

Delegated Report		Analysis sheet	Expiry Date:	25/10/2019
		N/A	Consultation Expiry Date:	27/10/2019
Officer			Application Number(s)	
David Peres Da Costa			2019/3960/P	
Application Address			Drawing Numbers	
45 Regent's Park Road London NW1 7SY			Refer to draft decision notice	
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature	
Proposal(s)				
Construction of timber bin enclosure to front garden (retrospective).				
Recommendation(s):		Refuse planning permission and warning of Enforcement Action		
Application Type:		Full planning permission		
Conditions or Reasons for Refusal:		Refer to Draft Decision Notice		
Informatives:				
Consultations				
Adjoining Occupiers:		No. of responses	00	No. of objections
				00
Summary of consultation responses:		A site notice was displayed from 6/9/19 to 30/9/19 and the application was advertised in the local paper on 3/10/19 (expiring 27/20/19). No responses were received.		
CAAC/Local groups* comments: <small>*Please Specify</small>		Primrose Hill CAAC – object 'This structure is not attractive or appropriate in this significant terrace of houses in the PH Conservation Area. It does not preserve or enhance the Conservation Area and would create an unfortunate precedent. There is an Article 4 direction on front garden walls in the PHCA which surely serves to protect the appearance of front garden walls from the harm presented by such a poor structure as this is. It is particularly unfortunate that the existing bin structure at this site stands beside one or two other bins without any enclosure. In addition, the application fails to state that this is a retrospective application and the bin structure has already been built. We would prefer the front parapet wall to be continuous with a rebuilt bin structure opening inwards on to the front garden, and one which is of a better design and more appropriate to the front garden of a property in this strategic position'.		

Site Description

The application site is a 5 storey terrace property, which includes a basement, on the south side of Regent's Park Road. The property is divided into flats. The site falls within the Primrose Hill Conservation Area and is identified as a positive contributor. The property is subject to an Article 4 Direction which removes certain permitted development rights, including those concerning alterations to front boundary treatment.

Relevant History

2018/4998/P: Erection of replacement railings to existing roof terrace. This application is currently pending determination.

Enforcement history

EN19/0532: Bin shelter erected to front of property. Record created 31/05/2019

Relevant policies

NPPF 2019

The London Plan March 2016, consolidated with alterations since 2011

Draft London Plan consolidated suggested changes version (July 2019)

Camden Local Plan 2017

Policy A1 Managing the impact of development

Policy D1 Design

Policy D2 Heritage

Camden Planning Guidance

Altering and extending your home March 2019

Amenity March 2018

Design March 2019

Primrose Hill Conservation Area Statement (Dec 2000)

Assessment

Proposal

The application seeks retrospective permission for a timber clad bin store. The bin store has been constructed on a small area of hardstanding at the front of the property where there is a gap in the wall. The timber clad bin store is 1.7m wide, 1.2m deep and 1.2m high and has two doors which open directly onto the footway.

Assessment

Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area when considering applications relating to land or buildings within that Area.

The effect of this section of the 1990 Act is that there is a statutory presumption in favour of the preservation of the character and appearance of Conservation Areas. Considerable importance and weight should be attached to their preservation. A proposal which would cause harm should only be permitted where there are strong countervailing planning considerations which are sufficiently powerful to outweigh the presumption. The NPPF provides guidance on the weight that should be accorded to such harm and in what circumstances such harm might be justified (paras 193-202). Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

The site falls on a principal road within the Regent's Park Road South sub area of the conservation area (sub-area one). Italianate villas dominate Regent's Park Road. They are designed to appear as grand residential properties and have raised ground floors, numerous decorative features and are set back from the main road with front gardens bounded by stucco brick walls with gate piers.

The subject property forms part of a terrace group (35-47 Regent's Park Road). The conservation area statement includes the following:

In order to reinforce the appearance of grandeur, these groups are often detailed to resemble one large villa. Symmetry is the most common way of unifying a group and can be reinforced by adding a central decorative feature such as a portico, pilasters, projecting section, gable, or pair of central porches. Another way of unifying pairs, even if asymmetrical, is to recess the entrances to the side of the property, allowing the main façade to stand proud. Subsequently, many properties are L shaped with an entrance wing set back to the side.

It is noted that the article 4 direction removes the permitted development right Class II part 1 of Schedule I of the Town and Country Planning General development Order 1977 as amended. The permitted development right removed relates to the erection of gates, fences, walls or other means of enclosure where abutting on a highway used by vehicular traffic. The conservation area statement explains that this is to ensure that the Council can retain control over certain features that are considered to make a particularly important contribution to the character of the Conservation Area.

The Conservation Area statement provides guidance on front gardens and boundary structures.

'Alterations to the front and side boundaries between the pavement and the house can dramatically affect and harm the character of the Conservation Area. Proposals to erect new boundary structures or replace or alter existing boundary structures should respect the original boundary style.'

The bin store has been constructed on a small area of hardstanding at the front of the property where there is an existing gap in the front boundary wall. The bin store is adjacent to the side boundary with Number 47 which has a symmetrical layout including a gap in the front boundary, hardstanding and wheelie bins stored (without an enclosure) in this area. Historic photographs demonstrate that the

hard standing was occupied by bins either side of the side boundary in a symmetrical arrangement.



The timber bin store appears visually obtrusive and out of character with the streetscene. It harms the symmetry of 45 and 47 Regent's Park Road and the uniformity of the terrace (35-47 Regent's Park Road).

The cedar clad structure draws attention to the bins rather than concealing them. The bin store appears alien in the streetscene because it is so visible from the street and is not hidden behind a boundary wall. It is a jarring addition to the streetscene as compared to the unenclosed bins which previously occupied this area. The principle of a structure in this highly visible location is not supported.

As such, the bin store would not preserve the character and appearance of the conservation area. Less than substantial harm is identified, however there are no public benefits to offset this harm.

Amenity

The proposed bin store would have minimal impact on neighbouring amenity in terms of loss of daylight, sunlight or harm to outlook.

Transport

The bin store doors would open onto the pavement. This does not accord with planning guidance which seeks to prevent obstructions to the public highway. However, in this instance, the doors opening onto the highway would be for only a very limited time and so the obstruction of the highway would not be considered so harmful as to constitute a reason for refusal.

Recommendation: Refuse planning permission and warning of enforcement action.