

2017/4582/P

2 Eldon Grove



View of the front of 2 Eldon Grove which is a semi-detached property.

2 Eldon Grove



Satellite view of Eldon Grove and surroundings

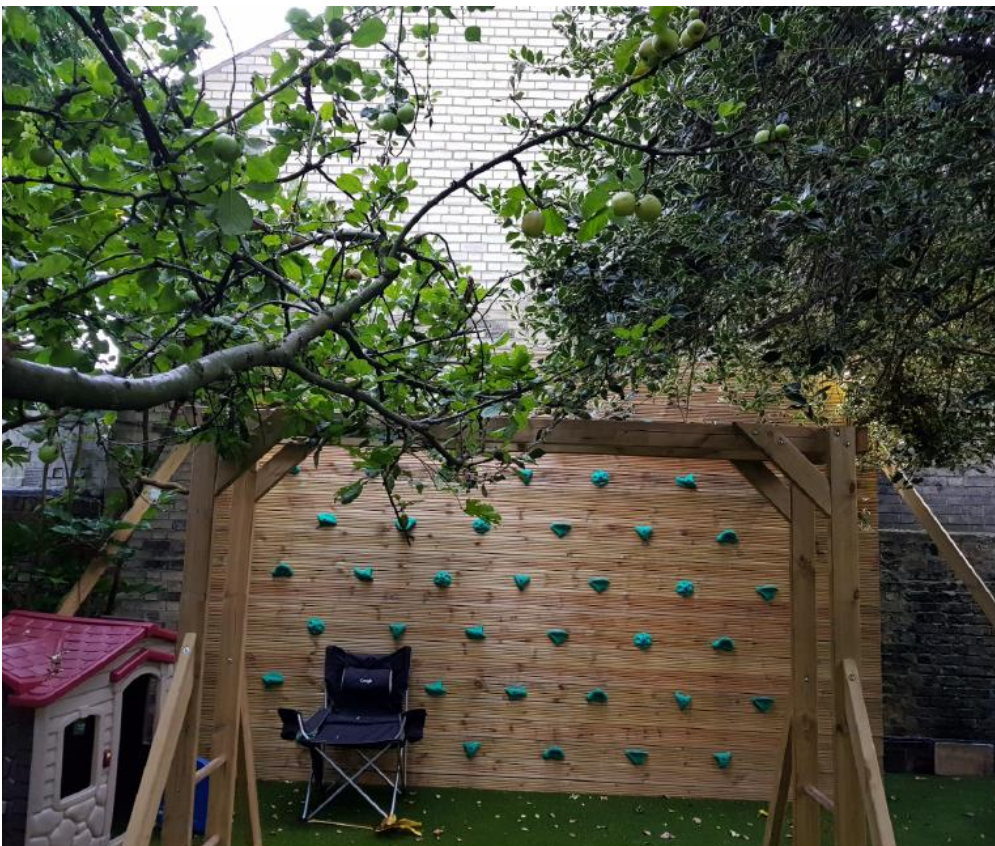


Rear garden area affected by the proposal

Playhouse



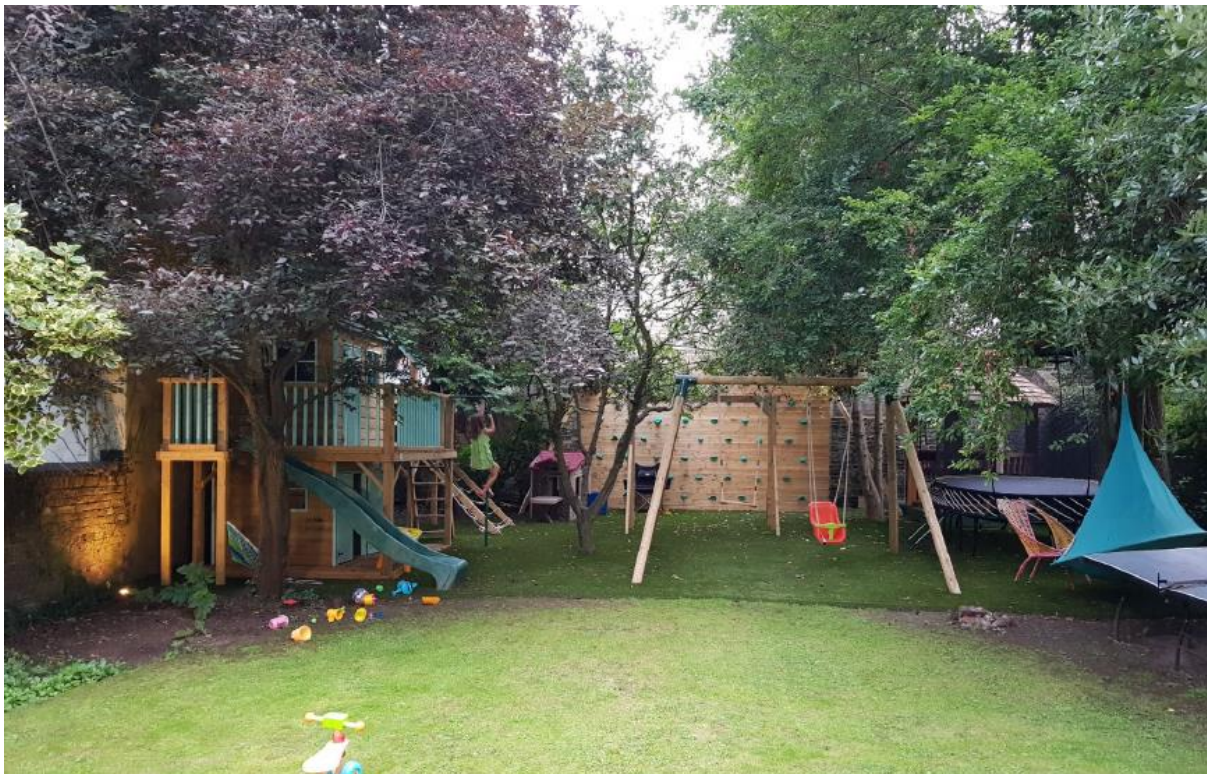
Climbing Wall



Gazebo



Overall view



<b>Delegated Report</b>		<b>Analysis sheet</b>	<b>Expiry Date:</b>	<b>09/10/2017</b>
<b>(Members Briefing)</b>		N/A	<b>Consultation Expiry Date:</b>	05/10/2017
<b>Officer</b>			<b>Application Number(s)</b>	
Matthias Gentet			2017/4582/P	
<b>Application Address</b>			<b>Drawing Numbers</b>	
2 Eldon Grove LONDON NW3 5PS			See 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>				
Installation of a wooden children's playhouse, children's climbing wall, circular timber gazebo in the rear garden of a dwelling (Class C3) [Retrospective].				
<b>Recommendation(s):</b>		Grant conditional planning permission		
<b>Application Type:</b>		Householder Application		

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
<b>Consultations</b>						
Adjoining Occupiers:	No. notified	01	No. of responses	01	No. of objections	01
			No. Electronic	01		
Summary of consultation responses:	<p>A consultation letter was sent on 05/09/2017 and expired on 26/09/2017, Site Notices were displayed on 08/09/2017 and expired on 29/09/2017 and Press Advert was published on 14/09/2017 and expired on 05/10/2017.</p> <p>One letter of objection was received from a local resident at 11b Lyndhurst Road raising the following concerns:</p> <p><u>Overdevelopment</u></p> <ul style="list-style-type: none"> <li>• Creation of double play houses, climbing wall, gazebo and two sets of swings with pre-existing trampoline as an overdevelopment.</li> </ul> <p><i>Officer comment: See para 3.4 of the assessment section of the report</i></p> <p><u>Visibility and location of structures</u></p> <ul style="list-style-type: none"> <li>• The gazebo is highly visible</li> <li>• The climbing wall is about 0.5m-0.75m from the gable of my house and should be a minimum of 2m from my wall</li> <li>• The twin houses are only inches from the gable wall of 11a Lyndhurst Road. It should be at least 2m</li> <li>• Owner maintains that structures are not visible from the surrounding area which is not true;</li> <li>• Fails to meet the 2m distance as per National Portal Schedule E (Outbuildings/Permitted Development Rights).</li> </ul> <p><i>Officer comments: See para 3.5 and 3.12 of the assessment section of the report</i></p> <p><u>Amenity</u></p> <ul style="list-style-type: none"> <li>• Request that gazebo, plinth and electrics be removed;</li> <li>• Intrusive proximity to neighbours' property and gardens. Request that Climbing Wall and electrics be removed or if relocated, it should be a minimum of 2m from my gable.</li> </ul> <p><i>Officer comments: See para 3.9 to 3.12 of the assessment section of the report</i></p> <p><u>Other matters</u></p> <ul style="list-style-type: none"> <li>• Shed rain water onto the plinth abutting my kitchen wall and damp course</li> <li>• No provision to direct rain water from hard surface to permeable area and puddles result</li> <li>• Access to my wall would be impossible for remedial works</li> <li>• I am worried that if I needed either structure removed for tradesmen,</li> </ul>					

	<p>it would be to my cost</p> <p><i>Officer comments: See section 3.13 of the assessment section of the report. Any access issues or financial matters are a civil matter between the owner/occupier of both properties.</i></p>
<p><b>Hampstead CAAC</b></p>	<p><b>Hampstead CAAC: Objects:</b></p> <ul style="list-style-type: none"> <li>• The CAAC dislikes retrospective applications. In this case a raised boundary wall looks to be unnecessarily detrimental to the neighbour who we understand has rightly objected to the proposal.</li> </ul> <p><i>Officer response: The boundary wall has not been raised and therefore does not form part of the assessment of the application.</i></p> <ul style="list-style-type: none"> <li>• The play house could be reduced, albeit probably involving a flat roof to reduce its impact on the neighbour where the main garden wall runs outside the gable wall shown to be dominant.</li> </ul> <p><i>Officer's Response: See officer comments in para 3.9 to 3.11 of the assessment section of the report</i></p>
<p><b>The Heath and Hampstead Society</b></p>	<p><b>The Heath and Hampstead Society: Objects</b></p> <ul style="list-style-type: none"> <li>• The structures are largely oversize, intrusive, and harmful to the enjoyment of adjoining gardens. We refer particularly to the Play House, which appears to be at least 4 metres in height. The adjoining garden fences are no more than 1.8 metres high. The gazebo is less damaging. Taken as a whole, the structures look as if they are intended to serve a nursery school, rather than a private house. Nevertheless, we are reluctant to ask for their removal, but a reduction in height of the Play House might reduce the damaging effect on neighbouring gardens. We urge you to negotiate.</li> </ul> <p><i>Officer's Response: See officer comments in para 3.5 and 3.9 to 3.11 of the assessment section of the report</i></p>

## Site Description

The site is located on the southwest side of Eldon Grove in close proximity to its junction with Lyndhurst Road that lies to the southeast. It consists of a 3-storey semi-detached villa with raised ground floor that was built in the early 1860s. The site has a substantial rear garden with a mix of large and small trees and shrubs. The property forms part of a pair with no. 3 Eldon Grove.

This part of Eldon Grove comprises semi-detached properties that are set back from the road with large rear gardens. To the south east of the application site is a modern residential block known as Eldon Court. The rear elevation of the property and southeastern side boundary are partly visible through the soft landscaping from Lyndhurst Road across Eldon Courts rear garden.

The neighbouring two storey properties at nos. 11a and 11b Lyndhurst Road are located at the side and rear of the rear garden of the application site. The south western boundary of the application site is adjacent to the side elevation of no. 11b and the south eastern boundary is adjacent to the side elevation of no. 11a.

The property is not listed but is located within Fitzjohns and Netherhall Conservation Area and is identified within the Fitzjohn's/Netherhall Conservation Area Statement as being a positive contributor.

## Relevant History

### Site Address:

No relevant planning history associated with the site

In (21/03/2017) an enforcement case was opened following concerns raised by a local resident relating to the construction of 3m high gazebo, raised concrete plinth, a climbing wall.

### Neighbouring properties

#### 3 Eldon Grove (Adjacent property):

**8700270** – (granted on 25/03/1987) - The erection of a side extension at basement level to provide a bathroom and the formation of new windows at basement level on side and rear elevations

### Other Sites where similar development has been approved:

#### 28 Ferncroft Avenue.

**2017/3749/P** – (granted on 17/08/2017) - Erection of a wooden climbing structure for children in the rear garden and installation of rooflight to rear roof slope, of residential property (Class C3) -

#### 12 Platt's Lane.

**2017/3281/P** – (granted at Members' Briefing on 04/09/2017) - Erection of a wooden climbing structure for children in the rear garden of residential property (Class C3) (Retrospective) -

## Relevant policies

### **National Planning Policy Framework, 2012**

### **The London Plan 2016**

### **London Borough of Camden Local Plan 2017**

A1 (Managing the impact of development)

A4 (Noise and vibration)



D1 (Design)  
D2 (Heritage)

### **Camden Planning Guidance (2011-2015)**

CGP1 (Design) 2015 – Chapter 4 & 6

CPG6 (Amenity) 2011 – Chapter 7

### **Fitzjohns / Netherhall Conservation Area Statement (Feb 2001)**

#### **Assessment**

#### **1.0 Background**

1.1 Following an enforcement complaint in (21/03/2017) an enforcement case was opened relating to the installation of the children play equipment – Climbing Wall, Children Playhouse and a Gazebo on a plinth in the rear garden. A planning application has been submitted to regularise these works.

#### **2.0 Proposal**

2.1 Planning permission is sought for the installation of a wooden climbing wall, a wooden playhouse and a timber Gazebo located in the southeast part of the rear garden of the single family dwelling house. They would be located adjacent to the boundaries with nos. 11a and 11b Lyndhurst Grove and no. 3 Eldon Grove. The structures have already been installed therefore permission is being sought retrospectively.

2.2 The children play equipment consist of three separate timber structures.

- Playhouse: The timber play house is located along with gable wall of No11a Lyndhurst Road and measures approximately 1.5m in depth by 5.3m in width and has an overall height of 3.9m (taken at the highest point). The upper level of the playhouse is accessible by a ladder.
- Climbing Wall: The timber climbing wall is located approximately 0.75m from the gable wall of No11b Lyndhurst Road and measures approximately 5 m in width and 3m in height.
- Gazebo: The timber gazebo is located in the southwest corner of the rear garden around 0.80-0.85m from the rear boundary wall with No11b Lyndhurst Road and in close proximity to the boundary wall with No. 3 Eldon Grove. It is a circular structure with a diameter of approximately 2.1m and measures approximately 2.9m in height to the ridge of the pitched roof. The gazebo is raised on a 300mm (approximately) concrete plinth.

#### **3.0 Assessment**

3.1 The principle considerations in the determination of the application is as follow:

- Design and Heritage (the impact on the character and appearance of the host building and wider conservation area);
- Amenity of neighbouring occupiers;
- Other matters

#### **Design and Heritage**

3.2 The Council's design policies aim to achieve the highest standard of design in all developments. Policy D1 of Camden Local Plan 2017 highlights that the Council will resist development that occupies an excessive part of a garden and where there is a loss of a garden space which contributes to the character of the townscape. Policy D2 states that within conservation areas, the Council will only grant permission for development that 'preserves and enhances' its established character and appearance.

- 3.3 In relation to development in the rear garden, CPG1 states that it should ensure its siting, location, scale and design to have minimal visual impact and be visually subordinate to the host garden, ensure building heights will retain visibility over garden walls and fences, use materials which complement the host property and overall character of the area, where the method of construction should minimise any impact on trees, and address any impacts of development upon water run-off and groundwater flows.
- 3.4 The existing rear garden measures approximately 27m in length with an area of 344 sq. m. The main house is located approximately 18m from the nearest play structure (the playhouse). Collectively the play equipment occupies approximately 110 sq. m of the rear garden (31%). However the footprint of all of the equipment is much smaller at 17.25 sq. m which equates to 5% of the garden area. Overall the proposed structures are not considered excessive and would not result in the loss of a significant amount of garden space which contributes to the character of the conservation area. Although this part of the garden appears cluttered with play structures that also includes monkey bars, swings and a trampoline, when viewed within the site as a whole, they appear subordinate within this substantially sized rear garden.
- 3.5 The rear part of the garden is relatively well screened on the southeastern boundary from surrounding public vantage points by soft landscaping including a number of large mature trees. The playhouse, at 3.9m in height at its highest point, is located adjacent to the southeastern boundary brick wall and 2-storey side elevation of no. 11a Lyndhurst Road. Due to its height and location, it would not restrict views over garden walls or fences as it is viewed against the 2-storey side elevation of no. 11a Lyndhurst Road. The climbing wall is located approximately 0.7m from the boundary brick wall and 2-storey side elevation of the property at no. 11b Lyndhurst Road. This structure would also allow views over the neighbouring garden walls due to its location and height. The gazebo is located in the southwestern part of the rear garden and would be mainly screened by the 2.6m high section of the brick boundary wall with no. 3 Eldon Road. Given the fact that the structures are mainly screened from views due to their heights and locations next to existing boundary walls and elevations of neighbouring houses, the proposal would maintain the openness of views across the gardens from neighbouring properties and would be considered acceptable.
- 3.6 The structures are constructed from timber. Some parts of the play equipment (mainly the playhouse) have been painted green (roofs) and a pale blue colour (the windows, doors and spandrels of the walkways around the playhouse). Although this would not match the brick built neighbouring properties and boundary walls it is a suitable material for garden structures helping them to integrate with the surrounding vegetation and rear gardens.
- 3.7 The proposed structures, due their nature, form and scale are considered visually subordinate with the rear garden of the application site and would not have a harmful visual impact on the character or appearance of the site or the surrounding conservation area.

### **Amenity**

- 3.8 Policy A1 seeks to protect the amenity of Camden's residents by seeking 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, outlook, noise, daylight and sunlight.
- 3.9 The play equipment is positioned next to the boundaries with the neighbouring properties at nos. 11a and 11b Lyndhurst Road and no. 3 Eldon Grove. The playhouse is located in the southeast corner of the rear part of the garden adjacent to the side elevation of no. 11a Lyndhurst Road which has no window openings. There is no direct overlooking from this property into the rear part of the garden of the application site. Views of the play equipment

from the neighbouring property at no. 11b Lyndhurst Road would be mainly from their rear garden. Due to the height of this part of the shared brick boundary wall (2.6m in height) only glimpses of the top of the gazebo would be possible. The equipment would not result in a loss of privacy through overlooking into habitable rooms of these properties and would be considered acceptable.

- 3.10 The playhouse includes a walkway that provides access to an upper floor level. It is at a height of 2.2m. When standing on the walkway oblique views would be possible over the southeastern 1.5m high boundary wall into the rear garden of Eldon Court. Given the fact that the communal garden to the rear of Eldon Court is already overlooked by the residents of this building, it is not considered that the oblique views gained from this part of the playhouse would be so harmful to the amenity of these occupiers as to recommend refusal. The upper level of the playhouse also affords views towards the southwestern boundary wall with no. 3 Eldon Grove. It must be noted that the boundary wall is stepped in height from 2.6m to 2m and includes a number of large trees within the rear garden of the neighbouring property. The separation distance between the playhouse and no.3 is 6m. This together with the fact that any direct views from the walkway would only be possible into the rear part of the garden of no. 3 which is screened by trees, it is considered that there would be no harmful overlooking of this property.
- 3.11 The wooden structures would be solely used by children on a temporary basis for play activities during certain times of the day. Due to its nature, siting and design it is considered that the wooden play equipment would not cause a harmful impact on the amenity of the neighbouring properties in terms of overlooking, loss of privacy or loss of daylight.

#### **Other matters**

- 3.12 Concern has been raised by neighbouring occupiers regarding the close proximity of the play equipment in relation to the gable wall of their property. They suggest that the play equipment should be set away from the boundaries by 2m in line with the requirements of the GDPO (permitted development rights). The 2m separation distance referred to by the neighbouring occupier is a guide for permitted development and not the acceptability of outbuildings requiring planning permission.
- 3.13 Concern has been raised by the neighbouring occupier about the rainwater that runs off the gazebo roof onto the raised plinth and the resulting puddles of water that form on the impermeable surface. Given the size of the rear garden area that remains any rainwater should continue to filter through the soil without creating further pressure on the drainage system during heavy rainfall.

#### **4.0 Recommendation**

- 4.1 Grant conditional planning permission

***The decision to refer an application to Planning Committee lies with the Director of Regeneration and Planning. Following the Members Briefing panel on Monday 6<sup>th</sup> November 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'.***

Mr Adrian Blair  
2 Eldon Grove  
LONDON  
NW3 5PS

Application Ref: **2017/4582/P**  
Please ask for: **Matthias Gentet**  
Telephone: 020 7974 **5961**

3 November 2017

**DRAFT**

Dear Sir/Madam

## DECISION

Town and Country Planning Act 1990 (as amended)

### Householder Application Granted

Address:  
**2 Eldon Grove  
LONDON  
NW3 5PS**

**DECISION**

#### Proposal:

Installation of a wooden children's playhouse, children's climbing wall, circular timber gazebo in the rear garden of a dwelling (Class C3) [Retrospective].

Drawing Nos: Play House Photo; Gazebo Photo; Area Gazebo Photo; Climbing Wall Photo; Area Behind Climbing Wall Photo; Overall Scene Photo; Revised Site Location Plan (31/10/2017); Garden Plan and Elevations (4 drawings).

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 shall be carried out in accordance with the following approved plans: Play House Photo; Gazebo Photo; Area Gazebo Photo; Climbing Wall Photo; Area Behind Climbing Wall Photo; Overall Scene Photo; Site Location Plan; Garden Plan and Elevations (4 drawings).

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

Executive Director Supporting Communities



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 search for 'environmental health' on the Camden website 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

**DECISION**