

Delegated Report		Analysis sheet	Expiry Date:	16/02/2021
		N/A / attached	Consultation Expiry Date:	07/03/2021
Officer			Application Number(s)	
Nora-Andreea Constantinescu			2020/5899/P	
Application Address			Drawing Numbers	
Land at rear of 65 Agar Grove London NW1 9UE			See draft decision notice	
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature	
Proposal(s)				
Erection of single storey new dwelling in the back garden.				
Recommendation(s):		Refuse planning permission		
Application Type:		Full Planning Permission		

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	Site notices Press notices	05/02/2021-01/03/2021 11/02/2021-07/03/2021	No. of responses	10	No. of objections	9
Summary of consultation responses:	<p>The neighbouring occupiers at Nos 67a, 67c, 77, 69a Agar Grove; 7, 9, 15 St Paul’s Crescent; Cantelowes Road; 2 Broughton Gardens have objected to the proposed scheme on the following grounds:</p> <ul style="list-style-type: none">• Harm the nature of the area• No benefit from removing an area of wildlife and large, scenic trees• Out of character• Impact on the amenity of neighbouring occupiers• Drawings don’t show the extensions at no. 65 which together with the proposal, eliminate the garden area• No maintenance plan for the green roof• Inconsistent information submitted• Harm to host, neighbouring gardens and the conservation area• No precedent for back land development• Lack of technical detail• Application should not have been validated in the first place• Interrupt the existing open space and interviewer with the view of neighbouring properties• Overshadowing of the neighbouring gardens• Not acceptable use of boundary wall as external wall of a property• Overdevelopment in Conservation Area• Low quality and outlook for occupiers.• No direct street access• Concerns over how materials will be delivered on site• Unclear how the garden area will be shared by the occupiers at no. 65 in light of permission 2020/0511/P• Red brick is out of context• Increased noise and light pollution into the garden area• Harm to views from neighbouring gardens <p>A comment was received from the occupier at no. 2 Smugglers Yard as follows:</p> <ul style="list-style-type: none">• Low permitter walls, with limited overshadowing• Roof planted reducing visual impact and water runoff• Plan inward look, ensure privacy of neighbours and limiting light pollution• Design produced by a multi award London architect• NPPF encourages development and this proposal has been carefully considered					

**Camden Square
CAAC**

Camden Square CAAC have objected to the proposed scheme on the following grounds:

- There is no precedent in the conservation area for a stand-alone house with no access from a side street
- There are no dimensions on plans
- The proposal breaks views across the gardens by raising of walls
- This is a substantial building in the middle of the triangle of back gardens formed by Agar Grove, St Augustine's and St Paul's Crescent,
- The proposal runs counter to the guidance provided by paras 6.37 and 6.38 of the Camden Local Plan dealing with the protection of gardens from development

Site Description

The application site relates to the rear garden area of No.65 Agar Grove which is a semi-detached, four storey building, located on the northern side of Agar Grove. The garden area is accessed along the side elevation of the property. The site lies within Camden Square Conservation Area and makes a positive contribution to the character of the Conservation Area.

Relevant History

Relevant planning history at the application site:

2020/0511/P - Erection of single storey rear extension at lower ground floor level with green roof and balcony above and conversion of single family dwelling to 3 x self-contained flats, with associated bins and cycling storage. – **Granted subject to s106 legal agreement 31/07/2020**

Relevant policies

- **National Planning Policy Framework 2021**
- **The London Plan 2021**
- **Camden Local Plan**
 - Policy D1 Design
 - Policy D2 Heritage
 - Policy A3 Biodiversity
 - Policy A4 Noise and vibration
 - Policy A1 Managing the impact of development
 - Policy H1 Maximising housing supply
 - Policy H6 Housing choice and mix
 - Policy H7 Large and small homes
 - Policy T1 Prioritising walking, cycling and public transport
 - Policy T2 parking and car-free development
 - Policy T3 Transport infrastructure
 - Policy CC1 Climate change mitigation
 - Policy CC2 Adapting to climate change
 - Policy CC5 Waste
- **Camden Planning Guidance**
 - CPG Design
 - CPG Housing
 - CPG Amenity
 - CPG Transport
 - CPG Energy efficiency and adaptation
 - CPG Biodiversity
 - CPG Planning Obligations
- **Camden Square Conservation Area Statement (2011)**

Assessment

1. Proposal:

Planning permission is sought for the erection of a single storey family dwelling in the rear garden of the property at no. 65. The proposed development would provide a 1 bed 2 person house.

The building would have a floor area of 50sqm, with an external courtyard area of approximately 17.4sqm. The surrounding walls would raise up to 3.7m and would drop down with a sloped green roof into the middle courtyard.

2. Considerations:

The main issues to consider in this case are as follows:

- Land use
- Design and heritage
- Standard of accommodation
- Affordable housing
- Trees and vegetation
- Sustainability
- Amenity
- Transport
- Planning balance

3. Land Use

The application site would have been the garden of no. 65 Agar Grove. There is no indication that this area of the site has been previously separated from the garden at no. 65, as such it is necessary to establish the appropriateness of using this space as a development site.

The National Planning Policy Framework (NPPF) paragraph 71 suggests local planning authorities should consider setting out policies to resist inappropriate development of residential gardens. Paragraph 124 indicates that planning policies and decisions should support development that makes efficient use of land, taking into account the desirability of maintaining an area's prevailing character and setting, including residential gardens. In essence the NPPF considers that the use of gardens for development purposes should not always be supported.

Policy G1 notes that the Council will focus Camden's growth in the most suitable locations, with limited change being acceptable within areas not identified as growth areas or highly accessible locations. Additionally, Policy H1 identifies housing as the priority land use in the borough, however, officers have to balance the need for new housing against other statutory considerations including the protection of Camden's conservation areas and the protection of neighbouring amenity.

Furthermore, policies D1 (Design) and D2 (Heritage), expect development to respect the character of its surroundings, conserve heritage and provide environmental improvements. Due to the pattern of development, no. 65 and the adjacent properties, have their rear gardens congregating into a central triangle at their rear. Towards the central point, the gardens become more rich in vegetation, and

create green corridors which support wildlife and biodiversity. There are some other structures within the gardens of adjacent properties, incidental to the main dwellings, but none provide self-contained accommodation. The reduction in amenity space for no. 65 and loss of garden space to accommodate a dwelling in this location would not be acceptable in principle.

The proposal would provide a 1bedroom 2 persons dwelling which is not a priority for the Council, for market properties, contrary to policy H7.

Table 1: Dwelling Size Priorities

	1-bedroom (or studio)	2-bedroom	3-bedroom	4-bedroom (or more)
Social-affordable rented	lower	high	high	medium
Intermediate affordable	high	medium	lower	lower
Market	lower	high	high	lower

4. As the proposal would result in loss of garden and amenity space for the occupiers at no. 65, the principle of building a house in the rear garden at no. 65 is considered unacceptable.**Design and heritage**

The Council's design policies are aimed at achieving the highest standard of design in all developments. 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. It is added that the character of conservation areas derives from the combination of a number of factors, including scale, density, pattern of development, landscape, topography, open space, materials, architectural detailing and uses.

Policy A2 highlights that the Council should protect non-designated spaces including gardens where possible, as they have a significant impact on the character of the area.

CPG Design at para 4.24 indicates, in relation to development in rear gardens, that this should ensure *the siting, location, scale and design has a minimal visual impact, and its visually subordinate to the host garden, not detract from the open character and garden amenity of the neighbouring gardens and the wider surrounding area, use suitable soft landscaping to reduce the impact of the proposed development, ensure building heights will retain visibility over garden walls and fences, use materials which complement the host property and the overall character of the area.*

Para 5.1 of the Camden Square Conservation Area Appraisal identifies that garden areas and their greenery as significant for the character of the conservation area as well as glimpses into the gardens between buildings: *An aerial photograph of the area shows how green it is when taking the private gardens into view. The gardens are most visible at the corners of streets, where the gardens run parallel to the side street. At this point, trees and shrubs appear and give a green and important break between buildings. These are vulnerable places as development may reduce these green gaps and erode the views across the gardens.* It also highlights a problem for the area is the general trend towards intensification of residential use by adding pressure on building in gardens.

No. 65 and adjacent dwellings, front the main street and have a definite front and rear building lines. As such, there is an established character in the area of residential buildings creating the front boundary line along the street and have a front and rear garden. The proposed structure would appear defensive and would dominate the rear garden of no. 65 by reducing it by more than 50% and extending across three sides of the boundary walls. The structure also appears to have a larger footprint than the main building, which harms the relationship with the main building and unbalances the pattern of development within the area, and fails to appear subordinate or ancillary as a result.

The proposed structure would extend along the full width of the rear garden with a high brick wall facing the rear of no. 65, with a small opening into the internal courtyard and thin high-level window. A sloped roof would project above. Along the boundaries with adjacent properties, the structure would project with high brick walls of red brick which is not characteristic for the area. All habitable rooms of the building would have large, glazed doors which open into the internal courtyard created. Whilst single storey, when seen from the garden of no. 65 and neighbouring ones, the structure would appear oppressive and dominating and generally not within the character of the area. The structure would be inward looking and given its detailed design and position this would reduce visibility across the gardens and harm their openness. Due to its position and detailed design the proposed structure would appear as an alien insular element within a rich historic environment, which does not contribute positively to its character, nor does it preserve it.

The provision of new housing development is encouraged and would provide additional housing within the Borough, in accordance with policy H1 of the Camden Local Plan. Policy H6 recognises that NPPF guidance supports people who want to build their own homes, by having the required professional services or by employing other professionals to build a bespoke home to personal specifications. However, this needs to be balanced against the identified heritage, design and amenity impacts set out below.

The Council has a duty to ensure that any proposed development in Conservation Area either preserves or enhances the character or appearance of the Conservation Area. The proposed new dwelling, due to its position, bulk and detailed design would be overly dominant and visually intrusive to the host garden, which will then detract from its open character and garden amenity of the neighbouring ones, and the wider surrounding area. The building would be greatly visible over garden walls and fences, which will harm the character and appearance of the conservation area.

5. Standard of accommodation

In terms of standard of accommodation, the proposed dwelling would include a living area with kitchen and dining area of 31.6sqm, and one double bedroom of 11.3sqm. The living area would be sufficient for 1 bedroom 2 persons dwelling, however the bedroom area would be below the national minimum requirement of 11.5sqm. Given its inward-looking design, the dwelling would be single aspect, which contributes to a poor standard of accommodation.

In relation to the internal levels of daylight and sunlight, no assessment was submitted to demonstrate that the light levels within the dwelling would meet BRE minimum standards. It is noted that the assessment relates to the previous proposal for a single storey above ground structure; however, due to the position and location of the building and sun orientation, it is considered that the findings of this report would be relevant for the proposed scheme which includes an additional storey, and therefore accepted.

The proposed dwelling would have a GIA of 50.63sqm, which meets the minimum national space standards for a 1 bed 2 person dwelling (50sqm). Due to the floor area proposed, the development would not be subject to an affordable housing contribution.

Waste and recycling facilities have been provided to the front garden, in the same location where cycling facilities have been secured for the conversion of the property at no. 65 into three flats (app ref 2020/0511/P). It is therefore unclear if sufficient space can be accommodated for waste provision as well as cycling. A reason for refusal would be added in this regard.

6. Trees and vegetation

There is an existing mature tree sited in the area of the rear garden where the proposed development is to be located. No information has been provided in relation to this tree to establish if its removal to facilitate development would be acceptable. Glimpses of the tree can be seen in the gap between the buildings and therefore this contributes to the amenity of the area. As it stands, the existing tree would

be removed to facilitate development which is considered harmful to the character of the host and neighbouring gardens, and appearance of the area generally.

There are other mature trees adjacent to the application site and no information has been provided to ensure their wellbeing would not be harmed by the proposed development. Also, given the proposed additional height at the rear of the site, it is unclear if due to the close proximity of the structure to the neighbouring trees, this would result in heavy trimming of those to ensure no damage to the building and retention of adequate levels of daylight and sunlight.

The CGIs provided with this application show the roofs of the proposed building being green and covered by low vegetation. There are no annotations of the submitted drawings to indicate the sloped roofs would be green. Whilst the green roof would add to the biodiversity of the area, the overall development would result in loss of existing garden space, which could hold intensive vegetation, richer than the proposed green roof, would be considered harmful to the area.

Due to the tree's height and shape, and close proximity to the rear boundary of the site, it is noted that the height of the structure could infringe into trees growth in terms of crown expansion. This is considered to affect the quality of the tree's amenity value, however it would not constitute a reason for refusal, in this instance.

7. Sustainability

Policy CC1 requires all development to minimise the effects of climate change by reducing their carbon emissions, towards net-zero. Policy CC2 requires that all development should adopt appropriate climate change adaptation measures like protecting existing green spaces and promote green infrastructure, not increase and where possible, reduce surface water run-off through permeable surfaces and use of Sustainable Drainage Systems (SUDs). Development schemes should demonstrate how adaptation measures and sustainable development principles have been incorporated into the design and proposed implementation.

The proposed new dwelling would occupy the rear garden area of the site, which would result in significant increase in surface water run-off, and harm the existing garden space. No information about SUDs has been provided and whilst the green roof can reduce water run-off would not be considered sufficient in this instance.

The heating system proposed would be a ground source heat pump, which in principle would be acceptable; however, no additional information has been provided to explain how this could be implemented given the geology of the site, clarification of any above ground impact on the garden, and what would be the energy savings. As such, without further information on the heating system, SUDs, and how the proposed dwelling would be built and operate as net-zero, the proposal would increase the carbon emissions and surface water run-off in the borough which is not acceptable.

8. Amenity

The proposal would sit in the rear garden of no. 65, and project along the boundaries with the neighbouring buildings. Given its location, the proposed development would be set away from the main rear elevations and windows of neighbouring properties, and therefore no reduction of daylight, sunlight, or outlook would be caused to the occupiers of the adjacent buildings.

Due to the proposed design, there are no windows serving habitable rooms overlooking the neighbouring gardens, and no overlooking would be caused to the future occupiers of the application building.

The proposed structure to be used as a single-family dwelling, would intensify the use of this part of the garden, bringing additional noise and light pollution in an area which generally is kept dark and

tranquil. It is therefore considered that the proposal due to its use, design and position, has the potential to harmfully affect the quality of life of neighbouring occupiers.

Furthermore, under planning application 2020/0511/P, permission was granted for the property at no. 65 to be converted into 3 flats along with other extensions and alterations. This decision secured the rear garden area where the new dwelling is proposed, to be used as a communal garden for the two flats at the upper floors. The current submission would remove the potential for the new occupiers to benefit from the amenity space secured under this previous permission, and therefore this will not be supported by officers.

9. Transport

In line with London Plan and policy T1, for a 1 bedroom 2 person dwelling provision of 1.5 cycling spaces is required. The proposed development does not include provision of cycling facilities, and this lack of cycle parking provision therefore forms a reason for refusal.

As the proposal includes creation of one new residential home, if it were to be approved, in line with T1 and T2, the development would have been secured as car-free via a section 106 legal agreement. In the absence of s106 agreement this forms a reason for refusal.

If the proposals were to be approved, to ensure the construction works would be coordinated and not add to the existing traffic pressure on the surrounding streets, a Construction Management Plan (CMP) would have been secured via section 106 legal agreement. In the absence of a s106 agreement this forms a reason for refusal.

10. Planning balance

The proposed scheme has been balanced in line with the statutory duty to ensure that any proposed development either preserves or enhances the character or appearance of the Conservation Area, as required under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Enterprise and Regulatory Reform Act 2013 and the provision of new family dwelling, in line with policies H1, H6, H7, D1 and D2.

The proposed development would cause less than substantial harm to the significance of the Camden Square Conservation Area. This would unbalance the current pattern of development to the rear of the existing properties which are characterised by mature gardens which provide valuable outdoor amenity space for residents of the area and contribute to the overall appearance and setting of the conservation area. Furthermore, the Camden Square Conservation Area Statement highlights the important contribution gardens and the gaps between buildings where they can be seen make to the general character and appearance of the area.

Whilst the proposal tries to include greenery across the building's roofs to fit in with the garden character and enhance biodiversity, given the position, bulk and design of the new structure, this is not considered to preserve or enhance the character of the conservation area, and therefore would not outweigh the harm caused. The proposals would also set a worrying precedent for further back land development of this nature which would cause significant and irrevocable harm to the character and appearance of the conservation and neighbouring amenity.

11. Recommendation:- Refuse planning permission

Reasons for refusal:

1. The proposed development by virtue of its position, bulk and detailed design, would appear as an incongruous development that would have an adverse impact on the character and appearance of the host and neighbouring buildings and surrounding Camden Square

Conservation Area, contrary to policies D1 (Design) and D2 (Heritage) of the London Borough of Camden Local Plan 2017.

2. The proposed development, by reason of the inadequate level of outlook provided for future occupants of the dwelling would result in a poor standard of accommodation, contrary to policies A1 (Managing the impact of development), D1 (Design) and H7 (Large and small homes) of the London Borough of Camden Local Plan 2017.
3. The proposed development, in the absence of any cycling parking provision, would fail to promote sustainable transport in the borough, contrary to policy T1 (Prioritising walking, cycling and public transport) of London Borough of Camden Local Plan 2017.
4. The proposed development, by reason of the removal of an existing mature tree on site and absence of any information relating to the protection of trees on site and at neighbouring gardens, would impact upon the visual amenity and character of Camden Square Conservation Area, contrary to policies A2 (Open Space), A3 (Biodiversity), D1 (Design), D2 (Heritage) of London Borough of Camden Local Plan 2017.
5. The proposed development, in the absence of a legal agreement for car-free housing, would be likely to contribute unacceptably to parking stress and congestion in the surrounding area, contrary to policy T2 (Parking and car-free development) of London Borough of Camden Local Plan 2017.
6. The proposed development, in the absence of a legal agreement securing a construction management plan, would be likely to give rise to conflicts with other road users, and be detrimental to the amenities of the area generally, contrary to policies A1(Managing the impact of development), T3 (Transport Infrastructure), T4 (Sustainable movement of goods and materials) of London Borough of Camden Local Plan 2017.
7. The proposed development in the absence of additional information to demonstrate the new dwellings' performance against carbon reduction targets towards net-zero, and reduction of surface water run-off, would be likely to increase the carbon emissions in the borough and surface water run-off, contrary to policies CC1 (Climate change mitigation) and CC2 (Climate change adaptation) of London Borough of Camden Local Plan 2017.