

Response to Planning Application No. 2021/0582/P (36a Estelle Road)

We object to this (retrospective) Planning Application on the grounds that: due to its position, size and design it imposes a negative overbearing impact on 38 Estelle Road and on the open aspect of the garden of 38 Estelle Road and surrounding gardens. In particular it has:

- a) failed to take account of paragraphs 4.22 and 4.23 of Camden's Planning Guidance CPG1 Design¹ which warn (p36):

"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.

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."

- b) And failed to mitigate these issues in accordance with paragraph 4.24 of the same Guidance as detailed below.

Background

Until summer 2020 the applicant's garden contained a very small (phone box sized) garden tool shed at its rear, shown in Image B. (Image B is from 2015 and therefore outdated but we do not have a more recent image to show the tool shed before its removal.)

In mid June 2020 the applicant consulted us about replacing the rear section of boundary fence between our gardens. As a family shielding a Clinically Extremely Vulnerable person we asked to delay this work until restrictions eased but the applicant insisted the fence was unsafe and it was replaced. What appeared to be paving and surfacing works followed during the summer. Then in September 2020, without any mention to us or permission from Camden, a team arrived and in a day put up a very large timber structure (around 4m long) which was later insulated and connected to electricity and is shown at Image C.

We note that the applicant states he "misread Guidance on the Planning Portal" and assumed planning consent was not required. This is very disappointing given that: the applicant is an architect of some 25 years' experience and would therefore be very familiar with planning consents; the applicant engaged with Camden's planning regulations when in 2015 he (unsuccessfully) applied for planning permission to extend his flat to the side²; and the front page of Camden's website entry on garden buildings clearly explains that full planning permission is required for this structure and links to detailed guidance (Image A)³.

Because the applicant failed to follow the required planning process, nor even informally mention the proposed structure to us during discussions about the related boundary fence, we were denied the opportunity to contribute to its planning in any way.

¹ <https://www.camden.gov.uk/documents/20142/2247044/CPG1+Design+2015.pdf/bf613fba-975e-ff10-d2e6-2ec3b25d2aec>

² 2015/1692/P

<http://camdocs.camden.gov.uk/HPRMWebDrawer/PlanRec?q=recContainer:%222015/1692/P%22>

³ <https://www.camden.gov.uk/garden-buildings-greenhouses-sheds-planning-permission>

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Covid Pandemic

We note that the applicant explains that due to pandemic restrictions he converted his second bedroom into a gym and therefore needs an additional office for home working.

We fully recognise the huge burden the pandemic has placed on us all, indeed we have personally endured the impact of over a year of stringent shielding. However this is not an application for a temporary structure, it is an application for a permanent structure that will long outlast the lifting of Covid restrictions. Indeed use of this room may change over time.

It is therefore for Camden Planning to consider the issues set out in its Guidance, referred to above, in relation to development in rear gardens. The mitigating elements are detailed here:

Camden's Planning Guidance (CPG1 Design) paragraph 4.24:

Developments 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*

As Image C demonstrates the siting, location, scale and design of this development does not comply with the Guidance on ensuring that it has a minimal visual impact on, and is visually subordinate to, the host garden. Instead it dominates the host garden which is already considerably reduced in size by the addition of a rear extension to the ground floor flat.

- *...should not detract from the open character and garden amenity of the neighbouring gardens and the wider surrounding area*

The context of the otherwise open character of gardens on Estelle Road is shown [Image F].

We cannot speak for other neighbours but the impact on 38 Estelle Road is very significant. The structure is situated against the boundary fence (so tightly that the guttering overhangs it). Not only do the height, length and width of the structure have an oppressive impact on the garden of 38 Estelle Road, but so too does the siting of the door and adjacent window, located in such close proximity to the boundary [Image D]. The structure is also raised and therefore approached via a step, heightening the impact of all access in and out of it.

In relation to views and privacy, the siting of the structure, including the door and window, imposes a negative and overbearing impact on both the views from, and the privacy previously enjoyed by, the rooms at ground level at 38 Estelle Road [Image E], the floors above [Image C], and the garden itself [Image D].

In addition, because the structure is not appropriately sized and used for storage or gardening (paragraph 4.23 above), and is instead effectively a large room (currently used as an office), it affects the amenity value of the garden of 38 Estelle Road in the very way the Guidance warns against (also paragraph 4.23), by intensifying the use of the garden space.

- *...should use suitable soft landscaping to reduce the impact of the proposed development*

As each of the photos demonstrates no soft landscaping has been used by the applicant to reduce the impact of this large and dominating structure.

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Ash Tree

The applicant refers to the ash tree at 38 Estelle Road as providing screening cover. Image C from September 2020 demonstrates that because the ash tree is situated at the far end of the garden, even when it is in leaf (about half the year), it provides 38 Estelle Road with no screening from the new structure. It should also be noted that this past winter, subsequent to Image C, the ash tree has been reduced back to previous points and crown thinned. This is in accordance with our three yearly authorised maintenance cycle begun in January 2015 (as illustrated in Image B) and would reduce potential screening for neighbours.

Conclusion

We invite Camden Planning to ensure that its own CPG1 Design guidance on rear gardens is followed, in order that the precious nature of the Conservation Area is not compromised by this development - or any precedent it sets - and the impact on 38 Estelle Road is fully addressed.

This would be done by ensuring that any approval requires:

- that the scale of the proposed structure is reduced so that it is proportionate to the host garden and surrounding garden space;
- that the location of the structure is altered in order to address the overbearing impact on 38 Estelle Road now and in the future;
- that access and design are altered in order to safeguard privacy for 38 Estelle Road now and in the future, and to reduce the intensity of use by requiring sensitive re-positioning of the door and adjacent window.

In addition by ensuring:

- that full account is taken of the impact of any proposed structure on the mature ash tree at 38 Estelle Road, and in particular its roots, as per Camden Planning Guidance⁴, and that full account is taken of any further biodiversity issues (as per CPG1 Design guidance paragraph 4.22 quoted above);
- that this retrospective application does not provide a damaging precedent in the Conservation Area.

⁴ <https://www.camden.gov.uk/documents/20142/4823269/Trees+CPG+March+2019.pdf/985e3c70-d9a5-6ded-a5a3-3c84616f254d>