



133 King Henry's Road, Camden, NW3 3RD

Planning Statement



Boyer

Prepared on behalf of Joe Ibbotson | February 2023

Report Control

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1. INTRODUCTION

- 1.1 This Planning Statement is submitted in support of a planning application for the creation of an outbuilding in the rear garden at 133 King Henrys Road, London, NW3 3RD; 'the Site'.
- 1.2 The property is divided into four flats and the proposals relate to the lower ground flat, which has sole access to the extensive rear garden. The proposals seek to demolish the existing shed and build an outbuilding in the rear garden, which is only accessible to the residents in the lower ground flat. It is intended that this outbuilding will be used as an office which will constitute a valuable facility for the family, maximising and enhancing the quality of accommodation.
- 1.3 A detailed analysis has been undertaken of the host building and the surrounding area in order to gain a thorough understanding of the local context. As a result, the outbuilding is sympathetic to the existing building; it is proportionate in terms of size and scale; and it is in keeping with the comparable outbuildings in the surrounding area. The outbuilding has been sensitively designed to ensure that it respects the existing trees in the garden.
- 1.4 This Planning Statement examines the proposals against Camden's Development Plan policies and other material considerations relevant to the consideration and determination of the application. This statement is structured as follows:
 - Section 2 – describes the site and surrounding context;
 - Section 3 – sets out the planning history of the site and nearby properties;
 - Section 4 – provides an overview of regional and local planning policy and guidance relevant to the proposed development;
 - Section 5 – provides an assessment of the proposals against the provisions of the Development Plan and other material considerations; and
 - Section 6 – provides a summary and conclusion.
- 1.5 The following documents are submitted to support the planning application:
 - Planning application form – prepared by Boyer
 - Planning Statement – prepared by Boyer
 - Full set of existing and proposed drawings – prepared by CCASA Architects
 - Design and Access Statement – prepared by CCASA Architects
 - Arboricultural Impact Assessment (AIA) and Arboricultural Method Statement (AMS) – prepared by Crown Tree Consultancy

2. SITE AND SURROUNDING AREAS

- 2.1 The Site is located on King Henry's Road; the street is characterised by Victorian semi-detached villas on the South side and the Chalcots Estate properties on the North side. The street consists primarily of residential buildings, with the London Marriott Hotel situated at the Western end of the street. No. 133 is situated towards the Western end of the street, near to the Junction with Lower Merton Rise.
- 2.2 133 King Henry's Road is a detached property, comprising four storeys/ flats (lower ground and three above). The entire property is in residential use (Class C3). It is a Victorian villa built of yellow brick and the front façade has decorative render with white key stones above the sash bay windows and doorframe.
- 2.3 At the front of the property is the front garden consisting of stairs leading up to the entrance of the building at ground floor, low hedges and a tree which is covered by a tree protection order. To the side of the building is a set of stairs leading down to the entrance of the lower ground floor garden flat. The lower ground flat has two bedrooms and two bathrooms.
- 2.4 The rear garden is long and generously sized at 375sqm with a timber shed at the back of the garden, measuring approximately 6.26 sqm. There are several established, mature trees towards the end of the garden and around the garden's borders which are detailed in full in the Arboricultural Impact Assessment. The ground floor flat has sole access to the garden.
- 2.5 The building is not statutorily or locally listed nor are there any in the nearby vicinity, but it is located within Elsworthy Conservation Area. The Elsworthy Road Conservation Area Appraisal and Management Strategy (2009) sets out that the property is a positive contributor within the local area. Within this strategy, it describes King Henrys Road as a street consisting of Victorian villas which are relatively uniform in terms of bulk, massing and design. The frontages are typically set back from the street with stairs to the entrance of the building, with smaller front gardens and extensive back gardens.
- 2.6 The surrounding land use consists primarily of low- density, detached residential buildings. The property is located North of Primrose Hill and is approximately seven minutes' walk from Swiss Cottage station and fifteen minutes from Chalk Farm. The site has a Public Transport Accessibility Level (PTAL) ranking of 4 where 6a is the best and 1 is the worst. It is located within Flood zone 1, which is the lowest risk of flooding.

3. PLANNING HISTORY

History of the Site

- 3.1 There is no relevant planning history of the site, aside from numerous trees works applications relating to a tree in the front garden which is covered by a TPO (Tree Protection Order).

Relevant Local Planning History

- 3.2 Along King Henry's Road and nearby roads within Elsworthy Road Conservation Area there are numerous outbuildings. The table below outlines some of the relevant applications:

| Address | Reference | Description | Decision |
|---|-------------|--|---|
| 16 Flat A Harley Road London Camden NW3 3BN | 2022/0742/P | Erection of rear garden outbuilding. | Permission Granted 27/09/2022 |
| 13 Elsworthy Road London NW3 3DS | 2021/2071/P | Erection of a part single, part two storey side extension; single storey rear extension with terrace above, replacement steps to rear garden; replacement of windows; replacement of existing side roof dormer and enlargement of rear dormer including addition of rear balcony; air conditioning unit within roof extracted through external terrace, associated landscape works and new garden outbuilding. | Permission Granted 20/08/2021 |
| 117 King Henry's Road London NW3 3RB | 2020/1082/P | Erection of a single storey outbuilding. | Permission Granted 21/01/2021 |
| 60 Elsworthy Road London NW3 3BU | 2018/4879/P | Erection of single storey rear outbuilding ancillary to existing flat. | Permission Granted 19/03/2019 |
| 13 Elsworthy Road, London, NW3 3DS | 2015/5536/P | Construction of single storey garden room, ancillary to the existing dwellinghouse and associated landscaping works. | Permission Granted 24/11/2015 |
| 111A King Henry's Road London NW3 3QX | 2014/4359/P | Erection of a single storey side and rear extension and single storey outbuilding within the rear garden. | Permission Granted 29/10/2014 |

| | | | |
|---|-------------|--|----------------------------------|
| Flat 1 103 King Henry's Road London NW3 3QX | 2011/0281/P | Erection of single storey outbuilding in rear garden for ancillary use to the existing lower ground floor Flat 1 (Class C3). | Permission Granted 21/03/2011 |
|---|-------------|--|----------------------------------|

- 3.3 As illustrated in the table above, there have been numerous planning permissions granted for outbuildings along King Henry's Road and the surrounding roads within the Elsworthy Road Conservation Area. This demonstrates that the council are generally supportive of homeowners building outbuildings in this location; the principle of development has been established. The applications granted along King Henry's Road at no. 117, 11A and 103 are particularly relevant given their proximity to the application Site.
- 3.4 During the assessment of the above proposals, the erection of sensitively designed outbuildings in this location was generally considered to be acceptable. For instance, the Officer's Report for the most recent permission at Harley Road (16a) stated that *"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"*.
- 3.5 Considering the similarities between this proposal and the numerous approved applications located within very close proximity to the Site, it is considered reasonable for the Council to remain consistent in this assessment that the principle of a sensitively designed out-building in this location is acceptable.

4. PLANNING POLICY CONTEXT

- 4.1 All applications for planning permission must comply with the development plan unless material considerations indicate otherwise, in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004.
- 4.2 The statutory development plan for Camden consists of the London Plan (2021) and the Camden Local Plan (2017).
- 4.3 There are also several other documents that are considered material considerations within the determination of planning applications. These include the National Planning Policy Framework (NPPF), National Planning Policy Guidance (NPPG), the London Plan Guidance (LPG) and the Camden Supplementary Planning Documents (SPDs). The relevant SPDs are listed below:
 - Housing (2021)
 - Amenity (2021)
 - Design (2021)
 - Home Improvements (2021)
 - Elsworthy Conservation Area Appraisal

National Planning Policy

National Planning Policy Framework (NPPF) (2021)

- 4.4 The National Planning Policy Framework was updated in July 2021 by the Ministry of Housing, Communities and Local Government. The document outlines the government's strategic social, environmental and economic planning policies and outlines the overarching purpose of the planning system to promote sustainable development.
- 4.5 The NPPF advises that the primary objective of development management is to adhere to the delivery of sustainable development and avoid hindering or preventing future development.
- 4.6 In terms of the Development Plan, the NPPF has not changed its statutory status as the initial point for decision making. However, the NPPF outlines guidance for local planning authorities for the creation of local plans and constituting a material consideration when determining applications.
- 4.7 Chapter 11 of the NPPF relates to making an effective use of land. Within this, Paragraph 119 states that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.
- 4.8 Chapter 11 also sets out that to conform with the presumption in favour of sustainable development proposals that accord with an up-to-date development plan should be approved without delay.

- 4.9 Chapter 12 of the NPPF refers to achieving well-designed places. Paragraph 126 states that good design is a fundamental component of sustainable development. Expanding on this, Paragraph 130 states that planning policies and decisions should ensure that developments; contribute to the overall quality of the area, are visually attractive, are sympathetic to the local character and history of the surrounding area, establish or maintain a strong sense of place, optimise the potential of the site, and create safe, inclusive and accessible places.
- 4.10 Chapter 16 relates to conserving and enhancing the historic environment. Paragraph 194 requires applicants to describe the significance of any affected heritage assets, including the contribution made by their setting. Paragraph 199 notes that great weight should be given to the asset's conservation, which is irrespective of any potential harm amounts of substantial harm, total loss or less than substantial harm to its significance.

Regional Planning Policy

London Plan (2021)

- 4.11 The London Plan (as amended in 2021) constitutes the strategic policy context for London over the next 20-25 years. The plan forms part of the statutory development plan for London and local plans must be in 'general conformity' with the London Plan. Its key themes are economic development, social development, and the improvement of the urban environment.
- 4.12 Policy D3 'Optimising site capacity through the design-led approach' sets out the need for development proposals to enhance the local context by responding positively to local distinctiveness and having regard to the existing and emerging street hierarchy, building types, forms, and proportions.
- 4.13 Policy D6 'Housing quality and standards' states that housing development should be of high-quality design; including maximising the provision of dual aspect dwellings and providing sufficient daylight and sunlight.
- 4.14 Policy HC1 'Heritage conservation and growth' outlines that development proposals affecting heritage assets, and their settings, should conserve their significance, by being sympathetic to the assets' significance and appreciation within their surroundings.

Local Planning Policy

Camden Local Plan (2017)

- 4.15 Camden's Local Plan constitutes the framework for planning decisions and future development in Camden covering the period 2016-2031.
- 4.16 The Local Plan aims to address the social, economic and environmental concerns in the borough, intending to reduce inequality, improve health and wellbeing, stimulate and harness economic growth and investing in communities to ensure sustainable neighbourhoods.

4.17 The relevant policies of the Local Plan are listed below:

- Policy H3 Protecting existing homes
- Policy H6 Housing choice and mix
- Policy H7 Large and small homes
- Policy D1 Design
- Policy D2 Heritage
- Policy A1 Managing the impact of development

Supplementary Planning Documents (SPDs)

4.18 Camden also has numerous supplementary guidance documents. The documents of relevance to this application are as follows:

- Home Improvements (2021)
- Housing (2021)
- Design (2021)

5. ASSESSMENT OF THE PROPOSALS

- 5.1 This section of the Planning Statement assesses the proposed development against the adopted planning policies, demonstrating that the proposed development complies with Camden's planning policy.

Principle of Development

- 5.2 Camden has a number of policies within the Local Plan which seek to deliver high quality housing across the Borough. Policy G1 (Delivery and location of growth) of the Local Plan supports development "that makes the best use of its site" and seeks to create high quality development. The proposal maximises the site by enhancing the standard of accommodation at 133 King Henry's Road through the provision of increased space for the residents of the property.
- 5.3 It is intended that the proposed outbuilding will be used for office space. This constitutes a valuable addition to the family home, especially considering the rise of homeworking arising from the pandemic. The additional space for an office will be very beneficial for the homeowners, ensuring a clear distinction between a place of work and the home. In terms of design, the outbuilding will be built with the highest quality, sustainable materials, in accordance with Policy G1. The design principles will be discussed in more detail below.
- 5.4 Additionally, Camden has a Supplementary Planning Document (SPD) relating to home improvements (2021), providing information about how individuals can adapt and improve their homes according to their needs. The document outlines specific guidance for homeowners building outbuildings, demonstrating the Council's support for outbuildings in principle, subject to design, scale and massing.
- 5.5 As illustrated in Section 4, similar outbuildings have been approved within the surrounding area under the current development plan. Given the similar characteristics and location of these permissions, the principle for the construction of outbuildings in this area has been established.

Design, Scale and Massing

- 5.6 The significance of ensuring good design is outlined within all levels of planning policy. Both the NPPF and the London Plan state that it is a key principle of sustainable development. Supporting paragraphs of Policy D1 of Camden's Local Plan refer to the expectation of sustainable design and construction, emphasising the importance of high-quality design which is durable over time. This Policy states that all development should respect the local character of the area, preserve the historic environment and adhere to sustainable design principles.

- 5.7 The supporting text of Policy A2 (Open Space) of the Local Plan, “we will resist development that occupies an excessive part of the garden, and the loss of garden space which contributes to the character of the townscape”. The proposals ensure compliance with this Policy; the garden is very large at 375sqm, as such the proposed 40sqm outbuilding will only occupy 10.5% of the garden. As mentioned in Section 4, the recent permission for the outbuilding at 117 King Henry’s Road (2020/1082/P) occupies approximately 25% of the rear garden. As the proposed outbuilding at No. 133 is of a considerably smaller scale, it will have a lesser impact on the garden space and will ensure residents will continue to benefit from a very generously sized garden. As such the proposals should be considered acceptable in terms of its scale and size. In accordance with Policy A2, the majority of the garden will remain undeveloped, therefore the proposed outbuilding will not detract from the open character of the garden.
- 5.8 Additionally, the outbuilding will be set back and in from the rear and side boundaries, with a distance of approximately 1m obtained on all sides. This will minimise its visual impact, with the surrounding tree coverage ensuring that the outbuilding is largely concealed from view.
- 5.9 The design specifications for outbuildings are further outlined in Camden’s Home Improvements Guidance Document. This outlines the requirement for outbuildings to have minimal visual impact on and be subordinate within the host garden, ensuring that they do not detract from the open character and garden amenity of neighbouring gardens and wider surrounding area. In regard to materials, this guidance states that outbuildings should be constructed with materials which are sympathetic to and complement the host property and surrounding area.
- 5.10 The high-quality design, location and scale of the outbuilding will constitute a modest and sensitive addition to the existing property, respecting the character and appearance of both the host building and the Conservation Area. To ensure that the outbuilding is in keeping with the surrounding area, it will be built with timber cladding which complements similar nearby outbuildings. Additionally, the outbuilding will have a wildflower roof, intending to enhance biodiversity and sustainability. This will also ensure that the outbuilding integrates well into the surrounding area; the green roof will blend into the surrounding trees and landscaping, providing an attractive outlook and minimising the impact on the neighbouring amenity when seen from upper levels.
- 5.11 A full design narrative and rationale is provided in the accompanying DAS prepared by CCASA Architects. This demonstrates that the proposed outbuilding complies with the requirements of Policy D1 and the supplementary planning documents and is appropriate for the site and the surrounding area.

Heritage and Conservation

- 5.12 As the site is located within the Elsworthy Conservation Area, a review of the relevant conservation and heritage policies is required.
- 5.13 The NPPF has a presumption in favour of sustainable development and aims to protect and enhance heritage assets, with Paragraph 194 stating that applications need to detail the significance of any heritage assets affected by a development proposal.
- 5.14 Policy D2 (Heritage) of the Local Plan states that the Council will preserve, and where appropriate, enhance Camden's rich and diverse heritage assets and their settings including conservation areas. The Council will not permit substantial harm to a designated heritage asset unless it can be demonstrated that substantial public benefit is gained as a result.
- 5.15 The Elsworthy Conservation Area Appraisal states that any development must preserve or enhance the character or appearance of the area, having regard to the scale, bulk, massing of buildings. This is reiterated in the Home Improvements Guidance Document which states that outbuildings should enhance the existing qualities, context and character of the Conservation Area.
- 5.16 In accordance with the above policy, the outbuilding provides a sympathetic addition to the property, using timber cladding which complements both the existing building and the surrounding buildings. Additionally, the outbuilding will be positioned at the end of the rear garden, it will be modest in scale and will not appear overly dominant in its context. The proposed outbuilding would only occupy 10.5% of the rear garden, therefore the impact on the character and appearance of the Elsworthy Road Conservation Area will be minimal. The officer's report for 111A King Henry's Road (2014/4359) stated that the outbuilding covering approximately 10.1% of the garden is appropriate as it *"would represent a sympathetic addition which would preserve the character and appearance of the wider conservation area"*. This demonstrates that the scale and size of the proposed outbuilding would not impact the Elsworthy Conservation Area, thus complying with Policy D2 and the guidance outlined in the The Elsworthy Conservation Area Appraisal.
- 5.17 The location of the outbuilding in the rear garden means that it will have very limited visibility from public view. As discussed, it will also be setback from the boundaries, and the materiality proposed will ensure that it is a discreet addition with limited visual impact. As such, the proposed outbuilding will not cause any harm to the Elsworthy Road Conservation Area.

Amenity of Neighbouring Occupiers

- 5.18 Policy A1 (Managing the impact of development) of the Local Plan outlines how proposals should manage the impact of development on neighbouring amenity. This includes visual impact, sunlight, daylight and overshadowing, transport impacts and, among other aspects, noise and vibration levels. Guidance on the impact on neighbouring amenity is also outlined in the Home Improvements Guidance Document.

- 5.19 The scale and position of the proposed outbuilding is such that it will not cause any adverse impact upon the amenity of neighbouring residents. The outbuilding will be largely obscured from view by the existing trees and landscaping. Furthermore, the outbuilding will be set back approximately 1m from the rear and side boundaries and the height of the proposed outbuilding is similar to that of the existing shed. As such, the proposal will not cause any harmful impacts with regards to overshadowing, daylight and sunlight.
- 5.20 With regards to privacy, whilst window openings are proposed to the front elevation of the outbuilding, the length of the rear garden will ensure that these are set a significant distance from neighbouring windows to avoid any harmful overlooking impacts. Additionally, three new trees are proposed on the eastern boundary of the rear garden to enhance privacy and screening between the adjacent property.
- 5.21 With regards to visual impact, the provision of a green roof and the timber cladding will create a discreet appearance and attractive outlook for neighbouring residents, including the flats above.
- 5.22 Overall, the position of the proposed development at the end of the rear garden, together with its modest scale when considered in context with the remainder of the rear garden (89.5% of garden remains undeveloped), ensures that it will not cause any overshadowing, loss of daylight and sunlight or privacy to the neighbouring properties on King Henry's Road. The proposed outbuilding has been sympathetically designed in relation to its context, maintaining a reasonable relationship between neighbouring occupiers in accordance with Policy A1 of the Local Plan.

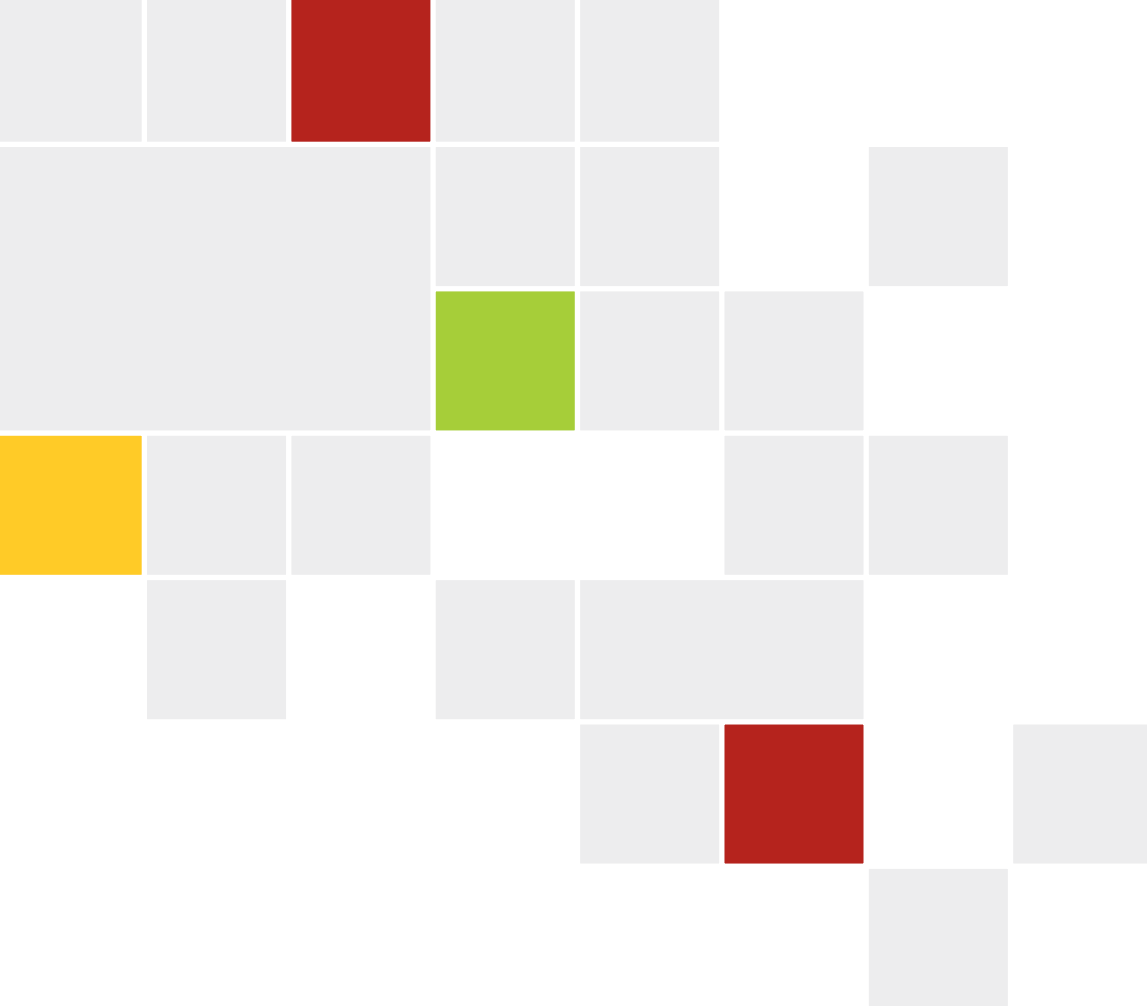
Trees and Landscaping

- 5.23 Policy A3 (Biodiversity) of the Local Plan states that the Council will support applications which protect existing trees and seek to provide additional trees.
- 5.24 As discussed, there are a number of trees in the garden and in the surroundings which have been taken into account when designing the outbuilding. These are detailed in full in the AIA. The proposal will not result in the loss of any trees, although pruning works are proposed to two trees to allow for construction activity and clearance over the garden. It is proposed to plant three new trees along the eastern boundary, which will be an enhancement in biodiversity terms.
- 5.25 The AIA prepared by Crown Tree Consultancy concludes that provided that suitable protection measures and mitigation planting are implemented, there are no arboricultural reasons why the proposal should not be accepted.

- 5.26 An AMS has also been prepared by Crown Tree Consultancy which includes a Tree Protection Plan. Together, these provide full details of the proposed protection measures including construction exclusion zones, restricted activity zones, as well as tree protection barriers, which will ensure that trees are protected during the construction works. The AMS also provides details of a site monitoring schedule which includes a pre-start meeting, monthly inspections and monitoring of some of the key works. Together, these measures will ensure that the relevant trees within the garden and on neighbouring sites are protected during the construction works, in accordance with the aims of Policy A3.

6. CONCLUSION

- 6.1 This Planning Statement is submitted in support of a planning application for the erection of an outbuilding within the rear garden to provide ancillary living space for the existing lower ground floor garden flat at No 133 King Henry's Road.
- 6.2 The proposals will enhance the quality of accommodation at the Site by providing additional living space, with the intention that this will be used as a home office. This will provide a valuable facility for the homeowners, improving their homeworking arrangements and providing a separate distinct workspace.
- 6.3 The proposed outbuilding is modest in scale and located in a manner which will not adversely affect the character or appearance of Elsworthy Road Conservation Area, nor will it harm the amenity of neighbouring residents. The outbuilding has been sensitively designed, using high-quality sustainable materials which complement the existing building and surrounding buildings.
- 6.4 As illustrated in the Arboricultural Impact Assessment, the proposal will not have any adverse impacts on arboriculture, provided that suitable protection measures and mitigation planting are implemented. Full details of these measures are provided in the Arboricultural Method Statement and will ensure that trees within the Site and in surrounding gardens are protected during construction works. The proposals also involve the provision of three new trees, which will be an enhancement in biodiversity terms.
- 6.5 The proposals have been fully assessed in regards to national, London-wide and local planning policies. For the reasons set out in the statement, the proposals are considered to be compliant with these policies and it is therefore respectfully requested that this application is approved without delay.



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