

Delegated Report	Analysis sheet		Expiry Date:	08/09/2017
	N/A		Consultation Expiry Date:	18/08/2017
Officer		Application Number(s)		
Lisa McCann		2017/3900/P		
Application Address		Drawing Numbers		
Kebony House Oak Hill Park NW3 7LP		Refer to Decision Notice		
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature	
Proposal(s)				
Erection of outbuilding comprising single storey garden room, and single storey building containing sauna, outdoor plunge pool, and associated ground level terrace				
Recommendation(s):	Refuse permission			
Application Type:	Full Planning Permission			

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice			
Informatives:				
Consultations				
	No. of responses	2	No. of objections	2
Summary of consultation responses:	<p>Site notices were displayed from 28/07/17 to 18/08/17 and the application was also advertised in the Ham & High on 27/07/17. The statutory public consultation period formally expired on 18/08/17.</p> <p>2 letters of objection were received from neighbouring occupiers.</p> <p>Objections received are on the following grounds:</p> <ul style="list-style-type: none"> - Overdevelopment of the site - Green space for plant and animal life would be compromised - Impact on neighboring amenity in terms of noise and light disruption - Impact on trees - Access to the site is not suitable for lorries needed to carry out proposed works - Further excavation will alter the water table <p>Officer Response: With regards to the effect on the water table of the area, Camden Council's basement policies consider effect on the slope stability and hydrology from basement excavation to be a material planning consideration. The submitted section plan indicates that the proposed outbuildings would comprise a maximum of excavated depth of 1.6m to level the site for construction. No basement is proposed. The extent of the proposed excavation works is therefore considered to be a minor operation and would not require the submission of a Basement Impact Assessment.</p> <p>The other matters raised have been covered within the main report.</p>			
CAAC/Local groups* comments: <small>*Please Specify</small>	<p>Hampstead CAAC: no response</p> <p>Redington Froggnal Association: Object on the following grounds-</p> <ul style="list-style-type: none"> - Harmful effect of the proposed outbuildings on the character of the Conservation Area. - Proposed outbuildings, well in excess of the dimensions set out in supplementary planning guidance for development in rear gardens. - Noise disturbance will harm neighbouring amenity - Siting will harm biodiversity - More detail needed on root protection areas - lack information of nearby trees and root protection area - Lacking information on the impact on existing trees, the plunge pool, lighting use and energy sources for heating and a design and access statement, the proposal should be rejected." <p>Officer Response: see Design amenity and tree section of report.</p>			

Site Description

The site comprises a newly constructed single storey dwelling house, known as Kebony House, within a large L shaped garden of approximately 750sqm, located to the rear of Oakhill House on Oak Hill Park. Oak Hill House, behind which the subject site is located is a villa dating from around 1850, recognised as a positive contributor within the conservation area and is sub divided into flats. Kebony House is clad in timber with metal framed double doors to the north west elevations. The flat roof accommodates a communal roof garden for use by occupants of Oak Hill House which is bounded by a glass balustrade. Kebony house is not listed but is located within the Hampstead Conservation Area.

Relevant History

2009/4617/P - Erection of new 5 bedroom dwelling house within curtilage of existing residential block (class C3). Application withdrawn.

2010/0425/P - Erection of new 5 bedroom single storey dwelling house within curtilage of existing residential block (Class C3), including communal roof garden for use by occupants of Oak Hill House. Application refused on grounds of design, impact on trees, over provision of parking and no Section 106 for car capping and a Construction Management Plan.

Dismissal at appeal

This planning permission was subsequently dismissed at appeal (Ref: APP/X5210/A/10/2136664). Within the appeal decision notice, the inspector considered the proposal acceptable in principle but the development too large in relation to the site, there was also concern about the potential for overlooking the garden of the neighbouring property. The inspector also considered that no trees need suffer serious damage from construction of the proposed dwelling but such work would require proper protection of the ground beneath the tree canopies. The Inspector considered the construction management plan could be secured via condition and agreed that car capping the property could not be achieved via a condition but would require a Section 106.

2013/0808/P - Erection of a single storey building to the rear of Oak Hill House to accommodate 4 bedroom dwelling (Class C3), including communal roof garden for use by occupants of Oak Hill House, together with provision of new communal bin store, one additional car parking space and landscaping works. Application withdrawn in order to address initial concerns about the design and the absence of a basement impact assessment.

2013/3812/P Planning permission was granted on 08/10/2013 for the erection of a single storey building to the rear of Oak Hill House to accommodate a 4 bedroom dwelling (Class use C3), including communal roof garden for use by occupants of Oak Hill House, together with provision of new communal bin store, cycle storage for two cycles, one additional car parking space and landscaping works.

Relevant policies

Camden Local Plan 2017

Policy A1 Managing the impact of development

Policy A3 Biodiversity

Policy D1 Design

Policy D2 Heritage

Supplementary Planning Policies

Hampstead Conservation Area Statement

Camden Planning Guidance 2011

Camden Tree Strategy

CPG 1 (Design)

CPG 3 (Sustainability)

London Plan 2016

NPPF 2012

Assessment

Proposal:

Permission is sought for the erection of two single storey outbuildings in the rear garden of the application site along the northern corner boundary of Kebony House to provide a garden room, sauna, outdoor plunge pool, and associated ground level terrace for the residents of Kebony House.

The application proposes:

- The erection of a garden room and sauna outbuilding, both built over varying ground levels along the north corner boundary of the site. The proposed garden room outbuilding would measure a max height of approx. 4m and minimum height of approx 2.6m at the eaves, providing approx. 27sqm of internal floorspace. It would span a maximum width of. 8.4m and measure a maximum depth of of approx. 7.4m. This outbuilding would comprise sliding doors facing south and vertically-orientated hardwood cladding.
- The proposed sauna outbuilding would measure a maximum height of approx. 3.5m and minimum height of 3.1m at the eaves, providing approx. 8sqm of internal floorspace. It would measure. 3.6m l width and 4.4m in depth. This outbuilding would also have vertically-orientated hardwood cladding.
- The plans indicate that the two outbuildings would be connected with an external terrace area which would also comprise a plunge pool. The proposed terrace area would measure a maximum depth of 3.7m and span a maximum width of approx. 9.5m. The submitted plans indicate that the proposed materials for the terrace area would include natural stone paving.
- Overall the total floorspace of the proposed development (two outbuildings and terrace area) would cover a footprint of approx 75sqm in the rear garden of the application site.

The main issues for consideration are:

- The impact of the proposal upon the character and appearance of the building and the wider conservation area and;
- The impact that the proposal may have upon the amenity of the occupiers of the neighbouring properties
- The proposed use of the development
- Impact on trees
- Impact on biodiversity

Proposed Use

The proposed outbuildings would house a garden room for study/office use and a sauna room with associated outdoor terrace and plunge pool. On balance there are no main concerns regarding the use of the proposed development and it is considered to be an incidental use to the main dwelling.

Should the proposals be acceptable in all other respects, a condition would be recommended to any consent which requires that the outbuilding be used for purposes incidental to the residential use of the main building.

In order for the proposal to be acceptable however, it would need to also comply with the other policies of the development plan as assessed below.

Design and Heritage

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.

Camden Planning Guidance states 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 character of an area. Large garden buildings may also affect the amenity value of neighbours' gardens, and if used for purposes other than storage or gardening, may intensify the use of garden spaces. There is a presumption therefore to ensure the siting, location, scale and design of outbuildings have a minimal visual impact on, and is visually subordinate to, the host and surrounding gardens. Furthermore it should not detract from the open character and garden amenity of the neighbouring gardens and wider surrounding area.

Camden Planning Guidance (CPG) 1 – Design, adopted in July 2015, provides guidance with respect to outbuildings (paragraph 4.22-4.26) specifically that they should not detract from the generally soft and green nature of gardens; that they can contribute to the loss of amenity for existing and future residents; and that 'Large gardens buildings may affect the amenity value of neighbours' gardens...and intensify the use of garden spaces.' In assessing outbuildings the council must 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 and must not detract from the open character and garden amenity of the wider surrounding area.

Paragraph 3.7 of CPG1 also states: 'We will only permit development within conservation areas, and development affecting the setting of conservation areas, that preserves and enhances the character and appearance of the area'

The Hampstead Conservation Area Statement considers rear gardens, to contribute to the townscape and provide a significant amenity to residents. It states: "Extensions and conservatories can alter the balance and harmony of a property or of a group of properties by insensitive scale, design or inappropriate materials. A number of additions have harmed the character of the area and further inappropriate erosion will be resisted. Some parts of the Conservation Area have large plots with open green land where there is also pressure for backland development which can reduce the quality of the visual as well as the ecological environment

And further that “Rear gardens and backlands contribute to the townscape of the Conservation Area and provide a significant amenity to residents and a habitat for wildlife. Development within gardens is likely to be unacceptable.”

It is considered that the new modern house (Kebony House) which was built in the original garden of Oak Hill House has begun this erosion of green space. Whilst it is acknowledged that the proposed design of the Kebony House seeks to ensure that the garden space to the rear would overall retain the same amount of open green land to the rear, and its subterranean design was intended to preserve the impression from Oak Hill House of a largely undisturbed garden, the proposed two outbuildings and terrace area would be highly visible in the north corner boundary of the site when viewed from surrounding neighbouring flats in Oak Hill House. Although these are private views, they are seen from a large number of properties. Private views over back gardens do form an integral part of the open and green character of the Conservation Area.

The design and access statement submitted with the application states that the location of the proposed development would offer a ‘high level of privacy and visual seclusion’. It also states that the scale of the proposed development ‘would be of an entirely subordinate scale to Kebony House’.

Whilst largely shielded from public view, the proposed development would still be highly visible from the neighbouring property at Oak Hill House as discussed above. Furthermore the combined footprint of the proposed development and Kebony House would cover over half of the original rear garden space of the site. It is considered that further development in this rear garden setting would erode the open character of this garden space. The combined floorspace of the existing dwellinghouse (Kebony House) and the two proposed outbuildings and terrace area is considered to result in overdevelopment of the site and would impact upon the traditional relationship between the main dwellinghouse and garden; where traditionally the garden would be unbuilt or very modestly so. This is contrary to CPG1: Design, section 4.22-4.26, which discusses the importance of the retention of open space in private gardens and the impact by new structures amongst other details.

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. The proposed outbuildings and terrace area 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.

Within this context, it is considered the proposal, by virtue of its cumulative size, bulk and footprint would be overly dominant and detract from the general openness of the rear garden area and fail to preserve and enhance the character and appearance of the surrounding conservation area. The proposed development would fail to appear as a subordinate garden addition and would dominate this space, further eroding the setting of the site.

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. This is contrary to Policy H11 (Front Gardens/Backland/ Rear Gardens) of the Hampstead Conservation Area Statement, and policy A1 (Managing the impact of development) Policy, A3 (Protection, enhancement and management of biodiversity) (D1 Design) and Policy D2 (Heritage) of Camden Local Plan 2017 and the design guidance set out in CPG1.

Neighbour amenity

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".

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, by virtue of its location and generally lower ground level in comparison to neighbouring properties.

With 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.

Trees

The application proposes the removal three trees annotated as T9, T10 and T11 in the submitted arboricultural report. Whilst this is considered acceptable in principle in planning terms, the council's tree officer has raised concerns that the arboricultural report is not detailed enough to demonstrate that the trees to be retained both on and off site will not be adversely affected by the proposed scheme.

If the council was minded to approve the proposed scheme, further details would be requested regarding the foundations as a sectional drawing in the arboricultural report appears to show strip foundations which could be damaging to tree roots. The council's tree officer has advised that mini-piles would be preferable. The arboricultural report also states that damage to roots will be minimised by undertaking the excavation by hand but this is not considered sufficient to demonstrate trees will not be adversely affected.

In this instance, due to insufficient information demonstrating that trees on and adjacent to the site will not be affected by the proposal, the application cannot be supported.

Transport

Should a development proposal be considered acceptable, a Construction Management Plan (CMP) will be required to be secured via a legal agreement, in order to control vehicle movement during construction and in order to manage and protect the amenity of surrounding occupiers. Recently, a fee has become applicable for the assessment of CMPs; more information is provided on our website.

**Biodiversity/
Protection of Bats**

Although the proposed development will not directly cause harm to any bats, the lighting from the building and/or the physical structure may possibly interrupt with feeding underneath the trees. Pipistrelle bats have been recorded from the site and the adjacent SINC, so a bat survey is required. If planning permission were to be granted a condition would require a dawn/dusk survey undertaken between April-September observing the bat usage underneath any trees here as well as a preliminary check of the trees/limbs to be removed would also be required with a roost survey required to be submitted should the trees or limbs have sufficient potential for bat roosts.

Recommendation: Refuse Planning Permission

