

Delegated Report		Analysis sheet	Expiry Date:	08/05/2017
		N/A	Consultation Expiry Date:	18/05/2017
Officer			Application Number(s)	
John Diver			2017/1445/P	
Application Address			Drawing Numbers	
Garden Studio Flat 61 Oakley Square London NW1 1NJ			<i>See decision notice</i>	
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature	
Proposal(s)				
Erection of a single storey extension to existing garden outbuilding				
Recommendation:	Refuse planning permission			
Application Type:	Full Planning Permission			

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice			
Informatives:				
Consultations				
Summary of consultation:	<p>3 site notices were displayed near to the site on 20/04/2017 (consultation end date 11/05/2017) one in front of the property, on near 206 Eversholt Street and one on Crowndale Road near the Crowndale PH.</p> <p>The development was also advertised in the local press on 27/04/2017 (consultation end date 18/05/2017).</p>			
Adjoining Occupiers:	No. of responses	02	No. of objections	02
Summary of consultation responses:	<p>Letters of objection were received from the owners/occupiers of 54 Oakley Square as well as one undefined address within Oakley Square. The comments raised can be summarised as follows:</p> <ul style="list-style-type: none"> • Extension to existing outbuilding would lead to an unacceptable loss of garden space, detrimental to character of GII listed building • Outbuilding is in use as a dwelling which is not permitted and should not be encouraged/allowed • Extension would result in an overdevelopment of the application site • Loss of outlook and light • Extension would lead to an overbearing visual impact • Development would exacerbate issues of local traffic, parking and waste collection due to new unit added • Resulting property severely overcrowded 			
Camden Town CAAC:	No responses were submitted following consultation.			

Site Description

The application relates to a garden outbuilding within the curtilage of a 4 storey (plus basement) terraced former dwellinghouse on the North West side of Oakley Square, NW1. The property, as well as the rest of the terrace (nos.58-70 Oakley Sq) are Grade II listed as well as being located within the Camden Town conservation area. This listing was made on the 11 Jan 1999 and the entry describes the properties as follows:

"Terrace of 13 houses. c1845-59. Yellow stock brick with stucco dressings, 2nd floor continuous sill band and mutule cornice; channelled stucco ground floors. 4 storeys and basements. 2 windows each. Prostyle porticos and mostly panelled doors with overlights; approached by steps. Ground floor sashes round-arched with keystones and some with cast-iron window guards. Upper floors have architraved sashes; 1st floor with console-bracketed pediments, Nos 60-62 and 66-68 segmental, and mostly with bowed cast-iron balconies which continue over the portico. 2nd floor sashes have cornices, 3rd floor lugged sills" (List entry Number: 1322081).

The property has historically been subdivided into no.13 self-contained units. In 2014, a Certificate of Lawful Development demonstrated that the use of the property and garden outbuilding as 13 self-contained units was exempt from enforcement and was therefore lawful due to the passage of time. There are no trees protected by Tree Preservation Orders (TPO) within the site however the rear garden of the adjacent no.60 contains a number of mature trees protected by TPOs (approximately 8 trees of varying species).

Relevant History

A summary of the site's planning history is as follows:

2016/3154/INV: An application for 'extensions to the rear' of the property was withdrawn on the 01/08/2016 prior to registration. Before the application was withdrawn, the applicants were advised that the proposal to erect a three-storey infill rear extension was likely to cause an unacceptable impact upon the character and appearance of the host property as well as leading to impacts upon adjoining neighbours.

2014/2052/P: Lawful development certificate for an existing use was approved on the 17/09/2014 for the 'Continued use of property [including garden outbuilding] as 13 self-contained flats'

8700347: Planning permission was granted on the 04/06/1987 for the 'Erection of second-floor rear bathroom extension'

K12/12/2/3992: Planning permission was granted on the 14/09/1967 for the 'The erection of a single storey building at 61 Oakley Square and its use for storage purposes ancillary to the main residential use of the property'

K12/12/2/6257: Planning permission was granted on the 07/08/1963 for the 'conversion of the basement of No. 61, Oakley Square, St. Pancras, into a self-contained flat and to erect a rear addition to provide improved toilet facilities and services to the upper floors'

Relevant policies

National Planning Policy Framework (2012)

The London Plan (2016)

Camden Local Plan (2017)

- A1 - Managing the impact of development
- A3 - Protection, enhancement and management of biodiversity
- A4 - Noise and vibration
- D1 - Design
- D2 – Heritage
- T1 - Prioritising walking, cycling and public transport
- T2 - Car-free development and limiting the availability of parking.

Camden Planning Guidance

CPG1: Design (2015) Chapters:

- 1 - Introduction
- 2 - Design excellence
- 3 - Heritage
- 4 - Extensions, alterations and conservatories
- 6 - Landscape design and trees

CPG6: Amenity (2011) Chapters:

- 1 - Introduction
- 4 - Noise and vibration
- 5 - Artificial light
- 6 - Daylight and sunlight
- 7 - Overlooking, privacy and outlook
- 11 - Open space, outdoor sport and recreation facilities

Camden Town Conservation Area Appraisal and Management Strategy (2007)

- Sub Area 2 Appraisal (page 26)
- Appendix 1 – Listed Buildings (page 28)
- Management Strategy (pages 37 – 45)

Assessment

1. Introduction / Proposal

- 1.1. Planning permission is sought for a single storey front extension to an existing outbuilding within the rear garden of the host property. The existing outbuilding is host to a self-contained studio unit which was not granted express permission but was found to remain lawful due to the passage of time in 2014 via the submission of a certificate of lawfulness.
- 1.2. The proposed extension would involve an increase to the depth of the outbuilding by 2.2m, maintaining the existing eaves height (2.6m) with a continuation of the existing monopitch roof. The outbuilding would be of rendered external treatment and would reuse the existing uPVC double glazed windows and doors to the front elevation.
- 1.3. Although the existing outbuilding is a structure within the curtilage of the listed building, as this structure is not historic and does not adjoin the listed building; listed building consent is not required for its alteration.

2. Assessment

2.1. The principal considerations material to the determination of this application are as follows:

- Land use / principle of works
- Design and heritage;
- Impact on the amenity of adjoining occupiers;
- Transport / Planning Obligations

Land Use

2.2. As outlined above, the existing outbuilding (erected following application K12/12/2/3992 dated 14/09/1967) hosts a studio residential unit. As noted above, express permission was never granted for the use of this outbuilding as a residential flat however in 2014 it was demonstrated that this use had been established as the lawful use (ref 2014/2052/P). The use of the outbuilding is therefore not disputed.

2.3. Due to the internal floor area of the existing outbuilding as well as was noted during the site visit, the existing unit would be considered sub-standard in accordance with modern requirements. The desire to enlarge the unit in order to improve living standards is therefore accepted and these works would not be objectionable in land use terms as no new units would be provided. In order for the proposal to be acceptable however, it would need to also comply with the other policies of the development plan. Assessment against these outstanding considerations will now follow.

Design and Heritage

2.4. The Council's design policies are aimed at achieving the highest standard of design in all developments. The following considerations contained within policy D1 are relevant to the application: development should consider the character, setting, context and the form and scale of neighbouring buildings, and the quality of materials to be used. Policy D2 'Heritage' states that within conservation areas, the Council will only grant permission for development that 'preserves and enhances' its established character and appearance. In order to preserve or enhance the borough's listed buildings, D2 additionally states that the Council will only grant consent for alterations or extensions to a listed building where it considers this would not cause harm to the special interest of the building; and will not permit development that it considers would cause harm to the setting of a listed building.

2.5. The Council's design guidance (CPG1) states that when assessing proposals involving listed buildings, we will consider the impact of proposals on the historic significance of the building, as well as its character and appearance (para 3.22). With regard to development in rear gardens, the guidance also states that "*garden buildings, including sheds... and other structures in rear gardens and other undeveloped areas, 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*" (para.4.22). In order to avoid these impacts, the guidance suggests that all garden structures should: ensure that the structure has a minimal visual impact on, and is visually subordinate to, the host garden; does not detract from the open character and garden amenity of the neighbouring gardens and the wider surrounding area; uses suitable soft landscaping; use materials which complement the host property and local area; avoids impacts to mature trees; and avoids adverse impacts upon water run-off rates (para.4.24).

2.6. The application property as well as the rest of the properties within the listed terrace were originally constructed as single-family dwellings with front lightwells and private rear gardens wrapping around a rear closet wing. The rear garden to properties along the row forms an important role in the creation of setting for the listed buildings and are therefore inseparable from their character and the historic interest of the listed terrace. These rear garden spaces also play other important roles; being the sole private outdoor amenity areas for dwellings as well as allowing for the growth and maintenance of trees and vegetation to provide a verdant open character to the rear.

- 2.7. The existing outbuilding has a footprint of 21.7sqm and is situated at the bottom of the rear garden of the host property. This structure is already particularly prominent within the rear garden, effectively halving the area of the garden space with the highest amenity value (i.e. beyond the rear elevation of the closest wing). It is also highly prominent in rear outlooks from the upper floor windows of surrounding properties as well as the gardens of nos.60 and 62.
- 2.8. As the existing outbuilding is of a scale and siting which is already considered to be detrimental to the garden and the setting of the listed building, the proposed extension is objected to due to its resulting visual impact. The proposal would result in the footprint of the outbuilding increasing to 34.2sqm, with the front elevation being only 2.5m from the rear building line of the listed property. The extended outbuilding would appear disproportionately large for the rear garden, would dominate this space and would result in only a narrow L-shaped section of (hard-surfaced) rear garden. Due to its positioning and proposed depth, the extended structure would also further obstruct long views across the garden, further reducing the open character and garden amenity of the neighbouring gardens and the wider surrounding area. The proposed extension would further reduce the level of, or potential for, soft landscaping with the garden area resulting in an overly developed appearance for the curtilage/setting of the building. Furthermore, the proposal would involve the reuse of the existing uPVC windows and doors which are of very low aesthetic quality and would further detract from the appearance of the structure and the Conservation Area.
- 2.9. Further to the above, the proposed extension would involve an increased footprint and the need for new footings to the structure to be built along the shared boundary and in close proximity to a number of mature trees within the neighbouring property (no.60) which are protected by Tree Preservation Orders. In the absence of an Arboricultural Impact Assessment and Methods Statement, the proposed extension would be considered likely to cause harm to the root structures of these adjacent trees. The development therefore has the potential to threaten the continued wellbeing of trees protected due to their significant amenity and ecological value.
- 2.10. Overall, it is considered that the proposed development would result in harm to the character and appearance of the Grade II listed host property, group of properties and conservation area by virtue of the scale of the proposed outbuilding, its design, materials and its resulting visual impact. The outbuilding would fail to appear as a subordinate garden addition and would dominate this space, further eroding the setting of the listed building and terrace. In the absence of reporting to confirm otherwise, the development is also considered likely to cause harm to the continued wellbeing of nearby protected trees. The development is therefore contrary to policies D1, D2 and A3 of the Camden Local Plan 2017. Special attention has been attached to the desirability of preserving or enhancing the character or appearance of the 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. Special regard has been attached to the desirability of preserving the listed building and terrace, its setting and its features of special architectural or historic interest, under s.16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended.

Residential Amenity

- 2.11. Policy A1 seeks to protect the amenity of Camden's residents by ensuring the impact of development is fully considered. This includes privacy, outlook, daylight and sunlight. CPG6 (Amenity) expands upon the requirements of these policies, stating that: "Development should be designed to protect the privacy of both new and existing dwellings to a reasonable degree" and that, as spaces that are overlooked lack privacy, "new buildings, extensions, roof terraces, balconies and the location of new windows should be carefully designed to avoid overlooking".
- 2.12. The development would involve the alterations to the rear garden area which functions as the sole private outdoor amenity space for occupiers of several units within the main building as well

as the garden studio. As aforementioned, the areas of rear gardens within the row which feature the highest amenity value are those situated between the rear building lines of the closet wings and the rear boundary where the space becomes less enclosed, better lit and more verdant and views across gardens are afforded. For the application site, this area has an area of approximately 50sqm (depth of 8.3m and a width of 6.2m), with 22sqm of this area being taken up by the existing outbuilding.

- 2.13. The proposed development would involve the further loss of garden space and would result in the majority of the garden area with the highest amenity value (35 out of 50sqm) being occupied by the single storey structure. The resulting narrow L-shaped rear garden area would be feature far less amenity value for the occupiers of the lower ground and ground floor units than existing and as such is not acceptable in this regard. Due to the proximity of the front elevation of the proposed outbuilding to the rear fenestrations of the lower ground floor unit, the enlarged structure would also cause a visually overbearing impact and sense of enclosure to the occupiers of this unit.
- 2.14. In terms of impacts upon adjoining neighbours, the proposed development would result in the abutting flank walls to either side being increased to a depth of 5.7m (height 2.7m). This is considered to result in a severe impact upon adjoining neighbours by virtue of the overbearing visual impact of these flank elevations, the loss of garden amenity to both neighbouring properties as well as increased overshadowing to the rear garden of no.60. The enlarged outbuilding would also further reduce views across the row of rear gardens and would result in a detrimental sense of enclosure, retaining only a 2.5m gap between the flank walls of the main building and the outbuilding. This is contrary to policy A1 of the Camden Local Plan.

Transport / Planning Obligations

- 2.15. As outlined above, following discussions with the Council's Transport officers, it was confirmed that the scale of development would not warrant the need for the securing of a Construction Management Plan. As no change of use is proposed and the existing residential unit is deemed lawful, there are no requirements for the installation of cycle storage. As such no transport or other planning obligations would be deemed necessary in this instance.

3. Recommendation

- 3.1. Refuse planning permission