

Delegated Report		Analysis sheet		Expiry Date:	10/11/2016
		N/A		Consultation Expiry Date:	20/10/2016
Officer			Application Number(s)		
Tony Young			2016/5052/P		
Application Address			Drawing Numbers		
Flat A 95 Torriano Avenue London NW5 2RX			See decision notice		
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature		
Proposal(s)					
Erection of outbuilding in rear garden.					
Recommendation(s):		Refuse planning permission			
Application Type:		Full Planning Permission			

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	14	No. of responses	07	No. of objections	07
			No. electronic	07		
Summary of consultation responses:	<p>7 consultation responses were received from local residents (93A Torriano Avenue; 97 (Flats 1, 2, 3, 4); 99A; and 144 Freshfield Road, Brighton) and have been taken into consideration when reaching this recommendation. The points raised by the objectors have been summarized as follows:</p> <ol style="list-style-type: none">1. A previous application in 2015 included a 'Writer's cabin' similar to this outbuilding and this was rejected. The current proposals are in essence identical and should not be allowed.2. Drawings are inaccurate in regard to the height of the boundary walls either side which are lower than shown on the drawings. This would result in the outbuilding projecting in excess of 1500mm above the garden wall.3. The proposals would be an invasion privacy as the outbuilding would look directly into rear windows of the host building and adjoining properties.4. A summer house with services (bathroom) indicates a more permanent and regular use leading to an increase in traffic to and from the structure, including additional light and noise pollution.5. None of the adjoining properties have permanent structures in their rear gardens. Not even a garden shed. The outbuilding would cause the whole area at the rear to appear over-built and cramped. This garden is smaller than the others and the proposals would leave very little garden space. The proposals amount to overdevelopment.6. Rear gardens are quiet green havens. Proposals are an example of insufficient consideration for the long term quality of life with respect to gardens and views. The outlook at the rear is quiet and tranquil, composed of gardens, landscaped parking and low-level mews buildings. This character is valued by residents and should be preserved.7. The proposals would set a precedent for similar future development at the rear putting the small garden spaces in danger, so changing the nature of the whole area. If all the ends of gardens were hacked off and developed, it would irrevocably degrade the amenity of residents.8. The massing will not be consistent with the surrounding buildings and the design is unsympathetic to the area. The unacceptable increase in massing, especially in light of a recent approval for a rear extension in 2015, would hugely reduce the garden space.					

CAAC/Local groups*

comments:

*Please Specify

n/a

Site Description

The site comprises a 4-storey terraced property located on the western side of Torriano Avenue. A road servicing Torriano Mews to the rear and positioned immediately adjacent to the host property.

The building and wider terrace are in residential use and the application itself relates to Flat A which is a lower ground floor flat.

The property is unlisted and is not located in a conservation area.

Relevant History

2014/6855/P - Erection of a single storey rear extension at lower ground floor level. Planning permission was granted dated 17/03/2015

Relevant policies

National Planning Policy Framework 2012

The London Plan March 2016

Camden Local Plan 2017

A1 - Managing the impact of development

A2 - Open space

A3 - Biodiversity

D1 - Design

D2 – Heritage

CC2 - Adapting to climate change

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)

Kentish Town Neighbourhood Plan 2016

Assessment

Proposal

1. Planning permission is sought for the erection of a summer house at the rear of the site in an existing garden space. The outbuilding would have a rectangular shape with timber walls and a black felt roof. 2 timber clad doors would be positioned to the right-hand side when viewed from the main house to allow access to both the main space, as well as, a small storage room. A glazed window panel positioned to the left-hand side would wrap over the top of the flat roof to allow light into the front and top. The outbuilding would also contain a toilet and wash-basin.
2. The structure would occupy the full width of the rear garden between the boundaries with the adjoining properties at nos. 93 and 97. It would be approximately 2.4m deep by 4.5m wide. The proposals would involve some works of excavation to lower the garden level by approximately 0.68m in order to accommodate the structure. Steps would also be constructed down from the existing garden level to the proposed new lower floor level to allow access to the outbuilding. As such, the height of the structure would be approximately 2.68m when measured from this new sunken floor level, and approximately 2m high when measured from the existing garden level.

Main planning considerations

3. The main issues to be considered are:

- impact of the proposal on the character and appearance of the host property, wider terrace, and area generally; and
- impact of the proposal on neighbouring amenity.

Design

4. Local Plan Policy D1 (Design) 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 states that *“Development within rear gardens and other undeveloped areas can often have a significant impact upon the amenity and character of an area. The Council will resist development that occupies an excessive part of a garden and where there is a loss of garden space which contributes to the character of the townscape.”*
5. More specifically with regard to structures in rear gardens, the Camden Planning Guidance (CPG1 – Design) 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 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’*. Though the host property is unlisted and does not sit within a conservation area, this guidance is not exclusive to properties that fall within these categories and there is a presumption not only to protect, but also to improve the character and quality of an area and the way that it is used by residents and visitors.
6. CPG1 goes on to state 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’*. While it is accepted that the structure would not be widely visible from the public realm given the existing rear boundary wall which backs onto Torriano Mews, the occupants of the adjacent and surrounding properties would have clear views of the outbuilding and new brick boundary walls. The visual impact created by a full-width rectangular box structure itself would be marked and highly noticeable especially when set against the green character of this locality and reduction in garden space. This is particularly the case in the detailed design for the outbuilding given the absence of any planters or green/brown roofs to help screen the outbuilding, to minimise the visual impact to some degree, or to achieve a more sustainable development. In this regard the proposal fails to respect the character and appearance of the local area and neighbouring buildings, or incorporate sustainable design and construction measures within the proposals contrary to policies CC2 (Adapting to climate change) and D1.
7. The proposals also include the replacement of the existing timber fence and trellising with 2m high brick walls. While these walls would provide some screening of the outbuilding at garden level, the proposals would result in higher boundaries than exist at present and introduce solid brick walls to an otherwise open garden environment mainly separated by traditional timber fencing/trellising, so resulting in a significant change in the character of the gardens and wider area. The view from no.97 being most affected given that its existing boundary is mainly comprised of square trellis panels that allow light to filter into to the garden area through a form of lightweight, less intrusive form of boundary screening.
8. CPG1 emphasizes the importance of rear gardens and advises that, *‘Development in rear gardens should not detract from the open character and garden amenity of the neighbouring gardens and the wider surrounding area’*. There is no established pattern of outbuildings in the rear gardens aside from a large rear shed in the neighbouring garden at no.97 that does not

appear to benefit from planning permission. Small rear gardens are a typical feature of the properties along this part of the terrace. Erosion of this verdant garden space by the development of a permanent structure that extends across the full width of the entire garden is considered harmful to the character of the area contrary to this guidance.

9. It is also noted within the case officer's report for the approved rear extension in 2015 (2014/6855/P) that a similar proposed outbuilding ('writer's cabin') was removed from the initial proposals prior to the applications' determination due to concerns raised by the case officer with the applicant about the possibility of over development of the site taking into consideration both the rear extension and the outbuilding together. In this regard CPG1 advises that, *'planning permission is unlikely to be granted for development whether in the form of extensions, conservatories, garden studios, basements or new development which significantly erode the character of existing garden spaces and their function in providing wildlife habitat'*. While it is acknowledged that the rear extension approved under 2014/6855/P has not been erected as yet and may not be built, the concerns expressed previously still remain valid.
10. Therefore, it is considered that the proposals do not comply with Camden Planning Guidance in that its scale would not be visually subordinate to the host garden and it would detract from the open character to the rear of this group of buildings by virtue of its siting and location. This is contrary to policy CC2 and D1 of the Camden Local Plan 2017 and the design guidance set out in CPG1.

Amenity

11. Policy A2 (Open Space) recognises that private amenity space is important to resident's quality of life and applicants are therefore encouraged to explore all options for the provision of new private outdoor space. It also states that, *'the densely built up nature of the borough means that the provision of private amenity space can be challenging, and the Council will require that the residential amenity of neighbours be preserved'* in accordance with policy A1 (Managing the impact of development).
12. Neighbours raised concerns with regard to possible harm to their outlook as a result of the reduced amount of garden space and siting of a full-width structure within solid brick boundary walls. However, while it is recognised that the rear gardens are characteristically narrow, there would appear to be sufficient distance between the neighbouring property and the proposed outbuilding to ensure that the outlook is not significantly affected, particularly as the structure would be positioned at the end of the garden.
13. With regard to neighbour concerns about the possibility of increased noise, disturbance and traffic associated with the use of the proposed outbuilding, it is acknowledged that the level of use might intensify to some degree leading to an increase in footfall necessary to access the garden room from the main house. However, the typical level of activity associated with a reasonable use of an outbuilding of this size for domestic purposes would likely not materially harm the living conditions of nearby residents.
14. Similarly, when considering neighbour concerns about any possible loss of privacy or increased level of overlooking to neighbouring properties, it is considered that there is sufficient distance between the proposed outbuilding's glazed window & roof light and neighbouring properties that the proposal would not cause harm. 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 and larger main properties facing it. Furthermore, possible light spillage from the proposed window and roof light is considered to be small given their dimensions which might also be minimised further by the installation of internal blinds, and as such is not considered to be harmful to neighbouring amenity.
15. Overall, it is therefore considered that the proposal would likely not be harmful to the amenity of

the occupiers of both the host and neighbouring properties for the reasons set out above, and as such, would accord with policy A1 of the Camden Local Plan 2017.

Other issues

16. While there are no trees present in the host property garden itself, there are a number of trees nearby including a mature tree located in Torriano Mews that sits within 2m of the proposed site of the outbuilding. Policy D1 states that the Council will “*resist development 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.*” In this regard, policy A3 (Biodiversity) emphasises that “*applicants will be required to take measures to the Council’s satisfaction to minimise any adverse impacts from development on retained and proposed trees and vegetation.*” It is noted that no tree assessment or protection measure details have been submitted as part of the application. Therefore, in the absence of this information, it is considered that the proposals do not accord and are contrary to policies A3 and D1 of the Camden Local Plan 2017.
17. Similarly, no details of green or sedum roofs or planters have been included as part of the proposals. 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 CC2 affirms that all development should install green roofs where appropriate. Therefore, in the absence of a green or brown roof as appropriate within the detailed design for the outbuilding, it is considered that the proposals would be contrary to policy CC2 of the Camden Local Plan and the design guidance as set out in CPG3.
18. However, should the application proposals be considered acceptable in all other respects, then the Council would seek to attach condition(s) to any approval requiring the submission (and approval in writing) of details with regard to tree protection measures, and green or sedum roofs or planters, in accordance with the above policies and guidance.
19. Neighbours raised concerns that the submitted drawings were inaccurate with regard to the height of the boundary walls on either side which were identified as being lower than as shown on the drawings, so resulting in the outbuilding projecting in excess of 1500mm above the garden wall. During a site visit, the case officer estimated the rear brick wall at no.95 to be approximately 2m high; the timber boundary fence with no.93 to be approximately 1.8m high; and the boundary with no. 97 (comprising of a low brick wall with timber trellis panels on top) to vary between approximately 1.8m to 2m in height. Consideration for the proposals has been given in light of these findings.

Conclusions

20. The proposed outbuilding by reason of its siting, scale and detailed design would detract from the general openness of the rear garden area, and would appear as an incongruous form of development. The proposals would therefore be detrimental to the character and appearance of the host property, neighbouring buildings, and wider area, contrary to policy D1 (Design) of the Camden Local Plan 2017 and the the Kentish Town Neighbourhood Plan 2016.
21. In the absence of an arboriculture assessment with regard to trees, the applicant has failed to demonstrate that the proposed outbuilding would not harm any tree(s) in close proximity to the outbuilding, contrary to policies A3 (Biodiversity) and D1 (Design) Camden Local Plan 2017.

Recommendation:

Refuse Full Planning Permission