

2020/4449/P

Flat 1. 39 Achilles Road NW6 1DZ



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**2020/4449/P**

**Flat 1, 39 Achilles Road.**



Photo 1: Photo of existing rear garden showing the position of existing rear garden slab.

|   |                                       |                              |            |
|---|---------------------------------------|------------------------------|------------|
| Delegated Report<br>(Members Briefing)        | Analysis sheet                        | Expiry Date:                 | 24/11/2020 |
|   | N/A / attached                        | Consultation<br>Expiry Date: | 10/12/2020 |
| Officer                                       |                                       | Application Number(s)        |            |
| Joshua Ogunleye                               |                                       | 2020/4449/P                  |            |
| Application Address                           |                                       | Drawing Numbers              |            |
| Flat 1, 39 Achilles Road<br>London<br>NW6 1DZ |                                       | See draft decision notice    |            |
| Proposal(s)                                   |                                       |                              |            |
| Erection of a single storey rear outbuilding  |                                       |                              |            |
| 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 | 14 | No. of objections | 14 |
| Summary of consultation responses:   | Four site notices were displayed on Achilles Road and Berridge Mews  |  |                  |    |                   |    |
|                                      | Site Notices were advertised on 16/11/2020 and expired on 10/12/2020   |  |                  |    |                   |    |
|                                      | 14 Letters of objection was received from local residents. The responses have been summarised below.   |  |                  |    |                   |    |
|                                      | <u>Consultation</u>  |  |                  |    |                   |    |
|                                      | <div>1. Overdevelopment of the garden. There is already a new extension for Flat 1, 39 Achilles Road, which extends significantly into the 13-metre garden. This proposed development will further reduce the garden, limiting space.</div> <div>2. A structure of 2.5m is significantly higher than the existing fence line and most of the sun, for the majority of the year, comes from this angle relative to the Berridge Mews properties, particularly numbers 8,9,10 and 11 Berridge Mews.</div> <div>3. Concerns about tree in the back of a Berridge Mews garden which shares a boundary with this property. Deep roots must be present in this area of land and, in fact, it may be unsafe to build directly underneath it.</div> <div>4. This represents a further encroachment with the risk of noise and other pollution. There can be no control over how this outbuilding is used. There is a risk that it is occupied and effectively lived in (this cannot be policed).</div> <div>5. Given the elevated nature of that structure and the fact that it will not be an occasional use room (see below), people in that room will also be more directly and frequently looking into our garden and the back of our house. This is a loss of privacy and enjoyment of garden for neighbours at 8, 9, 10 and 11 Berridge mews.</div> <div>6. The small back gardens are essential for enabling water run-off to permeate the ground and soak away naturally. A building with concrete foundations covering almost half of the small garden is likely to impact the flooding risk for this property as well as causing future flood problems for the adjoining neighbours.</div> |  |                  |    |                   |    |
| <u>Officer response:</u>             |  |  |                  |    |                   |    |
| 1: Refer to section 4 of this report |  |  |                  |    |                   |    |
| 2: Refer to section 5 of this report |  |  |                  |    |                   |    |
| 3: Refer to section 6 of this report |  |  |                  |    |                   |    |

- |  |   |
|--|---|
|  | <p>4: Refer to section 5 of this report</p> <p>5: Refer to paragraph 4.5 of this report.</p> <p>6: Refer to section 6 of this report.</p> |
|--|---|

## Site Description

The application site comprises a two storey, mid-terrace Victorian property on the eastern side of Achilles Road. The property hosts a two storey canted bay windows on its ground floor and first floor. The property currently comprises of two flats. This application relates to flat 1 at ground floor level.

The building is constructed of yellow brick although its front elevation bay windows have a white rendered finish. The materials and architectural detailing closely neighbouring properties terrace.

The application property is not listed or within a conservation area. However, it does sit within the Fortune Green and West Hampstead Neighbourhood Plan Area.

## Relevant History

**2015/6256/P** - Erection of a single storey rear extension. **Granted on 11/05/2016**

**2019/1763/P** - Erection of a single storey rear extension. **Granted on 15/07/2019**

**2020/0300/P** - Erection of a single storey rear extension. **Granted on 03/06/2020**

## Relevant policies

### National Planning Policy Framework (NPPF) 2021

### London Plan 2021

### Camden Local Plan 2017

A1 Managing the impact of development  
A2 Open Space  
A3 Biodiversity  
D1 Design

### Camden Planning Guidance

CPG Home Improvements (2021)  
CPG Design (2021)  
CPG Amenity (2021)

### Fortune Green and West Hampstead Neighbourhood Plan 2015

Policy 2 Design and Character.

## Assessment

### 1.0 PROPOSAL

#### 1.1 Proposed rear garden works:

- Erection of a single storey outbuilding with a green roof
- The proposed outbuilding would measure 3.77m(w) x 3m(d)
- The proposed outbuilding would comprise a pitched roof design with a maximum height of 2.6m and an eaves height of 2.5m.

### 2.0 Revisions

2.1 Following discussions with the following revisions were secured:

- Pulling the proposed outbuilding in from the surrounding boundary walls by 500mm
- The proposed outbuilding's footprint has been reduced from 16.4sqm to 11.3sqm

### **3.0 ASSESSMENT**

3.1 The main issues to be considered as part of the assessment of the proposal include:

- Design
- Amenity
- Biodiversity and Trees

### **4.0 DESIGN**

4.1 Policy D1 (Design) states that the Council will seek to secure high quality design in all cases. This policy states that in order to demonstrate high quality, developments should meet several criteria including: respecting local context and character; be sustainable and durable and comprise details and materials that are of high quality and complement the local character. It states that the Council will resist development of poor design that fails to take the opportunities available for improving the character and quality of an area. This is supported by CPG Design and Home Improvements.

#### Proposed Outbuilding

4.2 The proposed single storey outbuilding would replace an existing timber framed structure (already demolished) of a similar scale in the rear garden area, albeit marginally bigger. It would measure 3.77m(w) x 3m(d) with a footprint of 11.3sqm. It would be of a modest scale and ensure that a reasonable size of the garden would remain (34sqm). It was revised to be set in from the side and rear boundaries.

4.3 The proposed structure would be finished in timber cladding with a green roof. The outbuilding would comprise a timber (cedar) clad exterior and timber framed glazing. The proposed design and materials would appear similar to materials used on other outbuildings evident in surrounding rear gardens and would be acceptable.

4.4 The proposed green roof design would help soften the proposed structure's visual impact and appearance when viewed from the rear windows of neighbouring properties surrounding properties. It would also allow for sustainable drainage and improvements to biodiversity.

4.5 Given its siting and scale it would not be visible from the public realm but it may be visible from private gardens of neighbouring properties. The proposed structure massing would mostly be screened by existing 2.25m high boundary walls. Given that the structure would be set in from the boundary walls and that it would only be 0.25m higher than the existing boundary officers consider any visual impact from the neighbouring gardens would be minimal. Officers consider the proposed materials to be appropriate for the garden context and would result in the development appearing as a visually lightweight structure within the rear garden area.

4.6 Officers consider the proposed outbuilding would not appear out of character within the context of the rear garden area due to its modest scale and light weight appearance.

4.7 The proposed floor space would serve as a garden room ancillary to the ground floor flat. As such a condition would be attached to ensure it is not used as a separate dwelling and not used for Class E business use.

4.8 The proposed development is in general accordance with Policies D1 of the Camden Local Plan 2017 and the proposed development also accords with the London Plan 2021.

### **5.0 Amenity**

5.1 Policy A1 (Managing the impact of development) confirms that the Council will not grant permission for development that would result in harm to the quality of life for surrounding occupiers and neighbours. For a development of this kind, the main considerations outlined by this policy would be impacts in terms of privacy, outlook and natural light.

#### Daylight/ Sunlight

5.2 Given its siting at the rear of the garden, modest height of 2.6m and existing boundary wall height of 2.25m (outbuilding would project 0.35m above this wall). It is not considered to have a detrimental impact on the amenity of neighbouring properties in terms of loss of light, outlook or privacy.

5.3 The proposed outbuilding does not have any openings along its side or rear elevations. As such, it is considered that the proposed work would not create issues of overlooking for properties at No.37 and 41 Achilles Road and No.8, 9, 10 and 11 Berridge Mews as such would be considered acceptable.

#### Noise

5.4 Given the proposed outbuilding's modest scale and ancillary use, it is not considered that its use would give rise to adverse noise impact within a rear garden setting.

### **6.0 Biodiversity and Trees**

6.1 An arboriculture impact assessment was submitted in support of this application. The report identified one offsite T1 (Poplar tree) Category B trees in the neighbouring garden of 9 Berridge Mews. The tree is visible from private views. However, no works are proposed to the existing tree.

6.2 Given that the proposed outbuilding would be constructed on an already built concrete slab it is not considered that the proposed works, would adversely harm the neighbouring tree's roots, by means of soil compaction, demolition or changes to the ground level. As such it is considered that the proposals would not adversely impact any neighbouring trees.

6.3 The overall footprint would be marginally greater than the pre-existing outbuilding and sited on existing built up sections of the rear garden area. Given that the proposed outbuilding would have a green roof officers consider it would contribute to mitigating the loss of green space within the rear garden area. The proposed green roof is encouraged and welcomed on visual and sustainability grounds. A condition has been attached requiring further details of the green roof, including maintenance, and ensuring its implementation in perpetuity.

6.4 It is noted that the site does not fall within a flood risk area and it will not increase the amount of hard landscaping in rear garden as it will be built on an existing slab. Therefore, it is considered that the incorporation of a green roof will improve the existing situation and would be unlikely to have a detrimental impact in terms of flooding.

### **7.0 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 27<sup>th</sup> September 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'.***

Application ref: 2020/4449/P  
Contact: Joshua Ogunleye  
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Date: 23 September 2021

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# DRAFT

Dear Sir/Madam

## DECISION

Town and Country Planning Act 1990 (as amended)

### Full Planning Permission Granted

Address:

**Flat 1**  
**39 Achilles Road**  
**London**  
**NW6 1DZ**

# DECISION

Proposal:

Erection of a single storey rear outbuilding

Drawing Nos: 001, 002, 007 (Received 27/11/2020), Tree Survey & Arboriculture Impact Assessment (produced by ROAVR 21/05/2021) (Received 10/06/2021), 003 Rev B, 004 Rev B, 005 Rev B, 006 Rev B (Received 17/09/2021)

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 001, 002, 007 (Received 27/11/2020), Tree Survey &

Reason:

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

- 3 The outbuilding hereby approved shall only be used for purposes ancillary to the residential use of Flat 1, 39 Achilles Road and shall not be used as a separate independent Class C3 dwelling or Class E (office) 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 Camden Local Plan 2017.

- 4 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 roofs 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 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 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](http://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 2021.

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**