

Delegated Report		Analysis sheet	Expiry Date:	08/12/2017
		N/A	Consultation Expiry Date:	09/11/2017
Officer		Application Number(s)		
Lisa McCann		2017/4767/P		
Application Address		Drawing Numbers		
46 Flat A Willow Road London NW3 1TS		Refer to Decision Notice		
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature	
Proposal(s)				
Erection of garden shed to rear of lower ground floor flat				
Recommendation(s):	Refuse permission			
Application Type:	Full Planning Permission			

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice				
Informatives:					
Consultations					
	No. of responses	3	No. of objections	2	
Summary of consultation responses:	<p>A site notice was displayed from 18/10/17 to 08/11/17 and the application was also advertised in the Ham & High on 19/10/17. The statutory public consultation period formally expired on 09/11/17.</p> <p>1 letter of support was received from the applicant and 2 letters of objection were received from neighbouring occupiers.</p> <p>The applicant has submitted a letter of support on the following grounds:</p> <ul style="list-style-type: none"> - Notice has been served on relevant owners/occupiers relating to the site - Size and siting of proposed shed has been specified - Impact on the character of the area and neighbouring amenity would not be detrimental <p>Objections received are on the following grounds:</p> <ul style="list-style-type: none"> - The applicant is not the owner of the subject site. - Impact on the character of the area - Impact on neighbouring amenity - Proposed use and size is unclear <p><i>Officer response:</i></p> <ul style="list-style-type: none"> - The onus is on the applicant to ensure they have declared the correct information regarding site ownership. This is a civil matter which falls outside the remit of planning control - Please refer to the assessment section within the main report. 				
CAAC/Local groups* comments:	Hampstead CAAC: no response				

Site Description

The site comprises a four storey mid-terrace property which has been sub-divided into flats. The application relates to the lower ground floor flat which has access to the rear garden of the site. The subject property is not listed but is located within the Hampstead Conservation Area. A site visit confirmed that a private road is located adjacent to the rear of the subject site which is accessed from Gayton Crescent. A single storey garage is currently in situ on this private road adjacent to the rear of the application site and the roof of this garage is currently used as amenity space for the subject property at No. 46A Willow Road.

Relevant History

8905839 - Erection of a glazed conservatory to the rear elevation at the ground floor level as shown on drawing nos. 59123 and 59177. Granted 05-09-1990.

9088 - The conversion of 46 Willow Road, N.W.3. into two self-contained flats on the basement and ground floors and a maisonette on the first and second floors and the formation of a dormer window at the rear. Granted 29-10-1970

CTP/E7/10/B/35068 - Extension to existing rear addition at basement level. Granted 29-11-1982

Relevant policies

Camden Local Plan 2017

Policy A1 Managing the impact of development

Policy D1 Design

Policy D2 Heritage

Supplementary Planning Policies

Hampstead Conservation Area Statement

Camden Planning Guidance 2011

CPG 1 (Design)

CPG6 (Amenity)

London Plan 2016

NPPF 2012

Assessment

Proposal:

Permission is sought for the erection of a single storey outbuilding in the rear amenity space of the application site.

The application proposes:

- The erection of a timber garden shed adjacent to the shared boundary with no 45 Willow Road.
- The proposed outbuilding would be constructed on the roof of an existing garage located on the private Road adjacent to the rear of the site.
- The applicants submitted cover letter states that proposed outbuilding would measure a max height of approx. 2.2m covering an area of approx. 5sqm of internal floorspace. It would span a width of 2.4m and 1.8m in depth along the shared boundary with the adjoining property no. 45 Willow Road.

The main issues for consideration are:

- The proposed use of the development
- 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

Proposed Use

The proposed outbuilding would house a garden shed use. In principle 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 proposal 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. 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 garden 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."

Whilst it is acknowledged that the overall scale of the proposed outbuilding would be modest, it would be located in a highly visible and exposed location on top of a single storey garage. Although these are mostly private views, they are seen from a large number of properties. Due to the unusual layout of the rear amenity space at the application site which includes an elevated patio area on the roof of a garage, special attention should be paid to how visible any form of the development would appear in this site context. It is not considered that the roof of a garage would be a suitable location for any form of outbuilding, especially given the exposed nature of the site. It is considered that although the proposed outbuilding is a modest scale, there would not be scope for development in this location for the reasons outlined above and the proposal cannot be justified in this instance.

Within this context, it is considered the proposal, by virtue of its siting on an unusual elevated location on top of the existing garage, would appear as an incongruous and highly visible addition which would be out of keeping with the surrounding area. It would fail to preserve and enhance the character and appearance of the surrounding conservation area and is therefore contrary to policies D1 and D2.

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".

Since the adjoining property at no. 47 has a similar site context to the subject site with a patio area on the roof of a garage, it is considered that no undue harm would be caused with regard to the amenity of this neighbouring occupier in terms of access to sunlight, daylight, visual bulk or sense of enclosure, by virtue of its location and generally similar ground level layout to the rear.

It was noted on site visit that a high brick wall boundary treatment is currently in situ on the shared boundary with no. 45 towards the rear of the application site and the proposed outbuilding would be built adjacent to this boundary treatment. However given the modest size of the proposed outbuilding, it is considered that the impact on the residential amenity of this adjoining occupier would be marginal and not sufficient to warrant refusal on amenity grounds in this instance.

It was also noted that the proposed outbuilding would be visible when viewed from the rear habitable room windows of no. 17-22 Gayton Crescent and 36A Gayon Road due to its elevated siting on top of a garage. Due to the siting of the proposed outbuilding on top of the existing single storey garage, it would be located directly opposite first floor habitable room windows on the rear elevation of no 20-22 Gayton Crescent. The proposal would appear as an incongruous addition in this unusual siting which is not considered to be an appropriate setting for an outbuilding given its exposed nature, prominent siting and close proximity to neighbouring habitable room windows. However as previously discussed, given the modest size of the proposed outbuilding it is considered that the impact on the residential amenity of these neighbouring properties would be marginal and not sufficient to warrant refusal on amenity grounds in this instance.

Recommendation: Refuse Planning Permission

