

2020/0458/P
Flat 1, Windsor House, 5 Eton Avenue NW3



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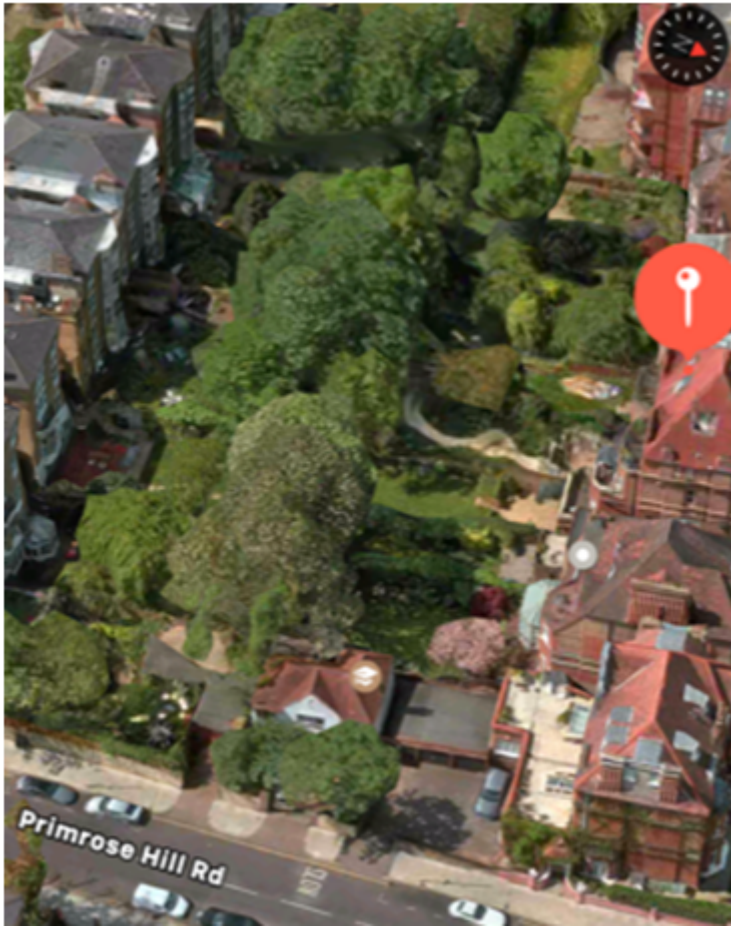


Image 1. Aerial view from Primrose Hill Road

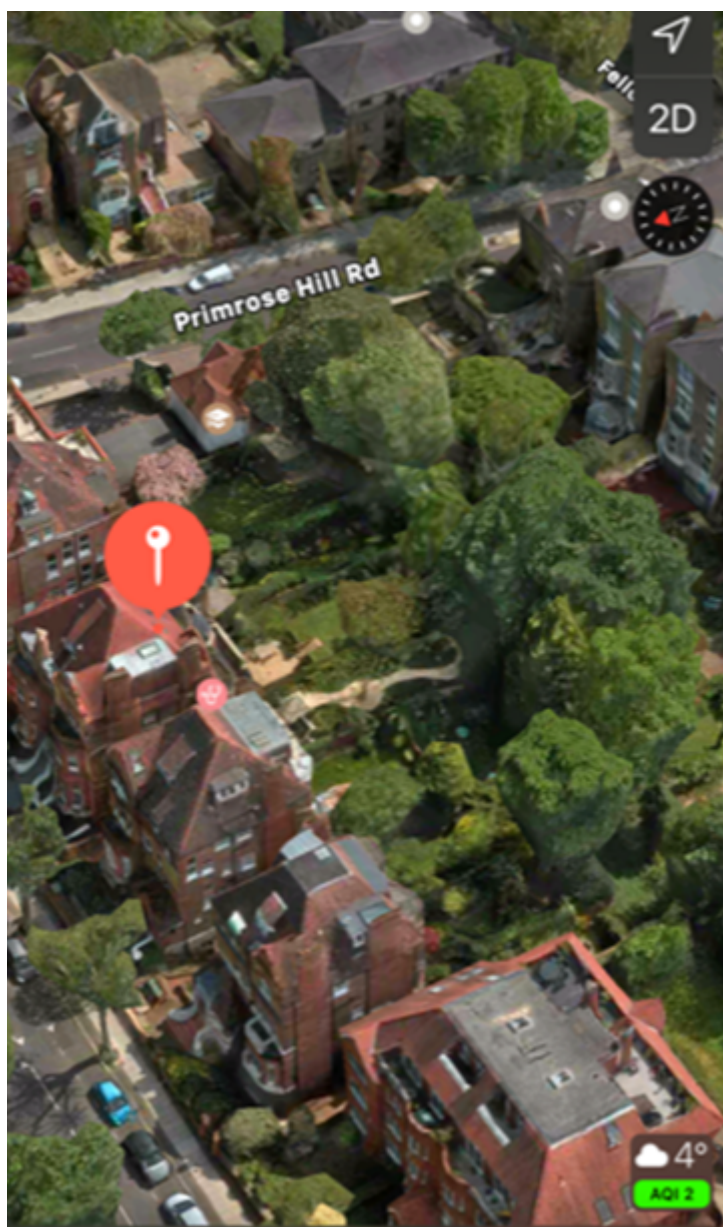


Image 2. View of the rear gardens towards Primrose Hill Road.



Image 3. Rear garden showing the rear boundary wall.



Image 4. Showing the neighbours boundary wall height with no. 7 Eton Avenue

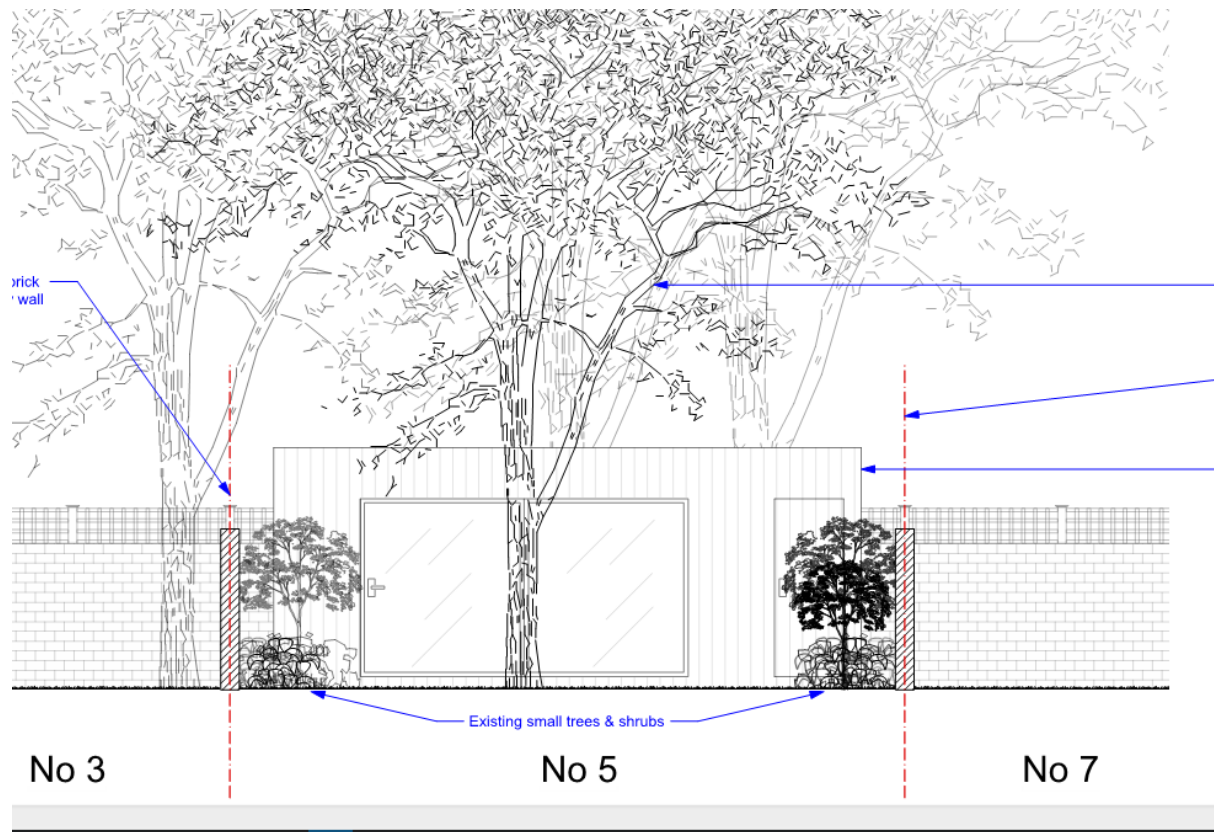


Image 5. Showing the proposed garden studio in context.

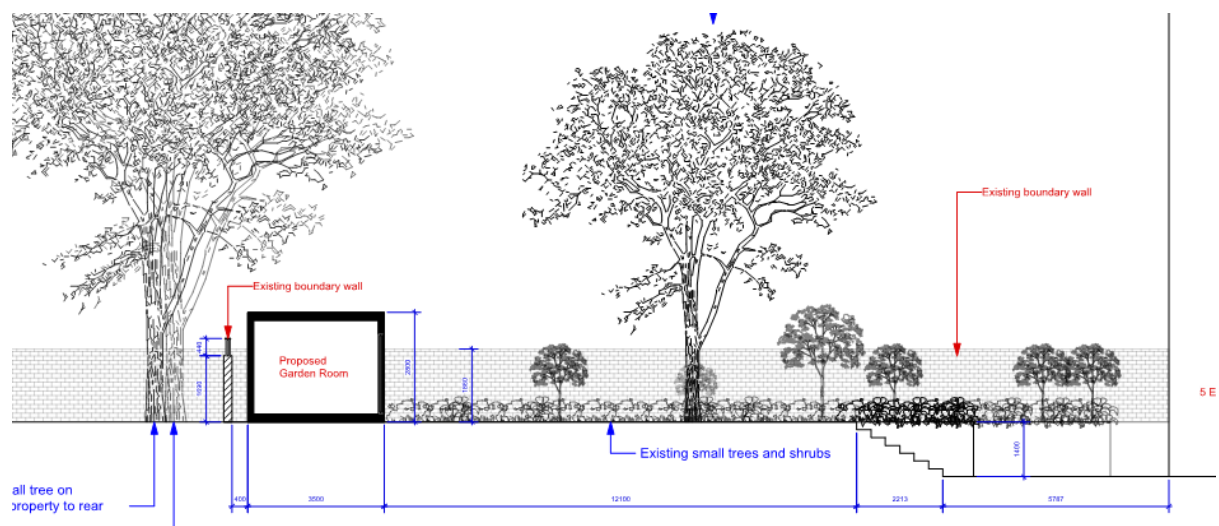


Image 6. Showing the proposed garden studio in context.

Delegated Report (Member's Briefing)		Analysis sheet		Expiry Date:		26/03/2020	
		N/A / attached		Consultation Expiry Date:		10/04/2020	
Officer				Application Number(s)			
Obote Hope				2020/0458/P			
Application Address				Drawing Numbers			
Flat 1, Windsor House 5 Eton Avenue London NW3 3EL				See Decision Notice			
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature				
Proposal(s)							
Erection of single storey garden studio in rear garden.							
Recommendation(s):		Grant permission					
Application Type:		Full Planning Permission					
Conditions or Reasons for Refusal:		Refer to Decision Notice					
Informatives:							
Consultations							
Adjoining Occupiers:		No. of responses		04	No. of objections		04
Summary of consultation responses:		<p>A site notice was displayed between 11/03/2020 and 04/04/2020 and;</p> <p>The application was advertised in the Ham and High between 12/03/2020 and 04/04/2020.</p> <p>One objection was received from the owner/occupier of Coach House, Eton Avenue are as follows:</p> <ul style="list-style-type: none"> • The height and size of the garden room should be decreased; • would significantly spoil the view and; • the large windows would allow you to see inside the first floor bedroom <p><i>Officer's comments are as follows;</i></p> <ul style="list-style-type: none"> • please see design section of report, and; • please see the amenity section of report. <p>Objection from the owner/occupier of flat 2 5 Eton Avenue are as follows:</p>					

	<ul style="list-style-type: none"> • The proposal would change the outlook of the house and at 2.8m high change the light in the garden and; • The proposal should be refused for the same reason the Coach House Eton Avenue was declined last year. <p><i>Officer's comments are as follows:</i></p> <ul style="list-style-type: none"> • <i>Please see amenity section of report and;</i> • <i>All applications are determined on a case by case basis and the proposal given its location, height (replacement of the existing climbing frame) and detailed design would not have a significant impact on the host building and wider conservation area.</i> <p>Objection from the owner/occupier of flat 19 Estelle Road are as follows:</p> <ul style="list-style-type: none"> • The proposal would seriously affect the view from the flat, looking out to the greenery of the gardens; • The proposal would have an impact with privacy; <p><i>Officer's comment are as follows:</i></p> <ul style="list-style-type: none"> • <i>The proposed garden studio would be set back by at least 18m from the host building, and consist of a green roof. It is not considered that the proposal would be visually intrusive to surrounding residents;</i> • <i>please see the amenity section of report.</i>
<p>CAAC/Local groups* comments: *Please Specify</p>	<p>The Belsize Society raised the following objection:</p> <ul style="list-style-type: none"> • The application cannot be assessed until the proposed changes in the conservation area be illustrated to show the surrounding area and the adjacent neighbouring properties; <p><i>Officer's comments are as follows:</i></p> <ul style="list-style-type: none"> • <i>Contextual elevation drawing has been submitted, please see the design section of report;</i> • <i>The privacy and outlook concerns raised are addressed in the amenity section of report</i>

Site Description

The host building is a three storey detached property, located to the eastern side of Eton which occupies a substantial double fronted property comprising lower ground, ground, first and second floors with accommodation in the loft. The rear garden is secluded with high fence and mature trees in both the host building and the neighbouring gardens to the north and south.

The property is divided into 5 self-contained units with the application site located over the first and second floors.

The building is within the Belsize Park Conservation Area and the host building contributes positively to character and appearance of the area.

Relevant History

5 Eton Avenue (application site)

2004/5307/P – Planning permission for the change of use from 4 x self-contained flats to 5 x self-contained flats involving the erection of a 3-storey rear extension with balconies, the erection of a balcony with staircase to the garden at upper ground floor rear bay, the erection of railings on the flat roof of the existing bay at second floor level and other alterations to the fenestration of the rear elevation, the erection of a roof side projection with roof light to the west side of the roof and a cock-pit roof terrace to the east, the enlargement of an existing rear dormer and the installation of a roof light next to that. **Granted** on 01/02/2005.

Neighbouring sites:

3 Eton Avenue

2017/6275/P – Planning permission for extensions to ground floor flat including basement excavation with rear extension and roof terrace, replacement conservatory at ground floor level, and associated landscaping including erection of replacement garden shed. **Granted** on 25/01/2019.

9 Eton Avenue

2017/4061/P – Planning permission for the erection of single-storey, garden room in rear garden. **Granted** on 31/08/2017.

Relevant policies

National Planning Policy Framework (2019)

The London Plan 2016

Publication London Plan 2020

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)

Home Improvement *Draft* (2020)

Amenity (adopted March 2018)

Belsize Park Conservation Area Statement (2003)

Assessment

1. Proposal

1.1 This application is for the erection of an outbuilding in the rear garden measuring approximately 6.8m wide 3.5m deep and 2.8m high. The outbuilding would sit towards the rear end of the garden and replace an existing climbing frame. The overall structure would set in from the both of the neighbouring boundaries by 400mm and would be set back 400mm from the rear garden with no's.32 and 34 Fellows Road.

1.2 The proposed outbuilding/garden studio would be clad with Cedar to the front elevation which would age naturally. The outbuilding has two openings to the garden - a sliding glass door and a timber framed door. The frames of the sliding glass doors would be powder coated aluminium door.

2. Revisions

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

- An Arboricultural Report was requested
- Contextual elevation drawings;
- Provision of green roof;

3.1 The main material considerations are:

- The effect of the development on the character and appearance of the Belsize Park 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." In relation to garden buildings, the Local Plan 2017 states that garden buildings should not detract from the open character and garden amenity of the neighbouring gardens and the wider surrounding area; should 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."

4.3 Section 5.5 of Home Improvements 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 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 The proposed garden building would sit at the end of the garden away from the main house and against the existing boundary wall. Its scale would be clearly subordinate to the size of the garden

and host property, reducing the open garden space from 154sqm to 130 sqm, thereby occupying 16% of the total rear garden area. By virtue of it occupying a small proportion, the garden would retain its amenity function, plentiful biodiversity and sense of openness.

4.5 The garden studio would be clad in cedar with glazed sliding doors to the front elevation. It would incorporate a green roof to maintain the site's drainage and biodiversity credentials and allow it to blend into the garden setting. The design and materials are considered appropriate.

4.6 Neighbouring and nearby properties, no's 3 and 9 Eton Avenue benefit from similar sized outbuildings within their rear gardens and therefore the proposal would not disrupt the pattern of garden development.

4.7 In conclusion, it is considered that the proposed outbuilding, 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.

4.8 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.

Trees

5.0 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.

5.1 Policy BE41 of the Belsize 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 contributes significantly to the biodiversity of the Area and play a highly significant role in improving the air quality of the Area.

5.2 The scheme involves the removal of T3, a 4m high birch tree located 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 of the conservation area. The Tree officer has assessed the submitted Arboricultural Report and raised no objection to the loss of these tree and finds the tree protection details, method statement and use of small diameter helical piles are sufficient to demonstrate that the trees to be retained will be adequately protected throughout development. A condition will be attached to ensure the works are carried out in accordance with the approved details.

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. A condition is attached to ensure that the use of the outbuilding remains ancillary to the residential function of the host building.

6.3 The proposed outbuilding is set well within the grounds of the property and towards the end of the garden, away from neighbouring windows by approximately 20m. Thus, it's not considered that the outbuilding would have a detrimental impact on neighbouring amenities.

6.4 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 11h January 2021, 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: 2020/0458/P
Contact: Obote Hope
Tel: 020 7974 2555
Email: Obote.Hope@camden.gov.uk
Date: 30 December 2020

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WC1H 9JE

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London Garden Rooms
221 High Road
South Woodford
London
E18 2PB
United Kingdom

DRAFT

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Full Planning Permission Granted

Address:

Flat 1
Windsor House
5 Eton Avenue
London
NW3 3EL

DECISION

Proposal:

Erection of single storey garden studio in rear garden.

Drawing Nos: F1P05-01 REVA; F1P05-02; F1P05-03; F1P05-04; F1P05-06; Ordinance Survey Map from UK Planning Maps ref: p2buk/409575/555684; b90buk/409575/555681; Arboricultural Impact Assessment dated December 2019 commission by Robin Hellier on behalf of London Garden Rooms and Design and Access Statement no date.

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: F1P05-01 REVA; F1P05-02; F1P05-03; F1P05-04; F1P05-06; Ordinance Survey Map from UK Planning Maps ref: p2buk/409575/555684; b90buk/409575/555681; Arboricultural Impact Assessment dated December 2019 commission by Robin Hellier on behalf of London Garden Rooms and Design and Access Statement no date.

Reason:

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

- 4 Prior to the commencement of works on site, tree protection measures shall be installed and working practices adopted in accordance with the arboricultural report by Robin Hellier Trees ref: 1 Windsor House dated December 2019. 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 as detailed in the approved 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.

- 5 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 Flat 1, Windsor House 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.

- 6 Prior to commencement of development, full details in respect of the living roof in the area indicated on the approved roof plan shall be submitted to and approved by the local planning authority. The details shall include-
- i. a detailed scheme of maintenance;

- ii. sections at a scale of 1:20 with manufacturers details demonstrating the construction and materials used;
- iii. full details of planting species and density.

The living roofs 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 CC1, CC2, CC3, D1, D2 and A3 of the London Borough of 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.
- 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)

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

Chief Planning Officer

DRAFT

DECISION