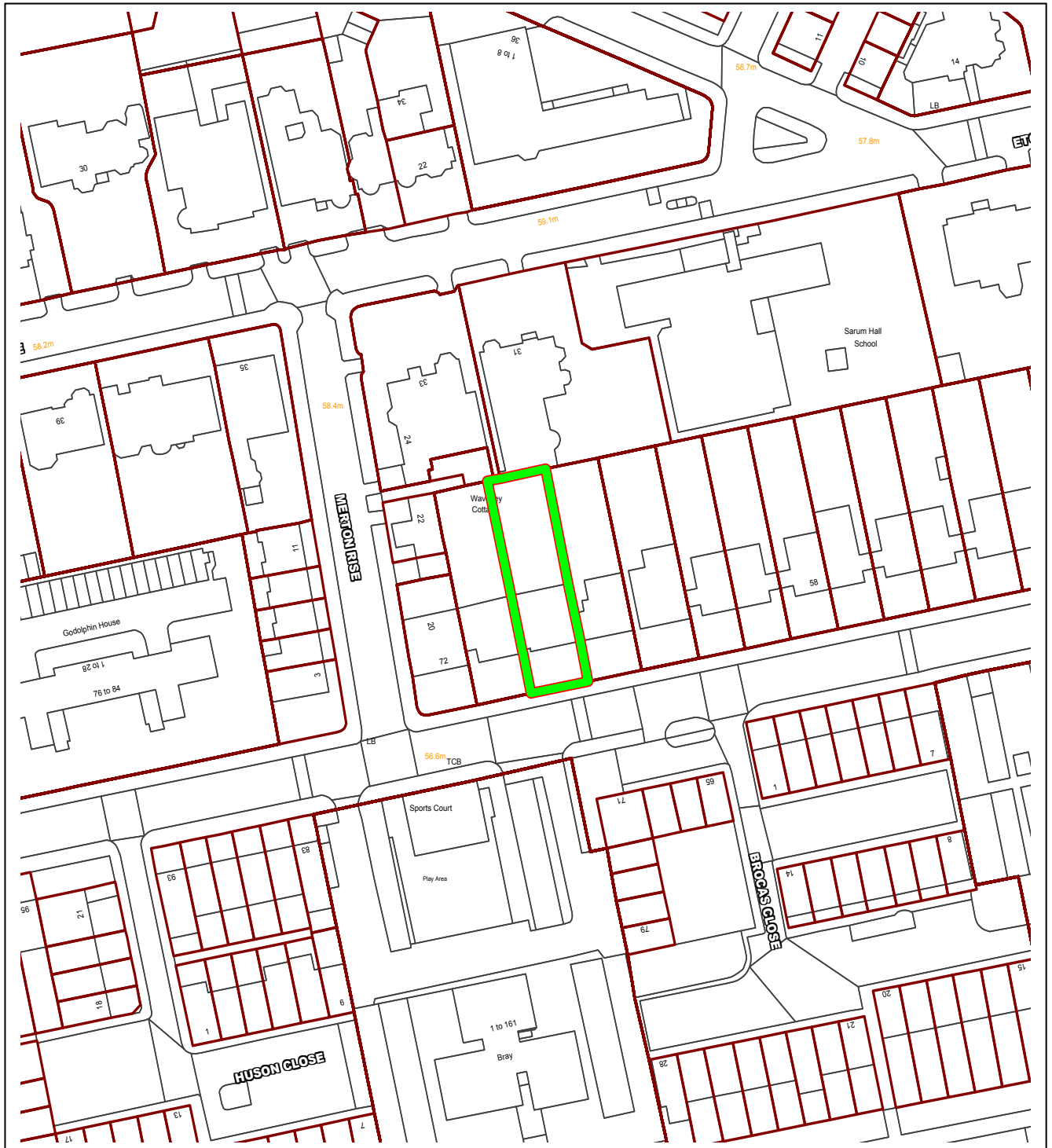


# 2020/5496/P Flat 2, 68 Fellows Road



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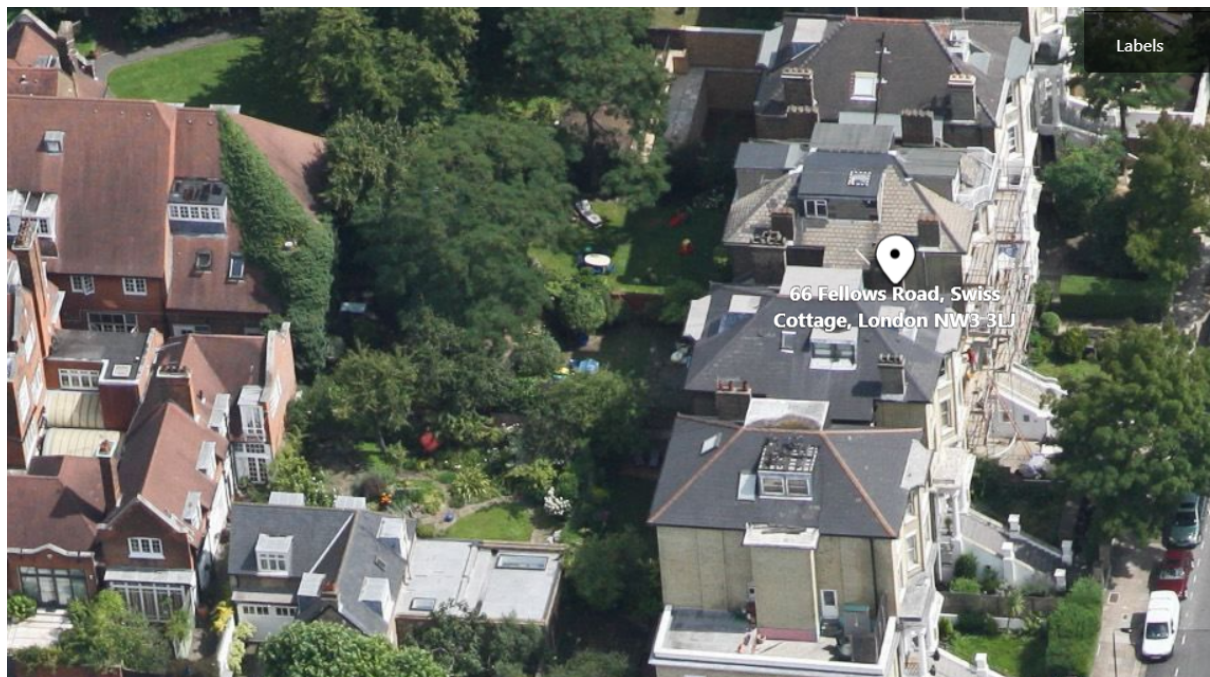


Image 1. Aerial view of the property showing 22 and 24 Merton Rise to the west of the site

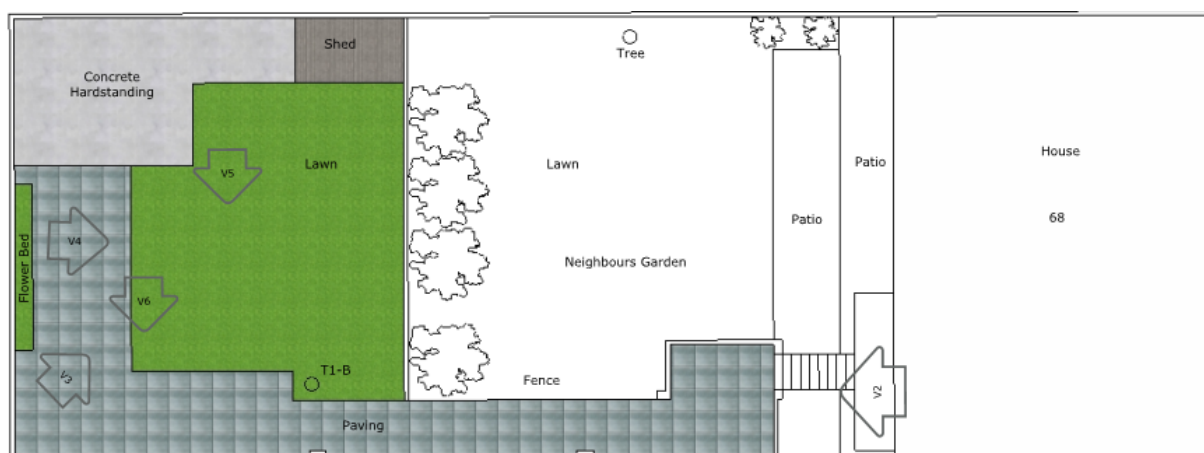


Image 2. Showing the existing hardstanding and the various views



Image 3 Views towards 22 Merton Rise from the proposed outbuilding



Image 5. View from the rear end of the garden



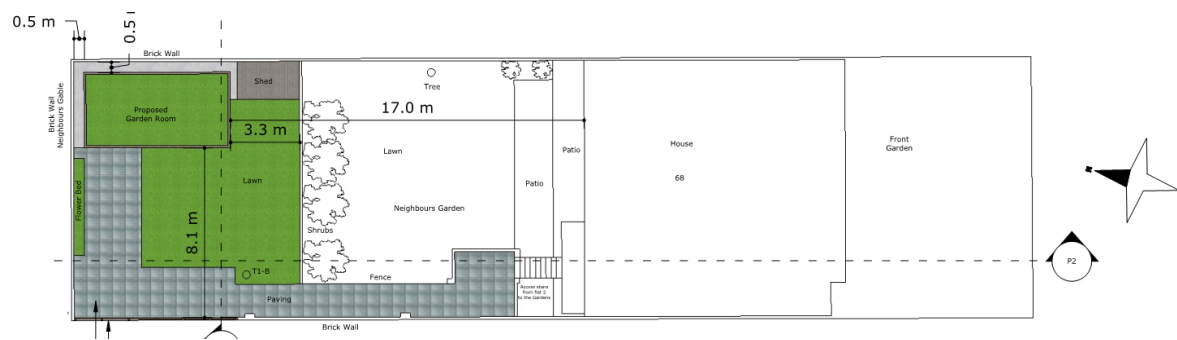


Image 6. Proposed floor plan.



Image 7: Taken from the entrance hall of 22 Merton Rise, looking to the application site.

Application ref: 2020/5906/P  
Contact: Obote Hope  
Tel: 020 7974 2555  
Email: [Obote.Hope@camden.gov.uk](mailto:Obote.Hope@camden.gov.uk)  
Date: 5 May 2021

**Development Management**  
Regeneration and Planning  
London Borough of Camden  
Town Hall  
Judd Street  
London  
WC1H 9JE  
Phone: 020 7974 4444  
[planning@camden.gov.uk](mailto:planning@camden.gov.uk)  
[www.camden.gov.uk](http://www.camden.gov.uk)

Terence O'Rourke Limited  
23 Heddon Street  
London  
W1B 4BQ  
United Kingdom

# DRAFT

Dear Sir/Madam

## DECISION

Town and Country Planning Act 1990 (as amended)

### Full Planning Permission Granted

Address:  
**Flat 2**  
**68 Fellows Road**  
**London**  
**NW3 3LJ**

# DECISION

Proposal:  
Erection of an outbuilding in the rear garden.  
Drawing Nos:

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: C30488A; C30488B; C30488C; C30488D; C30488E; C30488F; C30488G; C30488H; Green roof maintenance plan; Green roof section; Arboricultural report commissioned by OMC Association dated 14 December 2020 and Covering letter ref: 265804.

Reason:

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

- 4 The use of the outbuilding shall not commence until the trellis on the western boundary, as shown on the approved drawings, has been constructed. The screen shall be permanently retained thereafter.

Reason: In order to prevent unreasonable overlooking of neighbouring premises in accordance with the requirements of policies A1 and D1 of the London Borough of Camden Local Plan 2017.

- 5 Prior to the commencement of construction/demolition works on site, tree protection measures shall be installed in accordance with approved Tree Protection Plan contained with the Arboricultural report commissioned by OMC Associates dated 14.12.2020. 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.

- 6 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 2, 68 Fellows Road 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.

- 7 The green roof hereby shall be provided prior to the first use of the development in accordance with the approved details and shall be permanently retained and maintained thereafter.

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, 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 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, 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.
- 3 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.

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

<b>Delegated Report</b>		<b>Analysis sheet</b>		<b>Expiry Date:</b>	12/02/2021
		N/A / attached		<b>Consultation Expiry Date:</b>	21/02/2021
<b>Officer</b>			<b>Application Number(s)</b>		
Obote Hope			2020/5906/P		
<b>Application Address</b>			<b>Drawing Numbers</b>		
Flat 2 68 Fellows Road London NW3 3LJ			Please refer to draft decision notice		
<b>PO 3/4</b>	<b>Area Team Signature</b>	<b>C&amp;UD</b>	<b>Authorised Officer Signature</b>		
<b>Proposal(s)</b>					
Erection of an outbuilding in the rear garden.					
<b>Recommendation(s):</b>		Granted			
<b>Application Type:</b>		Full Planning Permission			



Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	00	No. of responses	05	No. of objections	05
			No. electronic	05		
Summary of consultation responses:	<p>A site notice was displayed between 27/01/2021 and 20/02/2021 and;</p> <p>The application was advertised in the Ham and High between 28/01/2021 and 21/02/2021.</p> <p>4 x Objections from owner/occupier of 22 Merton Rise is summarized below;</p> <ul style="list-style-type: none"><li>• omission of reference to the property;</li><li>• misleading and inaccurate drawing, and;</li><li>• the impact the proposed garden room would have with privacy, light pollution, noise and overlooking;</li><li>• the design of the garden room given its opening;</li><li>• the bulk and scale of the proposed room;</li><li>• the use of the outbuilding;</li></ul> <p><i>Officer's comments are as follows:</i></p> <ol style="list-style-type: none"><li>1. The revised Design and Access Statement is considered accurate to fully assess the proposal the report makes reference to 22 Merton Rise;</li><li>2. The drawings are submitted are considered to fully assess the proposal;</li><li>3. Please see the amenity section in from section 6.0 below;</li><li>4. Please see the design assessment in section 4.0 below;</li><li>5. Please see the design assessment in section 4.0 below;</li><li>6. A condition is attached restricting the use of the outbuilding as a separate dwelling.</li></ol>					
Belsize CAAC comments: *Please Specify	<p>Belsize Conservation Area Advisory Committee raised the following objection:</p> <ul style="list-style-type: none"><li>• The garden room is too large and too close to the neighbouring garden;</li><li>• There is too much paved area;</li><li>• The garden room is inappropriate, unsightly and would have an adverse impact on the surrounding area.</li></ul> <p><i>Officer's comments are as follows:</i></p> <ol style="list-style-type: none"><li>1. Please see the design assessment from section 4, below;</li><li>2. The majority of the area that the garden room would be placed on is already paved and the garden studio would be constructed with a green roof to allow more biodiversity to the rear garden;</li><li>3. Please see the design assessment in section 4 below.</li></ol>					

## Site Description

The site is located on the north side of Fellows Road, the host building is a large semi-detached 5-storey property divided into 5 x flats. The garden is separated into two sections with the northern section separated by a trellis and hedge/various vegetation. The northern part of the garden comprises a mix of paving slabs, grassed area and a garden shed which is used by Flat 2. The garden area is accessed via a paved path that runs adjacent to the southern section of the garden closest to the property.

The garden enclosed on three sides by brick walls. The northern boundary backs onto the rear of (Rathmore House) 31 Eton Avenue and the eastern boundary belonging to 66 Fellows Road. Through the consultation it has become apparent that the garden which looks to belong to 70 Fellows Road, actually relates to 22 and 24 Merton Rise. Therefore, the western boundary provides the boundary to both 70 Fellow Road and 22 and 24 Merton Rise.

## Relevant History

**9005041** – Planning permission for the Continued use as 5 flats at basement ground first second and roof levels alterations and dormer extensions to roof erection of balcony at ground floor rear railings above entrance porch and external works to rear and front elevations as shown on drawing No(s) 8059/1 2A revised on 26.07.90 and 11.09.90 and 20.12.90. **Granted** on 13/02/1991.

## Relevant policies

### **National Planning Policy Framework (2019)**

### **The London Plan 2021**

### **Camden Local Plan (2017)**

A1 Managing the impact of development

A3 Biodiversity

D1 Design

D2 Heritage

### **Camden Planning Guidance**

Design (adopted March 2021)

Home Improvement (2021)

Amenity (adopted March 2021)

### **Belsize Park 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 in association to Flat 2. It's proposed to alter the hard and soft landscaping arrangement to the rear garden and this element is also designed to offer more biodiversity. The garden area is 11m in width and 12m in depth. The studio will be 7.0m wide and both 3.6m deep and 3.0m high and would be constructed on the existing hard standing area. The overall structure would set in from the north boundary by 500mm from the neighbouring boundary at 66 Fellows Road and would be set back 5.0m from the rear garden with (Rathmore House) 31 Eton Avenue.

1.1 The building would be clad with Cedar to the front elevation which would age naturally into grey colour, portion of its side wall would include Jasmine climber plants and green vegetation to the rear. The outbuilding has a single openings to the garden: a sliding glass door that gives entrance to studio and a fixed glazed panel on its back which would be condition to be obscured glazing. 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:

1. Reduction of the hard landscaping to the rear from 59.68% to 46.97% which equates to 12.71% additional grassed area;
2. Submission of additional covering letter to address amenity concerns;
3. Addition of green roof;
4. The addition of screening to protect the neighbouring amenity;
5. 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 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."

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 (17m) from the main house and is in an appropriate location at the eastern side to the northern 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 due to the well-considered detail design and proposed material. Its height at 3.0m is considered acceptable in this location and the existing garden area covers about 152sqm and the proposed outbuilding (16%). Moreover, the single storey building would be up against the side fence and well positioned to allow for the remaining garden space to be well utilised and the structure would not dominate the garden space. The hard landscaping has been reduced to offer better biodiversity and the proposed planters around the outbuilding would ensure that the visual impact of the host building appear subordinate.

4.6 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'

4.7 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 value of the garden which forms an important part of the setting of this terrace and surrounding 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.

## **5.0 Trees/biodiversity**

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 1 X B grade T1 Pear Tree will be retained and protected and minor tipping back of T2 and T3 which are located off site due to the overhang are required, this will be minor and have no adverse impact on health or form of the trees in question. Notwithstanding the above, 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 proposed works



subject to a condition requiring the tree to be protected in accordance with the protection plan.

- 5.3 The applicant has submitted details include a maintenance plan and specifications for the green roof. The roof vegetation layer is of an appropriate depth and the sedum vegetation is grown from seed consisting of up to 10 species of sedum. The details have been reviewed by the Council's tree officer and are considered acceptable. The details demonstrate that the development would take account of biodiversity and the water environment.

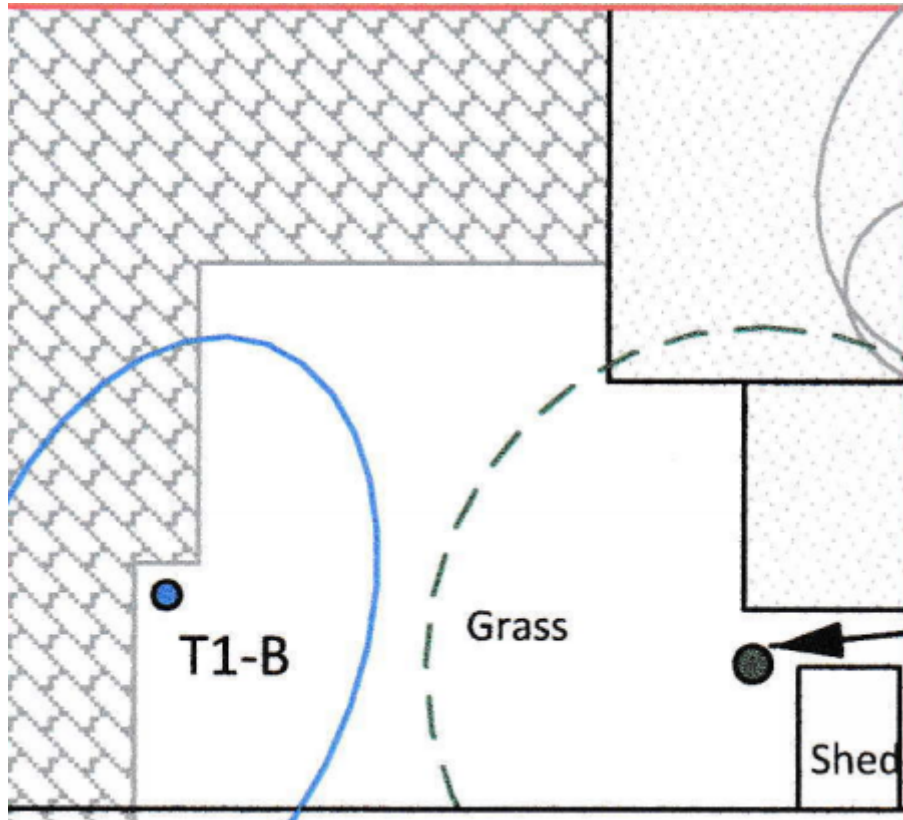


Image 1. Tree plan showing the T1 (Pear Tree)

## 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. The proposal, have been revised to include additional boundary treatment by way of timber trellis for additional screening along the west boundary with 22 and 24 Merton Rise which the garden studio would be set back by a minimum distance of 8.1m from the neighbouring boundary wall and to overcome the concerns of the objection, screening would be installed to a height of 2m, therefore, it would not be read as a dominant additional structure. Therefore, it is unlikely that the proposed garden studio would exacerbate undue harm to neighbours in terms of noise impacts, loss of light, overlooking, privacy or light pollution.



*Image 2: Site plan showing the extent of the neighbouring garden.*



*Image 3: Proposed Plan showing the location of the garden room*

6.2 The proposal is not considered to have a detrimental impact with the neighbouring amenity at 66 Fellows Road given its setting along the side boundary and its location towards the far end of the garden in terms of daylight/sunlight, overlooking or a sense of enclosure. The proposed garden studio is unlikely to have an impact with the property to the rear at Rathmore House 31 Eton Avenue due to being well proportioned and set off the boundary. 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. Conclusion

7.1 The proposed garden studio is considered to be well designed and of suitable scale for the location. Whilst concerns have been raised by neighbours over the design of the building, it is not considered that light pollution from the proposed building would adversely harm the amenity of the neighbouring properties including 22 and 24 Merton Rise enough to warrant a refusal in this instance due to the separation distance, the proposed use as a garden studio and the detail design of the scheme.

## 8. 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 10<sup>th</sup> May 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](http://www.camden.gov.uk) and search for 'Members Briefing'***