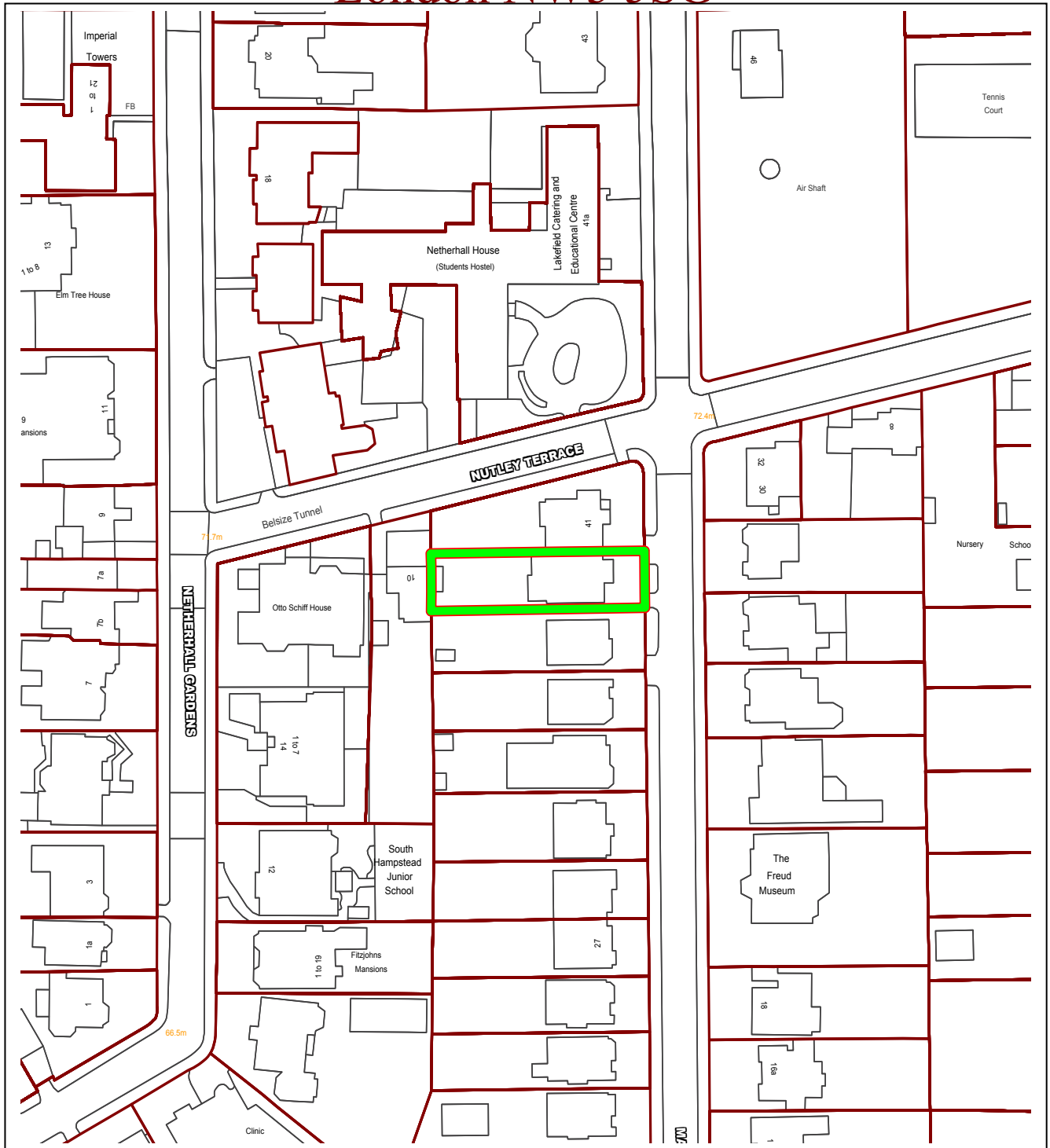


2020/1444/P 39 Maresfield Gardens, London NW3 5SG



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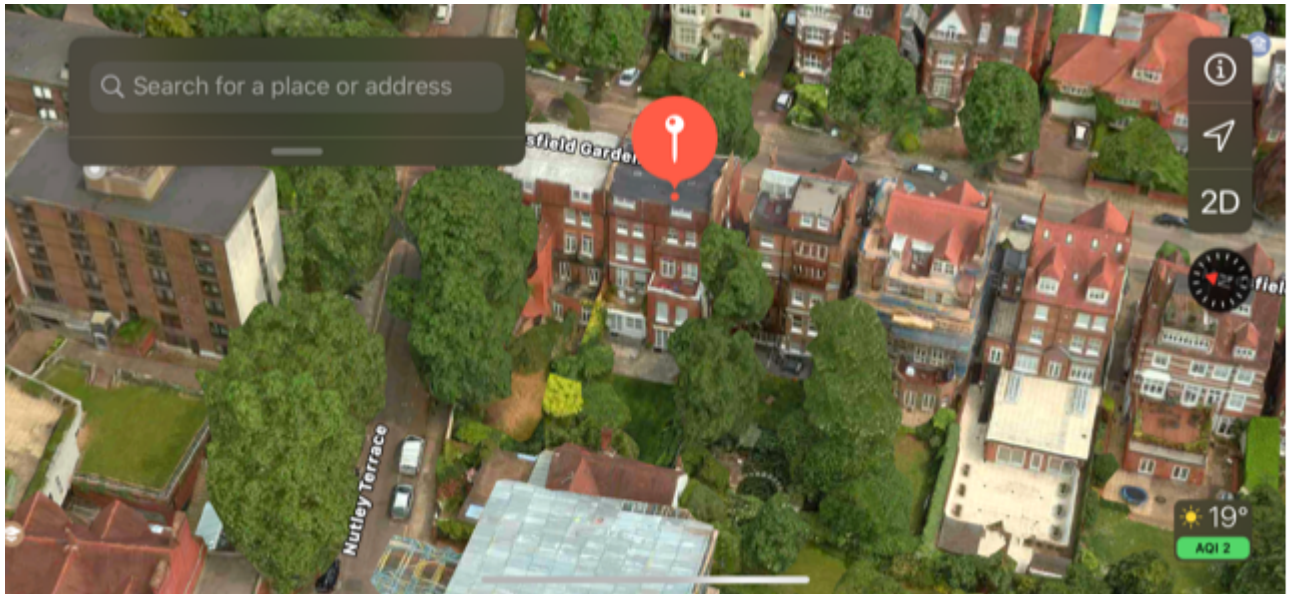


Image 1. Showing the rear of the host building.

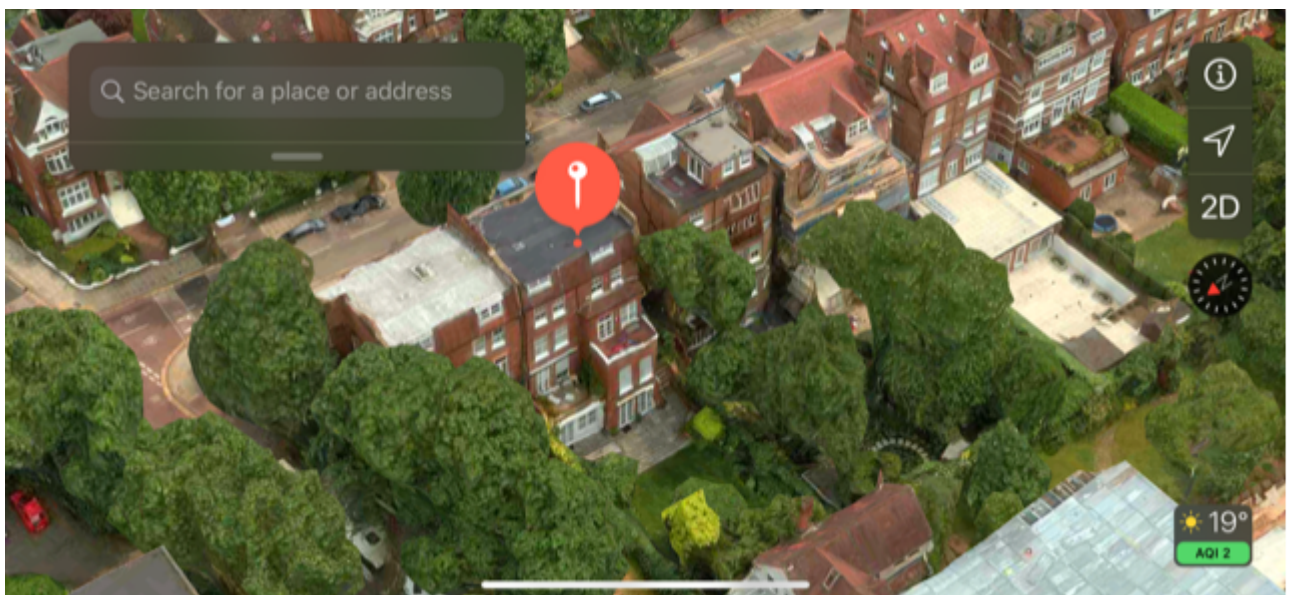


Image 2. Showing the neighbouring properties



Image 3. View from the rear door looking west



Image of the existing Category C tree to be removed.

Delegated Report	Analysis sheet		Expiry Date:		01/06/2020		
	N/A / attached		Consultation Expiry Date:		03/05/2020		
Officer			Application Number(s)				
Obote Hope			2020/1444/P				
Application Address			Drawing Numbers				
Maisonette 1 39 Maresfield Gardens London NW3 5SG			See Decision Notice				
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature				
Proposal(s)							
Erection of a single storey outbuilding and alterations to the hard and soft landscaping arrangement to the rear elevation at garden level.							
Recommendation(s):		Grant permission					
Application Type:		Full Planning Permission					
Conditions or Reasons for Refusal:		Refer to Decision Notice					
Informatives:							
Consultations							
Adjoining Occupiers:		No. notified	00	No. of responses	00	No. of objections	00
				No. electronic	00		
Summary of consultation responses:		A site notice was displayed between 14/05/2020 and 07/06/2020 and; The application was advertised in the Ham and High between 13/05/2020 and 06/06/2020.					
CAAC/Local groups* comments: <small>*Please Specify</small>		Hampstead Conservation Area Advisory Committee raised the following objection: Trees/biodiversity <ul style="list-style-type: none"> The mature tree shown on the existing site plan at the north boundary must be retained; Planting along the south boundary is shown to be greatly reduced on the proposed garden plan; note the large hedge seen in one of the photos; 					

- Similarly the 5 no. small trees/shrubs at the rear site boundary should be defined and retained - from the aerial view, some at least are substantial mature items;
- Excessive garden take-up by the proposed outbuilding and extension and by hard landscaping; the proposed terraces are unnecessarily large and excessive relative to garden area;
- The grass area becomes almost 'token' which reduces if not eliminating biodiversity facility; this is despite the claim of the proposed pond offering (unexplained) biodiversity contribution;
- This scheme threatens practical elimination of existing established bio-diverse activity with uncertain and unconvincing future contribution;
- While we welcome the proposed introduction of new birch trees, we perceive at least equal loss of existing trees and planting for which the replacements would not compensate;

Design

- Proposed outbuilding though in itself within policy limits is then enlarged by the side extension not envisaged by policy; its full width presentation in both views cannot be welcome; a utility room should be contained within the existing flat;
- Although the use of the outbuilding is said to be as a gym, the utility attachment and size of the building make it a feasible independent dwelling, especially with the easy side access on the site and;
- Harm to the CA environmentally is in proliferation of such apparently over-designed schemes with excessive hard landscaping and.

Officer's comments are as follows:

- *An arboricultural report was requested and the details was checked by a Tree Officer and no objection was raised to the proposed works subject to conditions. Please see paragraph 5 below:*
- *The design of the outbuilding have been reduced in bulk and scale please see the design section from paragraphs below:*
- *A condition is attached restricting the use of the outbuilding as a separate dwelling.*
- *Please see paragraph 4.9.1 below;*

Site Description

The site is located on the west side of Greencroft Gardens, a long residential street to the west of Finchley Road. The building on the site is a large semi-detached 4-storey property.

The property is divided into flats and forms a semi-detached pair with no.41 Maresfield Gardens. The application relates to the maisonette at ground and first floor level. The site is located in Fitzjohns/Netherhall Conservation Area and is identified as a positive contributor to the Conservation Area.

Relevant History

39 Maresfield Gardens (application site)

2003/2700/P – Planning permission for the conversion of two flats to a 5-bedroom maisonette on basement and ground floor level and minor alterations to 3 windows on side elevation. **Granted** on 29/07/2004.

2005/2637/P – Planning permission for Installation of a satellite dish on rear roofslope. **Granted** on 29/10/2004.

37 Maresfield Gardens

2015/0110/P – Planning permission for the Erection of rear garden outbuilding. **Granted** on 09/05/2015

Relevant policies

National Planning Policy Framework (2019)

The London Plan March 2016, consolidated with alterations since 2011
Intend to Publish London Plan 2019

Camden Local Plan (2017)

A1 Managing the impact of development

A3 Biodiversity

D1 Design

D2 Heritage

Camden Planning Guidance

Design (adopted March 2019)

Altering and extending your home (2019)

Amenity (adopted March 2018)

Fitzjohns/Netherhall Conservation Area Statement (2001)

Assessment

1. Proposal

1.1 This application, as revised, is for the erection of an outbuilding in the rear garden for the use as a garden studio with a decking area. It's proposed to alter the hard and soft landscaping arrangement to the rear elevation and this element is also designed to offer more biodiversity. The studio will be 5.0m wide and both 3.0m deep and 2.7m high. The decking area is to be 2m in depth and 6m wide, running around the study to the southern elevation where it extends to a depth of 5m. The studio would house a gym 11sqm of new floor space. The overall structure would be set in from the north boundary by 2.75m and the south by 4.8m from the south boundary and would be set back 2.0m from the rear garden with no.10 Netherhall Gardens.

1.2 The building would be clad with Cedar to the front elevation which would age naturally into grey colour, portion of its side wall will be cladded in black Trespa Meteon panels. The outbuilding has two openings to the garden: a sliding glass door that gives entrance to the gym and a fixed glazed panel on its back which overlooks the new proposed acer tree. The frames of the sliding glass doors are to be in powder coated aluminium with black finish.

1.3 It should be noted that during the process of the application, the agent was offered an opportunity to revise the bulk and scale of the proposal and the revised details are listed below.

2. Revisions

2.1 The following revision was received during the course of the application:

- Redesign of the outbuilding so it now appears as a subordinate addition;
- 5m reduction of the width of the outbuilding and removal of separate 'utility' element;
- 1m reduction of the depth;
- 500mm reduction in height, and;
- Reduction of the hardstanding area across the garden.

3.1 The main material considerations are:

- The effect of the development on the character and appearance of the Fitzjohns and Netherhall Conservation Area;
- The impact of the outbuilding on the nearby trees; and
- Impact on the neighbouring amenities.

4.0 Design and appearance

4.1 Local Plan Policy D1 (Design) states that The Council will require that development respects local context and character; preserves or enhances the historic environment and heritage assets in accordance with Policy D2 (Heritage); comprises details and materials that are of high quality and complement the local character; promotes health; responds to natural features and preserves gardens and other open space; and, preserves strategic and local views.

4.2 Para. 6.37 of the Local Plan (2017) states: "Gardens help shape their local area, provide a setting for buildings, provide visual interest and may support natural habitats. Therefore they can be an important element in the character and identity of an area (its 'sense of place'). We will resist development that occupies an excessive part of the garden, and the loss of garden space which contributes to the character of the townscape."

4.3 Para. 4.22 states: "The construction of garden buildings, including sheds, stand-alone green houses and other structures in rear gardens and other undeveloped areas, can often have a significant impact upon the amenity, biodiversity and character of an area. They may detract from the

generally soft and green nature of gardens and other open space, contributing to the loss of amenity for existing and future residents of the property.”

- 4.4 Para 4.23 states: “Large garden buildings may also affect the amenity value of neighbours' gardens, and if used for purposes other than storage or gardening, may intensify the use of garden spaces.” Para 4.24 states: “Development in rear gardens should: ensure the siting, location, scale and design of the proposed development has a minimal visual impact on, and is visually subordinate to, the host garden; not detract from the open character and garden amenity of the neighbouring gardens and the wider surrounding area; use suitable soft landscaping to reduce the impact of the proposed development; ensure building heights will retain visibility over garden walls and fences; use materials which complement the host property and the overall character of the surrounding area. The construction method should minimise any impact on trees or adjacent structures; address any impacts of extensions and alterations upon water run-off.”
- 4.5 The proposed outbuilding is set at an appropriate distance from the main house and is in an appropriate location at the end of the garden. The principle of such an outbuilding here is acceptable. Its design and materials are considered acceptable and appropriate for this garden setting. Its height at 2.8m is considered acceptable in this location and the existing garden area covers about 264sqm and the proposed outbuilding (6%) would reduce this to 249sqm, including the decking area equating to a 30% loss of garden area. This reduction is considered acceptable and a reasonable amount of amenity space would be retained.
- 4.6 As set out in policy F/N32 of the Fitzjohns/Netherhall Conservation Area Statement and as set out in para.6.37 of the Local Plan, the importance of gardens as an important element in the character and identity of an area is recognised. Whilst the principle of an outbuilding in this position may be acceptable, it should be designed at a scale which ensures minimal visual impact on the host garden.
- 4.7 Para 196 of the NPPF (2019) states that ‘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’
- 4.8 It is considered that the proposed outbuilding as revised, as a result of its bulk, height, mass and detailed design, would not create an unwelcome nor overly dominant outbuilding within the garden area. Its footprint and scale would not detract from the openness of the garden which forms an important part of the setting of this building and surrounding properties within the conservation area. It is considered that the outbuilding, would sufficiently preserve the character and appearance of the conservation area.
- 4.9 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.
- 4.10 The hard landscaping has been reduced to offer better biodiversity. Nonetheless, a suitable planning condition is suggested to require full details of hard and soft landscaping to be submitted to and agreed in writing with the Council prior to the commencement of development. This would ensure that all hard and soft landscaping is carried out in accordance with the approved landscape details prior to occupation.

5.0 Trees

5.1 The Local Plan (2017) requires that new developments respond to the natural assets of a site and its surroundings, such as slopes and height differences, trees and other vegetation. In addition, all new development should promote biodiversity, contribute to the amenity of an area and development that is likely to damage trees would not be supported.

5.2 Policy F/N28 of the Fitzjohns and Netherhall Conservation Area Statement stipulates that 'trees play an invaluable role in terms of the natural environment, air quality, adapting to and mitigating climate change and contributing to the quality and character of London's environment'. Moreover, trees contribute significantly to the biodiversity of the Area and play a highly significant role in improving the air quality of the Area.

5.3 A false Acacia "T2" is present and does exceed 10m in height, but this tree has old fire damage on the stem to a height of 2m, has been crown reduced in the past and has been cut back to the boundary by the neighbour so is not likely to gain significant additional size under existing management. T3 (Cherry) is an established ornamental tree approximately 5.0m in height. Both of these trees have been identified as category "C" being of low value that would be removed. The two trees in the neighbouring garden there is likely to be some below ground impact namely, due to the landscaping works, the T1 and T5 trees which would require root protection. Moreover, it is important to protect the ground within the RPA's from damage and compaction and this is achieved by the installation of protective fencing where appropriate. The Tree officer has assessed the submitted Arboricultural Report and raised no objection to the loss of these trees which would be suitably replaced. Thus, conditions would be attached accordingly for the hard and soft landscaping proposals, tree replacement and protection.

6. Impact on Neighbours

6.1 Policy A1 of the Local Plan seeks to protect the quality of life of neighbouring occupiers. The factors to consider include: visual privacy and outlook; sunlight, daylight and overshadowing; artificial light levels; noise and vibration.

6.2 The proposal, given its residential nature, is unlikely to result in undue harm to neighbours in terms of noise impacts. The proposed outbuilding is set well within the grounds of the property and towards the end of the garden, away from neighbouring windows, and thus there would be no harm caused by loss of light, privacy or light pollution.

6.3 Overall, the proposal is considered to be acceptable in terms of its impact on privacy, outlook, sunlight, daylight, overshadowing, artificial light levels and noise, in accordance with Policy A1.

7. Recommendation:

Grant Planning Permission subject to conditions

DISCLAIMER

The decision to refer an application to Planning Committee lies with the Director of Regeneration and Planning. Following the Members Briefing panel on Monday 28th September 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: 2020/1444/P
Contact: Obote Hope
Tel: 020 7974 2555
Email: Obote.Hope@camden.gov.uk
Date: 21 September 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

Schneider Designers
Lower Ground Unit
15 Eldon Grove
London
NW3 5PT
United Kingdom

DRAFT

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Full Planning Permission Granted

Address:

Maisonette 1
39 Maresfield Gardens
London
NW3 5SG

DECISION

Proposal:

Erection of a single storey outbuilding and alterations to the hard and soft landscaping arrangement to the rear elevation at garden level.

Drawing Nos: 196.(1).0.000 REVA; 196.(1).0.001 REVA; 196.(1).0.002 REVA; 196.(1).0.003; 196.(1). 1.000 REVA; 196.(1).1.001 REVA; 196.(1).2.001 REVA; 196.(1).3.001 REVA; Arboricultural Appraisal Report commissioned by MWA Arboriculture no date; Tree Protection Fencing; MWA Tree Survey Schedule and Design and Access Statement commissioned by Schneider Designers dated 11.08.2020.

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 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: 196.(1).0.000 REVA; 196.(1).0.001 REVA; 196.(1).0.002 REVA; 196.(1).0.003; 196.(1).1.000; 196.(1).1.001; 196.(1).2.001 REVA; 196.(1).3.001 REVA; Arboricultural Appraisal Report commissioned by MWA Arboriculture no date; Tree Protection Fencing; MWA Tree Survey Schedule and Design and Access Statement commissioned by Schneider Designers dated 11.08.2020.

Reason:

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

- 4 Prior to the commencement of construction/demolition works on site, tree protection measures shall be installed in accordance with approved Tree Protection Plan. The protection shall then remain in place for the duration of works on site and works should be undertaken in line with the approved arboricultural method statement, unless otherwise agreed in writing by the local authority.

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.

- 5 Prior to the end of the next available planting season, replacement tree planting shall be carried out in accordance with details of replanting species, position, date and size, where applicable, that have first been submitted to and approved by the local planning authority in writing.

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 No development shall take place until full details of hard and soft landscaping and means of enclosure 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.

- 7 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 39 Mansfield Gardens 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.

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.
- 3 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.

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 Economy, Regeneration and Investment

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DECISION