

Delegated Report		Analysis sheet		Expiry Date:		18/11/2020	
		N/A		Consultation Expiry Date:			
Officer				Application Number(s)			
David Peres Da Costa				2020/3855/P			
Application Address				Drawing Numbers			
1A Estelle Road London NW3 2JX				Refer to draft decision notice			
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature				
Proposal(s)							
Details of waste storage required by condition 4 of planning permission 2008/0582/P granted on appeal on 11/05/2009 (for the erection of a 3-storey dwelling house over existing access to Hodes Row)							
Recommendation(s):		Refuse approval of details					
Application Type:		Approval of details					
Conditions or Reasons for Refusal:		Refer to Draft Decision Notice					
Informatives:							
Consultations							
Adjoining Occupiers:	No. notified	00	No. of responses	00	No. of objections	00	
Summary of consultation responses:	n/a						
CAAC/Local groups* comments: <small>*Please Specify</small>							

Site Description
<p>The application site is a piece of land adjoining 1 Estelle Road. Following planning permission granted on appeal (ref: 2008/0582/P and APP/X5210/A/08/2090295), the site has been developed to provide a 3-storey end of terrace dwelling house over the existing access to Hodes Row. The site is now known as 1A Estelle Road.</p> <p>Hodes Row is a former dairy that was redeveloped in the 1990s into three houses. It is gated from Estelle Road. The application site is within the Mansfield Conservation Area.</p>

Relevant History

2008/0582/P: Erection of a 3-storey dwelling house (Class C3) over existing access to Hodes Row. Refused 19/05/2008 Appeal allowed 11/05/2009

2017/2353/P: Details of windows and doors, waste storage and construction method statement required by condition 3, 4 and 6 of planning permission 2008/0582/P decided on appeal 11/05/2009 (for the erection of a 3-storey dwelling house (Class C3) over existing access to Hodes Row). Granted 27/07/2017

EN20/0583: In relation to conditions associated with planning permission allowed on appeal ref:2008/0582/P, concern raised that the dwelling has now been occupied without approved details being implemented. Enforcement complaint received 27/07/2020; Closed 23/12/2020

Enforcement closure report: The complaint relates to various features being omitted from the development proposal, namely, recessed lights, bicycle storage, waste storage, a solar panel and underwater tank for rainwater harvesting. The waste storage details are currently being considered under application reference 2020/3855/P. This is subject to a separate enforcement case under ref: EN19/1023

EN19/1023: Breach of conditions (4) attached to planning permission granted on 11/05/2009 ref:2008/0582/P. Enforcement complaint received 01/11/2019

Relevant policies

NPPF 2019

London Plan 2021

Camden Local Plan 2017

A1 Managing the impact of development

D1 Design

D2 Heritage

CC5 Waste

Camden Planning Guidance

Design (adopted January 2021)

Mansfield Conservation Area Statement (adopted Dec 2008)

Assessment

1. Proposal

- 1.1. The application seeks approval for a revised design for the bin store at the front of the property, in that it is different from the previously approved design (see para 1.7 below). The application is retrospective and the bin store has been installed. While a non-material amendment application form has been submitted, the applicant has agreed that the correct procedure is an 'approval of details required by a condition' and the applicant has subsequently submitted the correct fee for an approval of details application.
- 1.2. While an approval of details application form has not been submitted, the current application is nevertheless valid. This is because The Town and Country Planning (Development Management Procedure) (England) Order 2015 does not specifically require this. That is to say the application must be made in writing but unlike planning permission does not need to be on a form published by the Secretary of State (or a form to substantially the same effect).
- 1.3. The installed bin store is 1.41m by 0.82m and is 1.23m high and is made of plastic

(polypropylene). The internal dimensions of the bin store are 1.33m by 0.75m and 1.12m high.



1.4. Background

- 1.5. Planning permission was granted on appeal for the erection of a 3-storey dwelling house (ref: 2008/0582/P and APP/X5210/A/08/2090295). The development has been completed. The permission was subject to a condition requiring details of waste storage to be submitted prior to commencement (condition 4). The details of the condition are set out below.
- 1.6. *"Before the development commences, details of the location, design and method of waste storage including recycled materials shall be submitted to and approved in writing by the local planning authority. The approved storage facilities shall thereafter be provided prior to first occupation of the dwelling and permanently maintained and retained thereafter."*
- 1.7. An application to discharge condition 4 was approved 27/07/2017 (planning ref: 2017/2353/P). Approval was given for a timber bin store measuring 1.56m by 0.98m and 1.87m high.

2. Assessment

2.1. Design

- 2.2. The size of the installed bin store is somewhat smaller than the approved bin store. The store is designed to have capacity for two 240L wheelie bins. The Council's expectation is that space should be provided for a 120 litres bin for general waste, 1 x 140L bin or 2 green box 55L for recycling plus a 23L food waste caddy. The photograph submitted shows space for a wheelie bin plus one green box and a food waste caddy. The internal height of the bin store is 1.12m. The size of the waste store is such that it could accommodate an additional 55L green box (350x390x585mm), stacked with the existing green box and with a 23L food waste caddy (405x320x400mm) on top. Therefore the installed bin store provides sufficient space to waste, recycling and food waste.
- 2.3. The material of the bin store has been amended from the approved details of timber to plastic. The change of material would materially alter the appearance of the bin store. The size and location of the store remain acceptable.
- 2.4. The Mansfield Conservation Area Statement emphasizes the importance of materials for new development as set out below:
- 2.5. *High quality design, appropriate scale, form and materials and high quality execution will be*

required of all new development, including smaller alterations such as shop fronts, signage, and extensions which can harm the character and appearance of the area to an extent belied by their individual scale (page 25).

- 2.6. *The appearance of characterful buildings within the Conservation Area is harmed by the removal or loss of original architectural features and the use of inappropriate materials (page 27).*
- 2.7. The plastic material is not considered to be an appropriate material for use in a highly visible location at the front of the property in the Mansfield conservation area. The bin store is just behind the entrance gate and visible through their railings.
- 2.8. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area when considering applications relating to land or buildings within that Area.
- 2.9. The effect of this section of the 1990 Act is that there is a statutory presumption in favour of the preservation of the character and appearance of Conservation Areas. Considerable importance and weight should be attached to their preservation. A proposal which would cause harm should only be permitted where there are strong countervailing planning considerations which are sufficiently powerful to outweigh the presumption. The NPPF provides guidance on the weight that should be accorded to such harm and in what circumstances such harm might be justified (paras 193-202). 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.
- 2.10. There is no public benefit to outweigh the harm identified to the Conservation Area.
- 2.11. Amenity**
- 2.12. The bin store does not have any impact on neighbouring amenity in terms of loss of sunlight / daylight or outlook.
- 2.13. Conclusion**
- 2.14. Refuse approval of details