

2019/4433/P & 2019/5045/L - 96 Albert Street, NW1 7NE



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.

Site visit photographs: 2019/4433/P & 2019/5045/L - 96 Albert Street, NW1 7NE



1. View of rear garden.



2. View of rear garden and neighbouring gardens from upper floor window of host property.



3. View over neighbouring fence, looking towards No. 94 Albert Street (Note: shed in neighbouring garden does not have consent and is subject to an enforcement investigation – Ref: EN19/0782).



4. View over rear boundary wall. Existing potting shed (to right of shot) will be removed as part of the works.



5. View over side boundary fence with No.98 Albert Street.

Delegated Report		Analysis sheet	Expiry Date:	25/02/2020
		N/A	Consultation Expiry Date:	12/01/2020
Officer			Application Number(s)	
Matthew Dempsey			1. 2019/4433/P 2. 2019/5045/L	
Application Address			Drawing Numbers	
96 Albert Street London NW1 7NE			Site Location Plan, 22.10.19.V4.1, 20.11.19 V6.5, 10.12.19 V61.1, 22.10.19V4.6, Design and Access Statement, Heritage Statement.	
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature	
Proposal(s)				
Erection of an outbuilding in rear garden, for use incidental to the use of the host property.				
Recommendation(s):		Grant planning permission and listed building consent subject to conditions		
Application Type:		Planning Permission and Listed Building Consent		

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice			
Informatives:				
Consultations				
Adjoining Occupiers:	No. of responses	02	No. of objections	02
Summary of consultation responses:	<p>A press notice was published 19/12/2019 which expired 12/01/2020. A site notice was displayed 13/12/2019 which expired 06/01/2020.</p> <p>An objection was received from one neighbouring property; the objection to the proposals can be summarised as:</p> <ul style="list-style-type: none">the height and scale of the proposed building;<ul style="list-style-type: none">It is noted in particular that the objector raises concern about the potential impact on her child who is disabled and uses an electric wheelchair.incompatibility with the conservation area and surrounding listed buildings;comments on the applicant’s design and access statement; andinsufficient evidence submitted for the need for this development. <p><u>Officer response:</u></p> <ul style="list-style-type: none"><i>The proposed outbuilding would be a maximum of 2.9m in height, positioned towards the end of a long garden and covered with a biodiverse roof treatment; the siting, scale and design of the proposal is considered to be acceptable in this instance (see ‘Design and Heritage’ section of this report).</i><ul style="list-style-type: none"><i>With regards to the particular concern about any impact on a disabled occupant of the neighbouring property, the application has been assessed in compliance with the Equality Act 2010 (see section 4 of this report).</i><i>The proposal is considered to be consistent with the character of the conservation area and appropriate to the setting of the nearby listed buildings, whereby it is noted that there are several other outbuildings within the rear gardens of Albert Street and Arlington Road to the rear. (See ‘Design and Heritage’ section of this report).</i><i>The design and access statement is considered to be acceptable. The objector has acknowledged the Design and Access statement is technically accurate and the applicant has provided additional comments in response.</i><i>The applicant has confirmed they intend to use the room for a personal gym; this is considered to be reasonable for use by the occupants of the host property and is unlikely to unduly harm the residential amenities of neighbouring occupiers (see ‘Amenity’ section of the report).</i>			

<p>CAAC/Local groups comments:</p>	<p>The Camden Town Conservation Area Advisory Committee (CAAC) raised the following objection:</p> <p>“A method statement for protection of trees is required. Effective protection of mature trees may require the building to be further from the boundary than currently planned. There should be a condition on the application that light screening should be used after dark to prevent light pollution thus protecting biodiversity.”</p> <p><u>Officer response:</u></p> <ul style="list-style-type: none"> • <i>The applicant has provided confirmation about tree protection measures to be used on site within their design and access statement. These have been agreed by the Council’s Trees team (subject to the attached conditions). The building would be placed on an existing patio area with the use of screw piles, which similarly is considered to be acceptable.</i> • <i>The applicant has proposed venetian blinds within the garden room to prevent light overspill. In any event, the scale of the building and level of glazing proposed is unlikely to result in unduly harmful levels of light overspill which would warrant the refusal of the application.</i>
------------------------------------	--

Site Description

The host property is a four storey plus basement Victorian townhouse set within a terrace of similar properties along Albert Street. The properties are generally quite uniform in style with decorative ironwork including boundary railings separating public and private realm and window dressings. The property is brick built with Stucco render to the ground and basement floors.

The property is within the Camden Town Conservation Area and is also a Grade II listed building.

Relevant History

The site has a long planning history, though none are directly applicable to this application.

Relevant policies

National Planning Policy Framework (2019)

The London Plan (2018)

The Draft New London Plan (2019)

Camden Local Plan (2017)

- A1 Managing the Impact of Development
- A3 Biodiversity
- D1 Design
- D2 Heritage

Camden Planning Guidance

- CPG Design (2019)
- CPG Altering and extending your home (2019)
- CPG Trees (2019)
- CPG Amenity (2018)

Camden Town Conservation Area Statement (2007)

Assessment

1.0 Proposal:

- 1.1 Planning permission and listed building consent is sought for the erection of a single storey timber framed outbuilding (4m x 4.5m x 2.9m) to be used as ancillary space for the existing residential property No.96 Albert Street.
- 1.2 The side and rear walls would be finished in Redwood and Thermowood cladding with a slate finish to the front (facing towards the host property).
- 1.3 The bi-fold doors would be double glazed with aluminium grey powder coated frames (with venetian blinds fitted internally).
- 1.4 The roof would be covered in a Sedum finish to blend the outbuilding with the existing gardens surrounding it (this would be installed prior to first occupation).
- 1.5 Works include the removal of the existing potting shed and cement bench at the rear of the garden.

2.0 Assessment:

2.1 The principal considerations material to the determination of this application are as follows:

- Design and Heritage: The visual impact upon the setting, character and appearance of the listed host property and neighbouring heritage assets, and the wider Camden Town Conservation Area.
- Amenity: The impact upon residential amenity of neighbouring occupiers.

3.0 Design and Heritage:

- 3.1 The Council's design policies are aimed at achieving the highest standard of design in all developments. The following considerations contained within policy D1 are relevant to the application: development should respect local context and character; comprise details and materials that are of high quality and complement the local character; and respond to natural features. Policy D2 seeks to preserve and, where appropriate, enhance Camden's rich and diverse heritage assets and their settings, including conservation areas.
- 3.2 CPG Altering and Extending your home provides further guidance on the erection of outbuildings. Paragraph 5.22 states; Large garden buildings may affect the amenity value of neighbours' gardens, and if used for purposes other than storage or other domestic uses, may intensify the use of garden spaces and cause loss of amenity through overlooking, overshadowing and noise nuisance.
- 3.3 The proposed garden room is considered a suitable size and scale for the setting of the rear garden. The host property benefits from a large garden of over 125sq. m, and the proposed garden room would take up approximately 16% of it, leaving 84% of the rear garden as open space.
- 3.4 The building would stand 600mm from the rear boundary and 500mm on either side allowing sufficient room for the outbuilding to provide wildlife corridors, and to reduce any impacts on neighbouring properties. Although it is acknowledged that the proposed structure would be visible from neighbouring properties, given that it will be set in from all boundaries, it is not considered overly dominant in the garden space.
- 3.5 The proposed materials are considered appropriate for a rear garden development. The use of slate with timber cladding and Sedum roof would enable the building to blend with the verdant character of the rear gardens in this location.
- 3.6 Furthermore the installation of a biodiverse roof would add to the vegetation and pleasant outlook while also providing habitats and feeding opportunities for birds, bats and invertebrates which are important to the local ecosystem and wider environment.
- 3.7 To ensure the installation and maintenance of the biodiverse roof, a condition has been added to the decision ensuring the roof shall be installed as shown on the plans provided prior to first occupation and thereafter retained and maintained in perpetuity.
- 3.8 As confirmed within the design and access statement and agreed by the Tree Officer, the building materials shall be stored upon the existing artificial grass area within the rear garden during construction to prevent any damage to the tree roots or any other planting/ vegetation in place.
- 3.9 The outbuilding would be erected upon the existing patio area with no requirement for foundations other than screw piling which would be positioned to protect the tree roots. No trees will be removed to facilitate this development, as above this proposed method has been met with satisfaction from the Tree Officer.
- 3.10 Considerable importance and weight has been attached to the harm and 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 Listed Buildings and Conservation Areas Act 1990 as amended by the Enterprise and Regulatory Reform Act (ERR) 2013.

- 3.11 Special regard has been attached to the desirability of preserving the listed building, its setting and its features of special architectural or historic interest, under s.16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Enterprise and Regulatory Reform Act 2013.
- 3.12 Subject to the recommended conditions, it is considered that the proposed outbuilding would not result in harm to the host property, the character of the wider conservation area, or; the setting of any listed buildings in the vicinity.

4.0 Amenity:

- 4.1 Policy A1 seeks to protect the quality of life of occupiers and neighbours by only granting permission for development that would not unduly harm the amenity of residents. This includes factors such as privacy, outlook, implications to natural light, artificial light spill, as well as impacts caused from the construction phase of development. Policy A4 seeks to ensure that residents are not adversely impacts upon by virtue of noise or vibrations.
- 4.2 The proposed outbuilding would be positioned centrally towards the back of the rear garden. The nearest neighbouring properties are the immediate neighbours on either side of Albert Street and those occupying properties to the to the rear within Arlington Road and additionally properties on Delancey Street to the southern side. Due to the size of rear gardens in this location the nearest neighbouring windows are approximately 25m away from the outbuilding. Given the siting, scale and design of the outbuilding, coupled with the surrounding context and proximity to neighbouring properties, it is considered that the proposal would not result in undue harm to the occupiers of neighbouring properties in terms of daylight/sunlight or outlook.
- 4.3 Whilst it is acknowledged that the proposal may result in some overshadowing to neighbouring gardens, by reason of its set in from the boundaries, coupled with the overall height, the overshadowing to the neighbouring gardens would not constitute undue harm, and it would be unreasonable to refuse the application on this basis.
- 4.4 The proposed glazed doors would be fitted with internal venetian screening to reduce any light pollution. In any event, the scale of the building and level of glazing proposed is unlikely to result in unduly harmful levels of light overspill which would warrant the refusal of the application.
- 4.5 The side window would be installed with obscured glazing to prevent any overlooking which is considered to be acceptable.
- 4.6 The applicant has confirmed they intend to utilise the outbuilding for a personal gym space. This is considered an acceptable ancillary use to the existing residential property and is unlikely to result in unduly harmful levels of noise and vibration to the surrounding area.
- 4.7 A condition has been added restricting the use of the outbuilding as incidental to the use of the host property, and shall not be used as separate residential accommodation, business premises or similar non-ancillary use in perpetuity.
- 4.8 On the basis of the above, it is therefore considered that the proposed outbuilding would not result in undue harm to the residential amenity of neighbouring properties.
- 4.9 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. The Duty requires due regard to the need to eliminate unlawful discrimination, advance equality of opportunity and foster good relations.
- 4.10 A third party objection has been received noting that the proposal would disproportionately

impact on a disabled neighbouring resident.

- 4.11 Having due regard to the Public Sector Equality Duty, it is recognised that the approval of the current application may result in a greater impact on this neighbour who is disabled, one of the protected characteristics, than may otherwise be the case.
- 4.12 Given the siting, scale and design of the proposal (as discussed in the report above), it is still considered that the proposal would not result in undue harm to neighbouring amenity in this instance, and it would be unreasonable to refuse the application on this basis when considering the equality impact.

5.0 Recommendation:

- 5.1 Grant planning permission and listed building consent.

Application ref: 2019/4433/P
Contact: Matthew Dempsey
Tel: 020 7974 3862
Date: 18 February 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

Ms Kathryn Wingrove
96 Albert Street
London
NW3 4PB
United Kingdom

DRAFT

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Householder Application Granted

Address:
96 Albert Street
London
NW1 7NE

Proposal: Erection of an outbuilding in rear garden, for use incidental to the use of the host property.

Drawing Nos: Site Location Plan, 22.10.19.V4.1, 20.11.19 V6.5, 10.12.19 V61.1, 22.10.19V4.6, Design and Access Statement, Heritage Statement.

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 The development hereby permitted shall be carried out in accordance with the following approved plans Site Location Plan, 22.10.19.V4.1, 20.11.19 V6.5, 10.12.19 V61.1, 22.10.19V4.6, Design and Access Statement, Heritage Statement.

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

- 3 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 G1, CC1, CC2, CC3, D1, D2 and A3 of the London Borough of Camden Local Plan 2017.

- 4 The side window on the south-eastern elevation of the outbuilding hereby approved, shall be obscure glazed and fixed shut in perpetuity.

Reason: In order to prevent unreasonable overlooking of neighbouring premises in accordance with the requirements of policies A1 of the London Borough of Camden Local Plan 2017.

- 5 The outbuilding hereby approved shall remain ancillary to the use of the main property 96 Albert Street, NW1 7NE, 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.

- 6 Works to construct the outbuilding hereby approved shall be carried out in accordance with the tree/ root protection measures as described within the design and access statement.

Reason: to ensure that all trees on the host site and within neighbouring properties are protected during and after development in accordance with policies A1 and A3 of the 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 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

DRAFT

DECISION

Ms Kathryn Wingrove
96 Albert Street
London
NW3 4PB
United Kingdom

Application Ref: **2019/5045/L**
Please ask for: **Matthew Dempsey**
Telephone: 020 7974 **3862**

18 February 2020

DRAFT

Dear Sir/Madam

DECISION

Planning (Listed Building and Conservation Areas) Act 1990

Listed Building Consent Granted

Address:
96 Albert Street
London
NW1 7NE

DECISION

Proposal: Erection of an outbuilding in rear garden, for use incidental to the use of the host property.

Drawing Nos: Site Location Plan, 22.10.19.V4.1, 20.11.19 V6.5, 10.12.19 V61.1, 22.10.19V4.6, Design and Access Statement, Heritage Statement.

The Council has considered your application and decided to grant consent subject to the following condition(s):

Conditions And Reasons:

- 1 The works hereby permitted shall be begun not later than the end of three years from the date of this consent.

Reason: In order to comply with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Executive Director Supporting Communities



- 2 The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan, 22.10.19.V4.1, 20.11.19 V6.5, 10.12.19 V61.1, 22.10.19V4.6, Design and Access Statement, Heritage Statement.

Reason: In order to safeguard the special architectural and historic interest of the building in accordance with the requirements of policy D2 of the Camden Local Plan 2017.

- 3 All new work and work of making good shall be carried out to match the existing adjacent work as closely as possible in materials and detailed execution.

Reason: In order to safeguard the special architectural and historic interest of the building in accordance with the requirements of policy D2 of the 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 You are advised that any works of alterations or upgrading not included on the approved drawings which are required to satisfy Building Regulations or Fire Certification may require a further application for listed building consent.
- 3 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.
- 4 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.
- 5 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

DECISION