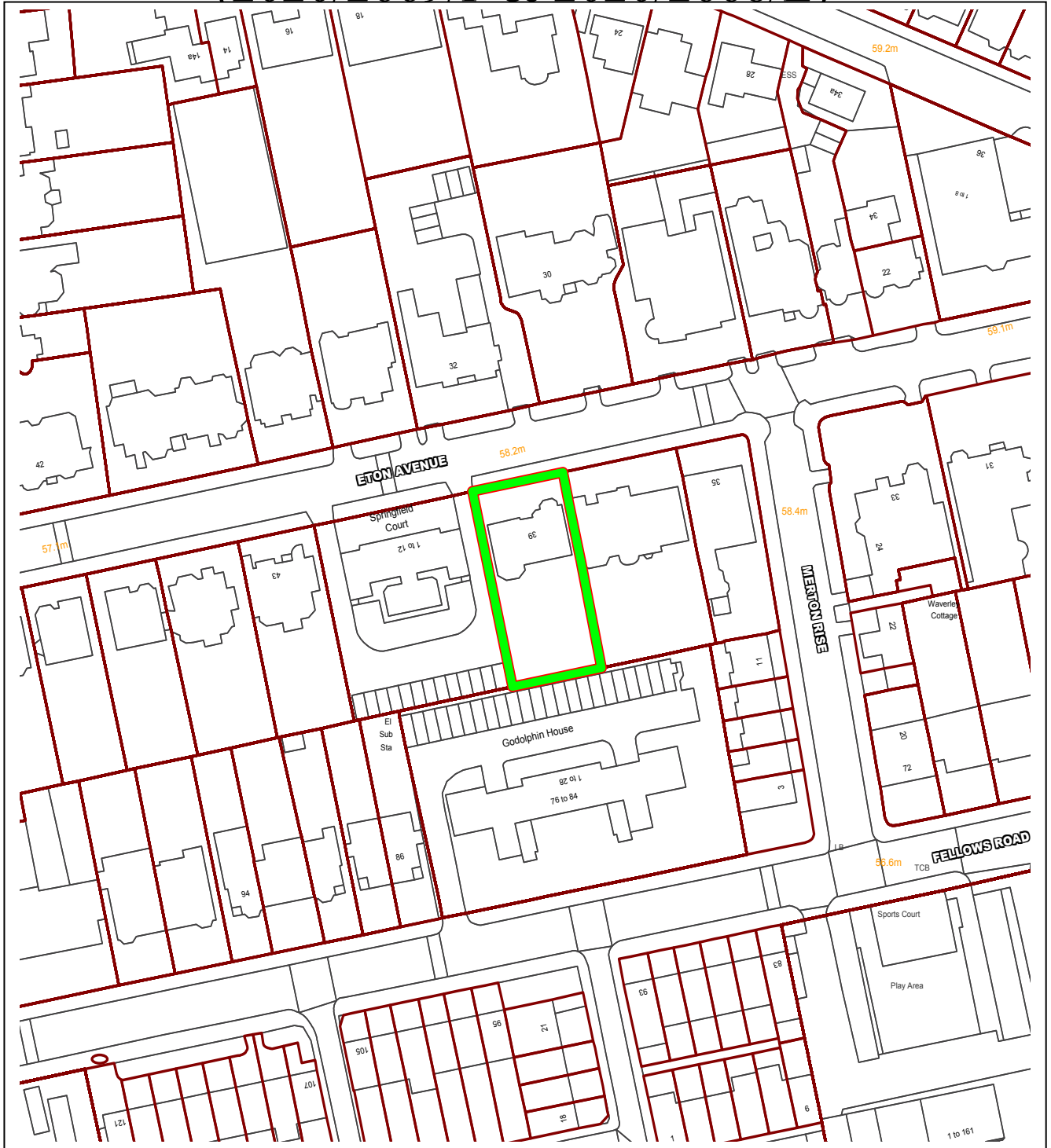


Flat 3, 39 Eton Avenue, NW3 3EP (2020/2669/P & 2020/2668/L)



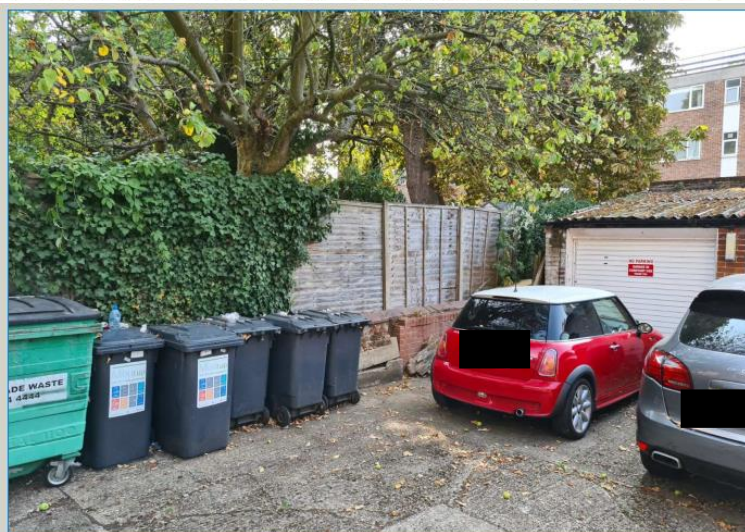
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1. View from back of flat facing rear garden where outbuilding will be located



3. View from end of back garden facing host property



2. View of rear garden from adjacent garages in private laneway

| | | | | |
|---|---|--|---------------------------------------|-------------------------------|
| Delegated Report (Members Briefing) | Analysis sheet N/A | Expiry Date: Consultation Expiry Date: | 7/10/2020 13/09/2020 | |
| Officer | Application Number(s) | | | |
| Sofie Fieldsend | i) 2020/2669/P ii) 2020/2668/L | | | |
| Application Address | Drawing Numbers | | | |
| Flat 3, 39 Eton Avenue London NW3 3EP | See draft decision | | | |
| Proposal(s) | | | | |
| i) Erection of rear outbuilding ii) Erection of rear outbuilding | | | | |
| Recommendation(s): | Grant conditional planning permission | | | |
| Application Type: | Full Planning Permission | | | |
| Conditions or Reasons for Refusal: | Refer to Draft Decision Notice | | | |
| Informatives: | | | | |
| Consultations | | | | |
| Adjoining Occupiers: | Site notices Press notice | 14/08/2020 – 07/09/2020 20/08/2020 – 13/09/2020 | No. of responses 0 | No. of objections 0 |
| Summary of consultation responses: | No responses were received from the neighbouring occupiers. | | | |
| Belsize CAAC | <p>Belsize CAAC has objected to the proposed scheme on the following grounds:</p> <p>“This proposed 25sqm in the rear garden is far too large, cuts the garden in half, blocks the view of the base of the specimen tree and is too close to it. It definitely ruins the landscape of this listed house”</p> <p><i>Officer response:</i> - See sections 4.4-4.8 and 5.2-5.3</p> | | | |

Site Description

The application site is a five-storey building which has been subdivided into 8 flats located on the southern side of Eton Avenue. It was built in 1900 in an arts and crafts style. The building is Grade II listed and situated within the Belsize Park Conservation Area.

Listing:

“Detached house. c1900. By Amos Faulkner; built by William Willett & Son. Red brick with stone dressings. Tiled gabled roofs with dormer and tall brick chimney-stacks, that to right hand return with stone cornice. 2 storeys and attics. 4 bays, all gabled except right hand. All windows with small leaded panes. Left hand projecting bay with 8-light canted bowed window through ground and 1st floors, ground floor transom and mullion; 3-light Venetian type attic window and gable with small pediment finial. Entrance in next bay to right with carved doorcase. This and other bays with 3 and 4-light windows. INTERIOR: not inspected.”

Relevant History

Subject site:

8804738- A change of use to 5 self-contained flats and 3 self-contained maisonettes; 2 basement swimming-pools; the formation of roof terraces at first second and third floor levels and the installation of rooflights. – **Granted 06/09/1989**

Relevant policies

National Planning Policy Framework (2019)

The London Plan (2016)

Intend to Publish London Plan (2019)

Camden Local Plan (2017)

Policy G1 – Delivery and location of growth

Policy A1 – Managing the impact of development

Policy A2 – Open Space

Policy A3 Biodiversity

Policy D1 – Design

Policy D2 - Heritage

Camden Supplementary Planning Guidance (2018-2019)

CGP - Design

CPG – Altering and extending your home

CPG6 - Amenity

Belsize Park Conservation Area Statement (2003)

Assessment

1. Proposal

- 1.1 The outbuilding will measure 7.7m wide, 3m deep and stand at max height of 3m high (2.4m at the boundary) with a sloping roof with timber decking to the front. It will have a footprint of 23.1 sqm and be located in the rear garden. It will be timber with aluminium fenestration.
- 1.2 No external works are proposed to the main house.

2. Revisions

- 2.1 Originally an ASHP was shown only on the site plan, it was not shown on the other proposed plans or included in the description on the application form. In absence of this

detail and the requirement to re-consult it was removed from the site plan.

3. Considerations

3.1 The main issues to be considered are:

- Design and heritage
- Trees and landscaping
- Amenity

4. Design

- 4.1 The Council's design 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 consider the character, setting, context and the form and scale of host building and neighbouring ones, and the quality of materials to be used, to promote health, respond to natural features and preserve gardens.
- 4.2 Policy D2 states that the Council will seek to manage development in a way that retains the distinctive character of conservation areas and will therefore only grant planning permission for development that preserves or enhances the special character or appearance of the area.
- 4.3 CPG Altering and extending your home states that the construction of garden buildings, including sheds, stand-alone green houses, and other structures in rear gardens, can often have a significant impact upon the character of an area. The Council therefore seek to ensure the siting, location, scale and design of the proposed development has a minimal visual impact on, retains the garden openness and is visually subordinate to, the host and surrounding gardens.
- 4.4 The outbuilding will measure 7.7m wide, 3m deep and stand at max height of 3m high (2.4m at the boundary) with a sloping roof with timber decking to the front. It will have a footprint of 23.1 sqm and be located in the rear garden. It would be set in from the side and rear boundaries. It would be discreetly located at the side/rear of an existing long garden surrounded by mature vegetation and a 1.9m high wooden fence.
- 4.5 The proposed outbuilding is considered to be of an acceptable design and its materials using timber with aluminium fenestration are appropriate for this garden setting. It would be of a modest size and scale and would ensure a reasonable proportion of the rear garden would remain (over 158 sqm). Given its siting and scale it would not be visible from the public realm but it would be visible from neighbouring private garages/gardens. The outbuilding is proposed to be used for a gym/study which would be ancillary to the main dwelling. It is noted that there a number of garages in close proximity and an outbuilding would not appear out of character in this area. It would be well screened within the rear garden and not visible from the public realm and retain sufficient garden space. It is considered that due to its siting, design, materials and scale, the proposal will not detract from the character and appearance of the listed host building or the Belsize Park Conservation area.
- 4.6 The listing focuses on the significance of the external elevations of the property, it does not include the rear garden as being of special significance. The outbuilding is set a significant distance away from the host property in the rear garden towards the rows of garages in adjacent sites. In line with guidance in the NPPF , the proposal is not considered to cause harm to the grade II building's special interest or setting, or to the conservation area. The Council's Conservation Officer has assessed the proposal and does not object.
- 4.7 Special regard has been attached to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses under s.66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the

Enterprise and Regulatory Reform Act [ERR] 2013.

- 4.8 Special regard has been given to the desirability of preserving or enhancing the character and 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 (ERR) 2013.

5. Trees and landscaping

- 5.1 Policies A3 and D1 outline that the Council will seek to protect gardens, and resist the loss of trees and vegetation of significant amenity, historic, cultural or ecological value. It requires that trees and vegetation which are to be retained are satisfactorily protected during construction in line with DS5837:2012 'Trees in relation to Design, Demolition and Construction'.
- 5.2 An arboricultural assessment was submitted. The scheme involves the removal of T5, an apple tree in the rear garden of the property. The tree is of minimal visibility from the public realm and is not considered to significantly contribute to the character and appearance of the conservation area. T5 is cat. C (low quality) in accordance with BS5837:2012. The Council's tree team have assessed the scheme and found its removal is acceptable. The scheme involves development within the root protection area of trees to be retained. The arboricultural report refers to no-dig pathways and small diameter helical piles to ensure the impact on trees to be retained are of an acceptable level. Rain water will be redirected under the structure via French drains. Further details of tree protection have been conditioned.
- 5.3 The tree details were found to be acceptable and the Council's Tree team raised no concerns about the proximity to trees due to its proposed foundations nor to it having a negative impact on the garden landscape.

6. Amenity

- 6.1 Policy A1 seeks to protect the quality of life of occupiers by only granting permission for development that would not harm their amenity. The main factors which are considered the impact the amenity of neighbouring residents are overlooking, loss of outlook and sense of enclosure, implications on daylight, sunlight, light pollution and noise.
- 6.2 By virtue of its size including modest height at 2.4-3m, siting and design, it would not cause unacceptable loss of amenity with regard to sunlight, daylight, outlook, overlooking, noise or light pollution.
- 6.3 The potential level of activity associated with the building as a home study and gym is considered to be acceptable, subject to a planning condition to ensure the use of the outbuilding remains ancillary to that of the associated dwelling.

7. Recommendation

- 7.1 Grant conditional planning permission and listed building consent.

The decision to refer an application to Planning Committee lies with the Director of Regeneration and Planning. Following the Members Briefing panel on Monday 26th October 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: 2020/2668/L
Contact: Sofie Fieldsend
Tel: 020 7974 4607
Email: Sofie.Fieldsend@camden.gov.uk
Date: 9 October 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

A3 Associates
16 Daisy Lane
London
SW6 3DD
United Kingdom

DRAFT

Dear Sir/Madam

DECISION

Planning (Listed Building and Conservation Areas) Act 1990

Listed Building Consent Granted

Address:
Flat 3
39 Eton Avenue
London
NW3 3EP

DECISION

Proposal:
Erection of rear outbuilding
Drawing Nos: 1125 PL- 10; 1125 PL- 11 A; 1125 PL- 12; 1125 PL- 13; 1125 PL- 14; 1125 PL- 15; Heritage Appraisal by the Heritage Practice dated September 2019; Quadrapile by Stati-CAL and Arborcultural impact assessment by Landmark Trees dated 7/8/20.

The Council has considered your application and decided to grant 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.

- 2 The development hereby permitted shall be carried out in accordance with the

following approved plans:

1125 PL- 10; 1125 PL- 11 A; 1125 PL- 12; 1125 PL- 13; 1125 PL- 14; 1125 PL- 15; Heritage Appraisal by the Heritage Practice dated September 2019; Quadrapile by Stati-CAL and Arborcultural impact assessment by Landmark Trees dated 7/8/20.

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

Informative(s):

1 Reason for granting consent:

39 Eton Avenue is a grade II listed building built in circa 1900 which was subdivided into flats prior to being listed. No external works are proposed to the main house.

The outbuilding will measure 7.7m wide, 3m deep and stand at max height of 3m high (2.4m at the boundary) with a sloping roof with timber decking to the front. It will have a footprint of 23.1 sqm and be located in the rear garden. It would be set in from the side and rear boundaries. It would be discreetly located at the side/rear of an existing long garden surrounded by mature vegetation and a 1.9m high wooden fence.

The proposed outbuilding is considered to be of an acceptable design and its materials using timber with aluminium fenestration are appropriate for this garden setting. It would be of a modest size and scale and would ensure a reasonable proportion of the rear garden would remain (over 158 sqm). Given its siting and scale it would not be visible from the public realm but it be visible from neighbouring private garages/gardens. The outbuilding is proposed to be used for a gym/study which would be ancillary to the main dwelling. It is noted that there a number of garages in close proximity and an outbuilding would not appear out of character in this area. It would be well screened within the rear garden and not visible from the public realm and retain sufficient garden space. It is considered that due its siting, design, materials and scale, the proposal will not detract from the character and appearance of the listed host building or the Belsize Park Conservation area.

The proposal is unlikely to cause harm to the building's special interest or setting, or to the conservation area. The Council's Conservation Officer has assessed the proposal and does not object to the revised development.

No objections were received prior to the determination of this application. The planning history of the site and surrounding area were taken into account when coming to this decision.

Special regard has been attached to the desirability of preserving the listed building 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 [ERR] 2013.

As such, the proposed development is in general accordance with policy D2 of the

Camden Local Plan 2017. The proposed development also accords with the London Plan 2016 and 2019 (intended to publish), and the National Planning Policy Framework 2019.

- 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 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).
- 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 Economy, Regeneration and Investment

DRAFT

DECISION

Application ref: 2020/2669/P
Contact: Sofie Fieldsend
Tel: 020 7974 4607
Email: Sofie.Fieldsend@camden.gov.uk
Date: 20 October 2020

Development Management
Regeneration and Planning
London Borough of Camden
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Judd Street
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Phone: 020 7974 4444

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

A3Associates
16 Daisy Lane
lan
London
SW6 3DD
United Kingdom

DRAFT

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Full Planning Permission Granted

Address:

Flat 3
39 Eton Avenue
London
NW3 3EP

DECISION

Proposal:

Erection of rear outbuilding

Drawing Nos: 1125 PL- 10; 1125 PL- 11 A; 1125 PL- 12; 1125 PL- 13; 1125 PL- 14; 1125 PL- 15; Heritage Appraisal by the Heritage Practice dated September 2019; Quadrapile by Stati-CAL and Arborcultural impact assessment by Landmark Trees dated 7/8/20.

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:

1125 PL- 10; 1125 PL- 11 A; 1125 PL- 12; 1125 PL- 13; 1125 PL- 14; 1125 PL- 15; Heritage Appraisal by the Heritage Practice dated September 2019; Quadrapile by Stati-CAL and Arborcultural impact assessment by Landmark Trees dated 7/8/20.

Reason:

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

- 3 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.

- 4 The outbuilding hereby approved shall only be used for purposes incidental to the residential use of Flat 3, 39 Eton Avenue and shall not be used as a separate independent Class C3 dwelling or Class E business use.

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 G1, A1 and H6 of the London Borough of Camden Local Plan 2017.

Informative(s):

- 1 Reasons for granting permission:

The outbuilding will measure 7.7m wide, 3m deep and stand at max height of 3m high (2.4m at the boundary) with a sloping roof with timber decking to the front. It will have a footprint of 23.1 sqm and be located in the rear garden. It would be set in from the side and rear boundaries. It would be discreetly located at the side/rear of an existing long garden surrounded by mature vegetation and a 1.9m high wooden fence.

The proposed outbuilding is considered to be of an acceptable design and its materials using timber with aluminium fenestration are appropriate for this garden setting. It would be of a modest size and scale and would ensure a reasonable proportion of the rear garden would remain (over 158 sqm). Given its siting and scale it would not be visible from the public realm but it be visible from neighbouring private garages/gardens. The outbuilding is proposed to be used for a gym/study which would be ancillary to the main dwelling. It is noted that there a number of garages in close proximity and an outbuilding would not appear out of character in this area. It would be well screened within the rear garden and not visible from the public realm and retain sufficient garden space. It is considered that

due its siting, design, materials and scale, the proposal will not detract from the character and appearance of the listed host building or the Belsize Park Conservation area.

The proposal is not considered to cause harm to the grade II building's special interest or setting, or to the conservation area. The Council's Conservation Officer has assessed the proposal and does not object.

By virtue of its size including modest height at 2.4-3m, siting and design, it would not cause unacceptable loss of amenity with regard to sunlight, daylight, outlook, overlooking, noise or light pollution. The potential level of activity associated with the building as a home study and gym is considered to be acceptable, subject to a planning condition to ensure the use of the outbuilding remains ancillary to that of the associated dwelling.

The scheme involves the removal of T5, an apple tree in the rear garden of the property. The tree is of minimal visibility from the public realm and is not considered to significantly contribute to the character and appearance of the conservation area. T5 is cat. C (low quality) in accordance with BS5837:2012. The Council's tree team have assessed the scheme and found its removal is acceptable. The scheme involves development within the root protection area of trees to be retained. The arboricultural report refers to no-dig pathways and small diameter helical piles to ensure the impact on trees to be retained are of an acceptable level. Rain water will be redirect under the structure via French drains. Further details of tree protection has been conditioned.

No objections were received during the statutory consultation period. The site's planning history and relevant appeal decisions were taken into account when coming to this decision.

Special regard has been attached to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses under s.66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Enterprise and Regulatory Reform Act [ERR] 2013.

Special regard has been given to the desirability of preserving or enhancing the character and 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 (ERR) 2013.

As such, the proposed development is in general accordance with policies A1, A2, A3, D1 and D2 of the Camden Local Plan. The proposed development also accords with policies of the London Plan 2016 and 2019 (intended to publish) and of the National Planning Policy Framework 2019.

- 2 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).
- 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.

- 4 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)

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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.

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Yours faithfully

Director of Economy, Regeneration and Investment