

Flat A 16, Harley Road, London, NW3 3BN



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02. Site photos



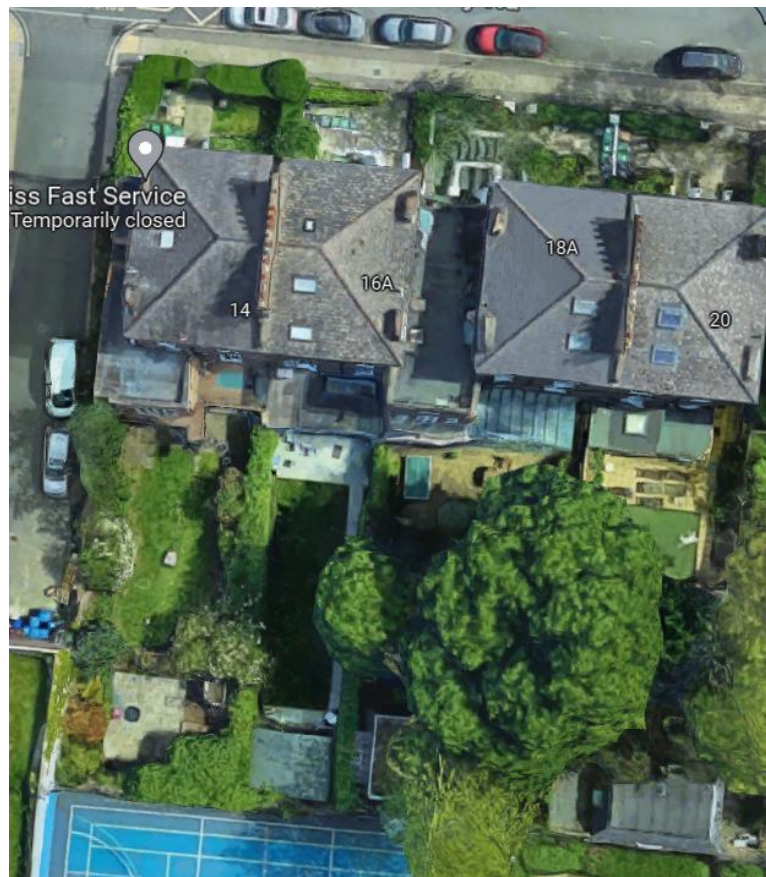
1. Rear garden of 16A Harley Road and existing rear garden timber outbuilding



2. Existing plumbing system to be reused for new toilet in the proposed outbuilding



3. Rear garden and existing outbuilding, including trees and vegetation as boundary treatments to the sides and rear of the application site



4. Ariel View of the application site (second from left) and neighbouring sites to the sides and rear

Delegated Report (Members Briefing)		Analysis sheet	Expiry Date:	02/06/2022
		N/A / attached	Consultation Expiry Date:	22/05/2022
Officer			Application Number(s)	
Amy Ly			2022/0742/P	
Application Address			Drawing Numbers	
16 Flat A Harley Road London NW3 3BN			<i>See draft decision notice</i>	
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature	
Proposal(s)				
Erection of rear garden outbuilding.				
Recommendation:	Grant conditional planning permission			
Application Type:	Full Planning Permission			

Conditions or Reasons for Refusal:	<i>Refer to Draft Decision Notice</i>			
Informatives:				
Consultations				
Summary of consultation:	<p>A site notice(s) was displayed near to the site on the 22/04/22 (consultation expiry date 16/05/22).</p> <p>The application was also advertised in the local press on the 28/04/22 (consultation expiry date 22/05/22).</p>			
Adjoining Occupiers:	No. of responses	00	No. of objections	00
Summary of consultation responses:	No letters received from local residents following the statutory consultation period.			
Elsworthy CAAC:	<p>A letter of objection was received on behalf of the CAAC. Their objection can be summarised as follows:</p> <ul style="list-style-type: none"> The proposed replacement outbuilding should not cover the full width of the garden, and a gap should be provided between the neighbouring properties at no.14 and 18 Harley Road. <p><u><i>Officer's response:</i></u> <i>Please see sections 3 of the assessment section of the officer's report.</i></p>			

Site Description

The application site relates to 16A Harley Road, the basement flat of a four storey property located on the southern side of Harley Road. To the rear, the site has a generous garden area which provides private amenity space for the occupiers of the host flat.

The site is located within the Elsworthy Conservation Area. The building is not a listed building but is identified as making a positive contribution to the character of the conservation area. The view into the Conservation Area looking south-east along Harley Road has been identified as a notable view.

Relevant History

The planning history for the application site can be summarised as follows:

16A Harley Road

H7/18/B/30238 - 16 -18 Harley Road - Change of use including works of conversion to form sixteen self-contained flats and the erection of two four-storey linking blocks between the houses. **Granted 15/11/82**

2005/5416/P - Erection of a conservatory at basement (garden) level and a two storey extension to side and rear incorporating a ground floor rear terrace with staircase leading down to garden level, to provide additional accommodation for the existing maisonette at basement and ground floor level. - **Granted 10/03/2005**

2009/3294/P - Erection of single storey extension with green roof and two roof lights to rear of garden flat (Class C3). **Granted 29/09/2009**

2011/4212/P - Erection of a single storey rear extension and alterations to front to include enlargement of window and front lower ground floor level, new side entrance access steps, new side window and replacement of existing side entrance door, and associated landscaping works to lower ground floor residential flat (Class C3). Change of the access down to the property **Granted 30/09/2011 (and implemented)**

9 Harley Road

2015/7015/P - Replacement of the rear conservatory; excavation of lower ground floor/basement level at the rear of the house; alterations to the front boundary fence and vehicle access; relocation of summer house in the rear garden; alterations to front entrance portico and alterations to the front elevation dormer window. **Granted subject to S106 legal agreement 20/07/2016**

2019/5388/P - Erection of single storey ground floor rear extension; excavation of basement level, relocation of summer house in the rear garden, installation of plant equipment at basement level, associated alterations, demolition of rear conservatory. **Granted subject to S106 legal agreement 07/04/2021**

Relevant policies

National Planning Policy Framework (2021)

The London Plan (2021)

Camden Local Plan (2017)

- A1 Managing the impact of development
- D1 Design
- D2 Heritage
- CC3

Camden Planning Guidance:

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

Conservation Statements:

- Elsworthy Conservation Area appraisal and management strategy 2009

Assessment

1. The proposal

- 1.1. Planning permission is sought for the erection of a single storey rear garden outbuilding with a green roof above and canopy in front, following removal of the existing timber rear garden outbuilding. The proposed outbuilding would sit in the same location as the existing outbuilding at the end of the rear garden, which serves the lower and upper ground floor flat, and would provide an office space with a toilet.
- 1.2. The existing garden has an area of approx. 122sqm. The proposed outbuilding would have a gross internal floor area of approx. 30sqm (GIA), with a width of 5.4m, a length of 6.3m and a height of 3m. A porch area covered with a glazed canopy is proposed in front with an area of 6sqm, which would provide an external ramp to the entrance.
- 1.3. Compared with the current situation, the proposed outbuilding would occupy an additional 11sqm of the rear garden.
- 1.4. The structure would be timber clad with glazing to the front elevation and cement boards to the side and rear elevations, with a green roof on top and one small rooflight.

2. Assessment

The key considerations material to the determination of this application are as follows:

- Design and Heritage
- Impact on neighbours/Amenity

3. Design and Conservation

- 3.1. 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.
- 3.2. 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.
- 3.3. The Elsworthy Conservation Area Appraisal and Management Strategy (2009) states that the upper part of Harley Road retains original gateposts in front of many of the houses, but the original low, white-washed walls have in most cases been replaced with inconsistent heights or using out-of-keeping materials. Hedges are commonplace and replace railings lost as a result of World War II metal collections. It does not provide any specific guidance on development within rear gardens. It therefore needs to be assessed whether the erection of the outbuilding would preserve or enhance this character, in line with Local Plan Policy D2 and whether it would cause harm to the significance of the conservation area through an impact on its setting.
- 3.4. Camden Planning Guidance (CPG) states that the construction of garden buildings, including sheds, stand-alone green houses, and other structures in rear gardens, can often have a significant impact upon the character of an area. The Council therefore seeks to ensure the siting, location, scale and design of the proposed development has a minimal visual impact on, retains the garden openness and is visually subordinate to, the host and surrounding gardens.
- 3.5. In this instance, the proposed outbuilding would be considered modest in size and sit comfortably at the rear of a relatively long garden. Concerns have been raised by the CAAC that the outbuilding should not extend across the full width of the garden and should be set in from the sides with the neighbouring properties. Due to the existing site constraints and boundary treatments, the outbuilding would sit 0.7m

from the rear boundary, and 0.3m from each side boundary, to retain the hedges and trees on the boundaries. As such, although the gaps are modest in size, it would not appear full width.

- 3.6. Due to its size and scale, the outbuilding would not over dominate the garden space and would retain sufficient garden area, proportionate for the host building and its setting. The neighbouring properties on the same side of the street have existing outbuildings at the rear of the gardens which are similar in scale and siting. The proposed outbuilding would be screened from views from the street by the main building and would therefore be considered to be with in keeping with the character and appearance of the street and would not be visually prominent from public viewpoints. As such, it is considered that the spatial quality of the conservation area would not be eroded by the proposal which would read as an ancillary structure which would not impede the legibility of the area as a private garden space.
- 3.7. The proposed outbuilding would be of timber construction and cladding, with cement boards to the side and rear elevations and metal coping, a sedum roof above, and would be readily discernible as an ancillary structure of semi-permanent nature. The front door of the structure would be glazed with a porch at the entrance covered with a glazed and timber canopy, and 2 modest windows. A full height obscured glazed window is proposed at the rear and a small rooflight is proposed on the roof of the structure above the toilet. Overall, it is considered that the structure would blend in within the garden setting and wider area.
- 3.8. Overall, when compared with the current situation the proposal would have no additional harmful impact on the character and appearance of the rear garden, nor to the level of greenery and biodiversity (see section 4 below for further details). As such, due to its modest scale, position and detailed design, the proposal is considered to preserve the character and appearance of the conservation area and not cause any harm to the character or appearance of the host building. Considerable importance and weight has been attached to the harm and 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 Listed Buildings and Conservation Areas Act 1990 as amended by the Enterprise and Regulatory Reform Act 2013.

4. Trees and vegetation

- 4.1 Policy A3 advises that the Council will seek to protect gardens, and resist the loss of trees and vegetation of significant amenity, historic, cultural or ecological value. It requires that trees and vegetation which are to be retained to be satisfactorily protected during construction in line with DS5837:2012 'Trees in relation to Design, Demolition and Construction'.
- 4.2 As the proposal would be located in the same position as the existing outbuilding and would only occupy a slightly larger footprint, there are no concerns that harm would be caused to trees or vegetation of significant amenity value at the application site or to the neighbouring boundaries. The proposed outbuilding has been set in from each boundary and would not affect the planting and trees on the shared boundaries, which is accepted.
- 4.3 It is noted that due to the level of greenery, the rear garden as well as the neighbouring ones hold some degree of biodiversity. The proposal is considered to preserve this biodiverse character by providing the green roof and maintaining a modest amount of glazing to ensure no harmful lightspill will be caused, which is accepted.

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.
- 5.2. In terms of impact on neighbouring amenity, due to the proposal's position at the rear of the garden and its size and scale, it is not considered that it would cause harm to the amenity of neighbouring occupiers in terms of loss of light, outlook, privacy, nor light spill. Given the existing context, siting and high boundary treatments, the proposed outbuilding would not result in any significant additional overlooking, loss of privacy or noise disturbance. There is existing overlooking from the upper floor rear windows of the host property however the site benefits from a generous garden measuring 21.4m deep and the nearest windows would be approx. 17m distance away from the proposed outbuilding. Although the glazed window to the rear is full height, it is obscured glazed and does not face into any habitable windows. A condition

has been attached to ensure that the outbuilding would not be used as a separate dwelling, and would serve as an office with a toilet, ancillary to the main residential purpose of the host property.

5.3. The host dwelling currently has approximately 108sqm of rear garden green space, this would be reduced to approximately 99sqm following construction of the proposed outbuilding which is considered to retain a sufficient amount of usable garden space for the occupiers of the dwelling.

6. Sustainability

6.1. The proposed structure would be made of natural resilient materials such as timber, and the proposed green roof would aid to the biodiversity enhancement of the garden and neighbouring ones, it would retain rainwater and act as a good insulator for the roof of the structure. A condition has been attached to ensure that the green roof is installed in accordance with the approved plans. The existing drainage system would be retained and reused for the toilet in the new proposed outbuilding, which is acceptable.

7. Recommendation

7.1. 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 26th September 2022, 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 and search for 'Members Briefing'.

Application ref: 2022/0742/P
Contact: Amy Ly
Tel: 020 7974 8141
Email: Amy.Ly@camden.gov.uk
Date: 21 September 2022

Development Management
Regeneration and Planning
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Lion House
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DRAFT

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Full Planning Permission Granted

Address:
16 Flat A
Harley Road
London
Camden
NW3 3BN

DECISION

Proposal:
Erection of rear garden outbuilding.
Drawing Nos: 200 A; 0553_16A Harley Road Design & Access and Heritage Statement;
050; 001; 100; 300; 010; 020; 030

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 The development hereby permitted shall be carried out in accordance with the following approved plans

200 A; 0553_16A Harley Road Design & Access and Heritage Statement; 050; 001; 100; 300; 010; 020; 030

Reason:

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

- 3 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 policies D1 and D2 of the London Borough of Camden Local Plan 2017.

- 4 The green roof hereby approved shall be fully installed on the outbuilding in accordance with the approved details prior to first occupation and thereafter retained and maintained in accordance with the approved scheme for the duration of the development.

Reason: In order to ensure the development undertakes reasonable measures to take account of biodiversity and the water environment in accordance with Policies A3 and CC3 of the Camden Local Plan 2017.

- 5 The outbuilding hereby permitted shall only be used for purposes ancillary to the main dwellinghouse and shall not be used as a separate residential dwelling or business unit.

Reason: To safeguard the character of the rear garden and the residential amenity of the neighbouring occupiers, and to prevent inappropriate uses in rear gardens, in accordance with the requirements of policies A1 and D1 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 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.
- 3 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) 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.

- 4 Your proposals may be subject to control under the Party Wall etc Act 1996 which covers party wall matters, boundary walls and excavations near neighbouring buildings. You are advised to consult a suitably qualified and experienced Building Engineer.

DRAFT

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:

<https://www.gov.uk/appeal-planning-decision>.

Yours faithfully

Chief Planning Officer

DECISION