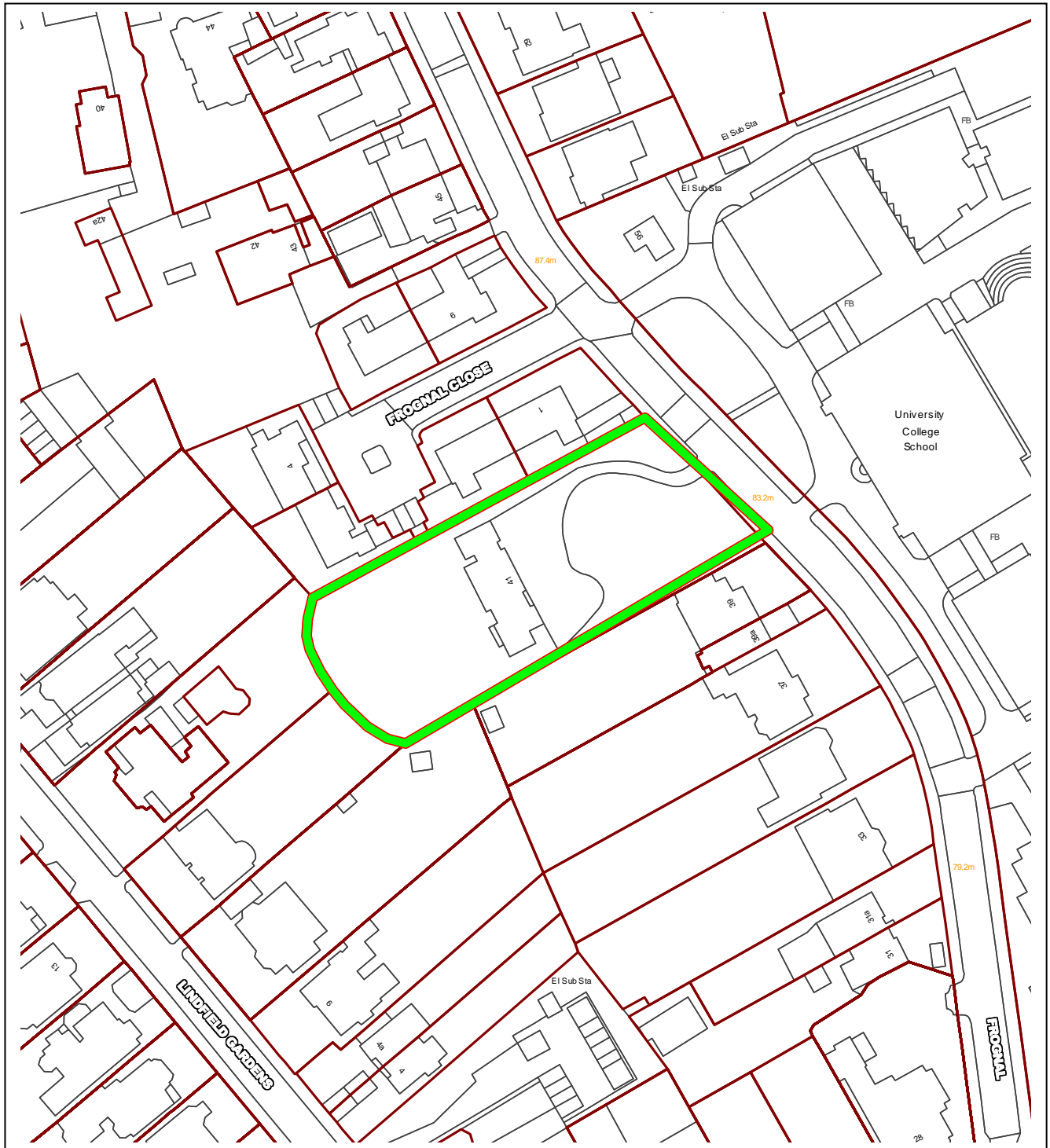


41 Frognal, NW3- 2019/1979/P



This material has been reproduced from Ordnance Survey digital map data with the permission of the controller of Her Majesty's Stationery Office, © Crown Copyright.



1. Looking north to southern end of site's frontage



2. Looking north to northern end of site's frontage



3. Looking south to northern end of site's frontage



Existing view from road (prior to construction)



Proposed view from the road

4. Applicant's montage of proposed frontage

Delegated Report (Members Briefing)		Analysis sheet		Expiry Date:	06/06/2019
		N/A / attached		Consultation Expiry Date:	30/06/2019
Officer			Application Number(s)		
Charles Thuaire			2019/1979/P		
Application Address			Drawing Numbers		
41 Frognal London NW3 6YD			See decision notice		
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature		
Proposal(s)					
Erection of timber-clad outbuilding and bin store in front garden and 4 brick gate piers along front boundary enclosure					
Recommendation(s):		Grant planning permission			
Application Type:		Householder Application			

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:	Site notice displayed 05/06/2019 to 29/06/2019 Press advert published 06/06/2019 to 30/06/2019 No response					
CAAC/Local groups* comments: *Please Specify	<p><u>Hampstead Conservation Area Advisory Committee</u> object-</p> <p>We note lack of site plan explaining landscaping and trees relative to the low boundary wall. The proposed outbuilding appears oddly sited and dominant in the front landscaping, even if hidden from view by fencing (not shown on the street elevation). The bin stores need to be replanned and rationalised. Wheelie bins do not need roofs but discreet enclosure allowing for easy swift moves to the vehicle. Any doors must not open onto the pavement and the proposed siting means residents must access the bins from the public way which should not happen.</p> <p><u>Officer comment-</u> <i>The outbuilding will be screened from street view by the fence and trees. The binstore is discreet and appropriately designed and located; plans are revised to have sliding doors that do not open outwards. See also paras 2.1 and 2.2 below</i> <i>See also para 3.2 regarding the binstore operation.</i></p>					

Site Description

The property is a single family dwelling house set within a large plot with long front and rear gardens. The current front garden has a very low dwarf brick wall behind which is sloping open lawn and mature trees. Neighbouring front gardens on either side have high brick walls behind the pavement.

The building is unlisted and is a positive contributor building in the Redington/Frognaal conservation area.

Relevant History

07/08/2018- planning permission ref 2017/5234/P granted for- Variation of condition 3 (approved plans) of planning permission dated 17.5.17 ref 2016/4558/P (for Partial demolition and new build behind retained façade comprising a lower ground floor extension; ground, first and second floor extensions to the front, side and rear; first and second floor rear terraces to provide a 7-bedroom single dwellinghouse)

10/04/2019- Certificate of Lawfulness for Proposed Development ref 2018/4115/P granted for- Erection of 2m high entrance gates, piers and timber fences in the front garden set back from front boundary.

Relevant policies

National Planning Policy Framework 2019

London Plan 2016

Camden Local Plan 2017

A1 Managing the impact of development

A3 Protection, enhancement and management of biodiversity

D1 Design

D2 Heritage

CC1 Climate change mitigation

CC2 Adapting to climate change

CC3 Water and flooding

Draft Redington Frognaal Neighbourhood Plan 2019- revised draft due to be submitted in 2020.

SD4 Sustainable Design and Redington Frognaal Character

BGI 2 Front and Side Gardens / Front Boundary Treatments

Camden Planning Guidance 2018/2019

CPG Design

CPG Amenity

Redington Frognaal Conservation Area Statement 2000

Assessment

1. Proposal-

1.1 Planning permission is sought for various structures in the front garden consisting of:

- sunken timber-clad outbuilding with green roof; it will be 4x4m square and 1.8m high at front with a 2m high back wall; it will be approx. 1-2m behind a 1.8m high timber front fence (permitted development as explained below), and screened by planting, both new and existing;
- small brick and timber binstore 3.5m long 1.5m high 1.3m wide at the northern end of the front boundary of the site;
- four brick gate piers of 2.062m high at the driveway and pedestrian entrances to the site respectively; the pier caps are 262mm higher than would be otherwise allowed under permitted development (pd) and would be attached to the previously approved front timber fence which was considered lawful as 'pd'.

1.2 The proposals should be assessed in conjunction with the scheme for a front boundary fence here, which was considered lawful in April 2019 ref 2018/4115/P - see history above. This was to erect a 1.8m high timber fence of a bespoke design arranged along a wavy curving line and well set back behind the dwarf wall; in addition there would be pedestrian and vehicular entrance gates flanked by 2m high brick piers. The fence would be 3.2m at its minimum distance from the pavement and 7.1m at its maximum. Existing trees would be retained in front and new trees and shrubs planted there to mask much of the new fence.

1.3 Revisions- binstore doors to be sliding rather than opening onto pavement; gate piers reduced in height to 2.06m high. Additional section provided through front garden showing sightlines from street.

2. Design

2.1 The outbuilding is modest in size at 16m in area, compared to the overall size of the large garden. Due to its partially sunken nature, its height at 1.8m above ground level is typical for such structures and will be hidden behind the approved front garden fence. The submitted sections shows that it should be invisible from street views due to the angle of sightlines, such that even the back wall, which is somewhat higher at 2m, will be still hidden from view. The materials of timber and green roof are appropriate and sympathetic to garden setting. The existing holly trees and substantial proposed landscaping with more trees and shrubs will significantly add to the screening of both the lawful fence and other proposed new structures so that the shed will be even further hidden from view. Thus although it is accepted that the location of an outbuilding in a front garden is unusual and not normally acceptable, it is considered that in this case, due to its total screening from views by a fence and vegetation, there will be no harm caused to the character of the streetscene and conservation area.

2.2 The binstore is small and modest in size and appropriate in location as a street-side structure, no different from many other similar binstores in Hampstead. It adjoins a high brick front wall of a neighbouring house and does not appear as a bulky or incongruous feature in the streetscape.

2.3 The gate piers are now marginally above the approved timber fence by 3 brick courses and are appropriate as architectural features flanking both access gates.

2.4 The landscaping with tree planting and green roof of the garden outbuilding is welcomed and will maintain the soft verdant appearance of the front garden and enhance its biodiversity; it will help retain the soft landscaped frontage character of this part of the streetscene and conservation area. More details are reserved for approval by condition. No trees are proposed for removal in order to facilitate development. Provided the works are undertaken in accordance with BS5837:2012, the impact of the scheme on trees will be of an acceptable level. The foundations of the binstore and gate piers are proposed to be designed to minimise any harm to the Root Protection Areas of existing mature trees. More details of foundations design and tree protection measures are reserved for approval by condition.

2.5 The various structures are considered appropriate in design, size and location in this front garden. More details of the materials are reserved for approval by condition. They will not harm the verdant character and appearance of the property, streetscene and conservation area.

2.6 Special attention has been paid to the desirability of preserving or enhancing 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.

3. Amenity

3.1 It is considered that the various structures do not harm any neighbours in terms of loss of amenity such as light, outlook, privacy, noise or light pollution.

3.2 In relation to the operation of the binstore and comments by the CAAC, it will be used on bin

collection days only. The bins will be stored up at the house for most of the week until refuse collection day when they will be wheeled down to the drive and stored in the roadside binstore ready for collection, thus keeping the pavement clear of obstruction. This is in line with the waste collection arrangements detailed in the original planning permission for the remodelled house. The binstore cannot be accessed from inside the site due to the difference in levels between the garden and the pavement.

4. Recommendation

Grant 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 13th January 2020, 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: 2019/1979/P
Contact: Charles Thuaire
Tel: 020 7974 5867
Date: 6 January 2020

Development Management
Regeneration and Planning
London Borough of Camden
Town Hall
Judd Street
London
WC1H 9JE

Phone: 020 7974 4444

planning@camden.gov.uk
www.camden.gov.uk

DP9 Ltd
100 Pall Mall
London
SW1Y 5NQ

DRAFT

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Householder Application Granted

Address:
41 Frognal
London
NW3 6YD

Proposal:

Erection of timber-clad outbuilding and bin store in front garden and 4 brick gate piers along front boundary enclosure

Drawing Nos: site location plan; Proposed garden structures by Bowles and Wyer dated 14 February 2019; 14044-SK36, SK43; images of onstreet binstore with sliding doors dated 6.12.19; schematic design of gate piers at 2.06m high

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 policies D1 and D2 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- site location plan; Proposed garden structures by Bowles and Wyer dated 14 February 2019; 14044-SK36, SK43; images of onstreet binstore with sliding doors dated 6.12.19; schematic design of gate piers at 2.06m high.

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

- 4 Before the relevant part of the work is begun, details or samples of brick and timber materials of the outbuilding, binstore and gate piers shall be submitted to and approved in writing by the local planning authority:

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.

- 5 No development shall take place until full details of hard and soft landscaping of all un-built, open areas have been submitted to and approved by the local planning authority in writing. Such details shall include details of any proposed earthworks including grading, mounding and other changes in ground levels. 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 achieves a high quality of landscaping which contributes to the visual amenity and character of the area in accordance with the requirements of policies A2, A3, D1 and D2 of the London Borough of Camden Local Plan 2017.

- 6 All hard and soft landscaping works shall be carried out in accordance with the approved landscape details, prior to the occupation for the permitted use of the development or any phase of the development, whichever is the sooner. Any trees or areas of planting (including trees existing at the outset of the development other than those indicated to be removed) 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 as soon as is reasonably possible and, in any case, by not later than the end of the following planting season, with others of similar size and species, unless the local planning authority gives written consent to any variation.

Reason: To ensure that the landscaping is carried out within a reasonable period and to maintain a high quality of visual amenity in the scheme in accordance with the requirements of policies A2, A3, D1 and D2 of the London Borough of Camden Local Plan 2017.

- 7 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 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.

- 8 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.

- 9 Prior to commencement of development, full details in respect of the living roof in the area indicated on the approved roof plan shall be submitted to and approved by the local planning authority. The details shall include-
- i. a detailed scheme of maintenance;
 - ii. sections at a scale of 1:20 with manufacturers details demonstrating the construction and materials used;
 - iii. full details of planting species and density.

The living roof shall be fully provided in accordance with the approved details prior to first occupation and thereafter retained and maintained in accordance with the approved scheme.

Reason: In order to ensure the development undertakes reasonable measures to take account of biodiversity and the water environment in accordance with policies CC1, CC2, CC3, D1, D2 and A3 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 This approval does not authorise the use of the public highway. Any requirement to use the public highway, such as for hoardings, temporary road closures and suspension of parking bays, will be subject to approval of relevant licence from the Council's Streetworks Authorisations & Compliance Team London Borough of Camden 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No 020 7974 4444) . Licences and authorisations need to be sought in advance of proposed works. Where development is subject to a Construction Management Plan (through a requirement in a S106 agreement), no licence or authorisation will be granted until the Construction Management Plan is approved by the Council.
- 3 All works should be conducted in accordance with the Camden Minimum Requirements - a copy is available on the Council's website at <https://beta.camden.gov.uk/documents/20142/1269042/Camden+Minimum+Requirements+%281%29.pdf/bb2cd0a2-88b1-aa6d-61f9-525ca0f71319> or contact the Council's Noise and Licensing Enforcement Team, 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No. 020 7974 4444)

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 must secure the approval of the Council's Noise and Licensing Enforcement Team prior to undertaking such activities outside these hours.

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 2019.

You can find advice about your rights of appeal at:

<http://www.planningportal.gov.uk/planning/appeals/guidance/guidancecontent>

Yours faithfully

Director of Regeneration and Planning