

2020/3292/P - Maisonette A, Lower Ground, 1st and 2nd
Floor Front, 4 Lambolle Road, London, NW3 4HP



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Photo 1 (above): Rear garden of site as viewed from sunken patio adjacent to rear elevation



Photo 2 (above): Existing play equipment to rear of garden to be replaced by proposed outbuilding



Photo 3 (above): Location of proposed outbuilding highlighted



Photo 4 (above): View looking back at rear garden and rear elevation of host building from decked area to rear



Photo 5 (above): View of rear side boundary with No. 2 Lambolle Road as viewed from location of proposed outbuilding



Photo 6 (above): View of rear side boundary with No. 6 Lambolle Road as viewed from location of proposed outbuilding

Delegated Report (Members Briefing)	Analysis sheet	Expiry Date:	03/11/2020
	N/A	Consultation Expiry Date:	24/10/2020
Officer		Application Number(s)	
Charlotte Meynell		2020/3292/P	
Application Address		Drawing Numbers	
Maisonette A, Lower Ground, 1st and 2nd Floor Front 4 Lambolle Road London NW3 4HP		See draft decision notice	
Proposal(s)			
Erection of single storey outbuilding and installation of associated air source heat pump in rear garden to replace existing play equipment, for use ancillary to lower ground floor flat.			
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	30/09/2020– 24/10/2020 17/09/2020– 11/10/2020	No. of responses	2	No. of objections	2
Summary of consultation responses:	<p>In response to the proposal, one objection and one comment were received from 2 Lambolle Road and Flat C, 29 Lancaster Grove.</p> <p>Objections were made on the following grounds:</p> <ol style="list-style-type: none">1. Emissions caused by new air conditioning unit.2. New air conditioning unit would be noisy and unsightly.3. Loss of privacy to neighbouring properties through overlooking from the proposed glazed sliding doors.4. Light pollution to neighbouring properties from the proposed glazed sliding doors.5. Build times need to be restricted to Camden working hours. <p><i>Officer response:</i></p> <ol style="list-style-type: none">1. <i>The proposed air source heat pump would be an energy efficient model and is acceptable in sustainability terms. The use of the active cooling element of the unit would be prevented by condition. See section 6 of the report below.</i>2. <i>See sections 3 and 5 of the report below.</i>3. <i>See section 5 of the report below.</i>4. <i>See section 5 of the report below.</i>5. <i>Construction works are subject to control under the Control of Pollution Act 1974. An informative would be added to the decision to ensure that the applicant is aware of the times that building works can be undertaken.</i>					
Local groups	<p>The Belsize CAAC has objected to the proposed scheme on the following grounds:</p> <ul style="list-style-type: none">• Object to ground floor accommodation extending into the garden space.• Object to the poor design quality of the proposed prefabricated, off the shelf habitable shed which will be an eyesore in this Conservation Area. <p><i>Officer response:</i></p> <ul style="list-style-type: none">• See section 3 of the report below.					

Site Description

The application site is a three-storey (with lower ground) detached building on the north-eastern side of Lambolle Road. The building has been subdivided into flats; this application relates to the lower ground and first and second floor front maisonette. The building is not listed but is recognised as a positive contributor within the Belsize Park Conservation Area.

Relevant History

2007/0908/P - Erection of a children's timber play equipment structure in rear garden, including a timber playhouse, raised platform, slide and swings. **Granted 27/04/2007**

Relevant policies

National Planning Policy Framework (2019)
The London Plan (2021)

Camden Local Plan (2017)

G1 Delivery and location of growth
A1 Managing the impact of development
A2 Open Space
A3 Biodiversity
A4 Noise and vibration
D1 Design
D2 Heritage
CC1 Climate change mitigation
CC2 Adapting to climate change

Camden Supplementary Planning Guidance

CPG Amenity (2021)
CGP Design (2021)
CPG Energy efficiency and adaption (2021)
CPG Home Improvements (2021)
CPG Trees (2019)

Belsize Park Conservation Area Statement (2003)

Assessment

1. Proposal

1.1 Planning permission is sought for the following:

- The erection of an outbuilding which would measure 4.7m wide, 5.1m deep and stand 2.7m high with a flat roof. It would have a footprint of 24sqm and be located in the rear garden. It would be timber clad in cedar to the front (southern) and western side elevations and fireboard to the rear and eastern side, with grey aluminium windows and sliding doors. The roof would be made from composite panels with an olive green finish.
- Installation of an air source heat pump to the front veranda of the proposed outbuilding, to be enclosed in an acoustic enclosure.
- No external works are proposed to the main house.

Revisions

1.2 A revised acoustic assessment was received during the course of the application, following review and comments by the Council's Environmental Health Officer.

2. Considerations

2.1 The main issues to be considered are:

- Design and heritage
- Trees
- Amenity
- Sustainability

3. Design and heritage

- 3.1 The proposed single storey outbuilding would be located to the rear of the rear garden and would replace an existing timber play equipment structure located in the north-east corner with a height of 1.7m to the raised platform, 2.4m to the top of the railing, and 3.4m to the pitch of the roof of the playhouse. The outbuilding would be set in from the side and rear boundaries and would be of a simple design clad in timber with full height grey aluminium sliding doors to the front and western side elevations, which is considered appropriate for its outdoor setting. The roof would be constructed from composite panels with an olive green finish, which would help soften the appearance of the outbuilding as seen from surrounding upper floor windows. The design would not detract from the main property and is considered appropriate for the location at the rear of the garden.
- 3.2 An acoustic enclosure is required to be constructed around the proposed air source heat pump (ASHP) to be located on the front veranda of the proposed outbuilding, for noise mitigation purposes. Details of the design of this acoustic enclosure will be secured by a pre-commencement condition to ensure that the enclosure has a high quality appearance in keeping with the garden setting.
- 3.3 The outbuilding would not be visible from the public realm, but it would be visible from neighbouring private gardens. The size of the outbuilding would not appear disproportionate to the scale of the garden, which is of a generous size at approximately 206sqm, and would not therefore detract from its openness. The outbuilding is proposed to be used for leisure purposes and a home gym, which would be ancillary to the main dwelling. It is also noted that there is a rear outbuilding to the end of the rear garden of the adjacent neighbouring property No. 2, so an outbuilding would not appear out of character in this area. Overall, it is considered that due to its siting, design, materials and scale, the proposal would retain the feeling of openness of the rear garden and would not detract from the character and appearance of the host building or the Belsize Park Conservation Area.
- 3.4 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.

4. Trees and landscaping

- 4.1 No trees are proposed to be removed to facilitate the development; however, the Council's Tree and Landscape Officer has reviewed the Tree Protection Details submitted, and has confirmed that the foundation details do not demonstrate that the trees to be retained would be adequately protected. As such, the submission of a method statement and tree protection plan prepared in accordance with BS5837:2012 will be secured by a pre-commencement condition. The submission of revised foundation details using either small diameter piles or details of trial excavations for the pads to show the current proposals are viable without adversely affecting the trees to be retained will also be secured by a pre-commencement condition.

5. Amenity

- 5.1 The proposed outbuilding would be set away by approximately 17-18m from the rear building line of Nos. 2 and 6 Lambolle Road and between approximately 12.6m and 13.8m from the rear building line of No. 4 Lambolle Road. The outbuilding would also be screened from Nos. 2 and 6 and from Nos. 35 and 37 Belsize Park Gardens to the rear by existing

high boundary walls and mature vegetation. Given the siting and scale of the proposed outbuilding, it is therefore considered that the proposal would not result in a loss of privacy through overlooking into habitable rooms for the neighbouring properties. Overall, it is not considered that the proposal would have a significant adverse impact on the amenity of adjoining residential occupiers in terms of loss of daylight, sunlight, outlook, privacy or light pollution through light spillage.

- 5.2 The potential level of activity associated with the building as a home gym and leisure space 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.
- 5.3 The proposals include the installation of a new ASHP on the front veranda of the proposed outbuilding, to provide heat to the outbuilding. The applicant has submitted a revised acoustic assessment which has been reviewed by the Council's Environmental Health Officer. The revised proposals are considered acceptable in their impact with regards to noise and vibration, subject to compliance with a condition to install anti-vibration measures, and a condition requiring the external noise level emitted from equipment to be lower than the typical background noise level by at least 10dBA, and by 15dBA where the source is tonal, at the nearest and/or most affected noise sensitive premises. As per the recommendations of the acoustic assessment, the air source heat pump would be situated within an acoustic enclosure, the submission of details of which would be required by a pre-commencement condition. It is considered that these conditions would ensure that the amenity of neighbouring residents is protected in terms of noise and vibration.

6. Sustainability

- 6.1 An ASHP is proposed to be installed on the external veranda to the front of the outbuilding, to provide heat to the outbuilding. This is considered to be appropriate in this instance as the outbuilding would not be in use for long periods of time, and as an energy efficient ASHP model is proposed.
- 6.2 However, the use of the ASHP for active cooling has not been justified in line with the cooling hierarchy as required by policy CC2 of the Camden Local Plan. As such, the Council's Sustainability Officer has recommended that a condition be added to ensure that the cooling function of the ASHP is disabled on the factory setting, to prevent the unit from providing active cooling to the outbuilding.

7. Recommendation

- 7.1 Grant conditional planning permission.

The decision to refer an application to Planning Committee lies with the Director of Regeneration and Planning. Following the Members Briefing panel on Monday 24th 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 and search for 'Members Briefing'.

Application ref: 2020/3292/P
Contact: Charlotte Meynell
Tel: 020 7974 2598
Email: Charlotte.Meynell@camden.gov.uk
Date: 18 May 2021

Development Management
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Green Retreats Ltd
Green Retreats Ltd
Hangar 4
Westcott Venture Park
Aylesbury
HP18 0XB

DRAFT

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Full Planning Permission Granted

Address:

**Maisonette A
Lower Ground
1st and 2nd Floor Front
4 Lambolle Road
London
NW3 4HP**

DECISION

Proposal: Erection of single storey outbuilding and installation of associated air source heat pump in rear garden to replace existing play equipment, for use ancillary to lower ground floor flat.

Drawing Nos: TG04 190900081TGOS1 updated (received 06/10/2020); Block Plan (dated 15/07/2020); Existing & Proposed Elevations 1 (dated 15/07/2020); Garden Layout plan1 (dated 24/07/2020); Site Plan (dated 15/07/2020); Noise Impact Assessment (prepared by Nova Acoustics Ltd, dated 15/01/2021).

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: TG04 190900081TGOS1 updated (received 06/10/2020); Block Plan (dated 15/07/2020); Existing & Proposed Elevations 1 (dated 15/07/2020); Garden Layout plan1 (dated 24/07/2020); Site Plan (dated 15/07/2020); Noise Impact Assessment (prepared by Nova Acoustics Ltd, dated 15/01/2021).

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 Prior to commencement of any works on site, details of the design of building foundations and the layout, with dimensions and levels, of service trenches and other excavations on site in so far as these items may affect trees on or adjoining the site, shall be submitted to and approved in writing by the local planning authority. The relevant part of the works shall not be carried out otherwise than in accordance with the details thus approved.

Reason: To ensure that the development will not have an adverse effect on existing trees and in order to maintain the character and amenities of the area in accordance with the requirements of policies A2 and A3 of the London Borough of Camden Local Plan 2017.

- 5 Before the relevant part of the work is begun, detailed drawings, or samples of materials as appropriate, in respect of the following, shall be submitted to and approved in writing by the local planning authority:

a) Details of external plant enclosure for the air source heat pump (including colour and materials).

The relevant part of the works shall be carried out in accordance with the details thus approved and all approved samples shall be retained on site during the course of the works.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policies D1 and D2 of the London Borough of Camden Local Plan 2017.

- 6 The outbuilding hereby approved shall only be used for purposes incidental to the

residential use of Maisonette A, Lower Ground, 1st and 2nd Floor Front, 4 Lambolle Road 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.

- 7 Prior to first use of the air source heat pump hereby approved, the active cooling function shall be disabled on the factory setting and the air source heat pump shall be used for the purposes of heating only.

Reason: To ensure the proposal is energy efficient and sustainable in accordance with policy CC2 of the London Borough of Camden Local Plan 2017.

- 8 The external noise level emitted from plant, machinery or equipment at the development hereby approved shall be lower than the typical background noise level by at least 10dBA, by 15dBA where the source is tonal, as assessed according to BS4142:2014 at the nearest and/or most affected noise sensitive premises, with all machinery operating together at maximum capacity.

Reason: To safeguard the amenities of neighbouring noise sensitive receptors in accordance with the requirements of policies A1 and A4 of the London Borough of Camden Local Plan 2017.

- 9 Prior to use, machinery, plant or equipment and ducting at the development shall be mounted with proprietary anti-vibration isolators and fan motors shall be vibration isolated from the casing and adequately silenced and maintained as such.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies A1 and A4 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 All works should be conducted in accordance with the Camden Minimum Requirements - a copy is available on the Council's website (search for 'Camden Minimum Requirements' at www.camden.gov.uk) 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

DECISION