

Flat 1st and 2nd Floor, 107 Chetwynd Road, NW5 1DA
(2018/3314/P)





1. View towards rear garden (foreground shows garden owned by Garden Flat); development site is beyond fence.



2. Wide view of rear gardens (provided by applicant).



3. Rear boundary of applicant's garden.



4. Side boundary and site of proposed outbuilding.



5. Side boundary and view of existing raised patio.



6. View towards rear of property (application property occupies first and second floors visible above fence), taken from existing raised patio.

Delegated Report		Analysis sheet		Expiry Date:		07/09/2018	
(Members Briefing)		N/A / attached		Consultation Expiry Date:		01/10/2018	
Officer				Application Number(s)			
Emily Whittredge				2018/3314/P			
Application Address				Drawing Numbers			
Flat 1st And 2nd Floor 107 Chetwynd Road London NW5 1DA				Refer to Draft Decision Notice			
PO 3/4		Area Team Signature		C&UD		Authorised Officer Signature	
Proposal(s)							
Erection of outbuilding in rear garden for incidental use.							
Recommendation(s):		Grant conditional planning permission					
Application Type:		Full Planning Permission					

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	00	No. of responses	01	No. of objections	00
Summary of consultation responses:	<p>The occupant of the Garden Flat, 107 Chetwynd Road did not object to the proposal, but raised a number of queries/comments, as follows:</p> <ul style="list-style-type: none"> • If outbuilding is visible above fence, how would it appear from their garden; • Further consultation required for laying power cables; • Permission and safeguards required for access through garden during works, and timeframe of construction; • What is the impact on shared freehold and insurance. <p>Officer response: <i>Matters of design and amenity are discussed in sections 3 and 4 of the Officer's Report below.</i></p> <p><i>Issues of land ownership, insurance and construction access are civil matters and do not form material planning considerations.</i></p>					
Dartmouth Park CAAC:	<p>The Dartmouth Park Conservation Area Advisory Committee has objected on the grounds of:</p> <ul style="list-style-type: none"> • Size of outbuilding could be used as residential • Would set a precedent in an area with no outbuildings <p>Officer response: <i>The use of the building as an independent residential unit can be controlled through the use of a planning condition, which is proposed to be attached to the permission. The surrounding gardens have various garden buildings and structures of different sizes, and the proposed building is not considered to serve as a precedent.</i></p>					

Site Description

The application site relates to the flat occupying the top two floors of a three-storey semi-detached building within the Dartmouth Park Conservation Area. The rear half of the garden is associated with the application property, and is enclosed by a timber boundary fence, and a brick wall to the rear.

Large, semi-detached properties are characteristic of the surrounding area, with many split into flats. There are mature trees in most of the rear gardens in the area, and various outbuildings and structures in many.

Relevant History

None relevant.

Relevant policies

National Planning Policy Framework (2018)

The London Plan (2016)

Camden Local Plan (2017)

A1 Managing the impact of development

D1 Design

D2 Heritage

Camden Planning Guidance

CPG Design (2015 updated 2018)

CPG Amenity (2011 updated 2018)

Dartmouth Park Conservation Area Statement (2009)

Assessment

1.0 Proposal

The application seeks to erect an outbuilding in the west corner of the garden for incidental use as an art studio or playroom.

The building would replace an existing area of raised, paved patio, and would measure 3.2m wide, 4.7m long and 2.9m high. The building would be clad in larch, with dark grey aluminium framed windows. A sedum roof is proposed for the flat roof.

2.0 Assessment

The key considerations in the assessment of this application are:

- Impact on the garden setting and the character and appearance of the Dartmouth Park Conservation Area;
- Impact on the residential amenity of adjoining occupiers;
- Impact on trees and landscape.

3.0 Design and heritage

Within the gardens in the surrounding area, there are outbuildings and enclosures of various types and sizes. The proposed outbuilding would be located along the rear and side boundaries of the site

in a location that would not be significantly prominent and would be softened by green screening.

The building is proposed to feature a sedum roof, and be clad in larch horizontal timbers, which would give the structure a contemporary and high quality appearance. The use of natural materials for the exterior, in combination with its simple design, would prevent the structure from appearing out of keeping with the garden setting.

Concern was raised by the CAAC over the size of the building, which measures 4.7m by 3.2m. The building's footprint would cover approximately 15 sqm of the applicant's half of the garden, which is approximately 103sqm (excluding access). The building would therefore not occupy an unduly large percentage of the garden, and would occupy even less in relation to all of the land associated with No. 107.

The proposed building is considered to be acceptable in terms of its size, materials and detailed design, and is not considered to cause harm to the character or appearance of the Dartmouth Park Conservation Area.

4.0 Amenity

The proposed outbuilding would be located on the site of an existing patio, which is raised approximately 0.3m above natural ground level. The finished floor level of the new building would be 0.3m higher than the existing patio. The building would be sufficiently low and far from the garden of No 107A, and would not result in overlooking of the garden or the property's windows.

Due to its location away from adjoining properties and primary amenity areas, the building would not appear overbearing to neighbouring gardens. The building would be sited to the north-east of an existing summerhouse in the garden of No. 105, and would be screened from properties in Dartmouth Park Road to the rear by a tall shrub. As such, the building would not result in a loss of sunlight or daylight to adjoining gardens.

Concern was raised by the Dartmouth CAAC about the potential for the building to be used as residential accommodation due to its size. A planning condition is suggested to ensure that the outbuilding remains ancillary to the use of the main property. This means the Council would be able to enforce against the use of the building as independent accommodation, or any other use that is not ancillary to the residential use of the property.

5.0 Trees and landscaping

The proposed building would be located within falling distance of an existing mature Ash tree, which is in the northern corner of the site. The rear of the garden is raised and paved with stone to form a patio area. Informal trial pits were dug in the locations of the proposed foundation pads by lifting some of the pavers.

The tree officer has reviewed the information provided and recommends two pre-commencement conditions to be attached to the decision notice requiring details of tree protection and details of the foundations to ensure the Ash tree would not be adversely affected by the works.

6.0 Recommendation

Grant full 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 10th December 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 and search for 'Members Briefing'.

Application ref: 2018/3314/P
Contact: Emily Whittredge
Tel: 020 7974 2362
Date: 4 December 2018

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DRAFT

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Full Planning Permission Granted

Address:

**Flat 1st And 2nd Floor 107 Chetwynd Road
London
NW5 1DA**

Proposal:

Erection of outbuilding in rear garden for incidental use.

Drawing Nos: Design and Access Statement Rev A, Foundation Pad Trial Excavations Rev A, 001, 002, 003, 004.

DECISION

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 All new external work shall be carried out in materials that resemble, as closely as possible, in colour and texture those of the existing building, unless otherwise specified in the approved application.

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

- 3 The development hereby permitted shall be carried out in accordance with the following approved plans: 001, 002, 003, 004.

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

- 4 Prior to the commencement of any works on site, details demonstrating how trees to be retained shall be protected during construction work shall be submitted to and approved by the local planning authority in writing. Such details shall follow guidelines and standards set out in BS5837:2012 "Trees in relation to design, demolition and construction". All trees on the site, or parts of trees growing from adjoining sites, unless shown on the permitted drawings as being removed, shall be retained and protected from damage in accordance with the approved protection details.

Reason: To ensure that the development will not have an adverse effect on existing trees and in order to maintain the character and amenity of the area in accordance with the requirements of policies A2 and A3 of the London Borough of Camden Local Plan 2017.

- 5 Prior to commencement of any works on site, details of the design of building foundations and the layout, with dimensions and levels, of service trenches and other excavations on site in so far as these items may affect trees on or adjoining the site, shall be submitted to and approved in writing by the local planning authority. The relevant part of the works shall not be carried out otherwise than in accordance with the details thus approved.

Reason: To ensure that the development will not have an adverse effect on existing trees and in order to maintain the character and amenities of the area in accordance with the requirements of policies A2 and A3 of the London Borough of Camden Local Plan 2017.

- 6 The outbuilding hereby approved shall remain ancillary to the use of the main property (107 Chetwynd Road, NW5 1DA) and shall not be used as separate residential accommodation, business premises or similar non-ancillary use.

Reason:

In order to protect the residential amenities of neighbouring occupiers in accordance with policy A1 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 paragraph 38 of the National Planning Policy Framework 2018.

You can find advice about your rights of appeal at:
<http://www.planningportal.gov.uk/planning/appeals/guidance/guidancecontent>

DRAFT

Yours faithfully

Director of Regeneration and Planning

DECISION