

**GARDEN SHELTER CONSTRUCTED AT**  
**45 BELSIZE PARK GARDENS, LONDON NW3 4JL**

**Planning Appeal ref APP/X5210/C/22/3295507**  
**L A Reference EN21/0360**

**COMMENTS ON CAMDEN COUNCIL'S APPEAL STATEMENT**

**1. Camden's Delegated Report dated 14/08/2020**

**Issues – Poor quality design and materials detract from the property, the street and Belsize Conservation Area.**

The principal issue raised in the delegated report as to why a planning application was needed, is that it was of poor quality design and materials in a Conservation Area.

The Council's standards of design are laid down in Policy D1 and when this policy is examined it can be seen that the open timber shelter complies with each of the criteria.

***Policy D1 (Design) of Camden's Local Plan 2017***

***a) Respect the local character and context:***

**The character and context of the garden at 45 is that of mature trees shrubs and vegetation with a lot of foliage. The garden shelter of lightweight wooden open structure respects this character and context**

***b) Preserve and enhance the heritage assets:***

**The heritage assets of this part of the Conservation Area are of large buildings with leafy gardens. The Shelter erected preserves this asset.**

***c) Is sustainable in design:***

**The timber and York stone construction is made using reclaimed sustainable materials**

***e) Comprise materials of high quality and compliment local character:***

**The materials used, timber and York stone are of good quality and in character with the area.**

***f) Integrates well with surrounding streets and open spaces and responds to natural features and preserves gardens:***

**The open lightweight structure is designed to integrate with the open spaces and the natural features of this area and it preserves and enhances the garden.**

**2. Conservation Area**

**The Conservation area advisory committee for Camden Council has been consulted regarding the Retrospective Planning Application for the Garden Shelter and has confirm that they have no objection. A copy of their consultation document is attached.**

### **3. Camden's Council Statement**

**Para 1.3** The Council does not identify or give detail of any nearby properties that have outbuildings with green roofs. We are unaware of any outbuildings in the local vicinity that have green or living roofs. The large outbuilding at 43 that has recently been granted Planning Permission has not been constructed with a green roof.

**Para 3.2** The Council does not produce any evidence that other residents resent Mr McGinlay's efforts to improve the garden or that they resents other tenants using the garden.

Mr McGinlay welcomes other residents using the garden as many do.

It is also claimed that Mr McGinlay placed a lock on the gate but provided no key.

Again, no evidence has been produced to validate such claims, which are denied.

On the contrary the third party representations give evidence that the tenants of 45 Belsize Park Gardens fully support and endorse the construction of the shelter and appreciate Mr McGinlay's efforts in making the garden a pleasant usable space for all the residents.

The lock on the side gate was installed to deter thefts from the rear garden as the tenant in the rear garden flat had several items stolen. The lock is a combination code lock and does not need a key, all residents were given the combination code.

**Para 3.3** No letter was received by Mr McGinlay and had it been received he would have immediately made a planning Application, as indeed he did as soon as he received the Enforcement Notice.

The current Planning Application, ref 2022/0799/P, dated 29/03/2022 is currently under consideration for the Retrospective Planning Permission. The Conservation area advisory committee has been consulted with the same drawings as submitted with this appeal and has replied conforming they have no objection. A copy of their consultation document is attached.

**Dated 03 June 2022**