



Appeal Decision

Site visit made on 19 March 2019

by Chris Forrett BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5th April 2019

Appeal Ref: APP/X5210/W/18/3217583

5-8 St Marks Square, London, NW1 7TN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by SAV Group against the Council of the London Borough of Camden.
 - The application Ref 2018/2343/P, is dated 21 May 2018.
 - The development proposed is the erection of single storey outbuilding in rear garden for ancillary residential use.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of single storey outbuilding in rear garden for ancillary residential use at 5-8 St Marks Square, London, NW1 7TN in accordance with the terms of the application, Ref 2018/2343/P, dated 21 May 2018, subject to the conditions in the schedule to this decision letter.

Main Issue

2. As part of the appeal submissions, the Council have indicated that it was their intention to approve the application. Notwithstanding that, there were a number of representations received from local residents. Taking these into account, I consider that the main issue is the effect of the development on the living conditions of the occupiers of the neighbouring residential properties.

Reasons

3. The proposed development is a single storey outbuilding which would be sited towards the northern end of the garden area associated with 5-8 St Marks Square. It would be constructed in timber and would have a sedum roof. The building would be used as a communal space for the residents of 5-8 St Marks Square and would comprise of two external storage areas, a toilet, and an open plan area.
4. From my site visit I saw that the garden areas at the rear of the Princess Road properties are small. Whilst there is a boundary wall between the appeal site and these properties, there are views possible between the respective gardens. However, the presence of trees along the boundary would provide some shielding during the months when they are in leaf.
5. The appeal building would be around 3 metres in height and would be sited over 2.5 metres away from the wall to the Princess Road property boundaries.

To my mind, the height and location of the proposed building would not have a significant adverse impact on outlook from any of the Princess Road properties. Furthermore, given the location of the windows to the building, the overhanging roof and the boundary wall, I consider that there would not be an unacceptable level of overlooking between the respective buildings.

6. Turning to the potential for noise, it is noted that the building would be associated with a residential use. In this respect, I consider that this use would not be incompatible with the residential nature of the area and would not be likely to result in a level of noise which would adversely affect the amenities of local residents.
7. Taking the above factors into account, I consider that the development would not harm the living conditions of any of the occupiers of the adjoining residential properties and would accord with Policy A1 of the Camden Local Plan (2017) and the Camden Planning Guidance on Amenity (CPG6) Supplementary Planning Document which amongst other matters seek to protect the quality of life of occupiers and neighbours.

Other matters

8. The appeal site is located within the Primrose Hill Conservation Area (PHCA). The building at 5-8 St Marks Square is also a Grade II Listed Building and the appeal development would be situated within its curtilage.
9. Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to have special regard to the desirability of preserving the character or appearance of the Conservation Area and the setting of this Listed Building.
10. As noted above, there is a line of trees along the boundary to the Princess Road properties. The development would be located within the root protection area of two Lime trees. However, the Landscape Collective Findings of the Arboricultural Assessment - Arboricultural Impact Assessment details how the impact of the development could be successfully mitigated and to my mind these mitigation measures can be controlled through a suitably worded planning condition.
11. The proposal would be constructed using timber and would have a green sedum roof. To my mind, the nature of these materials would add variety to the area and would also help to maintain and improve biodiversity. In addition to these factors the size of the building would not harm the open character of the rear of the existing properties in the area nor would it harm the overall character of the PHCA.
12. Turning to the setting of the listed building, the outbuilding would be modest in scale and would be clearly subservient to the host building. Whilst it would inevitably result in some change to the setting of this listed building I consider that its overall setting would be preserved.
13. I therefore consider that the development accords with the heritage aims of the Development Plan policies and the National Planning Policy Framework.
14. In addition to the above, concern has been raised over the use of the existing building. However, this is not a matter for me to reach a conclusion on as I

have considered the appeal on the basis of an outbuilding for ancillary residential use.

Conditions

15. The Council has provided a list of suggested conditions that it considers would be appropriate. I have considered these in light of the Planning Practice Guidance (PPG). For clarity and to ensure compliance with the PPG, I have amended some of the Council's suggested wording.
16. Other than the standard time limit condition, it is necessary to ensure that the development is carried out in accordance with the approved plans for the reason of certainty. In order to protect the amenities of the adjoining residential properties it is necessary to ensure that the appeal building is only used as incidental accommodation to the residential use of Vernon House, 5-8 St Mark's Square.
17. It is also necessary to impose conditions in relation to landscaping and tree protection measures in the interests of the character and appearance of the area.
18. With the exception of the tree protection measures it is not necessary for any of these to be pre-commencement conditions. However it is necessary for the tree condition to be pre-commencement as it relates to measures required during the construction process.
19. The Council have suggested a condition relating to the materials of the proposed outbuilding so that they resemble (as closely as possible) the existing building. However, given that the proposed building is timber this cannot resemble the brick/render of the existing building. Therefore, I consider that this condition is not necessary.

Conclusion

20. Taking all matters into consideration, I conclude that the appeal should be allowed.

Chris Forrett

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 17023 PL3 001, 17023 PL3 101, 17023 PL3 105 A, 17023 PL3 140, 17023 PL3 141, VER.ECO.1 revision F, VER.ECO.3 revision B, VER.ECO.4 revision F and ECO/DTL/02.
- 3) Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 or the Town and Country Planning (General

Permitted Development) Order 2015 (or any orders revoking and re-enacting those orders with or without modification), the outbuilding hereby approved shall only be used for purposes incidental to the residential use of Vernon House, 5-8 St Mark's Square and shall not be used for any other purposes whatsoever, including as a separate independent residential dwelling, or providing additional sleeping accommodation.

- 4) Prior to the commencement of works on site, the tree protection measures shall be installed and working practices adopted in accordance with the Landscape Collective Findings of the Arboricultural Assessment - Arboricultural Impact Assessment dated May 2018 ref LC/00256. The construction works shall only be carried out in accordance with the approved details.
- 5) Prior to the first use of the outbuilding full details of hard and soft landscaping shall be submitted to and approved in writing by the local planning authority.
- 6) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the first occupation of the outbuilding or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.