

28 January 2023

Planning (Development Management)
London Borough of Camden

24 Southwark Bridge Road
London
SE1 9HF

T 0203 268 2018

By email

Attention: Angela Ryan

Dear Ms Ryan

Re: Application for retrospective planning permission at 6A Handel Street, WC1N 1PB
LBC Ref: EN/0700

Further to our discussions we submit a retrospective application for planning permission for development at the above address, being:

Erection of an outbuilding.

The application follows an enforcement investigation (LBC ref: EN/0700) in relation to the unlawful erection of the building.

Background

Our client, Mr Alex Morris, erected an outbuilding in the rear garden of his lower ground floor flat at 6A Handel Street. Mr Morris was mis-advised by his builder that planning permission was not required because the erection of the building was Permitted Development under Class E of the General Permitted Development Order.

A complaint was made to the Council's Enforcement Team and you visited the property. You advised that a breach of planning had taken place and invited a retrospective planning application. Mr Morris then instructed Boyer to advise and we corresponded on the matter, agreeing that an application would be made by January 2023.

Proposals

The proposed development is the retention of the existing outbuilding albeit with amended cladding which can be secured by condition.

The position and dimensions of the outbuilding would remain as-built and as indicated on the accompanying drawings by Eveleigh Designs.

However the Applicant is committed to installing revised cladding on the front and side elevations of the outbuilding.

The proposed cladding would be Envirobuild Hyperion composite cladding. The material is a composite formed from 90% recycled materials and manufactured using 100% renewable (wind) energy meaning it has a 69% lower carbon footprint than timber. It is durable (minimum 15-year warranty).



The cladding material comes in a range of colours. We have selected an oak colour which we consider would best blend in with the wall to the rear of the property and the Site generally. Samples of the proposed cladding material have been sourced and are available to view at the Site when an officer visits. The samples can be taken back to your offices for your consideration.

We invite the Council to require the installation of the cladding within a suitable time period by way of planning condition, should the Council consider the revised cladding is necessary to make development acceptable.

Furthermore the Applicant intends to provide additional planting in the garden area to further screen the outbuilding from views from the rear of adjoining properties. We propose that a planning condition is imposed on any permission granted requiring details of species and planting locations to be approved prior to the installation of planting within a specified period (to reflect planting seasons) and for the planting to be retained and maintained in perpetuity.

The Site

The Site for the purposes of the application is garden space to the rear of 6A Handel Street. The host property is a four-storey plus lower ground (semi-basement) level mid-terrace former house situated on the south side of Handel Street.

The former house has been divided into 5 no. flats. The application property is the lower ground floor flat which occupies the entire lower ground floor and is accessed via steps down from street level into a lightwell.

The Site is within the Bloomsbury Conservation Area. The host building (and neighbouring properties nos. 4 to 7 consecutive and their attached railings) is listed (Grade II). The terrace dates from c.1800. In our assessment, and in accordance with paragraph 194 of the National Planning Policy Framework ('the NPPF') the building's heritage significance arises from the architectural interest of its front and to a degree rear elevations which are typical of the period, albeit have been altered; the Historic England listing description attests to C20 alterations (re-facing) to the front elevation which has diminished its significance to a minor degree. Overall though the terrace retains its proportions and front-facing appearance.

The building's historic and architectural significance has been diminished by its conversion into flats meaning much of its internal layout and fabric has been lost.

The garden where the outbuilding is positioned is raised c.1100mm above floor level of the flat, and includes a combination of paving and planting.

The accompanying drawings indicate the position, scale and appearance of the outbuilding in relation to the garden. It is situated at the extreme end of the garden as close as practicable to the high (c. three-storey) rear wall. To the rear of that wall is a large (c. eight storeys) block of flats from late C20.

Relevant Planning History

Planning permission and Listed Building Consent (refs: 2005/1117/P and 2005/1181/L) were granted in May 2005 for replacement of front entrance door to basement flat and erection of single storey

conservatory extension at rear basement level and refurbishment of all 5 existing flats including internal alterations at all floor levels.

Development Plan

The Development Plan for Camden is the adopted Camden Local Plan (2017) and the London Plan 2021. Given the Local Plan is consistent with the London Plan in terms of design, heritage and amenity matters London Plan policies are not discussed here. Camden also has adopted Supplementary Planning Guidance (Camden Planning Guidance, 'CPG') relevant to the proposals.

Policy D1 (Design) of the Local Plan states the Council will seek to secure high quality design in development. The Council will require that development (*inter alia*): a. respects local context and character; b. preserves or enhances the historic environment and heritage assets in accordance with Policy D2 Heritage; c. is sustainable in design and construction, incorporating best practice in resource management and climate change mitigation and adaptation; d. is of sustainable and durable construction and adaptable to different activities and land uses; e. comprises details and materials that are of high quality and complement the local character; f. integrates well with the surrounding streets and open spaces, j. responds to natural features and preserves gardens and other open space; k. incorporates high quality landscape design (including public art, where appropriate) and maximises opportunities for greening for example through planting of trees and other soft landscaping, l. incorporates outdoor amenity space.

Policy D2 (Heritage) states the Council will preserve and, where appropriate, enhance Camden's rich and diverse heritage assets and their settings, including conservation areas and listed buildings. The Council will not permit the loss or harm to a designated heritage asset, including conservation areas and Listed Buildings, unless it can be demonstrated that the harm or loss is necessary to achieve public benefits that outweigh that harm or loss.

The Council will require that development within conservation areas preserves or, where possible, enhances the character or appearance of the area. The Council will preserve trees and garden spaces which contribute to the character and appearance of a conservation area or which provide a setting for Camden's architectural heritage.

To preserve or enhance the borough's listed buildings, the Council will resist development that would cause harm to significance of a listed building through an effect on its setting.

Policy A1 (Managing the impact of development) states the Council will seek to protect the quality of life of occupiers and neighbours. The Council will seek to ensure that the amenity of communities, occupiers and neighbours is protected.

Assessment

The proposed outbuilding complies with the Development Plan and therefore in accordance with s38(6) of the Planning and Compulsory Purchase Act 2004 planning permission should be granted.

The outbuilding is of high-quality design and materials recognising always the ability to enhance its appearance with planning conditions requiring replacement cladding. The proposed cladding is a durable and sustainable material.

Whilst the development would occupy part of the garden space to the lower ground floor flat a generous amount of garden would remain recognising the inner London (CAZ) context. Planning conditions can be used to secure additional planting should it be considered necessary.

Section 5.5 of adopted CPG 'Home Improvements' (January 2021) provides guidance on how Policy D1 should be applied in relation to outbuildings. The Guidance acknowledges the value in outbuildings in providing usable space away from the main building for various functions such as storage, home office, studio, gym, children's playroom etc., and freeing up space in the main dwellinghouse to allow for an extra bedroom, kitchen or living area, without the need for an extension.

The Guidance notes that as outbuildings they occupy space in the garden, the size and design of outbuildings must consider their impact on the amenity of neighbouring occupiers, biodiversity and character of the wider area, so they do not detract from the generally 'soft' and green nature of gardens and other open spaces.

Large garden buildings may affect the amenity value of neighbours' gardens, and if used for purposes other than storage or other domestic uses, may intensify the use of garden spaces and cause loss of amenity through overlooking, overshadowing, lightspill and noise nuisance.

The Guidance therefore indicates that proposals should:

- Ensure the siting, location, scale and design has a minimal visual impact on, and is visually subordinate within, the host garden;
- Preserve or enhance the existing qualities and context of the site, and character of the Conservation Area;
- Not detract from the open character and garden amenity of neighbouring gardens and the wider surrounding area;
- Retain space around the building for suitable soft landscaping;
- Ensure the height will retain visibility over garden walls and fences;
- Ensure the size will maximise retention of garden and amenity space;
- Ensure the position will not harm existing trees and their roots;
- The construction method should minimise any impact on trees, mature vegetation or adjacent structures;
- Use materials which complement the host property and the overall character of the surrounding garden area;

The proposed outbuilding complies with and/or is capable of complying with all of these Guidance topics subject to appropriate planning conditions.

No harm would be caused to designated heritage assets; i.e. the Bloomsbury Conservation Area nor the listed building.

The position, height, scale and orientation of the outbuilding is such that no harm would be caused to neighbouring amenity by way of loss of daylight, sunlight, privacy, noise or light.

Local Plan Policies D1, D2 and A1 are therefore complied with.

Closing

The Applicant regrets that development was carried out without planning permission. This was an error based on advice from a third party. The Applicant immediately sought professional advice once the breach of planning control was identified.

Nevertheless we have demonstrated that the development complies with the Development Plan for Camden and that planning permission with suitable conditions should be granted.

Please contact me if you have any questions about the application.

Yours sincerely

A handwritten signature in black ink, appearing to read 'G Leggett', with a long horizontal stroke extending to the right.

Grant Leggett
Director, Head of Boyer London

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