

2021/2069/P – 122 Fellows Road

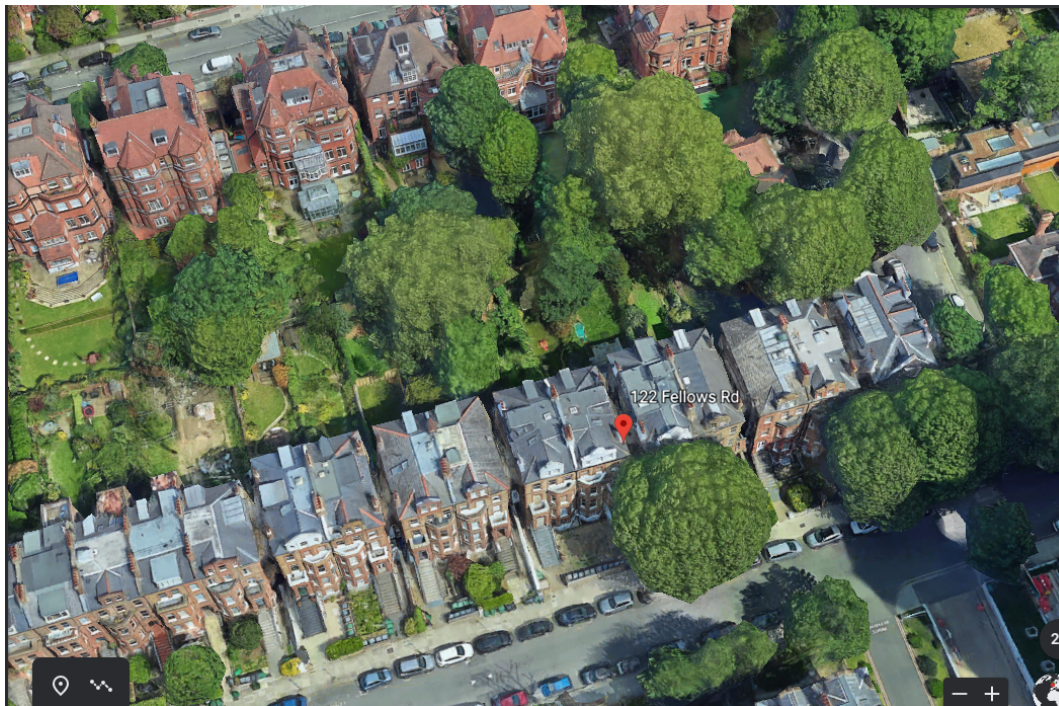


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Photos



Street view (Google Maps)



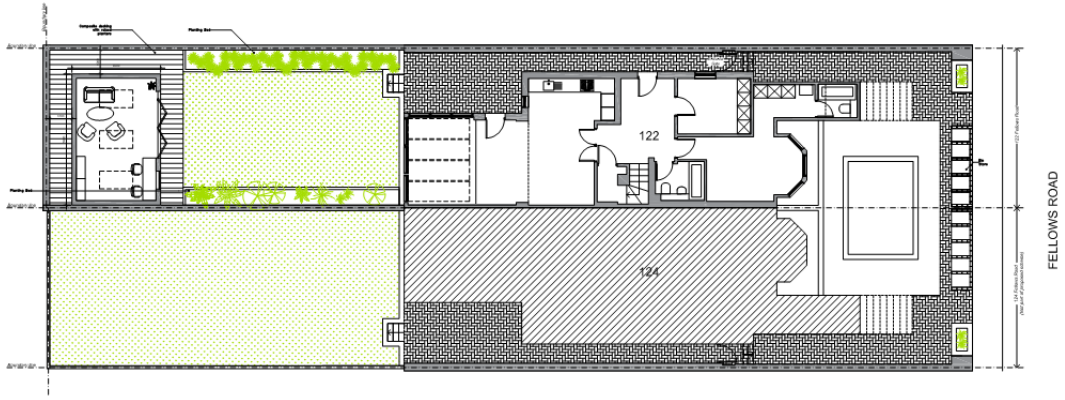
Aerial view (Google Earth)



View towards end of garden



View of end of garden



Proposed site plan showing garden room in rear corner

Delegated Report (Members Briefing)		Analysis sheet N/A / attached	Expiry Date: 24/06/2021	Consultation Expiry Date: 27/06/2021
Officer		Application Number(s)		
Kate Henry		2021/2069/P		
Application Address		Drawing Numbers		
Flat 1, 122 Fellows Road London NW3 3JH		Please refer to draft decision notice		
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature	
Proposal(s)				
Erection of a single storey timber-clad outbuilding in rear garden for ancillary residential purposes				
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:	No. of responses	00	No. of objections	00
Summary of consultation responses:	A site notice was displayed on 02/06/2021 (consultation expiry date 26/06/2021) and a notice was placed in the local press on 03/06/2021 (consultation expiry date 27/06/2021) No comments have been received.			
Belsize CAAC	Object <ul style="list-style-type: none"> The property has already been extended with subsequent loss of garden space Object to development of habitable accommodation in rear gardens Noise / light pollution Large and bulky and occupies almost a third of the remaining garden Officer comment: Please see sections 4, 5 and 6 of the Officer's Report below.			

Site Description

The application site is the ground floor flat at 122 Fellows Road. No. 122 is one half of a paired villa (with No. 124), which has been subdivided into flats. The building is 4 storeys tall (including a raised basement) and has accommodation in the roof, as shown by the white stucco dormer windows at roof level. The building is constructed with yellow bricks, with red brick detailing. A staircase leads up to the main front entrance and there is an area of hardstanding to the front of the property. At the rear, the building benefits from a private garden measuring up to approximately 22 metres long. There is a small patio area at the far end of the garden.

The surrounding area is residential in character, comprising a mix of dwelling types, including large Victorian villas, 1960's terraced housing and blocks of flats (Burnham / Taplow).

The application site is within the Belsize Park Conservation Area and the application building is identified as making a positive contribution to the character and appearance of the conservation area.

Relevant History

122 Fellows Road

PEX0100674: Alterations to the front garden area to provide new dustbin enclosures. **Granted 13/08/2001.**

PE9700818R1: Conversion of existing property to provide five self-contained flats, erection of single storey side and rear extensions and provision of dormer window to side. **Granted 19/01/1998.**

PE9700818: Conversion and erection of single storey rear extension, a single storey side extension with dormer in side elevation, to provide 5 self-contained flats. **Granted 10/11/1997.**

124 Fellows Road

2021/2070/P: Erection of a single storey timber-clad outbuilding in rear garden for ancillary residential purposes. **Decision pending (please refer to associated Member's Briefing Report)**

Relevant policies

National Planning Policy Framework (2021)

London Plan (2021)

Camden Local Plan (2017)

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 Planning Guidance

CPG Amenity (2021)

Biodiversity (2018)

Design (2021)

Home Improvements (2021)

Trees (2019)

Water and flooding (2019)

Belsize Conservation Area Statement (2003)

Assessment

1. The proposal

- 1.1. Planning permission is sought for the erection of a single storey timber-clad outbuilding in the rear garden for ancillary residential purposes.
- 1.2. The footprint of the proposed outbuilding would measure 5.9 metres by 4 metres (23.6 square metres) and it would measure 2.75 metres tall (it would have a flat roof). The overall garden (not including the alleyway to the side of the building) measures approximately 125 square metres, which means the proposed outbuilding would occupy approximately 19% of the garden.
- 1.3. The proposed outbuilding would abut the shared boundary with No. 124 (to the west); it would be 1 metre and 1.068 metres away from the rear and eastern boundaries of the garden, respectively; and it would be sited approximately 11 metres away from the rear of the single storey rear extension on the main building (approximately 16 metres away from the original rear elevation of the building).
- 1.4. The proposed outbuilding would be clad with vertical timber cladding slats and it would feature a green roof. The front elevation (which faces south, back towards the main building) would feature a window and a 4-panel bi-fold door. The 3 remaining elevations would not feature any openings.

2. Revisions

- 2.1. The following revisions have been made during the course of the application:
 - Plans amended to illustrate composite decking with raised planters around the edge of the outbuilding
 - Further details about re-planting

3. Planning considerations

- 3.1. The key considerations material to the determination of this application are as follows:
 - Heritage and design
 - Biodiversity (loss of garden space)
 - Impact on neighbours

4. Heritage and design

- 4.1. The application site is within the Belsize Park Conservation Area, wherein the Council has a statutory duty, under section 72 of The Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended), to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. The Belsize Conservation Area Statement (BCAS) identifies Nos. 112-148 Fellows Road as making a positive contribution to the character and appearance of the conservation area.
- 4.2. Policy D1 of the Camden Local Plan seeks to secure high quality design in development and Policy D2 seeks to preserve and, where appropriate, enhance Camden's rich and diverse heritage assets, including conservation areas.
- 4.3. CPG Home Improvements guides that, because outbuildings occupy space in the garden, the

size and design should be carefully considered in terms of the impact on neighbour amenity, biodiversity and the character of the wider area, so that they do not detract from the generally 'soft' and green nature of gardens. The guidance notes that the siting, location, scale and design should have a minimal impact on, and be visually subordinate within, the host garden; the character and appearance of the conservation area should be preserved or enhanced; the outbuilding should not detract from the open character and garden amenity of neighbouring gardens and the wider area; space should be retained around the building for suitable soft landscaping; the height of the outbuilding should retain visibility over garden walls and fences; the size of the outbuilding should maximise the retention of garden and amenity space; trees and their roots should not be adversely affected by the outbuilding's position and construction methods should minimise any impact on trees and mature vegetation; materials which complement the host property and overall character of the surrounding area should be used; green roofs and/or solar panels should be considered; any impacts on water run-off and groundwater flows should be addressed; the use of water butts should be considered; and the installation of bird and bat boxes should be considered.

- 4.4. The BCAS does not provide specific guidance on outbuildings. But it does note, with regards to trees and landscaping, that all trees which contribute to the character and appearance of the conservation area should be retained and protected. The impact on trees will be assessed in the next section.
- 4.5. The proposed outbuilding is considered to accord with the CPG guidance insofar as it would be visually subordinate within the garden, by virtue of its scale, design and location; it would not detract from the openness of the rear garden, or the wider area; space would be retained to the rear, front and one side of the building to allow for raised planters (details of which a planning condition can secure) (suggested condition no. 4); its height would not be excessive, such that views over the top would still be possible; ample garden and amenity space would be retained between the outbuilding and the main building; natural materials would be used which would complement the host property and the garden setting; and a green roof would be installed, which would provide biodiversity and sustainable drainage benefits.
- 4.6. There are no views to the garden from the public realm and so the proposed outbuilding would not harm such views. Although the outbuilding would be visible from the flats on the upper floors of the host building and its neighbours, the green roof would soften its appearance when viewed from above.
- 4.7. Overall, the design is considered to be acceptable, such that there would be no adverse impact on the character and appearance of the host building, the garden, the wider area or the Belsize Park Conservation Area. This is subject to the suggested conditions (nos. 4 and 5) to ensure the submission of details of landscaping around the edge of the outbuilding, and to secure planting prior to occupation, to ensure that the far end of the garden retains its verdant character as much as possible, whilst allowing for the addition of the outbuilding.

5. Biodiversity (loss of garden space)

- 5.1. Policy A2 of the Local Plan seeks to protect non-designated spaces with nature conservation, townscape or amenity value, including gardens. The sub-text to the policy notes that development within rear gardens and other undeveloped areas can have a significant impact upon the amenity and character of the area; and gardens provide a setting for buildings, provide visual interest and support natural habitats. It is noted that the Council will resist development that occupies an excessive part of a garden and will also seek the retention of important views and glimpses of green space, such as gardens.
- 5.2. Policy A3 seeks to protect and enhance site of nature conservation and biodiversity and also seeks to protect gardens. The policy notes that the Council will assess developments against their ability to realise benefits for biodiversity through the layout, design and materials used in the built structure and landscaping elements of a proposed development, proportionate to the

scale of development proposed.

- 5.3. Policy A3 also seeks to protect trees and vegetation and the policy notes that the Council will resist the loss of trees and vegetation of significant amenity, historic, cultural or ecological value, including proposals which may threaten the continued wellbeing of such trees and vegetation.
- 5.4. Policy CC2 requires development to be resilient to climate change, through adopting measures such as incorporating bio-diverse roofs.
- 5.5. As already noted, the BCAS guides that all trees which contribute to the character and appearance of the conservation area should be retained and protected, and CPG Home Improvements guides that trees and their roots should not be adversely affected by the outbuilding's position and construction methods should minimise the impact on trees and mature vegetation.
- 5.6. It is considered that the proposed outbuilding would be subordinate in size to the rear garden and ample garden space would be retained to support natural habitats, provide a verdant setting to the host building and offer amenity value to residents. The outbuilding would measure 5.9 metres by 4 metres (23.6 square metres) and would occupy approximately 19% of the garden, which measures approximately 125 square metres (not including the alleyway to the side of the building).
- 5.7. the proposed outbuilding would also feature a green roof, which would provide biodiversity benefits, as well as softening / greening the appearance of the building when viewed from above. A planning condition (no. 6) is suggested to ensure that details of the green roof are submitted for approval prior to the commencement of works.
- 5.8. As noted above, planning conditions (nos. 4 and 5) are also suggested to require the submission of details of soft landscaping around the edge of the outbuilding to ensure that the loss of existing vegetation at the end of the garden is satisfactorily mitigated against. The planning agent has indicated that existing plants will be lifted and either re-planted around the decking, or in raised planters.
- 5.9. The proposals do not involve the loss of any trees (the nearest trees are in neighbouring gardens to the rear and these would be unaffected due to the construction methods whereby the proposed outbuilding would sit atop decking and not require foundations) and although there would be some loss of existing low-level vegetation at the end of the garden, the aforementioned conditions (nos. 4 and 5) will require re-planting to mitigate against this loss, and the green roof (secured by condition no. 6) will also mitigate against the loss.
- 5.10. Overall, the impacts of the proposal on biodiversity at the site are considered to be acceptable, subject to the suggested conditions.

6. Impact on neighbours

- 6.1. Policy A1 of the Local Plan seeks to protect the quality of life of occupiers and neighbours. The factors to consider include: visual privacy and outlook; sunlight, daylight and overshadowing; artificial light levels; impacts of the construction phase; and noise and vibration. Policy A4 also seeks to ensure that noise and vibration is controlled and managed.
- 6.2. It is not considered that the proposed outbuilding would give rise to overlooking or loss of privacy issues. This is because the outbuilding would be single storey in height and would serve the lower ground floor flat and therefore any overlooking between the outbuilding and the single storey rear extension on the main building would not be an issue because the buildings are in the same ownership.

- 6.3. Whilst there may be some views from the outbuilding towards the flats on the upper floors, the separation distance would be over 16 metres and views would be upwards, rather than horizontally, which is considered to be acceptable.
- 6.4. It is not considered that the proposed outbuilding would impact on the outlook from the neighbouring properties, due to its single storey height. Views over the top of the building would still be possible, and it is considered that the green roof would provide visual interest and help the building blend in with its surroundings.
- 6.5. It is not considered that the proposed outbuilding would cause loss of sunlight / daylight or overshadowing to neighbouring properties because it would be located to the north of the main building with adequate separation. Similarly, given its size and design it is not considered that the outbuilding would cause harmful light spill.
- 6.6. Neither is it considered likely that the proposed outbuilding would give rise to noise issues, due to the separation distance and the fact it would be ancillary to the use of the main building, rather than a separate dwelling, which a suitable planning condition (no. 7) can ensure remains the case in perpetuity.

Recommendation: 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 2nd August 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: 2021/2069/P
Contact: Kate Henry
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Date: 21 July 2021

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DRAFT

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Full Planning Permission Granted

Address:
122 Fellows Road
London
NW3 3JH

DECISION

Proposal: Erection of a single storey timber-clad outbuilding in rear garden for ancillary residential purposes

Drawing Nos: FR122-0100-001 Rev 01; FR122-0100-002 Rev 01; FR122-0100-003 Rev 01; FR122-0100-004 Rev 01; FR122-0100-005 Rev 01; FR122-0100-006 Rev 01; FR122-0100-007 Rev 01; FR122-0200-001 Rev 02; FR122-0200-002 Rev 01; FR122-0400-003 Rev 01; FR122-0400-002 Rev 01; FR122-0400-006 Rev 01; Planning Statement, dated 29/04/2021

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: FR122-0100-001 Rev 01; FR122-0100-002 Rev 01; FR122-0100-003 Rev 01; FR122-0100-004 Rev 01; FR122-0100-005 Rev 01; FR122-0100-006 Rev 01; FR122-0100-007 Rev 01; FR122-0200-001 Rev 02; FR122-0200-002 Rev 01; FR122-0400-003 Rev 01; FR122-0400-002 Rev 01; FR122-0400-006 Rev 01; Planning Statement, dated 29/04/2021.

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

- 3 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 policies D1 and D2 of the London Borough of Camden Local Plan 2017.

- 4 No development shall take place until full details of hard and soft landscaping and means of enclosure of all un-built, open areas have been submitted to and approved by the local planning authority in writing. [Such details shall include details of any proposed earthworks including grading, mounding and other changes in ground levels.] 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 achieves a high quality of landscaping which contributes to the visual amenity and character of the area in accordance with the requirements of policies A2, A3, D1 and D2 of the London Borough of Camden Local Plan 2017.

- 5 All hard and soft landscaping works shall be carried out in accordance with the approved landscape details prior to the occupation of the outbuilding for the permitted use. Any trees or areas of planting (including trees existing at the outset of the development other than those indicated to be removed) which, within a period of 5 years from the completion of the development, die, are removed or become seriously damaged or diseased, shall be replaced as soon as is reasonably possible and, in any case, by not later than the end of the following planting season, with others of similar size and species, unless the local planning authority gives written consent to any variation.

Reason: To ensure that the landscaping is carried out within a reasonable period and to maintain a high quality of visual amenity in the scheme in accordance with the requirements of policies A2, A3, D1 and D2 of the London Borough of 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 roof 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, D1, D2 and A3 of the London Borough of Camden Local Plan 2017.

- 7 The outbuilding hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 122 Fellows Road.

Reason: To protect amenity of adjoining occupiers and also ensure the outbuilding hereby permitted does not become a self-contained dwelling, separate and apart from the original dwellinghouse known as 122 Fellows Road in accordance with policies H1, H6, A1 and A4 of the Camden Local Plan 2017.

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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

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DECISION