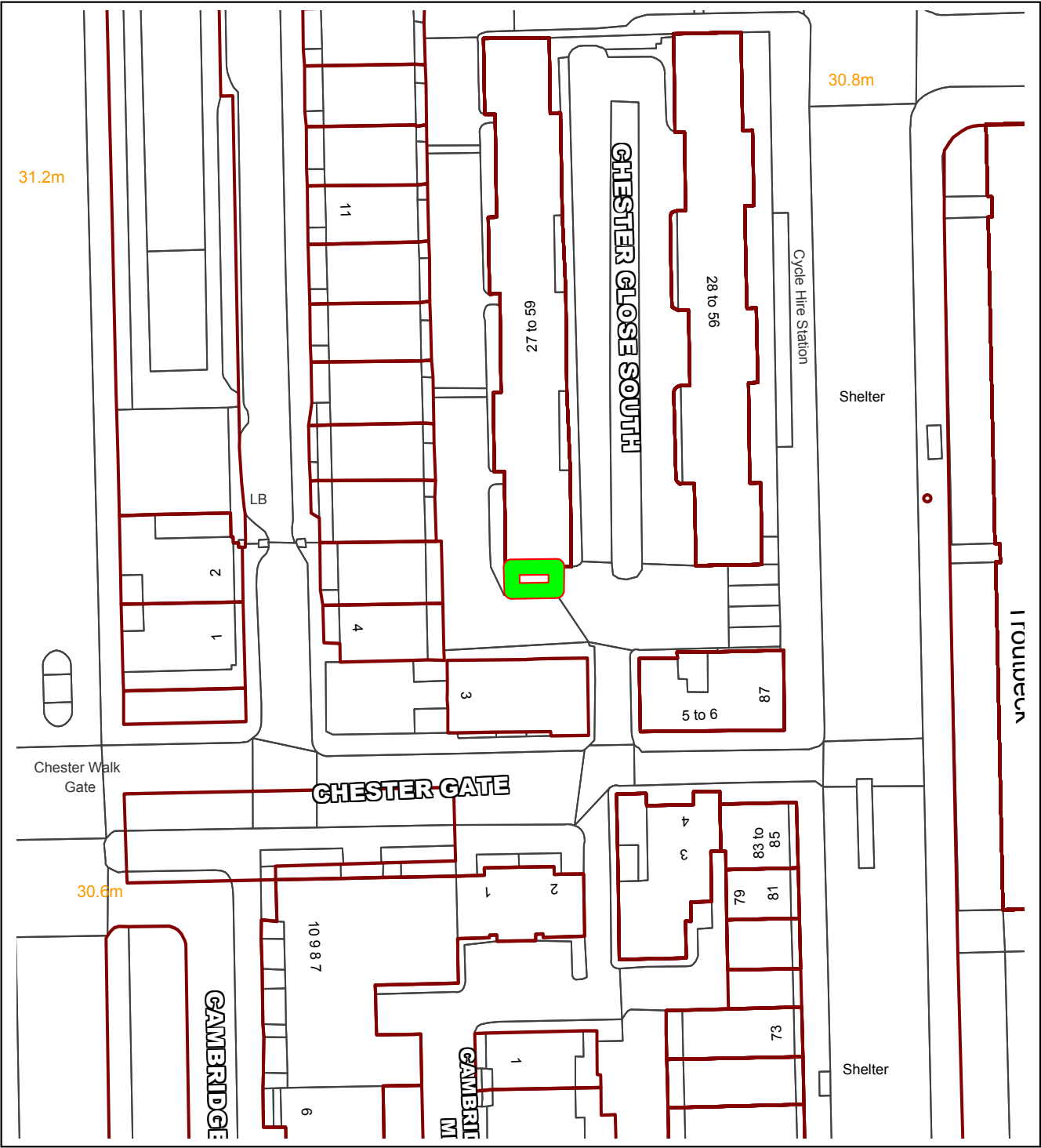


# Garage 5, Chester Close South



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Chester Close South (site in mid-picture) as seen from Chester Gate



Site within Chester Close South (5 Chester Terrace to rear)



Chester Close south (site to left adjoining 27-59 Chester Close South).





Rear of site (in upper image rear of 3 Chester Terrace is mid-picture)



View from Albany Street (site is not visible behind boundary wall)

<b>Delegated Report</b> <b>(Members Briefing)</b>	<b>Analysis sheet</b>	<b>Expiry Date:</b>	<b>03/07/2018</b>
	N/A / attached	<b>Consultation Expiry Date:</b>	07/06/2018
<b>Officer</b>		<b>Application Number(s)</b>	
Gavin Sexton		2018/1470/P	
<b>Application Address</b>		<b>Drawing Numbers</b>	
Garage 5 Chester Close South NW1 4ND		Refer to decision notice	
<b>Proposal(s)</b>			
Erection of two storey building comprising ground floor garage and upper floor ancillary to 5 Chester Terrace, following demolition of existing garage.			
<b>Recommendation(s):</b>	Grant conditional planning permission		
<b>Application Type:</b>	Full Planning Permission		

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Summary of consultation:	Site notice(s) were displayed on Chester Terrace and Chester Gate on 11/05/18 (consultation end date 01/06/18).  The development was also advertised in the local press on the 17/05/18 (consultation end date 07/06/18).					
Adjoining Occupiers:	No. notified	00	No. of responses	12	No. of objections	12
Summary of consultation responses:	<p>Objections were received from residents of the Close including owner occupiers of nos 27, 28, 29, 30, 31, 32, 34, 42, 44, 53, 55, 56 Chester Close.</p> <p><b>Amenity</b></p> <ul style="list-style-type: none"><li>We would directly face this new building.</li></ul> <p><i>Officer comment: please refer to section 5 of this report.</i></p> <p><b>Design/conservation area</b></p> <ul style="list-style-type: none"><li>This is a residential Close which has unique character, age, uniformity and design - any such construction would be absolutely destroying the design and layout of the Close and would send entirely the wrong signals - setting a precedent for anyone else wishing to build on the similar opposite garages.</li><li>The proposal will not fit in with the current structure and nature of the Close and will provide an unsightly view upon entering the estate, destroying the beautiful current view at Chester Gate.</li><li>The alteration will not be aesthetically pleasing with a large 2-storey building attached to the end of the western terrace. This is particularly bad as it is the initial view when entering the Estate.</li><li>It is very poor aesthetically. Current architectural design provides that on entrance to Chester Close South there is large opening on a right and left – both sides have low level garages and, note, both main building of Chester Close South are symmetric. Adding a two stories building will change this – this will look ugly.</li><li>It is wholly out of character with the rest of Chester Close South and would set a dreadful precedent.</li><li>The erection will be a constant eyesore and impair the visual and façades of the buildings in the close.</li><li>Oversize two stories plan at the entrance to Chester Close South.</li><li>The design is too massive especially at the entrance, and not pleasing to the eyes.</li></ul>					

- The house is already big, we object to the over-development as the plan is completely out of character of Chester Close South.
- Will definitely detract value from Conservation Area, and will not benefit the whole conservation area of Regents Park in any way whatsoever.
- The proposed development would be aesthetically displeasing. I believe a matching brick would not be available. It could also set an unwelcome precedent for owners of the other garages in the Close

*Officer comment: The design was amended subsequent to the consultation. Please refer to section 4 of this report.*

#### **Local community**

- The applicant does not live in the Close and has no interests in our community whatsoever - he already has a very large home which should accommodate his staff.
- This proposal to serve ancillary staff accommodation does not form one single part of the community within Chester Close South and makes an absolute mockery of the existing one.
- There is no merit for the staff quarters of the large house in Chester Terrace, to be erected willy nilly next to the existing peaceful community in Chester Close South.
- A replacement should be like for like, to the character of Chester Close South, and residences should be consulted for plans, which the owner has ignored.

*Officer comment: Please refer to sections 3 and 5 of this report.*

#### **Precedent**

- This would set a precedent for further development of the other (4) garages on the east side of the Estate.
- It will set a bad precedent for owners of other garages in the estate, who will proceed to do the same, resulting in the close being turned into a hodge potch buildings and facades.

*Officer comment: Please refer to section 4 of this report.*

#### **Quality of proposed accommodation**

- The owner of garage 5 already owns a substantial property in Chester Terrace and the proposed new accommodation will be ridiculously small.
- To me it doesn't seem to be enough room on the 1<sup>st</sup> floor for all the modern day amenities including sleeping and living



- Will they in time want to change the use of the garage to living quarters.

*Officer comment: Please refer to section 3 of this report.*

### **Disruption**

- There are many elderly and young people living here who really do not need this form of disruption.
- We have suffered from road vibrations for many years and thankfully via Camden the problems have been resolved. Please do not bring any further distress on our residents by unearthing already existing construction with its current consistency of age and uniformity to make way for this ambitious proposal with all potential pollution that this will add which is bad enough as it exists!
- The period of construction will mean we will have to further limit traffic in and out of that junction whilst work is being conducted.
- The garage in question forms a party wall with the outside facing wall of my living room.
- The new construction is close vicinity of large number of residences will be very disruptive. Of course, it is very much a personal view how much space one needs or can affords for family and for staff.
- The erection of the building as well as causing disruption for the present owners/tenants would cause noise, dirt and dust. It would be an absolute nightmare for the occupants of the block adjoining the proposed property.
- They will need to have new foundations for the new build
- Tenants of the Close should not be subjected to disruption, dirt and grime of an unnecessary construction site in the centre of a mature estate.

*Officer comment: Please refer to sections 5 and 6 of this report.*

### **Crown protection/common law issues**

- It is very distressing that someone from another Terrace can just simply demolish everything that has existed and been protected by the Crown in such a major way for many years.
- I contest to the ownership of that space. As the freehold is owned by the crown estate the leasehold is for the garage space on the first floor only. Any further building should be subject to an additional leasehold to which any one can purchase from the crown estate and build upon.
- Blocking the airspace will breach the common law rights of the tenants of the close.

- We in Chester Close South have no relationship whatsoever with the occupants of Chester Terrace. In fact I do not know why garage 5 is owned by a resident of Chester Terrace. I am sure that if any garage on our estate ever becomes vacant only a resident of Chester Close South would be allowed to purchase it.

*Officer comment: Issues of garage freehold and other common law rights are not material considerations of relevance to this planning application. Please refer to section 3 of this report.*

#### **Impact on vehicle movement**

- Firstly, I am concerned with the proposal as we already have limited visibility when turning around that corner.
- Have seen many near misses because people don't see oncoming traffic either way. A second level will limit the visibility further.
- The garage in question is located on a very dangerous corner which is the only public vehicular access to Chester Close South.
- The road is also used by a lot of pedestrians including families with small children and the elderly.
- The only service currently available in the garage premises is for electric light, and conversion of the premises into a residential building will mean laying cables and infrastructure for mains electricity water, sewage, gas etc and the disruption that will bring will not only be inconvenient but also dangerous for the reasons referred to above.
- Building is on a blind bend. Will disrupt traffic coming and going into the close during building
- I have a dial a ride and plus bus to take me shopping also ambulances to fetch and carry me to various hospital appointments. I think transport will have difficulty in reaching me during the building work.

*Officer comment: Please refer to section 5 of this report.*

#### **Other matters**

- Will infringe of the existing properties in value. I am assuming they will be dwelling there adding a one bedroom apartment with parking to a complex comprising of two bedroom apartments.
- The Lessee of the garage lives in a large 5 storey house in Chester Terrace, which appears to be sparsely occupied and all in all there appears to be nothing to recommend this apart from it being an added feature in an Estate Agents sales brochure.

*Officer comment: Matters of property value are not material planning considerations of relevance to this assessment.*

**CAAC/Local groups\*  
comments:**  
\*Please Specify

**Regents Park Conservation Area Advisory Committee**

No objection.

## Site Description

The application site is a single storey garage attached to the south end of 27-59 Chester Close South, a three storey 1970's housing development located between Albany Street to the east and the Grade I Listed Chester Terrace to the west. The site lies within the Regents Park Conservation Area (CA). The Close is part of the Crown Estate and is private land, accessed via Chester Gate to the South. Neither the garage nor the buildings to which the garage is attached are listed.

The site is associated with Gr-I listed 5 Chester Terrace, the rear of which faces the site.

The Regents Park Conservation Area Statement identifies the buildings as making a neutral contribution to the CA. *"These relate to buildings which broadly conform to the prevailing character, scale, form and materials but neither enhance nor detract from the character or appearance of the area"*.

## Relevant History

### 5 Chester Terrace

**2016/6348/P (and 2016/6634/L):** Planning permission and listed building consent granted for "Replacement of modern railings at rear of property with railings in a traditional style, plus reconfiguration of existing staircase linking ground and basement levels.

### Chester Close South

None.

## Relevant policies

### **National Planning Policy Framework (2012)**

### **London Plan (2016)**

### **Camden Local Plan (2017)**

A1 Managing the proposal impact of development

D1 Design

D2 Heritage

T1 Prioritising walking, cycling and public transport

T2 Parking and car-free development

T4 Sustainable movement of goods and materials

H6 Housing choice and mix

### **Camden Planning Guidance**

CPG1 Design (2018)

CPG Amenity (2018)

CPG6 Amenity (2018)

### **Regent's Park Conservation Area Appraisal and Management Strategy (11 July 2011)**

## Assessment

### **1. The proposal**



- 1.1. This application seeks planning permission to demolish the existing garage building and replace it with a two storey building to provide a vehicle garage at ground floor and accommodation at first floor associated with the use of 5 Chester Terrace.

## **2. Revisions**

- 2.1. The proposals were amended as follows:

- The original application sought to use the first floor as a self-contained staff flat. This was amended to non-self-contained accommodation ancillary to 5 Chester Terrace.
  - The design was amended to:
    - Pull the front (east) building line back from the adjoining flats.
    - Modify the roof to match the pitch profile of the adjoining flats.
    - Remove the clerestory window on the side elevation and insert a rooflight on the east roofslope.
- 2.2. The statutory provisions principally relevant to the determination of the application is the need to preserve or enhance the character or appearance of the Conservation Area under s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Enterprise and Regulatory Reform Act 2013. Section 16 and Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Enterprise and Regulatory Reform Act 2013 is also relevant.
  - 2.3. Section 16 requires that in considering whether to grant listed building consent for development which affects a listed building, the local planning authority shall have special regard to the desirability of preserving the listed building, its setting and its features of special architectural or historic interest.
  - 2.4. Section 66 of the Act requires that in considering whether to grant planning permission for development which affects a listed building, the local planning authority shall have special regard to the desirability of preserving the listed building, its setting and its features of special architectural or historic interest.
  - 2.5. The NPPF terms listed buildings designated heritage assets. Section 12 of the NPPF provides guidance on managing change to designated heritage assets through the planning system, including avoiding or justifying harm to the special architectural or historic interest of listed buildings.

## **3. Land use & occupier amenity**

- 3.1. Number 5 Chester Terrace has a rear door that provides direct access into the Close, within 10m of the site. The existing garage is ancillary to the use of 5 Chester Terrace as a dwellinghouse. The development would maintain this use while adding flexible residential space above and therefore there is no objection to the proposals on the basis of land use.
- 3.2. The first floor accommodation could provide sleeping and washing facilities such as a bedroom, or equally study/storage uses. However the size of the habitable space (c.23sqm) at first floor is insufficient to meet the space standards for even the smallest self-contained flat and therefore a condition would be added to ensure that the space is only used for purposes ancillary to the main dwelling and not as a self-contained unit.

## **4. Design**

- 4.1. The demolition of the existing garage which makes a neutral contribution to the character and appearance of the conservation area (CA) would not result in harm to the CA and is acceptable in principle.
- 4.2. There are several garage structures within and around the Close, but this is the only example of a single garage terminating the end of a building in the Close. The single storey building is a subordinate structure to the adjoining 3 storey flats, set back from the building lines by 1m (front) and 0.5 (rear) and is simple/unadorned in appearance. It is consistent with the general uniformity of the Close.
- 4.3. The proposals, as amended, would retain this subordinate form through :
- Increasing the plot area by just 3.4sqm (c.15%) by widening the building by 150mm and lengthening it by 695mm.
  - Limiting the height to one storey lower than the eaves of the adjoining building and keeping the same roof profile
  - Maintaining a setback from the front building line of 0.65m and rear of 0.3m.
  - Keeping a simple form, with brick gable end, fenestration front and rear to match the style of the adjoining block and an up and over garage door.
- 4.4. The new building would not be significantly more visible than the existing garage from the public realm outside of the Close on Chester Gate or in views from Albany Street. The simplicity of the design as amended would be in keeping with the existing building, the adjoining flats and the uniform and consistent character of the Close. A condition would be added to secure a sample of the brickwork and details of all facing materials in order to ensure that the replacement building is sensitive to the context.
- 4.5. While the building would become the only 2-storey structure in the Close, it would not upset the existing symmetry and would still be in general keeping with the overall character of the Close. The additional height would not significantly impede views of the nearby listed buildings and would cause no harm to their setting either in local views from within the Close or from Albany Street. Each planning application is assessed on its own merits and the unique nature of this single garage indicates that this permission would not establish a precedent in the Close.
- 4.6. The proposal is considered to preserve the character and appearance of the conservation area and would not cause harm to the setting of the nearby listed buildings. Special attention has been paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area and the setting of the listed buildings under s16, s66 and s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Enterprise and Regulatory Reform Act 2013.

## **5. Impact on neighbouring amenity**

- 5.1. Policy A1 of the Local Plan seeks to protect the quality of life of neighbouring occupiers. The factors to consider include: visual privacy and outlook; sunlight, daylight and overshadowing.
- 5.2. The front of the building faces garages 1-4. The rear of the building faces the rear of 4 and 5 Chester Terrace and the side elevation faces the rear of Nash House (3

Chester Terrace) c.10m to the south. The additional bulk of the building would not have a significant impact on the outlook or sense of enclosure experienced from the rear windows in the nearest properties. There would also be no significant impact on daylight or sunlight to those nearest properties. The rear windows serve the stairwell and would provide no significant opportunities for overlooking of nearby windows. The new rooflight would not directly face nearby habitable rooms and therefore the development would not give rise to concerns about loss of privacy in neighbouring homes.

- 5.3. The building would retain its vehicular entrance in the same location as existing. To the rear an access door would provide the entrance to the upper floor accommodation. The use of the upper floor for ancillary residential purposes would be compatible with the general activities within the Close. The use would be unlikely to give rise to significant additional trip generation or movements of occupants within the Close, and would not give rise to new or significant opportunities for nuisance to local amenity. Overall the development would not give rise to any significant impact on residential amenity and is acceptable in terms of policy A1.

## **6. Transport / highways/ construction impact**

- 6.1. The proposals would retain the existing parking garage while adding residential floorspace which is ancillary to an existing dwelling in close proximity to the site. It would therefore not be justified to seek to make the existing dwelling car free.
- 6.2. As set out above, the building would be only slightly larger in footprint than the existing (c15%) and the majority of the increase arises from a slightly shorter setback to the front and a marginal increase in width. The changes to the footprint would not give rise to any significant changes in the free or safe movement of vehicles or pedestrians around the perimeter. To the rear there is an existing traffic bollard in place which restricts movement of vehicles around the site and it would not be affected by the proposals. To the front, the entrance to the Close is governed by retractable vehicle bollards, within 15m of the site. The increased height of the building would only lead to reduced road visibility for/of vehicles which are taller than 4m, which are unlikely to be common in this residential Close and in any event will be travelling at very slow speeds due to the tightness of the existing corner. Overall it is considered that the changes would not lead to increased risk to pedestrian or vehicle safety in the Close.
- 6.3. The construction of the proposals have the potential to have some impact on neighbouring amenity however the works are relatively small scale and the site can easily accessed in a straight forward manner. As it falls on private land, the Crown Estate will have a process in place to manage vehicular movements and activities and therefore it is considered that a Construction Management Plan is not required.
- 6.4. As the proposals are to add residential space which is ancillary to the existing dwelling at 5 Chester Terrace there are no policy requirements for additional cycle parking. In any event the garage space could provide a satisfactory secure and covered space if the need arises.
- 6.5. Overall the proposals are acceptable in terms of transport and highways impact.

**7. Recommendation:**

- 7.1. Grant planning permission subject to conditions.

***The decision to refer an application to Planning Committee lies with the Director of Regeneration and Planning. Following the Members Briefing panel on Monday 2<sup>nd</sup> July 2018, 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'.***



Application ref: 2018/1470/P  
Contact: Gavin Sexton  
Tel: 020 7974 3231  
Date: 26 June 2018

**Development Management**  
Regeneration and Planning  
London Borough of Camden  
Town Hall  
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Mr John Seifert  
5 Chester Terrace  
London  
NW1 4ND

# DRAFT

Dear Sir/Madam

## DECISION

Town and Country Planning Act 1990 (as amended)

### Full Planning Permission Granted

Address:

**Garage 5**  
**Chester Close South**  
**NW1 4ND**

# DECISION

Proposal:

Erection of two storey building comprising ground floor garage and upper floor ancillary to 5 Chester Terrace, following demolition of existing garage.

Drawing Nos: Existing/demolition :104-00 (Location Plan); 104-02 (plans, elevations, sections), 104-06 (Sections); 104-03 (Demolition);

Proposed: 104-07 rev B (New footprint), 104-01 rev B (site plan), 104-04 rev C (proposed plans), 104-05 rev B (elevations), 104-06 rev B (sections);

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 must be begun not later than the end of three years from the date of this permission.

Reason: In order to comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans :

Existing/demolition :104-00 (Location Plan); 104-02 (plans, elevations, sections), 104-06 (Sections); 104-03 (Demolition);

Proposed: 104-07 rev B (New footprint), 104-01 rev B (site plan), 104-04 rev C (proposed plans), 104-05 rev B (elevations), 104-06 rev B (sections);

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

- 3 The development shall not be used for any purposes other than as ancillary to the dwellinghouse at 5 Chester Terrace and in particular shall not be used as self contained accommodation.

Reason: The residential floorspace is not sufficiently large to meet development space standards for self contained homes and in order to protect the amenity of local residents, in accordance with policies A1 and H6 of the London Borough of Camden Local Plan 2017.

- 4 Prior to commencement of construction, manufacturers details and samples of materials as appropriate, in respect of the following, shall be submitted to and approved in writing by the local planning authority:

a) Details including sections at 1:10 of all windows (including jambs, head and cill), the rooflight and external doors;

b) a sample panel of the facing brickwork demonstrating the proposed colour, texture, face-bond and pointing (to be provided on site);

c) Manufacturer's specification details of the roofing materials (to be submitted to the Local Planning Authority) and samples of those materials (to be provided on site).

The relevant part of the works shall be carried out in accordance with the details thus approved and all approved samples shall be retained on site during the course of the works.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policies D1 and D2 of the London Borough of Camden Local Plan 2017.

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

David Joyce  
Director of Regeneration and Planning

**DECISION**