

# Enforcement Delegated Report

Receipt date:

14/08/2020

## Officer

Gary Bakall

## Enforcement Case

EN21/0360

## Breach Address

Flat E  
45 Belsize Park Gardens  
London  
NW3 4JL

## Photos & Other material

On file

## Authorised Officer Signature



31/01/2022

## Alleged Breach

Unauthorised erection of large outbuilding in rear garden

## Recommendation(s):

That the Borough Solicitor be instructed to issue an Enforcement Notice under Section 172 of the Town and Country Planning act 1990 as amended for the removal of the large outbuilding from the rear garden and officers be authorised in the event of non-compliance, to commence legal proceedings under Section 179 or other appropriate power and/or take direct action under Section 178 in order to secure the cessation of the breach of planning control

## Priority:

P3

## Site Description

The site comprises a semi-detached, 3-storey plus lower ground and attic floors, residential property, currently in use as 7 flats and located on the south side of Belsize Park Gardens. It lies within a street of similar type properties that are all in residential use and predominately converted into flats. The properties have a stucco frontages at lower ground and ground floor levels, with yellow stock brickwork on the upper floors. The houses are fairly homogenous in their design, although some of the property frontages have been altered over time.

The building is not listed but lies within the Belsize Conservation Area and is identified as making a positive contribution to the character and appearance of the conservation area.

## Investigation History

## Relevant policies / GPDO Category

**NPPF 2021**- Chapter 16 (Conserving and enhancing the historic environment)

**London Plan 2021**- Policy D4 ( Delivering Good Design)

### **Camden Local Plan 2017:**

D1 (Design)

D2 (Heritage)

**Belsize Conservation Area Statement 2003**

### **Camden Planning Guidance 2021:**

CPG- Design (2021)- Chapters:1, 2, 3

CPG – Home Improvements (2021)

## Assessment

### **Planning history:**

**08/05/1975** – Permission granted for the change of use to seven dwelling units, including works of conversion and the construction of a front dormer window. (Ref: G8/11/22/20574)

### **Issues:**

The main issue is the large size, poor quality design and materials of this outbuilding that detract from the property, the street and Belsize Conservation Area. The outbuilding is approximately 3m high, 2m deep and 5m long, taking up the entire rear of the back garden. It was constructed by a tenant in the property using different colour timbers and has corrugated plastic roofing covering half of it. The structure looks rough and half-finished and appears to be primarily used for storage. The garden is communal for the 7 flats in the property and this structure as well as detracting from the visual amenity also limits the use of the garden for the other residents.

Although the Council has granted planning permission for outbuildings in gardens in Belsize Park Gardens these are smaller in scale, much better designed and have green roofs in line with Policy A3(Biodiversity) that seeks to protect features with nature conservation value like gardens and Camden Planning Guidance for Home Improvements. As this outbuilding has reduced the size of the garden area without providing a green roof it is not in compliance with policy A3.

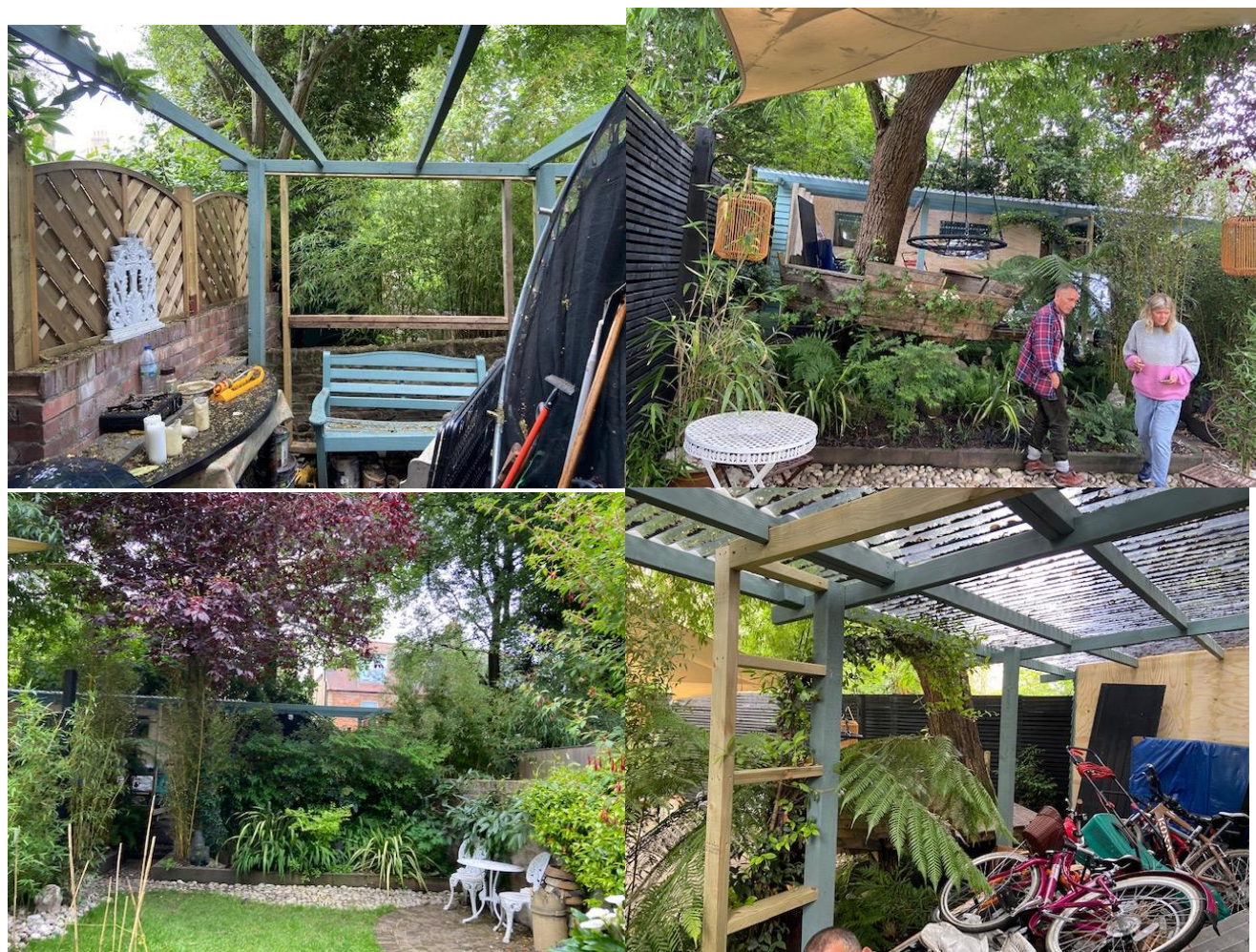
Policy D1 (Design) of Camden's Local Plan 2017 seeks a high standard of design and requires new development to (a) respect local character and context, (b) preserve or enhance heritage assets, (c) is sustainable in design and construction, (e) comprise details and materials that are high quality and complement local character, (f) integrates well with surrounding streets and open space and (j) responds to natural features and preserves gardens. Policy D2 (Heritage) advocates for the preservation and where appropriate, enhancement of Camden's rich and diverse heritage assets, and their settings, including conservation areas.

The site lies within the core of a designated conservation area, and is identified on page 12 in the conservation area statement as making a positive contribution to the character and appearance of the conservation area. The site is located in sub area one where Belsize Park Gardens is characterised as; 'The closely spaced villas maintain a continuous building line and their repeated forms with narrow gaps between give a uniform rhythm to the street and provide important, glimpsed views.' There is a duty to preserve and enhance the character and appearance of Conservation Areas under S.72 of the Listed Buildings and Conservation Areas Act 1990 (as amended). On a site which is identified as a 'positive contributor' the need to preserve or enhance is always going to be a driving factor.

Paragraph 202 in the NPPF 2021, says “where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use”. Less than substantial harm in this case is the impact that the development has on the setting of the heritage asset. The Council can see no public benefit in terms of the development that has occurred at the site and therefore it does not outweigh the less than substantial harm caused to this designated heritage asset.

The outbuilding can be seen from the rear of properties located in Belsize Park Gardens, Lambolle Road and Belsize Square. The unauthorised outbuilding is therefore considered to not preserve or enhance the character and appearance of this part of the conservation area or the host building on which it is attached. It would also set an unacceptable precedent for large outbuildings in rear gardens.

#### **Unauthorised:**



#### **Recommendation:**

That the Borough Solicitor be instructed to issue an Enforcement Notice under Section 172 of the Town and Country Planning act 1990 as amended for the Installation of a timber outbuilding in the rear garden I, and officers be authorised in the event of non-compliance, to commence legal proceedings under Section 179 or other appropriate power and/or take direct action under Section 178 in order to secure the cessation of the breach of planning control.

#### **The notice shall allege the following breaches of planning control:**

Installation of a timber outbuilding in the rear garden

**WHAT ARE YOU REQUIRED TO DO:**

1. Totally remove the timber outbuilding in the rear garden; and
2. Remove any resulting debris and make good any damage caused as a result of the above works

**PERIOD OF COMPLIANCE: One Month****REASONS WHY THE COUNCIL CONSIDER IT EXPEDIENT TO ISSUE THE NOTICE:**

The timber outbuilding that has been erected at the rear of the property by reason of its large size, poor detailed design and materials is considered to detract from the appearance of the host building and the character and appearance of the wider streetscape and this part of the Belsize Conservation Area, and detracts from the biodiversity of the area and is thereby contrary to policies D1 (Design), D2 (Heritage) and A3 (Biodiversity) of the London Borough of Camden Local Plan 2017.