

Delegated Report		Analysis sheet	Expiry Date:	22/12/2021
		N/A / attached	Consultation Expiry Date:	06/01/2022
Officer			Application Number(s)	
Miriam Baptist			2021/6220/P	
Application Address			Drawing Numbers	
Lyncroft Studios, Flat 1 282 Finchley Road London NW3 7AD			Refer to Decision Notice	
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature	
Proposal(s)				
Erection of outbuilding in rear garden (retrospective).				
Recommendation(s):		Refuse and Warning of Enforcement Action to be taken		
Application Type:		Full planning permission		

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	00	No. of responses	06	No. of objections	06
			No. electronic	06		
Summary of consultation responses:	<p>Site Notices were displayed on 09/02/2022 and expired on the 05/03/2022.</p> <p>3 adjoining occupiers objected on the following grounds:</p> <ul style="list-style-type: none"> • Outbuilding is in very close proximity to objector’s property and higher than the fence separating the plots. • Ruined pleasant garden views – large and aesthetically unsightly • Overlooks properties on Heath Drive – large windows • Loss of privacy and quiet enjoyment of 2 and 3 Heath Drive’s rear garden • Overshadowing issues • Lights left on overnight shine into bedrooms • Construction of outbuilding destroyed 1/3 garden, and the trees and foliage that predated its construction. No prior notice was given before trees were removed. • No 282 is a HMO with an existing office as a side extension. It is important to note this is not a garden office that may be justifiable for someone working from home but extra commercial office space. • If storage is needed a lower conventional shed could be built. • Loss of natural drainage due to solid structure replacing natural garden – subsequent excess water and flooding affecting subject property and adjacent properties. • Inappropriate building features/ over-specified building for function – if the building as claimed is just a storage facility or rarely used then there is no need for windows, air-con or similar. • Concern over sanitary and drainage system • With water provision already in place a shower can easily be added later, it is not unreasonable to envisage this building becoming an illegal dwelling. • Contrary to the Local Plan • Contrary to the Neighbourhood Plan • Contravenes all principles of the Hampstead Conservation Area <p>The ward councillor objected on the following grounds:</p> <ul style="list-style-type: none"> • Unacceptable garden loss • Poor design • Harm to Conservation Area <p>Officer comment Please see the Officer’s Report below.</p>					

Hampstead CAAC and Heath & Hampstead Local Group comments:

Local group Hampstead Conservation Area Advisory Committee (HCAAC) objected on the following grounds:

- Inadequate information
- Drainage servicing the outbuilding indicates possible full habitable use of the premises which is unacceptable
- The outbuilding irreparably damages and causes harm to the Conservation Area by loss of garden and green amenity. This loss is both for occupants of 282 Finchley Road but to many of the adjoining neighbours that benefit from this as a green corridor to their small rear gardens.
- Contrary to the adopted Redington Froggnal Neighbourhood Plan including SD1, SD2, SD4, SD5, BG1 and BG2.

Local group Heath & Hampstead Society objected on the following grounds:

- Inadequate information
- Concern regarding trees previously on the site, or previously on the site, in light of aerial views. Question whether any tree protection measures were considered for the trees in the close. Noted no Arboricultural Assessment.

Officer comment

Please see the Officer's Report below.

Site Description

The site is the rear garden of a two storey semi-detached house subdivided into 9 self-contained flats. The rear garden is a long narrow plot running adjacent to the small rear gardens of nos 1, 2, and 3 Heath Drive and the rear garden of neighbouring no 284 Finchley Road. It is noted that the ground level of the application site is higher than the adjacent neighbouring plots on Heath Drive.

The property is not listed and does not lie within a Conservation Area, but the adjacent sites, nos 1-3 Heath Drive, do fall within the Redington Froggnal Conservation Area. The immediate surrounding area is residential in character.

Relevant History

Application site:

2018/4695/P - Notification for Prior Approval for the change of use from office use (B1a) to residential use (C3) at ground and first floor levels to provide 4 x 1 bedroom residential units. Installation of secure cycle store for 4 bicycle's at the forecourt – *Prior Approval Granted subject to section 106 legal agreement*

2018/6295/P - Notification for prior approval for the change of use from office use (B1a) to residential use (C3) at ground and first floor levels to provide 8 x 1 bedroom residential units; installation of cycle store – *Prior Approval Granted subject to section 106 legal agreement*

2019/4111/P - Erection of single storey rear extension, installation of 2 x rooflights to rear and side roofslope - *Granted*

Relevant policies

National Planning Policy Framework (2021)

London Plan (2021)

Camden Local Plan (2017)

Policy A1 – Managing the impact of development

Policy A2 – Open space

Policy A3 – Biodiversity

Policy A4 – Noise and vibration

Policy D1 – Design

Policy D2 – Heritage

Policy CC1 – Climate Change Mitigation

Policy CC2 – Adapting to Climate Change

Policy CC3 – Water and Flooding

Camden Planning Guidance

Design (2021)

Amenity (2021)

Home improvements (2021)

Biodiversity (2018)

Trees (2019)

Water and flooding (2019)

Energy efficiency and adaptation (2021)

Redington Froggnal Neighbourhood Plan (2021)

SD2 – Redington Froggnal Conservation Area

SD4 – Redington Froggnal Character

SD5 – Dwellings: Extensions and Garden Development

BGI 1 – Gardens and Ecology

BGI 2 – Tree Planting and Preservation

Redington and Froggnal Conservation Area Statement (2000)

Assessment

1 Proposal

1.1 Planning permission is sought for the retrospective erection of a single storey outbuilding to the rear garden as an office/for office storage. The proposal is near full width in the middle of the garden leaving 300mm on one side (150mm with the roof overhang) while 800mm remains on the other side of the plot (500mm with the roof overhang). To the rear an AC unit and services are mounted to the exterior wall and ground.

1.2 The outbuilding footprint is approximately 17.7 sqm, 3300mm wide at its widest, 6010mm deep (7530mm including steps to approach) and 2975mm in height. It is clad in timber with 3 PVC windows and is fitted with a WC and sink.

1.3 The overall area of the garden measures approximately 130 sqm, which means the proposed outbuilding occupies approximately 13% of the garden. In terms of the area of hard/impermeable surfacing that the project adds to the garden, with the roof covering and pathway, this occupies approximately 29% of the garden. In terms of the placement of the outbuilding, being more or less central in the garden and nearly full width, effectively cutting off the latter half of the garden, the easily usable garden space is reduced to 47% of the original.

2 Assessment

2.1 The main considerations in relation to this proposal are:

- Impact on Garden Space
- Impact on Neighbours
- Climate Change
- Design and Heritage
- Other

3 Impact on Garden Space

3.1 NPPF paragraph 71 states that '*plans should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area*'. The Redington Froggnal Neighbourhood Plan is in alignment with this, the first two of its six main aims being:

1. To preserve and enhance the picturesque garden suburb characteristics of the area, and
2. To protect and improve green space and biodiversity.

3.2 The Neighbourhood Plan's Policy SD4 requires development to complement the character of the area and states that the '*plot coverage ratio of building to open space should respond to the existing character of the area*'. It states that areas of soft natural garden space within the site should be maintained or increased.

3.3 Policy SD5 of the Neighbourhood Plan aims to '*maximise preservation of gardens for the health and wellbeing of current and future occupiers to increase the area's resilience and to provide a natural approach to flood management*', while policy BG1 of the Neighbourhood Plan, 'Biodiversity and Green Infrastructure' seeks to retain, provide and reinstate trees, hedgerows and other planting and to minimise hard surfacing areas.

3.4 Policy A2 of the Local Plan seeks to protect non-designated spaces with nature conservation, townscape or amenity value, including gardens. The supporting text to the policy notes that development within rear gardens and other undeveloped areas can have a significant impact upon the amenity and character of the area; and gardens provide a setting for buildings, provide visual interest and support natural habitats.

3.5 Local Plan Policy A3 seeks to protect and enhance site of nature conservation and biodiversity and also seeks to protect gardens. The policy notes that the Council will assess developments against their ability to realise benefits for biodiversity through the layout, design and materials used in the built structure and landscaping elements of a proposed development, proportionate to the scale of development proposed.

3.6 Policy A3 also seeks to protect trees and vegetation and the policy notes that the Council will resist the loss of trees and vegetation of significant amenity, historic, cultural or ecological value, including proposals which may threaten the continued wellbeing of such trees and vegetation.

3.7 Policy D1 of the Local Plan requires proposals to consider the character, setting, context and the form and scale of neighbouring buildings; and the character and proportions of the existing building. Part (j) outlines the need for new development to respond '*to natural features and preserve gardens and other open space*', while part (k) highlights the need to incorporate high quality landscape design and maximise opportunities for greening, for example through planting of trees or other soft landscaping. Part (f) also highlights the importance of integrating well with surroundings and '*improving movement through the site*'.

3.8 Neither the Local Plan nor Neighbourhood Plan policies referenced are considered to be respected by the development in question. Its siting and scale causes it to dominate the garden plot and renders part of the garden unusable, and therefore it fails to respect the existing character of the wider area. There is no enhancement of the existing green character of the vicinity, or

increase of natural garden surface, but rather a 29% reduction. No arboricultural report was submitted and therefore the applicant has failed to demonstrate no harmful loss or negative impact to trees in the host garden and/or surrounding gardens. The application is recommended for refusal for these reasons.

3.9 Policy CC2 of the Local Plan requires development to be resilient to climate change, through adopting measures such as incorporating bio-diverse roofs, while policy CC3 ensures that development does not increase flood risk but reduces it where possible. Areas considered at risk of flooding include previously flooded roads, of which Finchley Road is one. Decreasing the amount of permeable surface area by which rainwater can be absorbed new development can cause stress on the drainage network and increase the risk of flooding. The proposal reduces the area of uncovered natural/permeable garden by 38 sqm, this includes the roof covering and pathway leading from the property down to the outbuilding.

3.10 There is a history of flooding in the area, local flood maps (below) assign moderate and significant flooding risk to the immediate area. Finchley Road is identified as a previously flooded street, which flooded in 2002 and 2021. The government website for checking long term flood risk identifies the site as being of medium risk of surface water flooding (flash flooding). The development of previously undeveloped garden space will exacerbate the site's vulnerability to flooding at some level, and subsequently site(s) in close proximity that are shown in Figure C below to be at significant flood hazard risk.

3.11 The proposal does not introduce any permeable surfaces or bio-diverse roofing and will by nature increase surface water run-off in an area already susceptible to flooding in extreme rainfall events. For these reasons the proposal is not considered to respond to Camden's Policy CC3 to ensure that development "does not increase flood risk and reduces the risk of flooding where possible". The application is therefore recommended for refusal on this basis also.

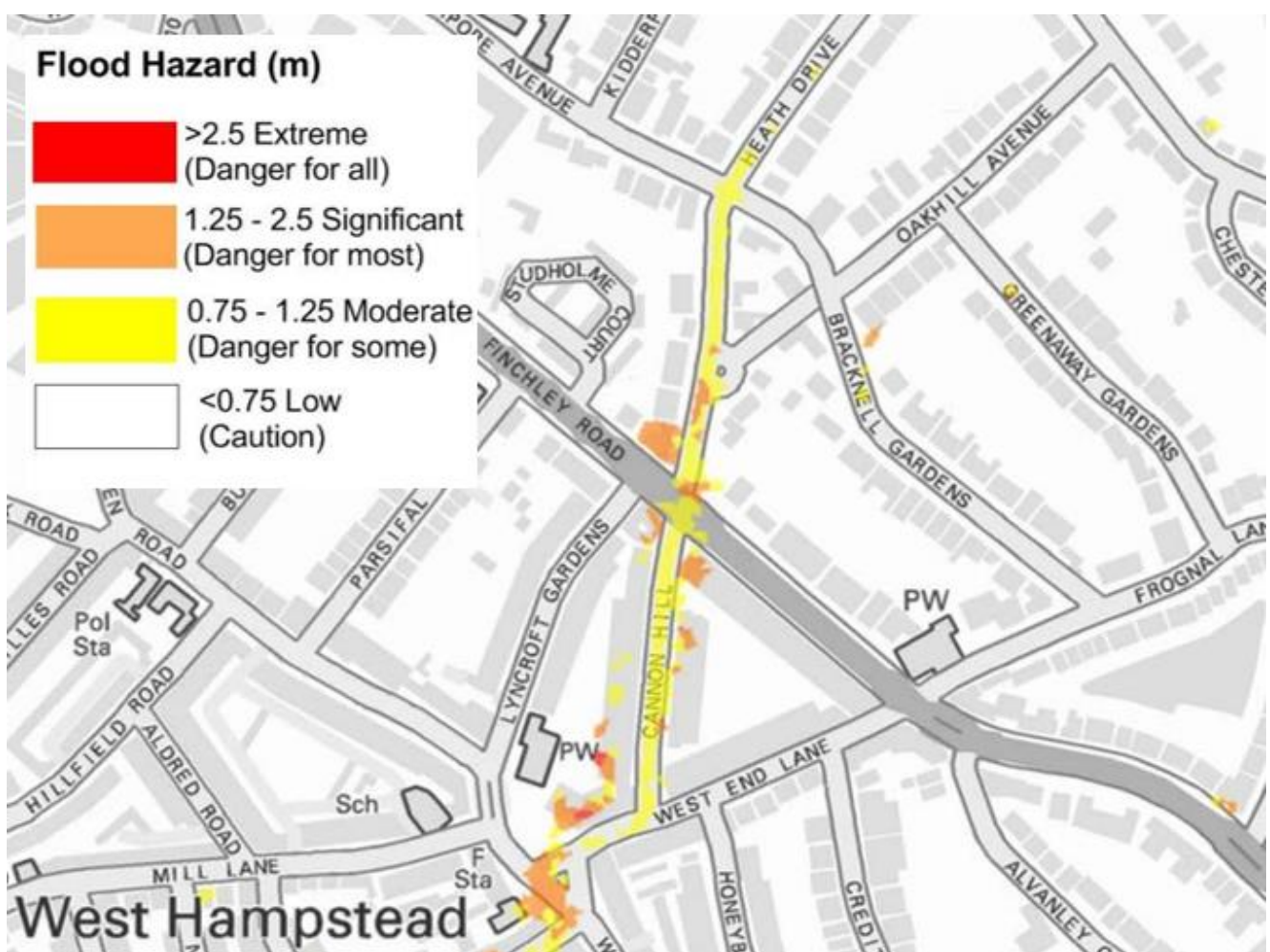


Figure C: 'Hazard: 1 in 1000 Year Flood Event' - Figure 3 ix Rev 1', extracted from Camden's

4 Impact on Neighbours

- 4.1 Policy A1 of the Local Plan seeks to protect the quality of life of occupiers and neighbours. The factors to consider include: visual privacy and outlook; sunlight, daylight and overshadowing; artificial light levels; impacts of the construction phase; and noise and vibration. Policy A4 also seeks to ensure that noise and vibration is controlled and managed. Camden's Local Plan highlights the standards of amenity (the features of a place that contribute to its attractiveness and comfort) as major factors in the health and quality of life of the borough's residents.
- 4.2 Neighbourhood Plan policy SD5 relates to development including outbuildings and raises the potential issues of loss of visual privacy and outlook in the supporting paragraphs. The outbuilding is considered to have a negative impact on the visual privacy and outlook of neighbours at the Garden Flat of no 3 Heath Drive, and a lesser negative impact on the neighbours of the first floor flat at no 3 Heath Drive. The outbuilding is considered to be in an unneighbourly position, and to be overbearing when viewed from the adjacent garden of the garden flat at no 3 Heath Drive. The distance between the outbuilding and the boundary fence of the garden flat at no 3 Heath Drive is approximately 800mm, and the distance between the boundary fence and the rear façade of the garden flat at no 3 Heath Drive is approximately 2000mm, the total distance between outbuilding and rear facade is estimated circa 3000m, which is considered to be unacceptable.
- 4.3 Although the outbuilding is single storey in height it rises above the boundary fence and it is noted the top portion of the boundary fence is not solid but a trellis, thereby increasing its visibility from the other side. Rooms to the rear of no 3 Heath Drive on the ground floor are two bedrooms and a bathroom. The closest window to the outbuilding and most direct in terms of overlooking is a bedroom. The outbuilding side elevation window is approximately 2550mm wide by 1370 tall.
- 4.4 CPG Amenity guides that interior and exterior spaces which lack privacy can affect the quality of life of occupants; new development should be designed to avoid overlooking; gardens and habitable rooms such as residential living rooms, bedrooms and kitchens are considered the most sensitive. In terms of overlooking, the benchmark distance outlined by the councils CPG Amenity Guidance as good practice between habitable rooms (either non-residential or residential and assuming a level topography) is 18m. While it is appreciated the topography is not level in this case, the distance, circa 3m, is much closer than the guidance suggests and the change in level is not such that it is considered to mitigate the negative impact of lack of privacy. The level of overlooking is considered to be unacceptable.
- 4.5 In terms of affecting neighbours' outlook, the outbuilding is considered to be in an unneighbourly position, overbearing when viewed from the adjacent garden of the Garden Flat at no 3 Heath Drive. In such close proximity and at a higher level the outbuilding is considered to have spoilt a previously pleasant, green outlook for surrounding flats at 2 and no 3 Heath Drive. In this way the outbuilding is considered to have an inappropriate relationship with the nearby residential properties.
- 4.6 Although not shown on drawings, it is noted from photographs that an air-conditioning unit is mounted to the rear of the outbuilding. No related noise report has been submitted and therefore there is a failure to demonstrate noise impact as acceptable in terms of neighbouring amenity.
- 4.7 As such, the proposed development is considered to cause harm to the amenity of neighbouring residents, contrary to Amenity CPG, Local Plan Policies A1, A4 and Neighbourhood Plan Policy SD5, in terms of loss of visual privacy, outlook and potential noise pollution. The application is recommended for refusal on this basis.

5 Climate Change

5.1 Policy SD1 of the Neighbourhood Plan states '*the creation of garden development and building extensions should be in accordance with Policies SD2 to SD5, and maximise the area of soft, natural landscaping, to act as a carbon sink and help mitigate climate change and the urban heat island effect.*' CPG Home Improvements encourages consideration of green roofs, which act as a natural insulator to increase the efficiency of a structure, reduce carbon in the atmosphere and reduce urban heat island effect amongst other benefits. There is no evidence that a green roof, or green walls, have been considered in the design of this project.

5.2 Despite not being included on drawings, photographs confirm the presence of an air-conditioning unit mounted to the rear of the outbuilding. In accordance with Policies CC1 and CC2 of the Local Plan, the Council discourages active cooling, and developments should instead minimise use of energy and employ passive design measures to regulate temperature. Air-conditioning units would only be permitted where thermal modelling demonstrates that there is a clear need for it after all preferred measures are incorporated in line with the London Plan cooling hierarchy. In addition, passive measures should be considered first. If active cooling is unavoidable, applicants need to identify the cooling requirement and provide details of the efficiency of the system.

5.3 The applicant has not provided sufficient evidence to demonstrate that all preferred measures within the cooling hierarchy have been reviewed against the criterion (as required by CPG Energy efficiency and adaptation) and incorporated into the host building. The applicant has not provided a thermal modelling or overheating analysis to demonstrate that there is a clear need for the proposed units. Due to the lack of the above-mentioned information, the Council cannot be satisfied that the proposed works are necessary and that appropriate climate adaptation measures to reduce the impact of urban overheating could not be achieved by other preferred measures as set out in the cooling hierarchy. The proposal is therefore contrary to Policies CC1 and CC2 (Climate change mitigation and adapting to climate change) of the Camden Local Plan 2017 and the application is recommended for refusal on this basis.

6 Design and Heritage

6.1 As noted above, the application site is not within a conservation area and the main building on the site is not listed. However, the application site is directly adjacent to the Redington Froggnal Conservation Area.

6.2 Policy D1 of the Local Plan requires proposals to consider the character, setting, context and the form and scale of neighbouring buildings; and the character and proportions of the existing building. Part (a) outlines the need to '*respect local context and character*', part (b) requires that development '*preserves or enhances the historic environment and heritage assets in accordance with Policy D2*' and part (f) also highlights the importance of integrating well with surroundings and '*improving movement through the site*'.

6.3 As previously stated, the first two of the Neighbourhood Plan's six main aims, are:

- i) To preserve and enhance the picturesque garden suburb characteristics of the area, and
- ii) To protect and improve green space and biodiversity.

The Neighbourhood Plan, supporting text of policy SD2, states the special architectural or historic interest of the area '*is fundamentally about its garden suburb features, including trees, landscape and gardens*'. The Neighbourhood Plan's Design Guidance also highlights current character of the area as including '*generous rear gardens free of outbuildings*'.

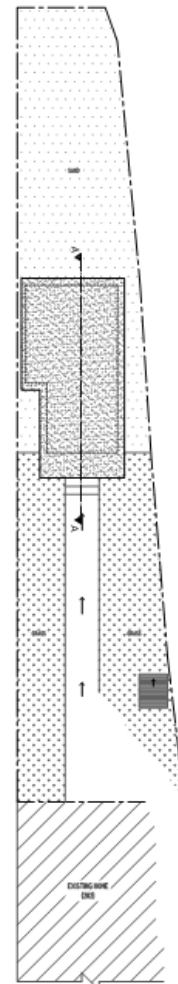
6.4 CPG Home Improvements guides that, because outbuildings occupy space in the garden, the size and design should be carefully considered in terms of the impact on neighbour amenity, biodiversity and the character of the wider area, so that they do not detract from the generally 'soft' and green nature of gardens. The guidance notes that the siting, location, scale and design should have a minimal impact on, and be visually subordinate within, the host garden; the character and appearance of the conservation area should be preserved or enhanced; the outbuilding should not

detract from the open character and garden amenity of neighbouring gardens and the wider area; space should be retained around the building for suitable soft landscaping; the height of the outbuilding should retain visibility over garden walls and fences; the size of the outbuilding should maximise the retention of garden and amenity space; trees and their roots should not be adversely affected by the outbuilding's position and construction methods should minimise any impact on trees and mature vegetation; materials which complement the host property and overall character of the surrounding area should be used; green roofs and/or solar panels should be considered; any impacts on water run-off and groundwater flows should be addressed; the use of water butts should be considered; and the installation of bird and bat boxes should be considered.

- 6.5 As previously noted, Policy A2 of Camden's Local Plan seeks to protect gardens and the supporting text explains that this will occur where development occupies an excessive part of the garden. The Local Plan recognises development within rear gardens and other undeveloped areas can have a significant impact upon the amenity and character of the area.
- 6.6 Although the area occupied by the outbuilding itself is not considered excessive, the design in terms of siting is considered very poor as it cuts off the rear of the garden thereby reducing useable garden space by 53%; this is considered significant loss of garden space and of detrimental effect. It is considered unlikely that the area of the garden beyond the outbuilding, now blocked visually, will be used by residents of the 9 flats of 282 Finchley Road. Although there is an 800mm passage past the outbuilding, the design is considered to stifle movement through the site and greatly limit the accessibility and usability of garden space to the rear.
- 6.7 As well as being detrimental to the host garden, there appears to have been no design consideration in relation to immediate site context or overbearing impact on neighbouring plots in very close proximity. The picturesque garden suburb characteristics of the area have not been preserved or enhanced. A previously green and verdant outlook from properties at no 2 and 3 Heath Drive, typical of the character of the area, and highlighted in the Neighbourhood Plan to be preserved and enhanced, has been interrupted by a new outbuilding in close proximity.
- 6.8 The outbuilding is clad in timber boarding, has a flat roof and three PVC windows, the largest of which faces the rear elevation of no 3 Heath Drive. Local Plan Policy D1 encourages sustainable design/construction and materials that complement local character and opportunities for greening and integration with the surrounding character. The supporting policy states that the Council will resist development of poor design that fails to take available opportunities to improve the character and quality of an area. Neighbourhood Plan Policy BGI 1 requires maximisation of soft surfaces and design to enhance ecological and wildlife values. As referenced in section 5.1 there are no apparent design features, or evidence of any design consideration to maximise, preserve or enhance the green nature or soft natural surfaces of the site, for example through incorporation of features like a green roof or walls.
- 6.9 To the rear an AC unit and services are mounted to the exterior wall and ground, these are readily visible to nearby properties and considered unsightly. This is considered contrary to Local Plan Policy D1 which requires careful integration of building services equipment. Overall the outbuilding is considered to detract from the character and setting of the area, the neighbouring properties and the adjacent conservation area.



Figure A: Outbuilding as visible from flat 4, no3 Heath Drive



Existing Roof Plan
Scale 1:100

Figure B: Garden Plan (Roof)

6.10 Through Local Plan Policy D2, the Council will seek to preserve and, where appropriate, enhance Camden's conservation areas. Likewise, Policy SD2 of the Neighbourhood Plan requires new developments to preserve or enhance the green garden suburb character and appearance of the Redington Froggnal Conservation Area. This includes features that contribute to that special interest, including gaps between buildings, trees, hedges and the open garden suburb character created by well-vegetated front, side and rear gardens.

6.11 Although the site itself is not within a conservation area, it is directly adjacent to the Redington Froggnal Conservation Area which neighbouring properties 1-3 Heath Drive are part of. The outbuilding is 0.8m from the site boundary and therefore 0.8m from the conservation area. The closest property, the Garden Flat at no 3 Heath Drive is approximately 3m from the outbuilding and it is also noted that the ground level is lower, so the outbuilding is somewhat raised over the adjacent conservation area garden and residence. For these reasons the structure in question is considered pertinent to the green setting of nearby positive contributors of the conservation area, no 2 and 3 Heath Drive. The negative impact of the outbuilding on their setting is considerable, as can be seen in Figure A, which shows the outbuilding and large PVC window readily visible above, and in close proximity to, the plot boundary treatments in the foreground.

6.12 Therefore, the development, by virtue of its size, design and siting, fails to preserve or enhance, but instead causes harm to, the character and appearance of the application site, immediate context and the wider area, including the adjacent Redington Froggnal Conservation Area. It is contrary to the aims of policies D1 and D2 of the Local Plan and SD1, SD2, SD4, SD5 and BG1 of the Neighbourhood Plan and therefore the application is recommended for refusal on this basis.

7 Other

7.1 The inclusion of a WC gives potential to facilitate unauthorised use as a separate self-contained dwelling. The outbuilding, if used as a dwelling, would fail to meet space standards and therefore would provide substandard accommodation contrary to Local Plan policies H4, H6 and D1 of the Local Plan.

8 Conclusion

8.1 Refusal is recommended for the following reasons which are considered to have a combinational effect. Although refusing this application will interfere with the owner's property this interference is considered proportionate to the planning harm.

8.2 The outbuilding, by virtue of its size, design and siting, fails to preserve or enhance, but instead causes harm to, the nature conservation, biodiversity and amenity value of the rear garden and also fails to reduce the risk of flooding at the site, contrary to the aims of policies A1, A2, A3, CC2, CC3 and D1 of the Local Plan and SD2, SD4, SD5 and BGI 1 of the neighbourhood plan.

8.3 The outbuilding, by virtue of its size, design and siting, fails to preserve or enhance, but instead causes harm to, the character and appearance of the application site and the wider area, including the Redington Frogna Conservation Area, contrary to the aims of policies D1 and D2 of the Local Plan and SD4 of the neighbourhood plan.

8.4 In the absence of an adequate Tree Survey and Arboricultural Impact Assessment, the applicant has failed to demonstrate the development does not cause unacceptable harm to trees, contrary to the aims of policies A3 of the Local Plan and BGI 2 of the neighbourhood plan.

8.5 In the absence of an adequate noise and vibration assessment, the applicant has failed to demonstrate the development does not generate unacceptable noise and vibration impacts contrary to the aims of policies A1 and A4 of the Local Plan.

8.6 The outbuilding, by virtue of its size, design and unneighbourly position causes unacceptable harm to the amenity of surrounding residential occupiers by way of loss of visual privacy, overlooking and loss of outlook, contrary to the aims of policies A1 and A4 of the Local Plan and SD4 and SD5 of the neighbourhood plan.

8.7 The applicant has failed to justify the need for active cooling by reducing and mitigating the impact of overheating through the application of the cooling hierarchy, thereby failing to minimise carbon dioxide emissions, contrary to policies CC1 and CC2 of the Local Plan and neighbourhood plan policy SD1.

8.8 In conclusion the scheme does not comply with policies A1, A2, A3, A4, CC1, CC2, CC3, D1 and D2 of Camden's Local Plan 2017 nor policies SD1, SD2, SD4, SD5, BGI 1 and BGI 2 from the Redington Frogna Neighbourhood Plan.

9 Refuse and Warning of Enforcement Notice to be Issued

9.1 That the Borough Solicitor be instructed to issue an **Enforcement Notice** under Section 172 of the Town and Country Planning Act 1990 as amended to demolish the outbuilding and restore the garden to its former state, 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.

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

Erection of outbuilding in rear garden.

9.3 What are you required to do

9.3.1 Demolition of the outbuilding; and

9.3.2 Make good any resulting damage, including reintroducing greenery and replacement of any tree(s) removed.

9.4 Period of Compliance: 3 months

10 REASONS WHY THE COUNCIL CONSIDER IT EXPEDIENT TO ISSUE THE NOTICE:

- 10.1 The outbuilding, by virtue of its size, design and siting, fails to preserve or enhance, but instead causes harm to, the nature conservation, biodiversity and amenity value of the rear garden and also fails to reduce the risk of flooding at the site, contrary to the aims of policies A1, A2, A3, CC2, CC3 and D1 of the Local Plan and SD2, SD4, SD5 and BGI 1 of the Neighbourhood Plan.
- 10.2 The outbuilding, by virtue of its size, design and siting, fails to preserve or enhance, but instead causes harm to, the character and appearance of the application site and the wider area, including the Redington Froggnal Conservation Area, contrary to the aims of policies D1 and D2 of the Local Plan and SD4 of the Neighbourhood Plan.
- 10.3 In the absence of an adequate Tree Survey and Arboricultural Impact Assessment, the applicant has failed to demonstrate the development does not cause unacceptable harm to trees, contrary to the aims of policies A3 of the Local Plan and BGI 2 of the Neighbourhood Plan.
- 10.4 In the absence of an adequate noise and vibration assessment, the applicant has failed to demonstrate the development does not generate unacceptable noise and vibration impacts contrary to the aims of policies A1 and A4 of the Local Plan.
- 10.5 The outbuilding, by virtue of its size, design and unneighbourly position causes unacceptable harm to the amenity of surrounding residential occupiers by way of loss of visual privacy, overlooking and loss of outlook, contrary to the aims of policies A1 and A4 of the Local Plan and SD4 and SD5 of the Neighbourhood Plan.
- 10.6 The applicant has failed to justify the need for active cooling by reducing and mitigating the impact of overheating through the application of the cooling hierarchy, thereby failing to minimise carbon dioxide emissions, contrary to policies CC1 and CC2 of the Local Plan and Neighbourhood Plan policy SD1.
- 10.7 The failures of this application are considered to have a combinational effect and therefore the scheme is not considered acceptable.