

CONSULTATION SUMMARY

Case reference number(s)

2019/2746/P

Case Officer:

Mark Chan

Application Address:

Flat Ground Floor
128 Goldhurst Terrace
London
NW6 3HR

Proposal(s)

Demolition of existing garden shed and erection of single storey rear garden outbuilding.

Representations

Consultations:	No. notified	0	No. of responses	1	No. of objections	1
					No of comments	0
					No of support	0

Summary of representations

The owner/occupier of Flat 1, No. 126 Goldhurst Terrace has objected to the application on the following grounds:

1. The building will be in the way of sunlight coming into our garden. In the afternoon the sun comes through the corner of the garden where the building is planned. The building being 2.5 meters tall and being positioned just 1 meter away from our fence will block sunlight and overshadow our garden.
2. The contemporary building would be entirely out of character and will

detriment the beauty of the area of Victorian buildings surrounded by green gardens.

3. The scale of the building will make it dominant in the surrounding gardens.
4. I strictly reject the building to be sleeping accommodation which in my understanding would break the building regulation and will cause disturbance to us and our 5 years old daughter.
5. Additionally I am concerned that the big pine tree may be affected. As you see on the photo one big branch which was growing across the garden has been cut off already to allow the space for the construction of the building. I request this tree to be protected as it corresponds to required parameters to be under protection.
6. I have looked at the documents in Land Registry. The Schedule of restrictive covenants contains the covenant regarding the construction of new buildings. Wouldn't the construction of new building breach this covenant?

**(Officer response(s)
in italics)**

Summary of comments

(Commentary on the grounds of representation, including balanced reasoning for recommendation)

A site visit was carried out by the Officer and the grounds of the objection as well as the proposal's potential impact on neighbouring amenities was assessed.

- 1. It is observed that there is already a large pine tree on the neighbour's rear garden which would partially screen the outbuilding and as the outbuilding is only 2.5m high and positioned 1m away from the shared 1.5m high boundary fence, it is considered the proposal would not have observable adverse impact on the amenity of neighbouring residential occupiers in terms of loss of light or loss of privacy.*
- 2. The rear sitting of the outbuilding and the significant distance from the subject building means that it has no impact on the street scene nor the building as it would not be visible from the public realm. It is also important to note there are existing outbuildings in some neighbouring gardens and therefore the principal of such development is considered acceptable.*
- 3. The materials, design and massing of the outbuilding is considered appropriate and would not be out of place as there are several*

outbuildings of similar scale and design in the local area.

- 4. The outbuilding would be used as an art studio/office and not to provide sleeping accommodation. Should it be used as such it would require a further application of planning permission. Furthermore a condition will be used to ensure the outbuilding is used only as ancillary to the host building.*
- 5. During the Officer's site visit, it was not observed that any trees were harmed and the construction of the outbuilding is entirely within the site boundary.*
- 6. Please note that restrictive covenants are not considered in applications for planning permission as they are a separate legal matter. Equally, the granting of planning permission does not override any restrictions on the title. Landowners are expected to both obtain planning permission, and comply with restrictive covenants, in order for development to be carried out.*

Recommendation:-

Grant planning permission