

2020/5108/P – Basement Flat, 45 Rosslyn Hill,  
London, NW3 5UH



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## Site Photographs



Aerial view of property



Block Plan (proposed)

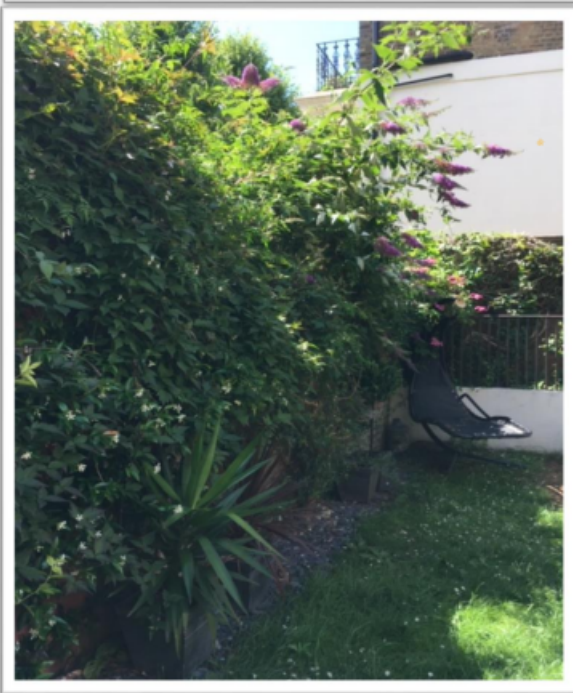


Rear of secluded garden showing area where the garden room would be sited

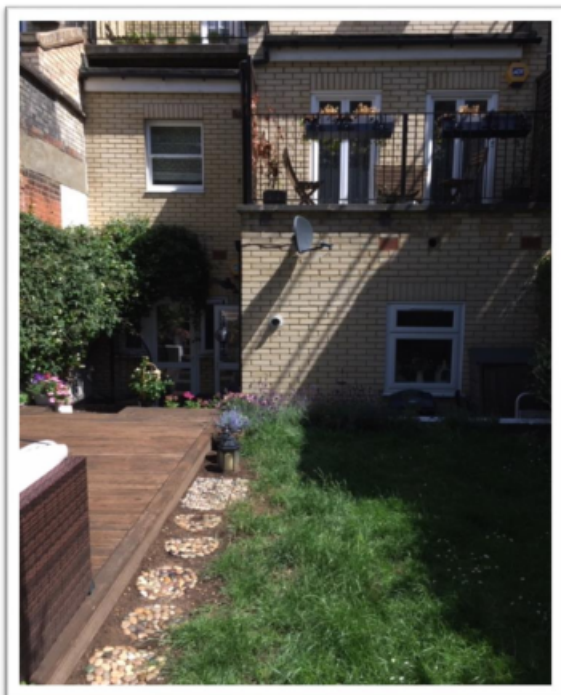


Location of proposed garden room with three storey (with semi basement) building along Thurlow Road to the rear.

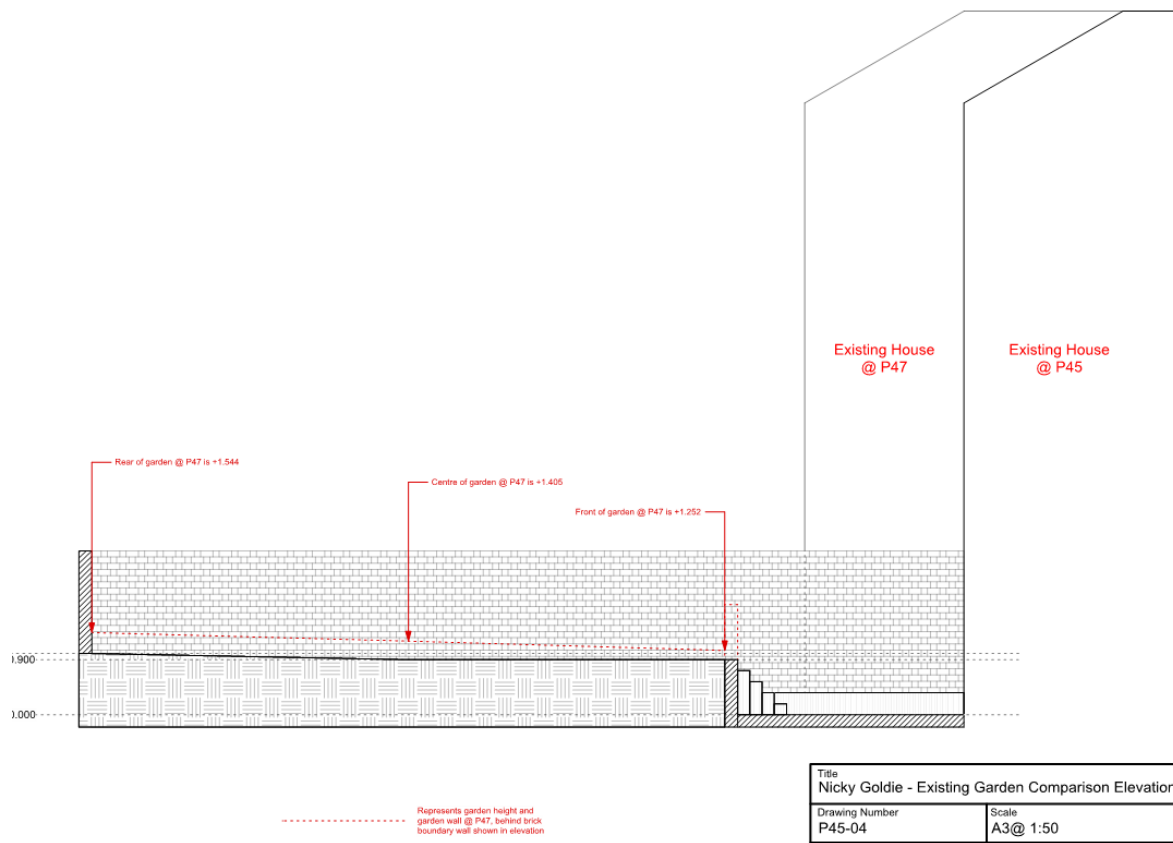




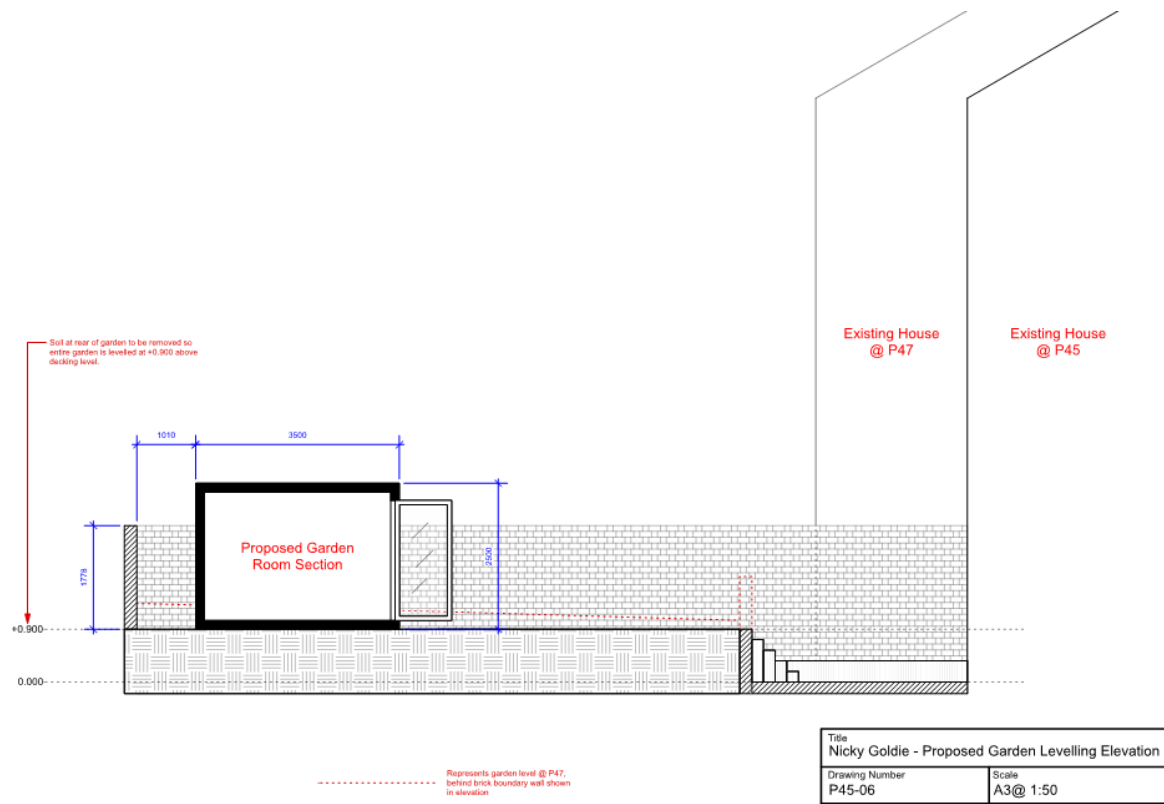
High natural hedge screening to the southwestern boundary of the site with No. 43 Rosslyn Hill



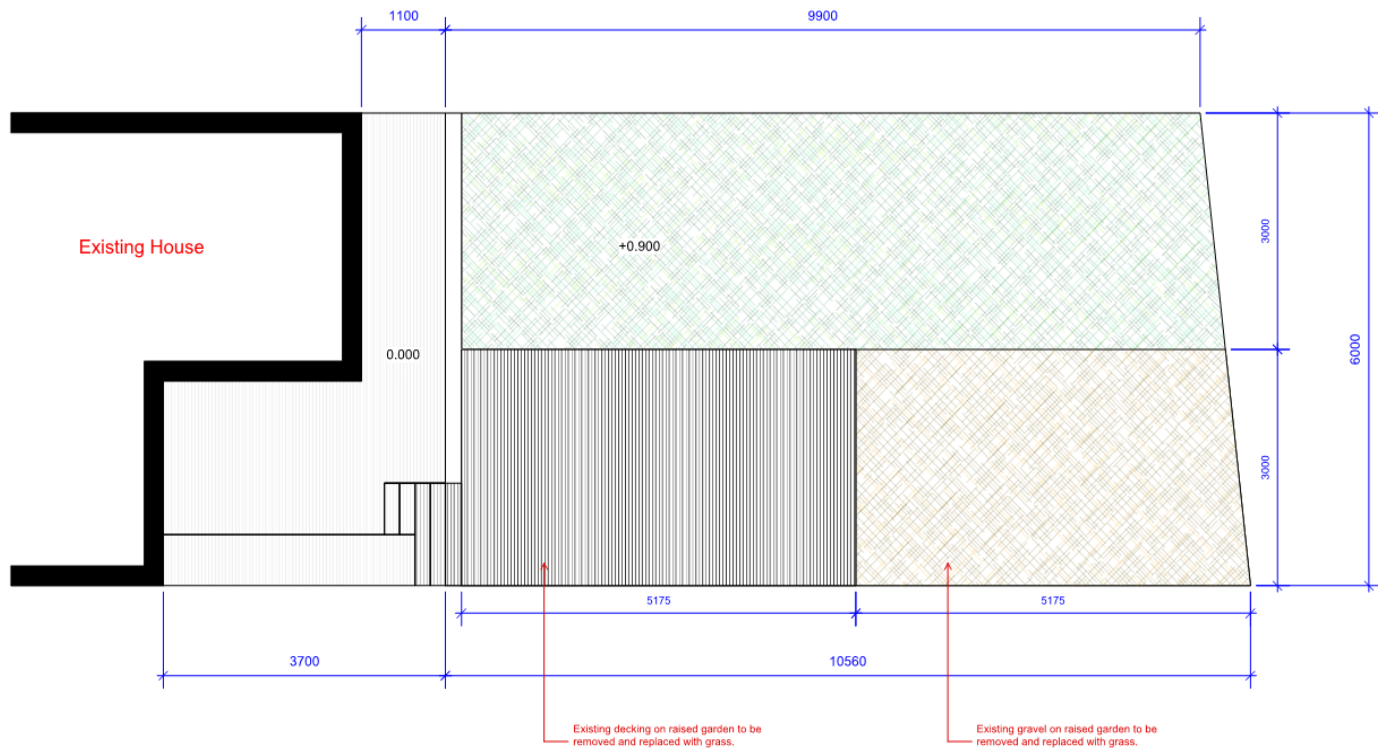
View back to the rear of the subject dwelling



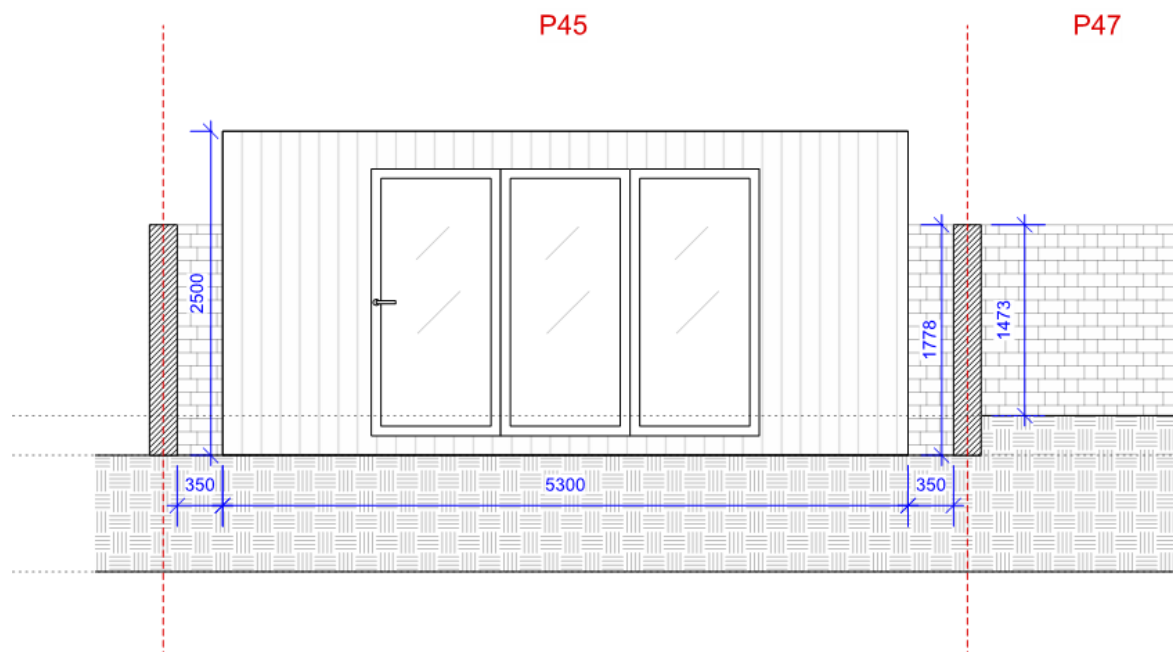
Existing elevation



Proposed elevation



Proposed floor plan of ground changes



Proposed front elevation of outbuilding

<b>Delegated Report</b> <b>(Members Briefing)</b>		<b>Analysis sheet</b>		<b>Expiry Date:</b>	<b>25/01/2021</b>
		N/A / attached		<b>Consultation Expiry Date:</b>	24/01/2021
<b>Officer</b>				<b>Application Number(s)</b>	
Jaspreet Chana				2020/5108/P	
<b>Application Address</b>				<b>Drawing Numbers</b>	
Basement Flat 45 Rossllyn Hill London NW3 5UH				<i>See draft decision notice</i>	
<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 single storey rear garden room					
<b>Recommendation:</b>		Grant conditional planning permission			
<b>Application Type:</b>		Full planning permission			

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice			
Informatives:				
Consultations				
Summary of consultation:	Three site notice(s) were displayed near to the site on the 24/12/2020 (consultation end date 17/01/2021).  The development was also advertised in the local press on the 31/12/2020 (consultation end date 24/01/2021).			
Adjoining Occupiers:	No. of responses	02	No. of objections	02
Summary of consultation responses:	<p>Objections were raised by two residents of No. 47 Rosslyn Hill, which are summarised as follows:</p> <ul style="list-style-type: none"><li>Rosslyn Hill is very congested with unsafe pollution levels and the loss of the garden due to the construction of this large structure will reduce the amount of green space in the area.</li><li>The new garden building will be around 1.5m higher than our garden wall in the highest part of the garden, effectively doubling the height of the wall. It will be a large physical presence obstructing the light as it will be placed to the south of our garden, affecting most of it.</li><li>The rear garden slopes up from the rear of the main house, this would make the new building even more prominent from all our windows.</li><li>The building would be too close to our boundary wall and the 300mm space between it and the wall will not allow proper maintenance of the side elevations.</li><li>The application gives no indication of how the new building relates to the neighbouring properties in any of the drawings, nor a section through the site so there is no easy way to judge the height of the structure.</li><li>The new building will cut off the natural light for much of the day to the lower ground floor flat at No.47. The new structure will double the height of the southerly garden wall (between Nos.47 and 45) and the building will sit as if 4.3m tall compared to the floor level of 47a.</li><li>The boundary wall is only 1.35m tall, which means the new building proposed would be 2.5m in height which doubles the height of the wall.</li><li>No.45 has a raised garden compared to their lower ground floor flat. Whilst the building is similar height to their flat, because it would be built on their raised garden level, it will tower their flat as well as ours at No.47a.</li></ul> <p><u>Officer's response:</u> Please see sections 4 (design and conservation) and 5 (residential amenity) of the report below for full assessment.</p>			
CAAC:	<p>A letter of objection was received on behalf of the Hampstead CAAC. Their objection comments can be summarised as follows:</p> <ul style="list-style-type: none"><li>Already a small garden, excessive take up.</li><li>Site plan to be re-submitted to show all landscaping existing and proposed, including decking area.</li><li>No removal of planting/trees/hedges to be permitted.</li><li>What happens to hedges against which the building would stand? If they are or any planting are threatened long term, please refuse.</li><li>Sedum roof does not compensate for loss of green area. Follow Camden's draft policy on extensions to use a deeper living roof encouraging bio-diversity which sedum does not.</li><li>Too tight relations to the boundary should bring it under Building regulations</li></ul>			



for fire resistance and protection of neighbours.

- The proposed room should be moved and reoriented to face east or west across the garden preferably to align with the decked area to maximise green area retention, restore the unkempt area away from the house.
- Plan should show internal layout of proposed outbuilding, provision of heating and any cooking facility. Sanitary facility not allowed for a single undivided space.

Officer's response:

*Please see sections 4 (design and conservation) and 5 (residential amenity) of the report below for full assessment.*

## Site Description

The application site (No.45 Rosslyn Hill) is a four storey mid-terrace Victorian townhouse, located on the south-eastern side of Rosslyn Hill. The surrounding area is characterised by a mix of residential and commercial buildings. The building has been split into 5 residential flats with the subject flat of this application located at the basement level with access to the rear garden.

The application site is not listed but is located within the Fitzjohns/Netherhall Conservation Area and is also within the Hampstead Neighbourhood Plan area.

## Relevant History

### **Ground floor, No.9 Thurlow Road**

2019/3093/P – Erection of outbuilding with green roof to rear garden – Granted – 28/11/2019.

### **Flat 1, 16 Thurlow Road**

2018/5651/P – Removal of existing outbuilding and erection of single storey outbuilding in rear garden – Granted – 07/12/2017.

## Relevant policies

### **National Planning Policy Framework (2021)**

### **The London Plan (2021)**

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

- **Policy A1** Managing the impact of development
- **Policy D1** Design
- **Policy D2** Heritage
- **Policy DM1** Delivery and monitoring
- **Policy G1** Delivery and location of growth
- **Policy T2** Parking and car-free development

### **Hampstead neighbourhood plan (2018)**

- **DH1** Design
- **DH2** Heritage

### **Camden Planning Guidance:**

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

### **Conservation Statements:**

- Fitzjohns/Netherhall Conservation Area appraisal and management Strategy (2001)

## Assessment

### 1. The proposal

- 1.1. Planning permission is sought for the erection of a single storey outbuilding 5.3m wide, 3.5m deep and 2.5m high with a green roof.

### 2. Revisions

- 2.1. It should be noted that during the course of the assessment additional information was requested in order to appease concerns raised by objectors. The information requested to the proposed scheme can be summarised as follows:

- Additional drawings were requested to show the garden level through section drawing.
- A garden plan was requested

- 2.2. The additional plans requested do not materially affect the scheme and as such are accepted under the ongoing application.

### 3. Assessment

- 3.1. The principal considerations material to the determination of this application are as follows:

- The visual impact upon the character and appearance of the host property, street scene and the Fitzjohns/Netherhall Conservation Area
- The impact on residential amenity

### 4. Design and Conservation

- 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 respect local context and character; comprise details and materials that are of high quality and complement the local character; and respond to natural features. Policy D2 'Heritage' states that in order to maintain the character of Camden's conservation areas, the Council will not permit development within conservation area that fails to preserve or enhance the character and appearance of that conservation area.

- 4.2. The rear garden is at a slightly higher level (0.90m) to the rear of the property. The existing garden area comprises a mix of hard and soft landscaping, with approximately 50% lawn, 25% decking and 25% gravel. The proposal involves the removal of the decking and gravel and their replacement with grass. The total area of the existing rear garden is 75 square metres. The proposed rear outbuilding would be placed at the end of the garden between 7-9m away from the rear of the house and would serve as ancillary habitable space for the basement flat. The footprint of the outbuilding would be 18.5m, which would retain approximately 56.5m (75%) of garden area.

- 4.3. The outbuilding would be set in off the side and rear boundaries and would be of a timber-framed construction, with powder coated aluminium doors and a flat green sedum roof. The green roof on the summer house would improve the design of the roof and promote good air quality and bio-diversity. The green roof will improve the appearance of the outbuilding in views from surrounding properties and would offset the loss of the existing lawn in this location, although it is noted that overall, the amount of lawn area would be similar to the existing. Planning permission would be granted subject to a condition requiring further details on the green roof requiring an appropriate substrate depth to support a variety of biodiverse species, rather than just sedum.

- 4.4. There are other outbuildings within the vicinity which have been approved and vary in size and design. Given that it is set back over 7-9m from the main house and over 75sq.m of garden space would remain, the majority of the garden would be retained following the works and therefore it is considered that the openness would still remain within the garden area. Its contemporary design

is considered satisfactory and there is no objection from a design or conservation perspective. The use of this outbuilding would be ancillary to the enjoyment of the main dwelling, and a condition shall be added to ensure this.

- 4.5. 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 (ERR) 2013.
- 4.6. Overall, the scale, bulk, design and materials would appropriate in the garden setting of the host building and the surrounding area and would not be harmful to the character appearance of the street scene or the Fitzjohn/Netherhall Conservation Area. The proposal would therefore be in accordance with policies D1 and D2 of the London Borough of Camden Local Plan 2017, policies DH1 and DH2 of the Hampstead Neighbourhood Plan 2018, the London Plan 2021 and NPPF 2021.

## **5. Residential Amenity**

- 5.1. Policy A1 seeks to protect the quality of life of occupiers and neighbours by only granting permission to development that would not harm the amenity of residents. This includes factors such as privacy, outlook, implications to natural light, artificial light spill, odour and fumes as well as impacts caused from the construction phase of development. Policy A4 seeks to ensure that residents are not adversely impacts upon by virtue of noise or vibrations.
- 5.2. Given the location of the outbuilding placed in the rear end of the garden and some distance to the surrounding properties (over 6m towards Nos.43 and 46 Rosslyn Hill), the proposal is not considered to harm the amenity of neighbouring properties in terms of access to sunlight, daylight, visual bulk, sense of enclosure or privacy. The outbuilding would be 2.5m in height placed 0.30m away from the boundary wall (1.8m in height) with No.47 Rosslyn Hill and would project 0.70m higher. It is noted that the ground level is slightly higher towards the rear of the site and No.47 is on a higher ground level (1.2m) than No.45 due to the slope up on the road. Given that No.47 is on higher ground and is at a sufficient distance away from the new outbuilding it is not considered any detrimental harm would be had to the amenities of No.47 in regards to loss of light, overlooking or outlook. Although it would be visible, it would not be so harmful to the amenity of neighbouring residents as to cause material harm.
- 5.3. No.1 Thurlow Roads side elevation faces the rear garden boundary of No.45. The proposed outbuilding would be set between 0.35 - 1.1m away from the boundary with the front garden/side extension of No.1, given the separation distance and No.1s side elevation facing the outbuilding it is not considered the outbuilding would cause any detrimental impact on the amenities of No.1 in regards to loss of light, overbearing or overlooking impacts.
- 5.4. The comings and goings associated with the outbuilding would cause little to no impact to the existing residential noise levels compared to the existing use of the residential property or use of the garden and are therefore considered to be acceptable.
- 5.5. Overall, the proposed development is not considered to lead to a significant impact upon the amenities of any neighbouring resident and the development is thus considered to be in accordance with planning policies A1 and A4.

## **6. Recommendation**

- 6.1. 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 11<sup>th</sup> 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](http://www.camden.gov.uk) and search for 'Members Briefing'.***



Application ref: 2020/5108/P  
Contact: Jaspreet Chana  
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Date: 30 September 2021

**Development Management**  
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London Garden Rooms  
221 High Road  
South Woodford  
London  
E18 2PB  
United Kingdom

# DRAFT

Dear Sir/Madam

## DECISION

Town and Country Planning Act 1990 (as amended)

### Full Planning Permission Granted

Address:

**Basement Flat**  
**45 Rosslyn Hill**  
**London**  
**NW3 5UH**

# DECISION

Proposal:

Erection of single storey rear garden room

Drawing Nos: Site location plan, Block plan, P45-01, P45-02, P45-03, P45-04, P45-05, P45-06, Design and Access/Heritage Statement (including photographs).

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: Site location plan, Block plan, P45-01, P45-02, P45-03, P45-04, P45-05, P45-06, Design and Access/Heritage Statement (including photographs).

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

- 4 Prior to commencement of development, full details in respect of the living roof in the area indicated on the approved 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 area of green roof, add in showing a variation of substrate, depth with peaks and troughs
  - iii. full details of biodiverse 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 G1, CC1, CC2, CC3, D1, D2, and A3 of the London Borough of Camden Local Plan 2017 and policies DH1 and DH2 of Hampstead Neighbourhood Plan .

- 5 The outbuilding hereby approved shall only be used for purposes incidental to the residential use of Basement Flat, 45 Rosslyn Hill and shall not be used as a separate independent use.

Reason: To ensure that the outbuilding is not used for unauthorised purposes and that the future occupation of the building does not adversely affect the adjoining premises/immediate area by reason of noise, traffic congestion and excessive on street parking pressure etc, in accordance with policies G1, A1, T2 and H1 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 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.

- 3 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.

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**