



Planning Solutions Team
Planning and Regeneration
 Culture & Environment
 Directorate
 London Borough of Camden
 2nd Floor
 5 Pancras Square
 London
 N1C 4AG

Date: 27/04/2022
Our ref: 2021/5077/PRE
Contact: Kate Henry
Direct line: 020 7974 3794
Email: Kate.Henry@camden.gov.uk

RESI

By email: planning@resi.co.uk

www.camden.gov.uk/planning

Dear Oliver Burgess,

Re: 119 Canfield Gardens, London, NW6 3DY – Outbuilding and swimming pool in rear garden

Thank you for submitting the above pre-planning application enquiry on 12/10/2022 and, once again, please accept my apologies for the delay in responding.

1. Constraints

- South Hampstead Conservation Area (positive contributor)
- Article 4 – basements
- Historically flooded street
- Local Flood Risk Zone (Goldhurst)
- Underground development constraints – Subterranean (groundwater) flow
- Underground development constraints – Surface water flow and flooding
- Underground development constraints – Slope stability
- Underground development constraints – Hydrological constraints layer

2. Relevant planning history

2017/1753/P: Variation of condition 2 (Drawings) and details in pursuant of condition 3 (Material samples) of granted appeal APP/X5210/A/11/2165313 dated 25/05/2012 under [Ref: 2011/3875/P] and as varied by (ref:2012/6892/P) dated 18/02/2013 and (ref:2015/1550/P) dated 02/07/2015 for the erection of single-storey rear extension with internal courtyard. Changes namely with regards to extension design regarding the roof, material and fenestrations (Retrospective). **Granted 07/07/2017.**

2015/1550/P: Variation of condition 2 (approved plans) of 2012/6892/P, 18/02/2013, for; Variation of condition 2 (approved plans) and discharge of conditions 3 and 4 of planning permission dated 25/05/2012 [Ref: 2011/3875/P and appeal APP/X5210/A/11/2165313] for erection of single-storey rear extension with internal. **Granted 02/07/2015.**

2012/6892/P: Variation of condition 2 (approved plans) and discharge of conditions 3 and 4 of planning permission dated 25/05/2012 [Ref: 2011/3875/P and appeal APP/X5210/A/11/2165313] for erection of single-storey rear extension with internal courtyard (following demolition of existing single-storey rear extension) in connection with existing ground floor flat. **Granted 18/02/2013.**

2011/3875/P: Erection of single-storey rear extension with internal courtyard (following demolition of existing single-storey rear extension) in connection with existing ground floor flat (Class C3). Refused 10/10/2011. **Appeal allowed 25/05/2012.**

8601286: The retention of a single storey extension at the rear. **Granted 11/09/1986.**

TPD1637/1589: Conversion at 119, Canfield Gardens of basement into two one room flats and the self-containing of two one room flats on first floor. **Granted 04/09/1964.**

3. Relevant policies and guidance

[National Planning Policy Framework 2021](#)

[The London Plan 2021](#)

[Camden Local Plan 2017](#)

G1 Delivery and location of growth
 A1 Managing the impact of development
 A4 Noise and vibration
 A5 Basements
 D1 Design
 D2 Heritage
 T4 Sustainable movement of goods and materials

[Camden Planning Guidance](#)

Amenity (2021)
 Basements (2021)
 Design (2021)
 Developer Contributions (2019)
 Home improvements (2021)
 Transport (2021)

[South Hampstead Conservation Area Character Appraisal and Management Strategy \(2011\)](#)

4. Assessment

The key planning considerations are as follows:

- Heritage and design
- Biodiversity (loss of garden space)
- Impact on neighbouring land uses
- Excavation (swimming pool construction)

5. Heritage and design

The application site is located within the South Hampstead Conservation Area, wherein the Council has a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of that area, in accordance with Section 72 of The Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended). Nos. 3-123 (odd) Canfield Gardens are identified in the South Hampstead Conservation Area Character Appraisal and Management Strategy (SHCACAMS) as making a positive contribution to the character and appearance of the conservation area.

Policy D1 of the Local Plan seeks to secure high quality design which respects local context and character and which preserves or enhances the historic environment and heritage assets in accordance with Policy D2. Policy D2 seeks to preserve and, where appropriate, enhance Camden's rich and diverse heritage assets and their settings, including listed buildings and conservation areas. The policy notes that the Council will not permit development that results in harm to the significance of a designated heritage asset unless the public benefits of the proposal convincingly outweigh that harm.

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.

The SHCACAMS also highlights the important contribution that private rear gardens make to the character and appearance of the conservation area and it guides that their preservation is of paramount importance. It specifically notes: "*Development which results in the loss of private open spaces is unlikely to be acceptable due to the positive contribution of these spaces to the character and appearance of the conservation area. Any development of rear garden spaces should not detract from the general feeling of openness, and should ensure that most of the existing garden space is retained*" (para 13.43).

The proposed outbuilding would measure 5.7 by 5.95 metres (33.9 square metres) and would measure 3 metres tall. It would feature timber-clad elevations and a green roof. A patio measuring 5.95 by 2 metres (11.9 square metres) would occupy the space between the outbuilding and the swimming pool and the swimming pool would measure 3 by 7

metres (21 square metres). There would be some hardstanding around the edge of the pool also.

There is an existing area of hardstanding at the rear of the host building which measures approximately 30 square metres, and the host building itself has been extended to the rear with a relatively large extension.

In total, the outbuilding, patio and swimming pool would occupy approximately 67 square metres, which represents approximately 34% of the remaining garden (47% of the area of garden not already covered by a patio). The outbuilding in itself as a built structure would occupy about 17% of the existing garden. Taking into consideration the extent to which the host building has already been extended and the amount of hardstanding already at the rear of the property, it is considered that the proposals represent overdevelopment of the application site, to the detriment of the soft green and open nature of the garden and thereby causing harm to the character and appearance of the South Hampstead Conservation Area.

The fact that space around the edges of the outbuilding and pool would be retained is welcomed, as this will allow for soft landscaping (details of which should accompany any formal application). The proposed simple design with green roof and use of natural materials is also welcomed, as this would soften the appearance of the outbuilding as viewed from neighbouring properties. However, you are advised to significantly reduce the size of the outbuilding (and also the patio area and swimming pool, if possible) so that more undeveloped garden space is retained and so that the outbuilding appears visually subordinate to the main building.

6. Biodiversity (loss of garden space)

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. It is noted that the Council will resist development that occupies an excessive part of a garden and will also seek the retention of important views and glimpses of green space, such as gardens.

Policy A3 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.

Policy CC2 requires development to be resilient to climate change, through adopting measures such as incorporating bio-diverse roofs.

The SHCACAMS resists the removal of trees within the conservation area unless they were dead/dying/dangerous, causing damage to buildings or not considered to be of visual or wildlife importance. It highlights the fact that trees within conservation areas have statutory protection.

Any formal planning application should be accompanied by an Arboricultural Impact Assessment and Tree Protection Plan which assesses the impact on existing trees on or near the application site. From looking at Google earth, it appears that there are a number of mature trees at and close to the application site, which should be protected.

Taking into account the extent to which the rear garden has already been developed (the extension to the host building and the adjacent patio), the cumulative impact of the proposed additional outbuilding, patio and swimming pool is considered to be harmful in biodiversity terms, due to the loss of garden space which can support natural habitats. As noted above, you are advised to significantly reduce the size of the outbuilding, patio and pool.

The green roof on the outbuilding is welcomed in terms of its biodiversity benefits. It needs to be sufficiently strong and deep to allow for proper planting, details of which should be provided as part of any formal application. The website www.livingroofs.org provides information on different types of roofs.

Other measures to improve biodiversity at the site would also be welcomed (e.g. living walls, bird and bat boxes etc.), and would weigh in favour of the development.

7. Excavation (swimming pool construction)

Policy A5 of the Local Plan guides that, in determining proposals for basements and other underground development, the Council will require an assessment of the scheme's impact on drainage, flooding, groundwater conditions and structural stability in the form of a Basement Impact Assessment and where appropriate, a Basement Construction Plan.

Due to the nature of the proposed works involving excavation of a 2 metre depth, the site's location within a historically flooded street and a Local Flood Risk Zone, and the fact that a number of underground development constraints apply at the application site (see Constraints list above), a Basement Impact Assessment (BIA) would be required, in order for the Council to fully understand the impacts on drainage, flooding, groundwater conditions and structural stability. The BIA would be independently reviewed by Campbell Reith. CPG Basements ([Link to CPG](#)) provides further guidance, and there is also advice on the Council's website: [Basement development](#).

Policy T4 of the Local Plan promotes the sustainable movement of goods and materials and seeks to minimise the movement of goods and materials by road. Any formal application should be accompanied by a draft Construction Management Plan which addresses the removal of demolition debris from the site and the delivery of construction equipment and materials.

8. Impact on neighbouring land uses

Policy A1 of the Local Plan seeks to protect the quality of life of occupiers and neighbours. The factors to consider include: visual privacy, outlook; sunlight, daylight and overshadowing; artificial lighting levels; noise and vibration; odour, fumes and dust; and impacts of the construction phase, including the use of Construction Management Plans. Policy A4 seeks to ensure that noise and vibration is controlled and managed.

It is not considered that the proposed outbuilding would give rise to overlooking or loss of privacy issues. This is because the outbuilding would be single storey in height and sited at the far end of the garden, over 18 metres away from the rear elevation of the host building.

It is not considered that the proposed outbuilding would impact on the outlook from neighbouring properties, due to its single storey height. Views over the top of the building would still be possible, and it is considered that the green roof would provide visual interest and help the building blend in with its surroundings when viewed from above.

It is not considered that the proposed outbuilding would cause loss of sunlight / daylight or overshadowing to neighbouring properties due to its size and siting. Similarly, it is not considered that the outbuilding would cause harmful lightspill.

It is not considered likely that the proposed outbuilding would give rise to noise issues, due to the separation distance and the fact its use would be ancillary to the use of the main building, which a suitable planning condition can ensure remains the case in perpetuity.

The use of the swimming pool may generate noise; however, the use of a private pool is unlikely to generate such noise as to cause undue harm to neighbouring properties.

Overall, the proposal is considered to be acceptable in this respect.

9. Conclusion

Taking into account the extent to which the rear garden has already been developed (the extension to the host building and the adjacent patio), the cumulative impact of the proposed additional outbuilding, patio and swimming pool is considered to be harmful in terms of the impact on the character and appearance of the application site and the South Hampstead Conservation Area; and also in biodiversity terms. As such, you are advised to significantly reduce the size of the outbuilding, patio and swimming pool.

Any formal application will also need to demonstrate an acceptable impact on trees at and adjacent to the application site; on drainage, flooding, groundwater conditions and structural stability; and in terms of the removal of demolition debris.

This document represents an initial informal officer view of your proposals based on the information available to us at this stage and would not be binding upon the Council, nor prejudice any future planning application decisions made by the Council.

If you have any queries about the above letter or the attached document please do not hesitate to contact Kate Henry on **020 7974 3794**.

Thank you for using Camden's pre-application advice service.

Yours sincerely,

Kate Henry
Principal Planning Officer
Planning Solutions Team