

2021/3026/P
Ground Floor Flat, 63 Aberdare Gardens, NW6 3AN



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1. Looking to the rear of the garden



2. View from the rear towards the main house

Delegated Report (Members Briefing)	Analysis sheet	Expiry Date:	13/09/2021
	N/A	Consultation Expiry Date:	22/08/2021
Officer		Application Number(s)	
Sofie Fieldsend		2021/3026/P	
Application Address		Drawing Numbers	
Ground Floor Flat, 63 Aberdare Gardens London NW6 3AN		See draft decision	
Proposal(s)			
Erection of rear single storey 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:	Site notices Press notice	22/07/2021 – 15/08/2021 29/07/2021 – 22/08/2021	No. of responses	0	No. of objections	0
Summary of consultation responses:	No responses were received from the neighbouring occupiers.					
CRASH (Community Residents Association of South Hampstead)	<p>CRASH has objected to the proposed scheme on the following grounds:</p> <p>1) Loss of garden space: While garden buildings have become commonplace in the area they reduce the green space with negative environmental & amenity consequences for the neighbourhood. This garden has already been reduced in size by the construction of the rear extension for which consent was given in 2018. The Council's approval of those works noted that there is a generously sized rear garden & that the increase in building size was 'only slight' & therefore acceptable. The proposed new building, which in the application form is stated not to exceed 24sq.m. gross internal area , (notwithstanding the Design & Access statement puts it at 15sq.m.), is also stated to account for another 6% of the total garden area. Furthermore , the photos show that solid light brown wooden decking has been laid on the other half of the rear garden, again reducing green space with hard landscaping. This is contrary to the SH Conservation Area Character Appraisal & Management Strategy para. 12.16 which refers to 'long, undeveloped rear gardens & private open spaces central to the character & appearance of the SHCA their preservation is of paramount importance .'</p> <p>2) Trees: The proposed building will wrap around an existing plum tree & extend to the boundary fence. Presumably, future pruning & maintenance of the tree will have to take place through the building but there is no means of maintaining the walls of the garden building where they abut the fence.</p> <p>3) Light pollution: The proposed roof includes a glazed roof light; why is this necessary when there is full height wrap around glazing ? There are no mains services proposed but this will not prevent night use with independent lighting & consequential light pollution through the roof.</p> <p>4. Revisions suggested:</p> <ul style="list-style-type: none">• reduction in the size of the building to allow all round access for maintenance• removal of the rooflight• a green sedum type garden roof to mitigate the loss of garden space (which is recognised in the D & A Statement as a future possibility).• cladding in a natural dark wooden colour rather than black paint which is not suitable for the location, notwithstanding that it has been permitted for the ground floor extension. If possible, the applicant					

should be required to paint the recently installed decking & garden fence in a matching colour.

Officer response:

- 1) See section 4.5
- 2) See section 5
- 3) See section 6.2
- 4) See section 2.1 (revisions). It is considered that the use of timber is appropriate for a garden location and the choice to paint it will help with its maintenance. The selected colour is a personal choice that would be unreasonable of the Council to control given its siting and scale. The existing decking and fence are not part of this application.

Site Description

The application site is a three-storey semi-detached building which has been subdivided into 3 flats located on the north side of Aberdare Gardens. The building is not listed but it is situated within the South Hampstead Conservation Area and recognised as making a positive contribution. It is located in a local flood risk zone 'Goldhurst'.

Relevant History

None relevant

Relevant policies

National Planning Policy Framework (2021)

The London Plan (2021)

Camden Local Plan (2017)

Policy G1 – Delivery and location of growth
Policy A1 – Managing the impact of development
Policy A2 – Open Space
Policy A3 Biodiversity
Policy D1 – Design
Policy D2 - Heritage

Camden Supplementary Planning Guidance (2021)

CGP - Design
CPG – Home Improvements
CPG6 - Amenity

South Hampstead Conservation Area appraisal and management strategy (2011)

Assessment

1. Proposal

- 1.1 The outbuilding will measure 4.7m wide, 4.7m deep and stand at a height of 2.8m high with a green roof. A gap will remain around the existing plum tree. It will have a footprint of 20.1 sqm and be located in the rear garden.

2. Revisions

2.1 Following feedback from officers the following amendments were received:

- Reduction in the size of the outbuilding to allow all round access for maintenance
- Reduction of rooflight scale and inclusion of internal blind to address concerns about light pollution
- Inclusion of green roof and void beneath the floor to allow for root protection

3. Considerations

3.1 The main issues to be considered are:

- Design and heritage
- Trees and flood risk
- Amenity

4. Design

- 4.1 The Council's design policies are aimed at achieving the highest standard of design in all developments. The following considerations contained within policy D1 are relevant to the application: development should consider the character, setting, context and the form and scale of host building and neighbouring ones, and the quality of materials to be used, to promote health, respond to natural features and preserve gardens.
- 4.2 Policy D2 states that the Council will seek to manage development in a way that retains the distinctive character of conservation areas and will therefore only grant planning permission for development that preserves or enhances the special character or appearance of the area.
- 4.3 CPG Home Improvements states that outbuildings should 'ensure the siting, location, scale and design has a minimal visual impact on, and is visually subordinate within, the host garden'.
- 4.4 The outbuilding will measure 4.7m wide, 4.7m deep and stand at a height of 2.8m high with a gap around the existing plum tree. It will have a footprint of 20.1 sqm and be located in the rear garden. It was revised to be set in from the side and rear boundaries. It would be discreetly located at the rear of the garden surrounded by mature vegetation and a 2.2m high wooden fence. The existing decking will remain unchanged.
- 4.5 The proposed outbuilding is considered to be of an acceptable design and its materials using black painted timber with timber fenestration are appropriate for this garden setting. It would be of a modest size and scale and would ensure a reasonable proportion of the rear garden would remain (over 248 sqm). Given its siting and scale it would not be visible from the public realm but it would be visible from neighbouring private gardens. The outbuilding is proposed to be used for a home office and storage which would be ancillary to the main dwelling. It is considered that due to its siting, design, materials and scale, the proposal will not detract from the character and appearance of the host building or the South Hampstead Conservation area.
- 4.6 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.

5. Trees and flood risk

- 5.1 Policies A3 and D1 outline that the Council will seek to protect gardens, and resist the loss of trees and vegetation of significant amenity, historic, cultural or ecological value. It requires that trees and vegetation which are to be retained are satisfactorily protected during

construction in line with DS5837:2012 'Trees in relation to Design, Demolition and Construction'.

- 5.2 An arboricultural impact assessment was submitted. No trees are proposed for removal in order to facilitate development. Following feedback from the Council's Tree Team revised plans were received creating a void under the outbuilding to allow for gaseous exchange for the soil/roots. Rain water will be redirected into the void. The arboricultural report includes recommendations for different foundation types. Small diameter helical piles are the preferred option from an arboricultural perspective, with flexible locations that be altered if excavations by hand reveal roots larger than 25mm in diameter.
- 5.3 The revised scheme included a green roof, the details provided were considered sufficient and its installation and maintenance will be secured by condition. The installation of tree protection including the construction in line with the preferred foundation and void will also be secured by condition.
- 5.4 It is noted that the garden falls within a local flood risk zone, however given its scale, ancillary use and inclusion of a green roof to reduce run off it is not considered to have an adverse impact on increased flood risk. The outbuilding will also be equipped with a rainwater collector which will allow rainwater to be reused for watering the garden during dry spells
- 5.5 Overall the development is not considered to harm the existing trees and the proposed green roof will provide biodiversity and sustainability benefits.

6. Amenity

- 6.1 Policy A1 seeks to protect the quality of life of occupiers by only granting permission for development that would not harm their amenity. The main factors which are considered the impact the amenity of neighbouring residents are overlooking, loss of outlook and sense of enclosure, implications on daylight, sunlight, light pollution and noise.
- 6.2 By virtue of its size, siting and design, it would not cause unacceptable loss of amenity with regard to sunlight, daylight, outlook, overlooking or noise. The proposed rooflight was reduced in scale and a black out blind proposed internally, it is considered that it would not result in harmful light pollution
- 6.3 The potential level of activity associated with the building as a home office and storage 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.

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 18th October 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: 2021/3026/P
Contact: Sofie Fieldsend
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Date: 6 October 2021

Development Management
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Round Robin Studio Ltd
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DRAFT

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Full Planning Permission Granted

Address:

Ground Floor Flat
63 Aberdare Gardens
London
NW6 3AN

DECISION

Proposal: Erection of rear single storey outbuilding

Drawing Nos: A1000; A1001 Rev.A; A1002 Rev.A; A1003 Rev.A; A1004a; A1004b Rev.A;
Arboricultural Method Statement by Arbtech dated 16/6/21; Arbtech AIA 01 Rev.A; Arbtech
TPP 01 Rev.A; Design considerations by Brauder; General maintenance by Brauder;
Bauder XF301 Sedum System by Brauder and Sections (A1004 Rev.A).

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:

A1000; A1001 Rev.A; A1002 Rev.A; A1003 Rev.A; A1004a; A1004b Rev.A; Arboricultural Method Statement by Arbtech dated 16/6/21; Arbtech AIA 01 Rev.A; Arbtech TPP 01 Rev.A; Design considerations by Brauder; General maintenance by Brauder; Bauder XF301 Sedum System by Brauder and Sections (A1004 Rev.A).

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 Ground Floor, 63 Aberdare Gardens 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 the commencement of any works on site, the tree protection details hereby approved including the required outbuilding's foundation and void shall be installed. These 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.

- 5 The living roof as shown on the roof plan and the details hereby approved including maintenance, substrate depth and planting species/density shall be fully provided in accordance with the approved details prior to first occupation and thereafter retained indefinitely 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 G1, CC1, CC2, CC3, D1, D2 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) 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