

Address:	Lower Ground Floor Flat, 11 Elsworthy Terrace, London, NW3 3DR		7
Application Number:	2020/0874/P	Officer: Nathaniel Young	
Ward:	Swiss Cottage		
Date Received:	21/02/2020		
Proposals: i) Erection of a single storey outbuilding in the rear garden. ii) Replacement of a rear window with a new door, and alterations to two rear windows to main flat.			
Background Papers, Supporting Documents and Drawing Numbers: Existing: 1927/PL.00a, 1927/PL.01 Rev 02, 1927/PL.02 Rev 01, 1927/PL05 Rev 03, 1927/PL07a Proposed: 1927/PL.00b Rev 02, 1927/PL03 Rev 04, 1927/PL.04 Rev 03, 1927/PL.06 Rev 03, 1927/PL.07b Rev 01, 1927/DT.10 Rev 02. Documents: Design and Access Statement Arboricultural Impact Assessment prepared by Green IndusTREE dated 20.02.20 Enviromat Green Roof Details			
RECOMMENDATION SUMMARY: Grant conditional planning permission			
Applicant: Mr. & Mrs. Verity		Agent: Mr. Paul Duffy	
Lower ground floor flat 11 Elsworthy Terrace London NW3 3DR		International House 142 Cromwell Road London SW7 4EF	

ANALYSIS INFORMATION

1 Land Use Details:			
	Use Class	Use Description	Floorspace
Existing	Class C3	Residential	Main flat – 78 sqm Outbuilding - 4.7 sqm
As Proposed	Class C3	Residential	Main flat – 78 sqm Outbuilding -18.2 sqm

OFFICERS' REPORT

Reason for Referral to Committee: The Director of Regeneration and Planning has referred the application for consideration after briefing Members.

1 EXECUTIVE SUMMARY

- 1.1. Planning permission is sought for the erection of a single storey outbuilding in the rear garden and the replacement of a rear window with a new door, and alterations to two rear windows to the main flat.
- 1.2. The material planning considerations are the design of the outbuilding, new door and window and their impact on the appearance of the host building, streetscene and Conservation Area; and also their impact on the existing trees and on residential amenity.
- 1.3. Overall, the proposed development is considered appropriate in terms of design and acceptable in impact on the host building and character and appearance of the conservation area. The outbuilding is a modest sized structure constructed predominantly in timber which does not overly dominate the garden. The proposed development is not considered to cause undue harm to the existing trees, or result in unacceptable harm to residential amenity for the reasons outlined in this report. The new timber door and windows are of a design which complements the character and appearance of the existing building.

2 SITE

- 2.1 The application site is 11 Elsworthy Terrace, a four-storey mid-terrace residential building situated on the south-western side of Elsworthy Terrace. The application specifically relates to the lower ground floor residential flat (Class C3).
- 2.2 The site falls within the Elsworthy Conservation Area, it is not listed, but is identified as making a positive contribution to the character and appearance of the conservation area.
- 2.3 The site location plan (Figure 1) below:

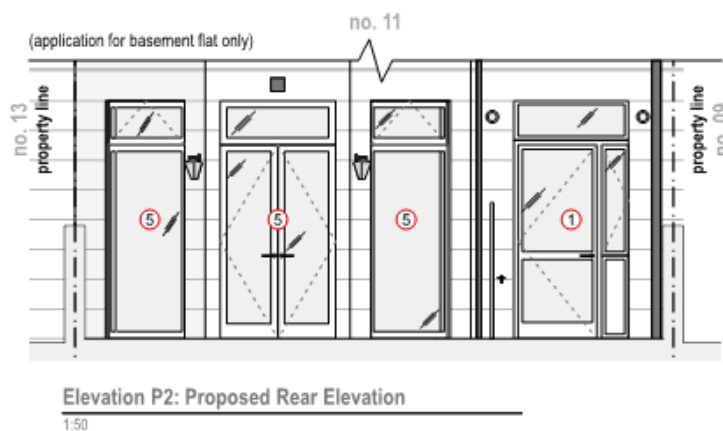
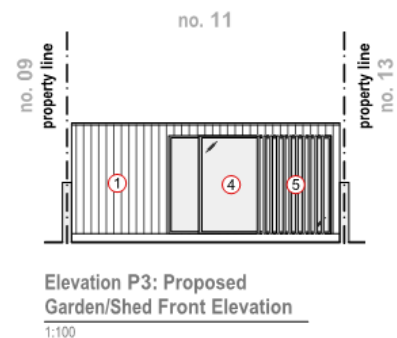
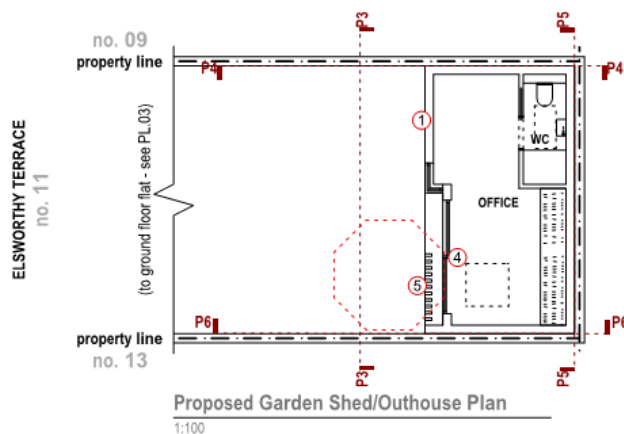


Figure 1 – Site location plan (1:1250)

3 THE PROPOSAL

3.1 Planning permission is sought for:

- Erection of a single storey outbuilding in the rear garden.
- Replacement of a rear window with a new door, and alterations to two rear windows to main flat.



Revisions

3.2 It should be noted that during the course of the application, minor revisions to the proposals were requested in order to overcome concerns raised by officers.

3.3 The revisions made to the proposals can be summarised as follows:

- Reduction in the height of the outbuilding;
- Change in materials of outbuilding from metal cladding to timber;
- Reduction in the amount of glazing to the front elevation of outbuilding;
- Change in the design of rear windows and door of main flat; and
- Issue with drawing scale, resurveyed and revised, outbuilding occupies smaller proportion of garden than originally demonstrated.

3.4 The revisions made did not materially affect the nature of the scheme and as such were accepted as amendments under the ongoing application.

4 RELEVANT HISTORY

4.1 The relevant planning history for the application site can be summarised as follows:

Site

None of relevance.

Garages to rear of 15 Elsworthy Terrace

2011/1828/P: Erection of single-storey building with two basement levels and front lightwells for use as a single-family dwellinghouse (Class C3) and alterations to boundary raising the brickwork and installing sliding timber gates (following the demolition of existing garages). Approved 17/01/2012.

5 CONSULTATIONS

5.1 Elsworthy Residents Association/ Belsize Conservation Area Advisory Committee (CAAC) – Object

- Excessive bulk, mass and height of outbuilding would dominate rear garden and detract from conservation area.
- Large glazed doors of outbuilding would cause unwanted light pollution.
- Green roof will likely die and roots of adjacent lime trees will likely be compromised.

Officer response:

- See section 9 (*Design and heritage*) of this report.
- See section 11 (*Residential amenity*) of this report.
- See section 10 (*Trees and landscaping*) of this report

5.2 Adjoining Occupiers

5.3 Consultation notices were displayed adjacent to the site on 25/03/2020 (consultation end date 19/04/2020).

5.4 The development was also advertised in the local press on 26/03/2020 (consultation end date 20/04/2020).

<i>Total number of responses received</i>	9
<i>Number in support</i>	0
<i>Number of objections</i>	9

- Objections were received from adjacent properties including:
- 9 Elsworthy Terrace (LG and GF flat)
- 11 Elsworthy Terrace (First floor flat)
- 12 Elsworthy Terrace (Flat B)
- Other residents who have not stated their address:

Comments are summarised as below:

1. Outbuilding's excessive bulk, mass and height dominates rear garden. No public benefit and would not preserve or enhance the conservation area.
2. Loss of garden space reduces the amenity of the natural environment, and habitat.
3. Outbuilding would obstruct views of Primrose Hill.
4. Outbuilding would result in noise and light pollution.
5. Mature trees would need to be felled to enable construction.
6. Outbuildings are often used to generate income through Airbnb style lettings.
7. Drawings are inadequate/inaccurate and do not allow proper assessment. Drawings do not show the overall size of the garden, nor the dimensions of the outbuilding.
8. Plan layout indicates property is two bedroom rather than studio.

Officer response:

1. *See section 9 (Design and heritage) of this report.*
2. *See section 9 (Design and heritage) of this report.*
3. *See section 9 (Design and heritage) of this report.*
4. *See section 11 (Residential amenity) of this report.*
5. *See section 10 (Trees and landscaping) of this report.*
6. *A condition is to be attached requiring the outbuilding's use to be ancillary to the host dwelling. If this condition is breached it should be reported to the Council's planning enforcement team.*
7. *The drawings have been revised and meet validation requirements. The drawings are to scale and can be measured accurately. It is not a requirement to label dimensions. A full length garden plan has since been submitted.*
8. *The site visit indicated that the property was in use as a two-bedroom residential flat. Planning permission is not required for internal works to the property, however the newly created bedroom would not meet building regulations as it has no window.*

6 STATUTORY PROVISIONS

- 6.1 The statutory provisions principally relevant to the determination of this application are:
- Sections 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 ("the Listed Buildings Act").

7 POLICIES

7.1 National and Regional Policy

NPPF 2019
 The London Plan March 2016
 The London Plan 'Intend to Publish' 2019

7.2 Camden Local Plan 2017

Policy A1 (Managing the impact of development)
 Policy A3 (Biodiversity)
 Policy A4 (Noise and vibration)
 Policy CC3 (Water and flooding)
 Policy D1 (Design)

Policy D2 (Heritage)

7.3 Supplementary Planning Policies

Elsworthy Road Conservation Area Statement (2009)

Camden Planning Guidance

Design (March 2019)

Amenity (March 2018)

Trees (March 2019)

8 ASSESSMENT

8.1 The principal considerations material to the determination of these applications are as follows:

- Design and Heritage
- Trees and Landscaping
- Residential Amenity

9 Design and Heritage

- 9.1 The Council's design policies are aimed at achieving the highest standard of design in all development. The following considerations contained within policy D1 are relevant to the application: development should consider the character, setting, context and form and scale of the neighbouring buildings, and the quality of materials to be used. Within areas of distinctive character or adjacent to one, development should reinforce those elements which contribute to and create the character, in line with policy D2.
- 9.2 Local Plan policies D1 (Design) and D2 (Heritage) are aimed at achieving the highest standard of design in all developments. Policy D1 requires development to be of the highest architectural and urban design quality, which improves the function, appearance and character of the area; and Policy D2 states that the Council will preserve, and where appropriate, enhance Camden's rich and diverse heritage assets and their settings, including conservation areas and listed buildings.
- 9.3 The proposed outbuilding would be of an acceptable design, scale and siting. Measuring at 3.5m (d) x 6.3m (w) x 2.8m (h), it would be subordinate to the main dwelling house in terms of bulk, mass, height and footprint. After amendments, it would appropriately be made up of lightweight materials typical of a garden outbuilding which would complement its garden setting. It would be positioned to the rear of the subject property's garden, away from all rear habitable windows and not visible from the street scene. With the outbuilding having a footprint of approximately 22sqm, it is considered that a satisfactory proportion of rear garden area (c. 80.3%) would be retained as unbuilt.

- 9.4 The proposed elongated rear windows and new door are considered acceptable. The new windows and door would continue to be timber framed, would match the existing fenestration in terms of width and would introduce small fanlights above to match the existing door, which provides an element of uniformity. Given the windows are located at lower ground floor level to the rear, the lowering of the cills towards the ground is not considered to cause undue harm to the character and appearance of the property or terrace grouping. Officers note from the site visit that the immediate neighbouring property had installed a contemporary double height window on the rear elevation.
- 9.5 Local residents have raised concern that the proposed outbuilding will obstruct views from their property to Primrose Hill. The protection of private views such as this are not a material planning consideration which should be taken into consideration when determining an application. However, for information purposes officers can confirm that based on their site visit they do not consider there to be clear views of Primrose Hill from the rear garden of the subject property or the immediate neighbouring gardens. It was noted that there are a row of tall mature trees along the boundary of Primrose Hill Park which obstruct views of Primrose Hill from the Elsworthy Terrace Gardens which are sited north-west of the subject property. Additionally, the existing neighbouring boundary wall and trellis of No. 10 Elsworthy Terrace, to the south-east of the subject property would have a similar effect as the proposed outbuilding. As such, it is not considered the development would unduly restrict views of Primrose Hill.
- 9.6 Special attention has been paid to the desirability of preserving or enhancing the character or appearance of the conservation area s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Enterprise and Regulatory Reform Act 2013. The size, scale, design and location of the proposed alterations, would ensure no harm is caused to the character of the host building and surrounding conservation area, in accordance with policies D1 and D2 of the Camden Local Plan.

10 Trees and Landscaping

- 10.1 No trees are proposed to be removed to facilitate the development under the subject application. The arboricultural report submitted with the application states that the three off-site lime trees, while in close proximity to the proposed development, will be unaffected by the scheme. This is due to change in soil levels between the properties and the specialist foundations that the project arboriculturalist states are required. A void between the ground and the base of the structure will be required to allow for gaseous exchange for any roots that have entered the application site.
- 10.2 During the course of the subject application, permission was granted under a separate application to remove the 3 x Lime trees referred to above which are to the rear of site in the garden of No. 25 Elsworthy Road (Ref: 2020/1728/T). The three Lime trees have since been removed and therefore no longer exist.
- 10.3 The scheme involves the addition of a green roof to the outbuilding. The Council's trees and landscaping officer has reviewed the submitted details and considers them acceptable. The proposed outbuilding roof would incorporate an Enviromat layer with a mix of plants mainly from the sedum family which would carry both biodiversity and

surface water retention benefits. The product is low maintenance and durable, the proposed plants can go up to one month without watering. It does not require mowing or pruning and does not require extra soil as it contains its own growing medium.

- 10.4 The Council's trees and landscaping officer has reviewed the proposal and considers the proposal to be acceptable. Originally further details were requested in the form of pre-commencement conditions, however, the potentially impacted trees which were of concern have since been removed and further green roof details have been provided. As such, no further information is required and the proposal would be in accordance with Policy A3 of the Camden Local Plan 2017. A condition is still attached requiring the development to be carried out in accordance with the submitted arboricultural report in order to protect the small category B2 magnolia tree which remains within the subject garden, of which sufficient protection details have been provided.

11 Residential Amenity

- 11.1 Within the Camden Local Plan policies, policy A1 seeks to ensure that development does not cause adverse amenity impacts upon neighbours in terms of sunlight, daylight, privacy and overlooking, noise and vibration and odour. Furthermore, A4 seeks to protect development from noise sensitivity or neighbouring occupiers from potential noise generation from development.
- 11.2 Policy A1 seeks to protect the amenity of Camden's residents by ensuring the impact of development is fully considered. The quality of life of occupiers and neighbours are protected by only granting permission for development that would not harm the amenity of neighbouring residents. This includes factors such as light, outlook, privacy, noise and disturbance.
- 11.3 It is not considered that there would be any significant detrimental impact to residential amenity. The proposed windows and doors to the main flat would not afford any new views beyond what has been established. The proposed outbuilding would not be sited in close proximity to any neighbouring habitable rooms given its position to the rear of the garden. Views into neighbouring habitable windows would be largely obstructed by the existing boundary walls, trellising and vegetation. The outbuilding's use would be ancillary to the host dwelling and would not contain any noise generating plant or extract equipment and therefore would not lead to significant additional noise or disturbance of local amenity. The outbuilding windows would be positioned at lower ground floor level, approximately 14m from any neighbouring habitable windows, and after amendments, the amount of glazing to the front elevation has been reduced and partially obstructed by timber louvres, as such it is not considered that the proposed development would result in an undue level of light pollution. A condition is to be attached requiring the outbuilding to be of ancillary use to the subject property and not as an independent residential dwelling or other uses.

12 Conclusion

- 12.1 The proposed single storey outbuilding and alterations to the rear elevation of the main flat are considered appropriate in their design and acceptable in impact on the appearance of the host building and character and appearance of the surrounding conservation area.
- 12.2 The proposed development is not considered to cause undue harm to existing trees, or result in unacceptable harm to residential amenity.
- 12.3 As such the proposal is in accordance with policies A1, A3, D1 and D2 of the Camden local plan 2017, the proposal is also in accordance with the NPPF 2019, the London Plan 2016 and the London Plan intend to publish 2019.

13 Recommendation

- 13.1 Grant conditional planning permission

Conditions:

- 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 policy 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 1927/PL.00a, 1927/PL.01 Rev 02, 1927/PL.02 Rev 01, 1927/PL05 Rev 03, 1927/PL07a, 1927/PL.00b Rev 02, 1927/PL03 Rev 04, 1927/PL.04 Rev 03, 1927/PL.06 Rev 03, 1927/PL.07b Rev 01, 1927/DT.10 Rev 02, Arboricultural Impact Assessment prepared by Green Industree dated 20.02.20 & Enviromat Green Roof Details

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

- 4 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 Lower Ground Floor Flat, 11 Elsworthy Terrace and shall not be used for any other purposes whatsoever, including as a separate independent residential dwelling.

Reason: To ensure that the outbuilding does not adversely affect the amenity of adjoining residential premises and is not used for unauthorised purposes, in accordance with policies A1 and H3 of the Camden Local Plan 2017.

- 5 Prior to the commencement of works on site, tree protection measures shall be installed and working practices adopted in accordance with the arboricultural report including the tree protection plan by Green Industree dated 20th February 2020. 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 BS5837:2012 and with the approved protection details. The works shall be undertaken under the supervision of the project arboriculturalist in line with the approved arboricultural report.

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 Camden Local Plan.

Informatives:

- 1 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.
- 2 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.

- 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 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).