

Date: Monday 16th May 2022
PINS Refs: APP/X5210/C/22/3295507
Our Ref: EN21/0360
Contact: Gary Bakall
Direct Line: 020 7974 5618
Email: gary.bakall@camden.gov.uk

Craig Maxwell
3B
Temple Quay House
2 The Square
Bristol
BS1 6PN

Dear Mr Hamilton

Appeal by Mr Barry McGinlay
Site address: 45 Belsize Park Gardens (Flat E), London, NW3 4JL

Appeal against

- **The service of an enforcement notice dated 14th February 2022 requiring removal of the timber outbuilding in the rear garden, removal of any resulting debris and making good any damage caused as a result of the above works.**

The Council's case is largely set out in the officer's delegated report, which details the site and surroundings, the site history and an assessment of the proposal. Copies of the reports were submitted alongside the appeal questionnaires.

In addition to the documents sent with the questionnaire I would be pleased if the Inspector would take into account the following information and comments before deciding the appeal.

1.0 Summary

1.1 The subject property is a large, stucco fronted, semi-detached, 3 storey plus lower ground and attic floors, with timber sash windows. It is currently in use as 7 residential flats and is located on the south side of Belsize Park Gardens. The property 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

1.2 The area is typified by the large, mature gardens and in the communal garden to this property the tenant of Flat E constructed a large outbuilding at the bottom of the garden in May 2021 without consent from the freeholder or the other tenants within the property. The outbuilding takes up practically the entire width of the garden, 5metres, is nearly 3metres in height and over 2metres deep, although mostly open at the front it appears a relatively crude structure being built out of different colour timbers and with clear, plastic corrugated roof.

1.3 There are outbuildings in neighbouring gardens some that have received planning permission however these are built to a much better design, using sympathetic materials and mostly constructed with a green, or living, roof.

1.4 This statement covers the appeal on grounds (a) that planning permission should be granted for the development.

2.0 Status of policies and guidance

2.1 In considering the application, the London Borough of Camden has had regard to the relevant legislation, government guidance, statutory development plans and the particular circumstances of the case.

2.2 The Camden Local Plan was adopted on the 3rd. July 2017.

2.3 The latest NPPF was adopted in July 2021 and the Council's policies are in accordance in relation to this appeal.

2.4 The relevant policies in the Local Plan are set out in the Delegated report.

Please note that the full text of the relevant policies was submitted alongside the questionnaire documents.

3.0 Comments on the Appellant's Grounds of Appeal

SUMMARY OF GROUNDS OF APPEAL

The appellant's grounds of appeal (ground a) are addressed beneath:

3.1. The appellants only ground of appeal is Ground (a) – that planning permission should be granted for what is alleged in the notice. It appears that most of the appellant's statement is not strictly relevant but all points will be addressed.

3.2 The garden is communal for all residents in the property and any alterations requires landlord consent from the Council. It would be expected that some consultation with the other tenants would take place before changes took place however it is reported from other residents that Mr McGinlay has taken over the garden and resents other residents using it. He has put a lock on the side gate and has not given keys to the other tenants, taken up planting put in by other residents and is intimidating to other residents especially when he has friends in the garden.

3.3 Mr McGinlay was advised by letter on 10th June 2021 that this outbuilding was a breach of planning control and at a meeting on site on June 15th was informed that the current structure was unlikely to receive planning permission because of the poor materials and design and the lack of a green roof but that something else may be acceptable. It was assumed that Mr McGinlay would take the opportunity to consult with the other residents and apply for something that addressed the Council's concerns. A follow up letter warning of enforcement action in September was apparently not received.

3.4 While the Council supports the improvement of rear gardens and does not dispute that outbuildings can add to the amenity of such spaces this does not detract from the fact that such structures are building operations that require planning approval and that Belsize Park Gardens is in the centre of Belsize Park Conservation Area and surrounded by well-maintained properties and rear gardens where design and sustainability are recognised as important.

3.5 The appellant states he has used natural materials of timber and York stone. The size of

the structure reduces the amount of biodiversity in the garden and offers nothing in return, the roof is clear, corrugated plastic that appears an incongruous feature in the garden and a long way away from the green or living roof the Council expects. The poor design of the structure with non-matching timbers, large expanses of plywood and corrugated plastic does not preserve or enhance the surrounding Belsize Park Conservation Area.

3.6 The shed in the garden of no. 49 received planning permission in 1996 ref: PW96/05164, and in any case is much smaller than the appellant's structure. There is no planning history for a large outbuilding at this address and it is believed to have been here for many years and would likely have been erected under permitted development rights. There is no planning history for rear garden sheds or outbuildings at no. 47. The outbuilding at no. 43 received planning permission 17/02/2016 ref. 2015/5803/P that is, before the current Local Development Framework came into force that requires more attention be given to sustainability especially in garden developments, no record of permission being granted for any small shed at this address. No. 39 has no planning history for any form of outbuilding.

4.0 Conclusion

4.1 Large outbuildings can be suitable in the rear gardens however they have to be built to an acceptable design, with sympathetic materials and a green roof that encourages biodiversity. The appellants have not tried to design a building that blends in with the surroundings or helps biodiversity rather have tried to create structure cheaply to benefit their own use (and apparent take-over) of what should be a communal garden. This structure does not benefit the other residents in the property who are actually discouraged from using the garden by Mr McGinlay and no attempt was made by the appellant to discuss the design or need for this outbuilding either before he erected it or before he applied for planning permission.

4.2 This outbuilding would not receive planning permission because of its poor build quality, inappropriate materials including corrugated plastic and the development failure to realise any benefits for biodiversity.

5.0 Other Matters

5.1 On the basis of information available and having regard to the entirety of the Council's submissions, including the content of this letter, the Inspector is respectfully requested to dismiss the appeals.

5.2 Should any further clarification of the appeal submissions be required please do not hesitate to contact Gary Bakall on the above direct dial number or email address.

Yours sincerely

Gary Bakall

Deputy Manager, Planning Enforcement
Culture and Environment Directorate