



## **PLANNING STATEMENT**

**73-75 Avenue Road, London NW8 6JD**

Prepared for

**Deroda Investments Limited**

**AUGUST 2020**

# Contents

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1	INTRODUCTION.....	3
2	PRELIMINARY MATTERS.....	4
	Application Site .....	4
	Relevant Planning History .....	4
	The Proposals .....	4
	Local Authority Engagement .....	5
3	PLANNING POLICY FRAMEWORK.....	6
	2018 National Planning Policy Framework (NPPF) .....	6
	Development Plan .....	6
	<i>The London Plan 2016</i> .....	6
	<i>Camden's Local Plan 2017</i> .....	6
	Planning (Listed Buildings and Conservation Areas) Act 1990 .....	7
4	THE PROPOSALS AND POLICY COMPLIANCE.....	8
	NPPF.....	8
	<i>An Up to Date Development Plan</i> .....	8
	Local Plan Policies.....	8
	<i>The Proposals</i> .....	8
	<i>Impact on Existing Trees</i> .....	9
	<i>Impact on the Setting of Conservation Areas</i> .....	9
	<i>Impact on Residential Amenity</i> .....	10
	In Summary .....	10
5	CONCLUSIONS .....	11
6	APPENDICES .....	12

## **1 INTRODUCTION**

- 1.1 This statement is written in support of an application for planning permission for the erection of new boundary walls and the provision of a brick generator housing and brick bin store in the garden curtilage of 73-75 Avenue Road.
- 1.2 This statement should be read in conjunction with the following:
  - Architectural drawings of Studio Indigo and their supporting Design Statement; and
  - Arboricultural Method Statement of Arbortrack Systems Ltd.
- 1.3 This statement firstly deals with preliminary matters and describes the application site and relevant planning history; briefly describes the proposed development; and pre-application advice. Section 3 provides the planning policy framework in which this application needs to be assessed and Section 4 demonstrates why the proposals are in compliance with planning policy. Section 5 draws on the conclusions reached.

## 2 PRELIMINARY MATTERS

### Application Site

- 2.1 The application site is a corner plot at the junction with Avenue Road and Queen's Grove. A replacement dwelling house is currently under construction and nearing completion.

### Relevant Planning History

- 2.2 Planning permission was granted in 2012 under application ref. 2011/2388/P for the erection of a single-family dwelling house comprising basement, lower ground and three upper levels; erection of a new boundary wall; new hard and soft landscaping; and associated works following demolition of the existing building.
- 2.3 A subsequent permission was granted on 6<sup>th</sup> April 2020 under application ref. 2019/1366/P for a variation of Condition 1 (approved plans) of the earlier permission relating to changes to the detailed design and materials of the new dwelling house and other changes including alterations to the basement, an additional lightwell and relocation of the car lift.
- 2.4 The permissions have been implemented and works are well underway.

### The Proposals

- 2.5 This application relates only to the boundary treatment surrounding the new dwelling house and the erection of a generator housing and bin store within the curtilage.
- 2.6 Whilst the earlier permissions included the erection of new boundary walls on the Avenue Road and Queen's Grove frontages, this current proposal seeks amendments to the approved boundary treatment along those frontages and also now includes the boundary treatment at the rear with no. 38 Queen's Grove and the side boundary with 77 Avenue Road. For clarity the proposals are:
- Erect a new boundary wall on the Avenue Road frontage with stone piers and timber clad gates – an amendment to the boundary treatment previously approved;
  - Erect a new boundary wall on the Queen's Grove frontage taking the opportunity to move it slightly further out (500mm) to safeguard existing mature (TPO) trees along Queen's Grove and their roots, and the inclusion of timber louvred doors for access to the generator housing;
  - Erection of a new brick boundary wall at the rear with no. 38 Queen's Grove

and new side wall with no. 77 Avenue Road; and

- Provision of a brick housing for a generator and brick bin store in the garden curtilage both with access from Queen's Grove.

2.7 The boundary walls would consist of red handmade bricks with stone piers and capping on the Avenue Road frontage to reflect the materials used in construction of the new dwelling house. Both the housing for the generator and the bin store would be also be constructed in red handmade bricks to match. Within the brick (sub-station) housing would be a 'Closed Set Generator' which is a metal sealed box acoustically sealed to minimise the impact of the potential for noise and vibration.

2.8 Vehicular and pedestrian gates would be timber clad.

Please refer to the architect's drawings and Design Statement for further detailed information of the scheme proposals.

### **Local Authority Engagement**

2.9 The opportunity was taken to discuss the possibility of a new boundary wall on the Queen's Grove frontage being constructed 500mm forward than the old wall (now demolished) to safeguard existing TPO trees.

2.10 The matter was discussed with the Council's Planning and Transport Officers and we were subsequently advised to submit a planning application for consideration with the relevant (Local Authority) Consultees notified during the application process with particular regard to a possible stopping up order in light of the wall encroaching further on to the public highway.

### 3 PLANNING POLICY FRAMEWORK

#### 2018 National Planning Policy Framework (NPPF)

- 3.1 As with the 2012 NPPF, at the heart of the revised (24<sup>th</sup> July 2018) Framework is a presumption in favour of sustainable development which can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.
- 3.2 The revised NPPF makes clear that the starting point for decision making is the development plan and a presumption in favour of sustainable development does not change that statutory status. Applications for development proposals that accord with an up-to-date Local Plan should therefore be approved without delay.
- 3.3 The NPPF recognises that the planning and development process is fundamental in achieving the creation of high-quality buildings and places in which to live and work and that good design is a key aspect of sustainable development.
- 3.4 Paragraph 192 of the revised NPPF requires Local Authorities, when determining planning applications, to take account of *"the desirability of new development making a positive contribution to local character and distinctiveness"*

#### Development Plan

- 3.5 Having regard to the 2018 NPPF and Planning Practice Guidance, the proposal has been assessed in relation to relevant policies contained within the Mayor's Consolidated London Plan dated March 2016 and the London Borough of Camden's Local Plan adopted on 3<sup>rd</sup> July 2017. Both Plans are in general conformity with the revised NPPF and are thus up to date.

#### The London Plan 2016

- 3.6 The London Plan is a spatial development strategy for London which provides guidance to assist local authorities when preparing their local plans. Policies within local plans thus need to be in general conformity with the London Plan.

#### Camden's Local Plan 2017

- 3.7 One of the main objectives identified in the Council's Local Plan is to manage change and growth in a manner that respects the character, heritage and distinctiveness of the Borough for it to continue to be a popular place to live, work and visit.

- 3.8 The application site is not within any specified area. It does however lie close to a Conservation Area and regard should thus be given to the impact of new development on the setting of the Conservation Area.
- 3.9 The following policies within the Local Plan are considered to be of particular relevance in the determination of this application:
- A1 - Managing the impact of development;
  - A3 – Biodiversity;
  - D1 - Design; and
  - D2 – Heritage

### **Planning (Listed Buildings and Conservation Areas) Act 1990**

- 3.10 Whilst the NPPF and development plan are material considerations, the approach to conservation areas is underpinned by the statutory requirements in Section 72 of the Town and Country Planning (Listed buildings and Conservation Areas) Act 1990 (1990 Act) where, in determining development proposals, Local Planning Authorities should pay special attention to the desirability of preserving or enhancing the character and appearance of a conservation area or its setting.

## **4 THE PROPOSALS AND POLICY COMPLIANCE**

### **NPPF**

#### ***An Up to Date Development Plan***

- 4.1 The NPPF advises that if the application scheme accords with the up to date local plan, then planning permission should be granted.
- 4.2 Camden's 2017 Local Plan conforms with the policies and principles of the NPPF and is therefore up to date.
- 4.3 We demonstrate below why the proposed development is in compliance with the aims and objectives of the development plan.

### **Local Plan Policies**

- 4.4 Policy A1 of the 2017 Local Plan seeks to protect the quality of life of occupiers and neighbours by managing the impacts of development. Policy D1 relates to securing high quality design in new development and respecting local context and character, whilst policy D2 requires development proposals to preserve and where appropriate, enhance heritage assets and their settings. In this instance the heritage asset are the nearby conservation areas.
- 4.5 The area is characterised by two and three storey buildings with materials consisting of brick, stucco, render and stone. Similarly, boundary treatments in the surrounding neighbourhood consist of brick and stone with either painted metal gates or timber as the photographs appended hereto demonstrate.

### ***The Proposals***

- 4.6 The height of the new boundary walls together with the use of traditional materials truly respects the character and appearance of the surrounding area as demonstrated in the drawings and document produced by Studio Indigo and photographs appended hereto. Red brick, natural stone and timber are all found in the immediate locality.
- 4.7 The bin store and housing for the generator/sub-station would also be constructed in brickwork to match the dwelling house and would not rise above the height of the new boundary wall. The structures would thus sit comfortably within their setting and their visual impact would be limited to only private views from the dwelling of which they serve.



- 4.8 Existing crossovers are maintained on the Avenue Road frontage and put to use. There is no change in this respect.

***Impact on Existing Trees***

- 4.9 Policy A3 protects and seeks to enhance biodiversity by resisting the loss of trees of amenity, historic, cultural or ecological value and requires trees and other vegetation to be satisfactorily protected during construction activity.
- 4.10 The boundary wall to Queen's Grove was removed some years ago and hoardings are currently in its place. Along this section of the garden are mature trees of high amenity value, many of which are protected by a Tree Preservation Order. It is important therefore to ensure that existing trees of amenity value both outside the application site and within it are safeguarded and protected to ensure they continue to provide visual amenity to the surrounding area in the long term.
- 4.11 The opportunity is thus taken to further protect the mature TPO trees along the Queen's Grove frontage and ensure their longevity by erecting a new wall 500mm further away from the existing footings of the old wall.
- 4.12 The briefing note of Arbortrack outlines the method in which the removal of existing walls and their replacement should be carried out in order to protect all existing trees during construction works to ensure they continue to survive and flourish in the long term thereby maintaining the character and visual amenity of the area.

***Impact on the Setting of Conservation Areas***

- 4.13 Conservation Areas are designated heritage assets and it is appropriate therefore to consider the impact of the proposed development on the setting of adjacent conservation areas.
- 4.14 Whilst the application site is not within a conservation area, the eastern boundary of the St. John's Wood Conservation Area lies on Queen's Grove to the south of the application site and the Elsworthy Conservation Area lies to the east and beyond the opposite side of Avenue Road.
- 4.15 To enhance the visual appearance of the new dwelling house, the boundary walls would consist of red handmade bricks with stone piers and capping on the Avenue Road frontage to be in keeping with the materials used on the new house.
- 4.16 The proposed bin store and generator housing would sit within the garden curtilage adjacent to the new side boundary wall fronting Queen's Grove. The bin store and

housing for the generator would be constructed in brickwork to match the dwelling house and would not rise above the height of the new boundary wall. Their visual impact would therefore be limited to only private views from the dwelling of which they serve.

- 4.17 Further, the use of traditional materials would respond positively to the townscape character of the local area and as such the character and appearance of adjacent conservation areas would be preserved and enhanced.

### ***Impact on Residential Amenity***

- 4.18 The proposed boundary walls are similar in height to existing walls and the proposals are not therefore considered to have a detrimental impact on the living conditions of neighbouring occupiers. The new generator housing and bin store would be within the garden curtilage close to the boundary wall on Queen's Grove, a sufficient distance therefore from any residential dwelling to have any material impact whether visual or other.
- 4.19 Highway safety is of paramount importance and whilst the new side boundary wall to the south would be built out by 500mm, the pavement along this stretch of Queen's Grove is sufficiently wide enough to be able to take this small loss of pathway without having a detrimental or dangerous impact on pedestrians using the path thereby ensuring the public highway is safe for all to use. 3.44m of public footpath would still be retained.
- 4.20 The proposed bin store and generator housing would sit within the garden curtilage adjacent to the new side boundary wall fronting Queen's Grove. Their visual impact would therefore be limited to only private views from the dwelling in which they serve. Furthermore, and notwithstanding that the structures are some distance from neighbouring dwellings, the sub-station enclosure would be a 'Closed Set Generator' being a metal box which is acoustically sealed to ensure there would be no detrimental impact on residential amenity in respect of noise nuisance or vibration. The living conditions of nearby residents would thus be protected.

### ***In Summary***

- 4.21 For the reasons set out in this statement, the proposals are in conformity with relevant policies in the adopted development plan referenced in Section 2 of this statement and comply with the statutory tests of the 1990 Act.

## 5 CONCLUSIONS

- 5.1 The new boundary walls and brick structures to house a generator and refuse storage would meet the needs of the present without compromising future generations to meet their own needs.
- 5.2 The development as proposed would be high quality in design using traditional materials that respect the character of the existing street scene and wider area and without harming the setting of adjacent conservation areas.
- 5.3 The proposals would not have an adverse impact on existing residential amenity.
- 5.4 The proposed development meets the statutory requirements of Section 72 of the 1990 Act and complies with the Local Plan and central government policies in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004. In our judgement no other material considerations weigh against it.
- 5.5 Accordingly, we trust the London Borough of Camden will determine that the application for planning permission can be approved.

## **6 APPENDICES**

1. Photographs of surrounding buildings and their boundary treatment.