
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	02	No. of objections	02
			No. Electronic	00		
Summary of consultation responses:	<p>Site notice displayed from 12/05/2017 until 02/06/2017 Press notice displayed from 18/05/2017 until 08/06/2017</p> <p>The occupiers of Flat 4 and Flat 8, 8 Rosslyn Hill have objected to the application on the following grounds:</p> <ol style="list-style-type: none"> 1) Agree with the response submitted by the Heath and Hampstead Society 2) The proposed replacement gate in the front wall of No 10 would be wide enough for a car to enter and be parked in the front garden. The proper owner does say, in his application, that a new or altered vehicle access is not proposed to or from the public highway but [only] a new or altered pedestrian access. The current gate size (in Houses No 4-10) has space for wheelchair access and is therefore quite wide enough for pedestrians It is not clear whether an alteration to the kerb has been requested, but it does seem likely that this new, double-sized gate would be a step in the direction of the property owner renewing his application (at some point) for front-garden parking. He does refer to the purpose of the gate as 'new service access' for the 2 wheeled storage bins in use. However, there is no difficulty in wheeling bins onto the street via the existing gateway. 3) Dangers to pedestrians (especially for children going to school on their scooters) of cars being driven into gardens and the lessening of communal parking space that this creates. 4) There is no reason given in the application for the installation of a proposed wider gate. <p><u>Officer response</u></p> <ol style="list-style-type: none"> 1) Noted 2) and 3) The application does not propose installing a vehicle crossover or removing the on street car parking spaces outside the site. A previous dismissed appeal decision was clear that onsite car parking was not appropriate for this site. 4 The applicant has stated that they seek the wider entrance gate in order to allow for access for larger garden equipment. 					
CAAC/Local groups comments:	<p>The Hampstead CAAC have the following objections to the application:</p> <ol style="list-style-type: none"> 1) The two trees should not be removed 2) The boundary wall should not be modified to provide off-street parking 3) Would harm the Conservation Area 					

Officer response

- 1) See section 3 of the main report below
- 2) and 3) See section 2 of the main report below

The Heath and Hampstead Society make the following comments on the application:

- 1) The proposed gate, shown as 2.1 m. wide, would be wide enough for a car to enter and be parked in the front garden.
- 2) Parking in gardens is not acceptable in Camden`s Plan and indeed not acceptable on new housing in the new Local Plan
- 3) The pavement is wide and has much pedestrian traffic.
- 4) Any car backing in or out of this garden into a busy road would be an `accident waiting to happen`
- 5) The proposed new gates should be refused or limited in width to the existing main entrance(approx. 1m.) which is wide enough for removing refuse - but not wide enough for a car.

Officer response

- 1) -5) See paragraph 1.3 of the main report below.

Site Description

The application site contains a five-storey dwelling house. It forms part of a semi-detached pair of villas together with no. 8 Rossllyn Hill. The plot is characterised by mature planting to both the front and rear.

Similar semi-detached residential properties adjoin the site on all sides; with the exception of the Grade II listed No. 12 Rossllyn Hill (on the junction of Rossllyn Hill and Hampstead Hill Gardens) immediately to the north-west of the application site.

The site is located within the Hampstead Conservation Area and the building is noted in the Hampstead Conservation Area Statement as making a positive contribution to its character and appearance.

Relevant History

2015/3516/P - Widen existing opening on the front boundary wall to create a vehicular entrance with new timber sliding gate and associated dropped kerb. Refused on 13/10/2015 for the following reason:

The proposed development, by reason of the creation of an off-street private parking space and vehicular crossover would encourage the use of unsustainable forms of transportation and would result in an unacceptable loss of on street parking spaces in a Controlled Parking Zone that is identified as being under pressure therefore resulting in further parking stress in the area. The proposal would therefore be contrary to Camden Local Development Framework Core Strategy and Development Policies CS11, DP18, DP19, and DP21, NPPF (2012), and policy 6.13 of the London Plan March 2015 consolidated with alterations since 2011.

Dismissed at appeal on 3rd May 2016

2014/5135/T – Notification of intended works to trees in a Conservation Area. REAR GARDEN: 1 x Ash - Reduce crown all round by 20-25%. Thin and clean out crown. Lift canopy over garden by 1-2m. 1 x Horse Chestnut - Fell to ground level. FRONT GARDEN: 1 x Ash - Fell to ground level. 1 x Sycamore - Fell to ground level. No objection 31/10/2014

2012/4902/P – Planning permission was granted on 15/11/2012 for the enlargement of front basement lightwell, installation of new York Stone steps to side. Approved on 15 November 2012

2010/6339/P – Planning permission was granted on 24/01/2011 for the erection of a 2 storey side extension at lower ground and ground level with external staircase to rear elevation following demolition of existing extension;, and various fenestration alterations including installation of sash windows to rear and side elevations (Class C3).

2010/4543/P – Planning permission was granted on 19/10/2010 for a change of use from two self-contained residential units into a single dwelling house (Class C3) and associated alterations to rear elevation lower ground floor bay window.

2007/6411/P – Planning permission was refused on 03/07/2008 for the formation of a new vehicular entrance with metal gates and associated hard standing for one car space.

Relevant policies

Camden Local Plan 2017
Policy A1 Managing the impact of development
Policy D1 Design
Policy D2 Heritage
Policy T2 Parking and car free development

Camden Planning Guidance
CPG1 (Design) 2015
CPG6 (Amenity) 2011

Hampstead Conservation Area Statement (2001)

The London Plan (2011)
The NPPF 2012

Assessment

1.0 Proposal and background

1.1 Planning permission is sought for the existing secondary front boundary access to be widened from 1170mm to 2100mm to enable rubbish bins containers to be wheeled in and out and garden maintenance equipment to access the property. The proposals include rebuilding a stuccoed gate post to match the existing and reinstating/repairing the existing stuccoed walls. There would be new wrought iron gates installed which would be similar to those at number 12 Rosslyn Hill and a new timber sliding gate.

1.2 A new bin enclosure would be constructed adjacent to the enlarged side access and finished in painted render.

1.3 As stated above, the purpose of the works is to facilitate garden equipment and is not intended for use as a car parking space. The car parking space would not meet the standards set out for a standard off-street car parking as specified in Figure 2 of Camden Planning Guidance (Transport) which is 2.4metres wide x 4.8metres wide, the application does not include the creation of a vehicle crossover and does not seek permission to block up existing on street parking spaces outside the site. Therefore anyone wishing to access the front garden with a vehicle, based on this proposal, would have to cross an on-street parking space, drive up the kerb and drive 6metres across the pavement in order to access the front garden. The Planning Inspector from the appeal on the site in 2015 was clear that the use of the front garden for a car parking space would have a harmful effect on sustainable transport objectives. Policy T2d. of the Local Plan 2017 resists the development of boundary treatments and gardens to provide vehicle crossovers and on-site parking.

1.4 This application is assessed in terms of the impact on the host building and Conservation Area, loss of trees and the impact on the amenity of surrounding occupiers.

2.0 Design and impact on the host building, adjacent listed building and the Conservation Area

2.1 The proposal is the same in design terms as the scheme refused in 2015 (ref 2015/3516/P) except that there is no off-street parking space proposed. The refused planning application to widen the existing opening on the front boundary wall to create a vehicular entrance with new timber sliding gate and associated dropped kerb was refused and dismissed at appeal. The Council and the Inspector did not refuse the application on design terms or due to the impact on the Conservation Area therefore this application cannot be refused on that basis. There would be no harm to the setting of the adjacent listed building at number 12 Rosslyn Hill. The Inspector concluded that *"I have had special regard to the desirability of preserving the setting of No 12 Rosslyn Hill which is a distinct detached property with a well defined curtilage, and I am satisfied that the appeal proposal would not*

affect its setting.”

2.2 The Inspector also concluded that: *“The effect of the proposal on the Conservation Area was not a reason for refusal and I also consider that proposal would preserve the character and appearance of Hampstead Conservation Area.”*

2.3 There is no objection to the proposal in design terms

3.0 Loss of trees

3.1 The Hampstead CAAC have objected to the application on the grounds of the loss of two trees from the front garden, shown on the drawings as to be removed. These trees are an ash and a sycamore tree. No objection was given to the felling of the two trees when the Applicant notified the Council in 2014 (ref 2014/5135/T). The Council’s Tree Officer has looked at the current proposals and considers that whilst the trees are visible from the public realm and to some degree, contribute to the streetscape, both trees have significant structural defects which will significantly life expectancy irrespective of the proposed development.

3.2 Given the previous approvals on this site there are no changes in circumstance since 2014 to warrant retaining the trees and therefore there is no objection to the removal of these two trees in the front garden.

4.0 Impact on amenity

4.1 As the proposals relate to works to the front boundary. There would be no impact on the adjacent occupiers in terms of amenity.

5.0 Conclusion

5.1 The application is recommended for conditional approval.

The decision to refer an application to Planning Committee lies with the Director of Regeneration and Planning. Following the Members Briefing panel on Monday 17th July 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’.

Mr Michael Seiersen
Flat 6
128 Albert Street
LONDON
NW1 7NE

Application Ref: **2017/2356/P**
Please ask for: **Rachel English**
Telephone: 020 7974 **1343**

12 July 2017

DRAFT

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Full Planning Permission Granted

Address:
10 Rosslyn Hill
London
NW3 1PH

DECISION

Proposal:
Alterations to front boundary including widening of entrance, installation of new gates and bin store.

Drawing Nos: Siteplan, (RH.GA.) 01, 02, 03 and Design and Access Statement dated April 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 wall 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 policies D1 and D2 of the London Borough of Camden Local Plan 2017.

- 3 The development hereby permitted shall be carried out in accordance with the following approved plans: Siteplan, (RH.GA.) 01, 02, 03 and Design and Access Statement dated April 2017.

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

Informative(s):

- 1 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts that 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, Judd St, Kings Cross, London NW1 2QS (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 Noise and Licensing Enforcement Team, Camden Town Hall, Judd St, Kings Cross, London NW1 2QS (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 Regeneration and Planning