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|---|--|---|----------|
| <b>Address:</b>   | Flat 6, 9-11 Belsize Grove<br>London<br>NW3 4UU                                      |   | <b>2</b> |
| <b>Application Number(s):</b>   | 2022/2863/P  | <b>Officer:</b> Blythe Smith                              |          |
| <b>Ward:</b>  | Belsize  |   |          |
| <b>Date Received:</b>   | 06/07/2022   |   |          |
| <b>Proposal:</b>  | Erection of a single storey timber garden studio for ancillary residential purposes. |   |          |
| <b>Background Papers, Supporting Documents and Drawing Numbers:</b>                     |  |   |          |
| Proposed Drawings:<br>Drawing Nos: 2209.PL.01 Rev C, 2201.PL.02 Rev B, 2201.PL.03 Rev B |  |   |          |
| Documents:<br>Design And Access Statement, Arboricultural Impact Assessment             |  |   |          |
| <b>RECOMMENDATION SUMMARY: Grant conditional planning permission</b>                    |  |   |          |
| <b>Applicant: Mr James Delaney</b>  |  | <b>Agent: Ecospace Ltd</b>                                |          |
| Mr James Delaney<br>Flat 6<br>9-11 Belsize Grove<br>London<br>NW3 4UU                   |  | Mr Luke Sharma<br>5a/6a Iliffe Yard<br>London<br>SE17 3QA |          |

## EXECUTIVE SUMMARY

- i) The application site is a pair of stucco villas in use as residential flats and located within the Belsize Conservation Area. The large garden to the rear of the buildings has been subdivided to provide amenity space to the flats. Planning permission is sought for the erection of a new outbuilding to the rear of the application site in connection with Flat 6. The new outbuilding would measure 8.8m wide and 3.9m deep. It would feature a mono-pitched roof measuring a maximum height of 3m reducing down to 2.8m at the rear boundary. It would be clad in timber with a sedum roof, and would feature 2 rooflights, with a glazed door and two windows to the front elevation. There will be no windows on the side or rear elevations.
- ii) Following consultation with the Council's Conservation Officer the application was amended, reducing the footprint and height of the outbuilding. The width has been reduced from 10m to 8.8m and the maximum height has been reduced from 3.8m to 3m. Conservation officers removed their objections to the scheme after these revisions. The proposal does include the removal of 3 trees, but this has been

assessed by the Council's tree officer who have raised no concerns over the scheme, subject to condition.

iii) The scheme complies with the development plan as a whole.

## OFFICER REPORT

### Reason for Referral to Committee:

The Director of Economy, Regeneration and Investment has referred the application for consideration after briefing members (Clause 3(vii)). The panel considered it should be heard by committee due to the concern over the impact to neighbouring residents and planning history of the site.

## 1. SITE AND BACKGROUND

### *Location*

- 1.1 9-11 Belsize Grove is formed of a pair of stucco villas which are in residential use as flats. The property is located in the Belsize Conservation Area and is identified as making a positive contribution to the conservation area in the conservation area statement.
- 1.2 The property is on the western side of Belsize Grove, the large rear garden space has been subdivided to provide amenity space to the flats, beyond this is the rear boundary of properties in Howitt Road which have relatively small garden spaces.



Figure 1 - Photograph of the existing site

- 1.3 The application relates to the part of the garden which belongs to Flat 6, there is currently no structure on this part of the garden, but there are several trees nearby.
- 1.4 Flat 4 has one outbuilding of a similar size as that proposed here, approved under a permission granted in 2014 Ref: 2013/6600/P. Another outbuilding has been partially erected at Flat 5 without planning permission, but an in part retrospective application (Ref: 2023/4603/P) has been submitted which is currently recommended for refusal (see below). The area is predominantly residential.

## 2. THE PROPOSAL

- 2.1 The proposal is for the erection of a single storey outbuilding.
- 2.2 The new outbuilding would measure 8.8m wide and 3.9m deep. It would feature a mono-pitched roof measuring a maximum height of 3m reducing down to 2.8m at the rear boundary. It would be clad in timber with a sedum roof, and would feature 2 rooflights, with a glazed door and two windows to the front elevation. There will be no windows on the rear elevation. There is one small window on the side elevation.

## 3. RELEVANT HISTORY

### *The site*

- 3.1 **33932** - Change of use and works of conversion to create 16 self-contained flats. **Granted 02/07/1982**

### *Flat 4, 9-11 Belsize Road*

- 3.2 **2003/3023/P** - The erection of a timber outbuilding in the rear garden for use incidental to the residential occupation of Flat 4. **Granted 30/04/2004**

- 3.3 **2013/6600/P** - Extension to an existing rear garden timber framed single storey structure. **Granted 11/12/2013**

### *Flat 5, 9-11 Belsize Road*

- 3.4 **2023/4603/P** - Summer house without toilet/bath/kitchen facilities. **Recommended for refusal** (decision currently pending). This application follows initial works to erect an outbuilding without permission. Works ceased and this application seeks permission for a similar outbuilding, but it is different from the one that has started to be erected on site. Concern has been raised regarding the scale of the structure which measures 9.1m wide, 4.4m deep and 4m tall.

## 4. CONSULTATION

### ***Local groups***

#### CAAC

4.1 Objection covering the following issue(s):

- The floor area and height of the proposed studio are excessive, it will be visible from the surrounding gardens.
- The tree to be removed should be replaced.
- Residential use in a garden is unacceptable.

#### ***Officer response:***

- *Please refer to Section 7 for a full assessment of the proposed design and its impact on the Conservation Area.*
- *Please refer to Section 9 for full assessment on trees and landscaping.*
- *If approved, a condition would be added limiting the use of the outbuilding to being ancillary to the main dwelling, Flat 6, 9-11 Belsize Grove.*

### ***Adjoining occupiers***

4.2 Two sites notice were displayed, one on Belsize Grove and one to the rear of the site on Howitt Road. The notices were displayed on 31/08/2022 until 24/09/2022 and the application was advertised in the local paper on 01/09/2022 (expiring 25/09/2022).

4.3 Objections were received from at 19 local households. The objections received by the Council have been published on the Council's website. The key issues raised are:

- Neighbours on Howitt Road were not consulted.
- There was no existing structure for there to be a "replacement".
- Land registry title is incorrect.
- Location map is wrong.
- The land may be sold off at a later date and used as a separate dwelling and is not adjacent nor visible to flat 6.
- The annotated floor area on the plans is incorrect.
- The photo used in the Design and Access Statement is misleading.
- The outbuilding will take up more than 50% of the width of the amenity space.
- Damage to trees on the land.
- Application is not taking into account utility supply issues and the disruption of neighbouring residents.
- Outlook from neighbouring windows.
- Overdevelopment and "oppressive".

- Biodiversity impacts.
- Impact on boundary wall/ party wall agreement.
- Plans inaccurate – skylight missing from elevations.
- Security concerns of residents of 9-11 Belsize Grove and the surrounding neighbours.

Officer response:

- *Please refer to Section 7 for a full assessment of the proposed design and its impact on the Conservation Area.*
- *Please refer to Section 8 for full assessment on neighbouring amenity.*
- *Please refer to Section 9 for full assessment on trees and landscaping.*
- *The description of development was amended, and the application re-consulted when the revised proposals to reduce the footprint and height of the building were submitted. The proposed drawings are considered to be sufficiently detailed in order to determine the application.*
- *If approved, a condition would be added limiting the use of the outbuilding to being ancillary to the main dwelling, Flat 6, 9-11 Belsize Grove.*
- *Utility supply is not a material planning consideration.*
- *An outbuilding which is not publicly accessible is not considered to raise significant security concerns.*
- *The proposed development is not considered to impact biodiversity on the site.*
- *Party wall issues are a civil matter and not a material planning consideration.*

## 5. POLICY

### **National and regional policy and guidance**

[National Planning Policy Framework 2023 \(NPPF\)](#)

[National Planning Practice Guidance \(NPPG\)](#)

[London Plan 2021 \(LP\)](#)

### **Local policy and guidance**

Camden Local Plan (2017) (LP)

[Policy A1 Managing the impact of development](#)

[Policy A3 Biodiversity](#)

[Policy D1 Design](#)

[Policy D2 Heritage](#)

Supplementary Planning Documents and Guidance

*Most relevant Camden Planning Guidance (CPGs):*

[Amenity - January 2021](#)

[Design - January 2021](#)

[Home Improvements - January 2021](#)

*Other guidance:*

Belsize Conservation Area appraisal and management strategy 2002

Draft Camden Local Plan

The council has published a new [Draft Camden Local Plan](#) (incorporating Site Allocations) for which consultation has now ended (DCLP). The DCLP is a material consideration and can be taken into account in the determination of planning applications, but has limited weight at this stage. The weight that can be given to it will increase as it progresses towards adoption (anticipated 2026).

**6. ASSESSMENT**

6.1 The principal considerations material to the determination of this application are considered in the following sections of this report:

|          |                              |
|----------|------------------------------|
| <b>7</b> | <b>Design and Heritage</b>   |
| <b>8</b> | <b>Neighbouring Amenity</b>  |
| <b>9</b> | <b>Trees and Landscaping</b> |

**7. DESIGN AND HERITAGE**

7.1 The Council's design policies are aimed at achieving the highest standard of design in all developments, including where alterations and extensions are proposed. Policy D1 of the Local Plan requires development to be of the highest architectural and urban design quality, which improves the function, appearance and character of the area; and Policy D2 states that the Council will preserve, and where appropriate, enhance Camden's rich and diverse heritage assets and their settings, including conservation areas.

7.2 There is no existing outbuilding on the site. The rear amenity area for the dwelling had been split with one of the neighbouring flats and Flat 6 occupies the back half of the original garden space, the amenity space for Flat 6 is accessed by a 2.2m strip from the rear of the property. See below:

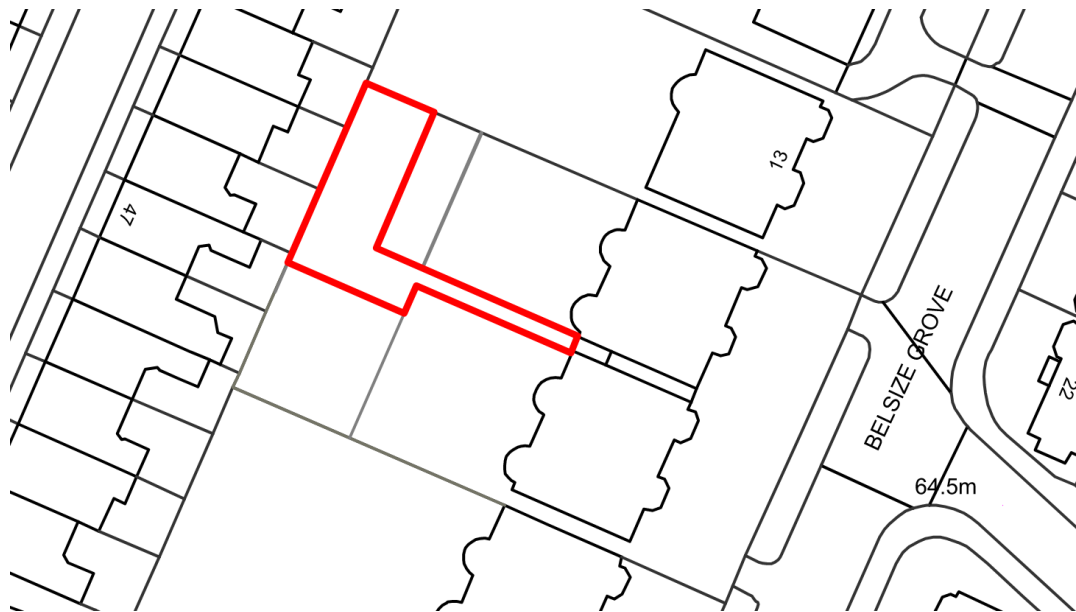


Figure 2 - The garden for flat 6 (application site)

- 7.3 The main garden space in which the building would sit (excluding the access path) measures around 21m wide, and 8m deep. The proposed outbuilding would be 8.8m wide and 3.9m in depth, featuring a mono-pitched roof with a ridge and eaves height of 3m to 2.8m, respectively. The shorter height would be at the rear towards the north-west boundary, adjacent to Nos. 41 and 43 Howitt Road.
- 7.4 Although the outbuilding would be fairly large when compared to a standard sized garden shed, with a footprint of approximately 33.8sqm, it would be positioned to the rear of the garden, solely owned by No.6, which measures over 208sqm, retaining over 80% of the garden area. In terms of its detailed design, it would be clad in timber, which would weather to silver, and have a sedum roof with two roof lights. Details of the proposed green roof shall be secured by condition to ensure it will be appropriately maintained in perpetuity.
- 7.5 Given the distance of over 24m between the outbuilding and the original rear elevation of the host building, it would not appear unduly prominent in its setting. Although it would be visible, it would appear as an ancillary garden structure which would be subordinate to both the original building and the garden area. Flat 4 features a rear outbuilding however this will be set away from this proposed structure by 3.8m within their own amenity space. As it is visually separate it would not create a cumulative negative impact to the Belsize conservation area.
- 7.6 For these same reasons, the development would not cause harm to the character or appearance of the Belsize Conservation Area, part of which is derived from the leafy gardens. Although there would be very limited views from neighbouring properties, the outbuilding is an appropriate design for its

garden setting, would appear as a subordinate and ancillary structure, and would preserve the verdant character of the garden.

- 7.7 As such, the proposed development would preserve the significance of the Belsize Conservation Area, in compliance with the NPPF, and policies D1 and D2 of the Camden Local Plan.

## **8. NEIGHBOURING AMENITY**

- 8.1 Policy A1 of the Local Plan seeks to protect the amenity of Camden's residents by ensuring the impact of development is fully considered and would not harm the amenity of neighbouring residents. This includes privacy, outlook, noise, daylight and sunlight.

- 8.2 Given the distance of approximately 6.2m between the outbuilding and the rear elevation of neighbouring No.41, 43 and 45 Howitt Road the relatively low height adjacent to the boundary, and the lack of windows facing the boundary, the development would not result in harmful overlooking or loss of privacy to adjacent residents. Furthermore, the existing mature landscaping would shield most views between the development and neighbouring properties.

- 8.3 Concerns were raised about the impact of the proposed rooflights, however there will be no windows facing neighbouring residents resulting in overlooking effects to nearby residents. Views out of the rooflights would be almost vertical, and so would not result in undue overlooking into neighbouring homes.

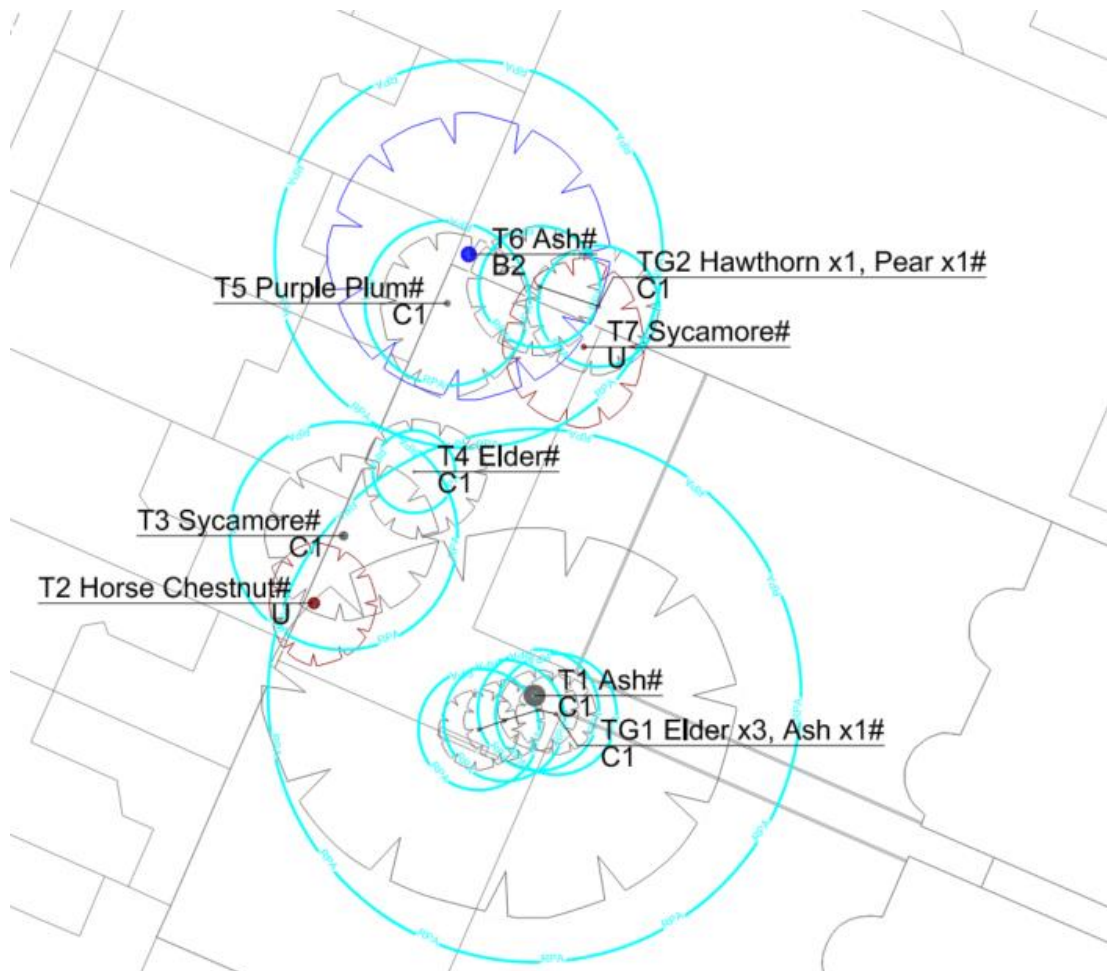
- 8.4 There is a small window proposed on the side elevation of the building. However, this is around 8m from the southern property boundary, the other side of which is another residential garden. This level of separation, together with the well planted nature of the gardens, means it is not considered necessary to require this window to be obscure glazed.

- 8.5 Concerns have been raised about the use of the garden for residential purposes. These are residential gardens and it is a garden structure designed to be used ancillary to the main flat it serves, this is considered to be appropriate, there is no change of use or the creation of a new residential unit which requires planning permission. The outbuilding itself would fall below the space standards permitted for new residential dwellings and would not contain the facilities to become an independent dwelling. The building itself may encourage greater use of this space as incidental residential use, but that use would be enclosed within the building so have very limited impact on neighbours. A condition restricting the use of the outbuilding for incidental residential use associated with the host dwelling will be required, ensuring the outbuilding is not used as self-contained residential accommodation, as this could otherwise have greater impacts on amenity.



8.6 There would also be no impact on neighbouring daylight or sunlight, outlook or privacy and as such, the proposals are considered acceptable and in accordance with policy A1.

## 9. TREES AND LANDSCAPING



9.1

Figure 3. Plan showing all existing trees with the proposed outbuilding

9.2 The application proposes the removal of three trees (T2, T4 and T7 in the above plan), two on health and safety grounds (T2 and T7) and only one to facilitate the development (T4). Two of the trees are in poor condition and should be removed regardless of the proposed development. The other is a short-lived shrub species. As these trees are in poor condition or nearing the end of their lifecycle, replacement trees would not be required. Good arboricultural management of mature garden areas such as this includes ensuring trees are not harmed or restricted through competing with other plants. Camden's arboricultural team have not raised any objection to this due to the condition of the trees in question, subject to a tree protection condition.

- 9.3 There is space around the whole building, with it set in from the rear boundary by 0.5m, with gaps of around 4m to 8m from the other boundaries, providing space for plants and wildlife corridors. The inclusion of a green roof is positive, and a condition requiring this to be provided has been included.
- 9.4 The overall scale and proportion to the garden space means the proposal would be acceptable in terms of trees, biodiversity, and greening in accordance with the development plan.

## **10. CONCLUSION**

- 10.1 The proposed works would preserve the significance and setting of the host building and the character and appearance of this part of the Belsize Conservation Area, The development would not give rise to any overbearing or light impacts to the neighbouring residential units or produce any overlooking effects. It would preserve the green character of the area with minimal impacts on greening and biodiversity. Subject to the conditions the proposed development is acceptable and complies with the development plan as a whole.

## **11. RECOMMENDATION**

- 11.1 Grant conditional Planning Permission

## 12. CONDITIONS

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|---|---|
| 1 | <p><b>Three years from the date of this permission</b><br/>This development must be begun not later than three years from the date of this permission.</p> <p>Reason: In order to comply with the provisions of Section 92 of the Town and Country Planning Act 1990 (as amended).</p>  |
| 2 | <p><b>Approved drawings</b><br/>The development hereby permitted shall be carried out in accordance with the following approved plans and documents:</p> <p>Drawing Nos: 2209.PL.01 Rev C, 2201.PL.02 Rev B, 2201.PL.03 Rev B, Design And Access Statement, Arboricultural Impact Assessment</p> <p>Reason: For the avoidance of doubt and in the interest of proper planning.</p>  |
| 3 | <p><b>Tree Protection Measures</b><br/>Prior to the commencement of development, tree protection measures shall be installed in accordance with the approved Tree Protection Plan. The protection shall then remain in place for the duration of works on site and works should be undertaken in line with the approved arboricultural method statement, unless otherwise agreed in writing by the local authority.</p> <p>Reason: To ensure that the development will not have an adverse effect on existing trees and in order to maintain the character and amenity of the area in accordance with the requirements of policies A2 and A3 of the London Borough of Camden Local Plan 2017.</p> |
| 4 | <p><b>Incidental use</b><br/>The outbuilding hereby approved shall only be used for incidental residential purposes in connection with Flat 6 of 9-11 Belsize Grove, and shall not be used as a separate residential dwelling or a business premises.</p> <p>Reason: In order to protect the residential amenity of neighbouring occupiers and prevent substandard living accommodation and excessive on-street parking pressure in accordance with policies A1, H6 and T2 of the London Borough of Camden Local Plan 2017.</p>   |
| 5 | <p><b>Living Roof</b><br/>Prior to commencement of development, full details in respect of the living roof in the area indicated on the approved roof plan shall be submitted to and approved in writing by the local planning authority. The details shall include:</p> <p>i. a detailed scheme of maintenance</p>   |

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|  | <p>ii. sections at a scale of 1:20 with manufacturers details demonstrating the construction and materials used</p> <p>iii. full details of planting species and density</p> <p>The living roofs shall be fully provided in accordance with the approved details prior to first occupation and thereafter retained and maintained in accordance with the approved scheme.</p> <p>Reason: In order to ensure the development maintains the character and appearance of the conservation area and contributes to biodiversity and the water environment in accordance with policies D1, D2 and A3 of the London Borough of Camden Local Plan 2017.</p> |
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### 13. INFORMATIVES

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| 1 | <p><b>Building Control</b></p> <p>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).</p>  |
| 2 | <p><b>Highways</b></p> <p>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 &amp; 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.</p> |
| 3 | <p><b>Environmental Health</b></p> <p>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 <a href="http://www.camden.gov.uk">www.camden.gov.uk</a>) 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)</p> <p>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</p>   |

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|--|
| <p>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.</p> |
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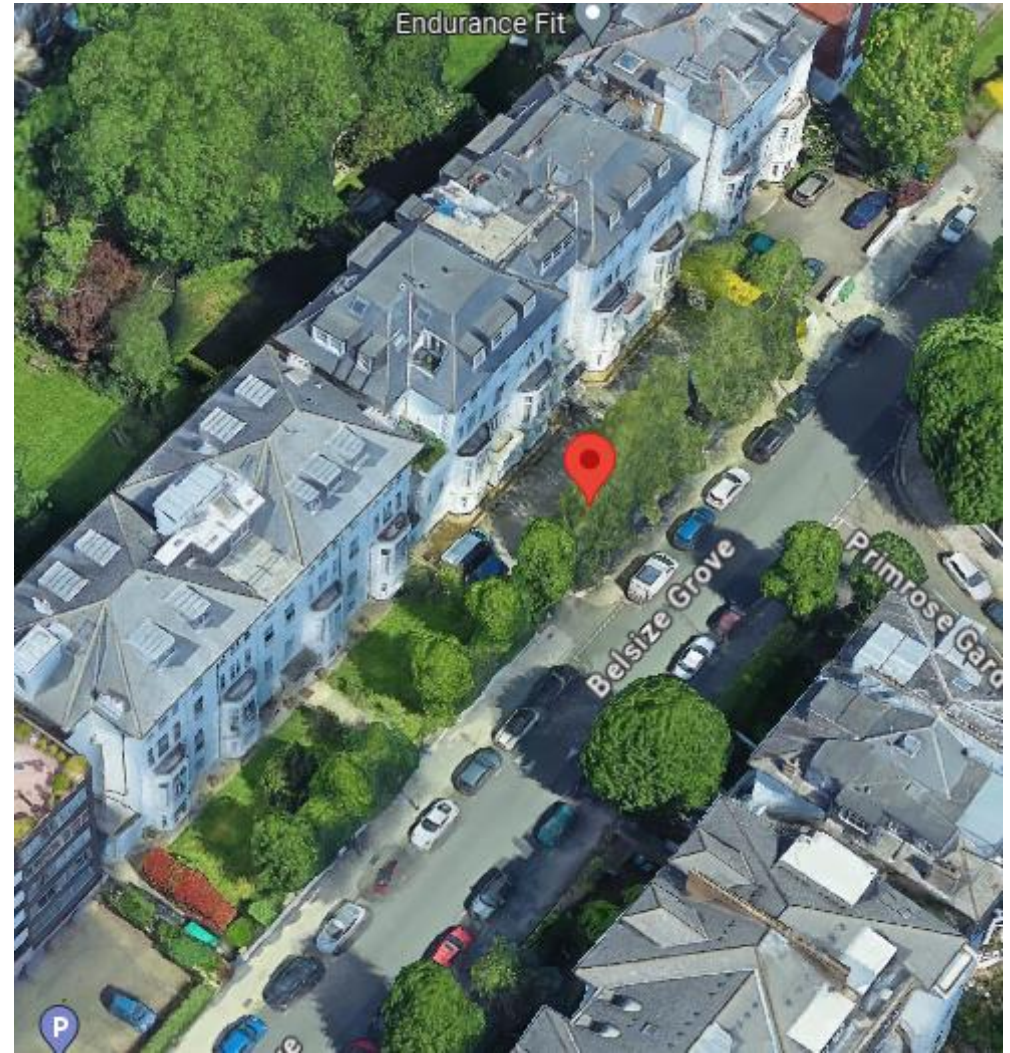
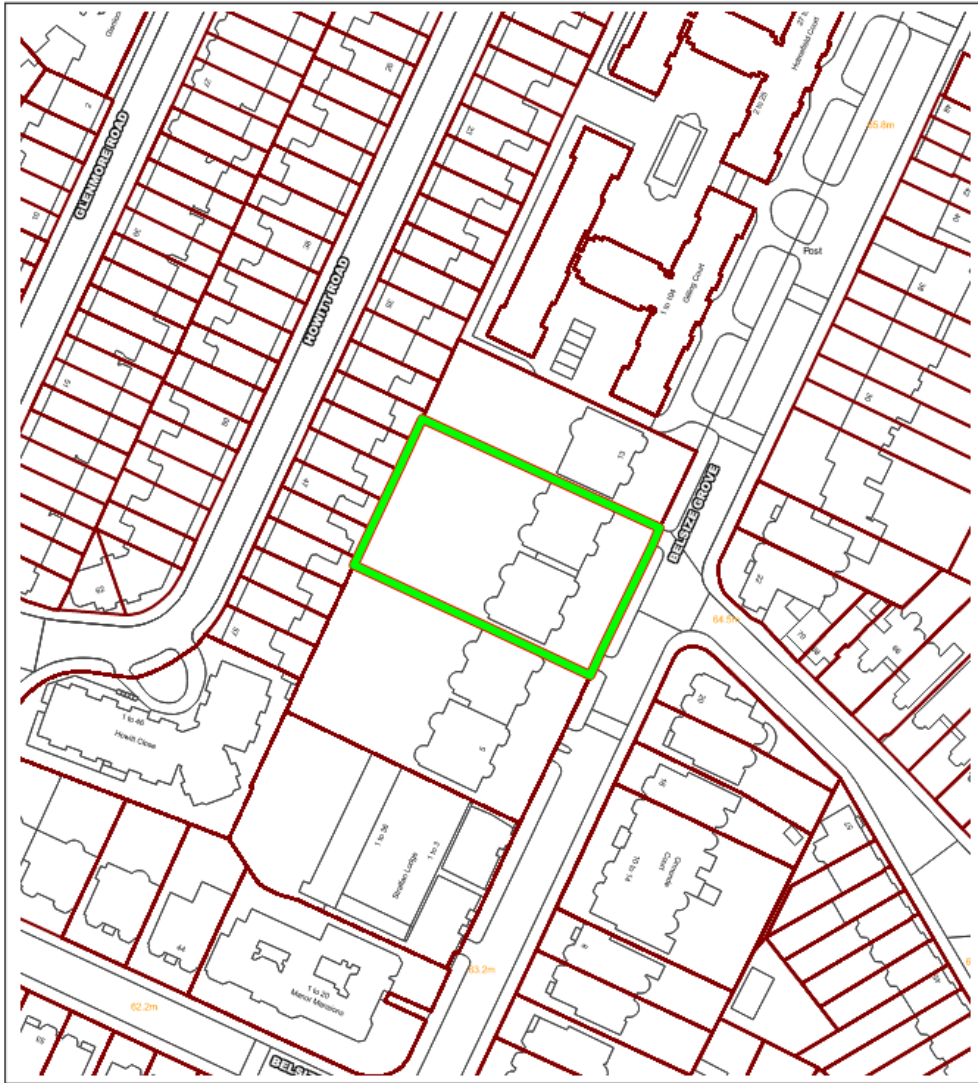
# Planning Committee

18 April 2024

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2022/2863/P

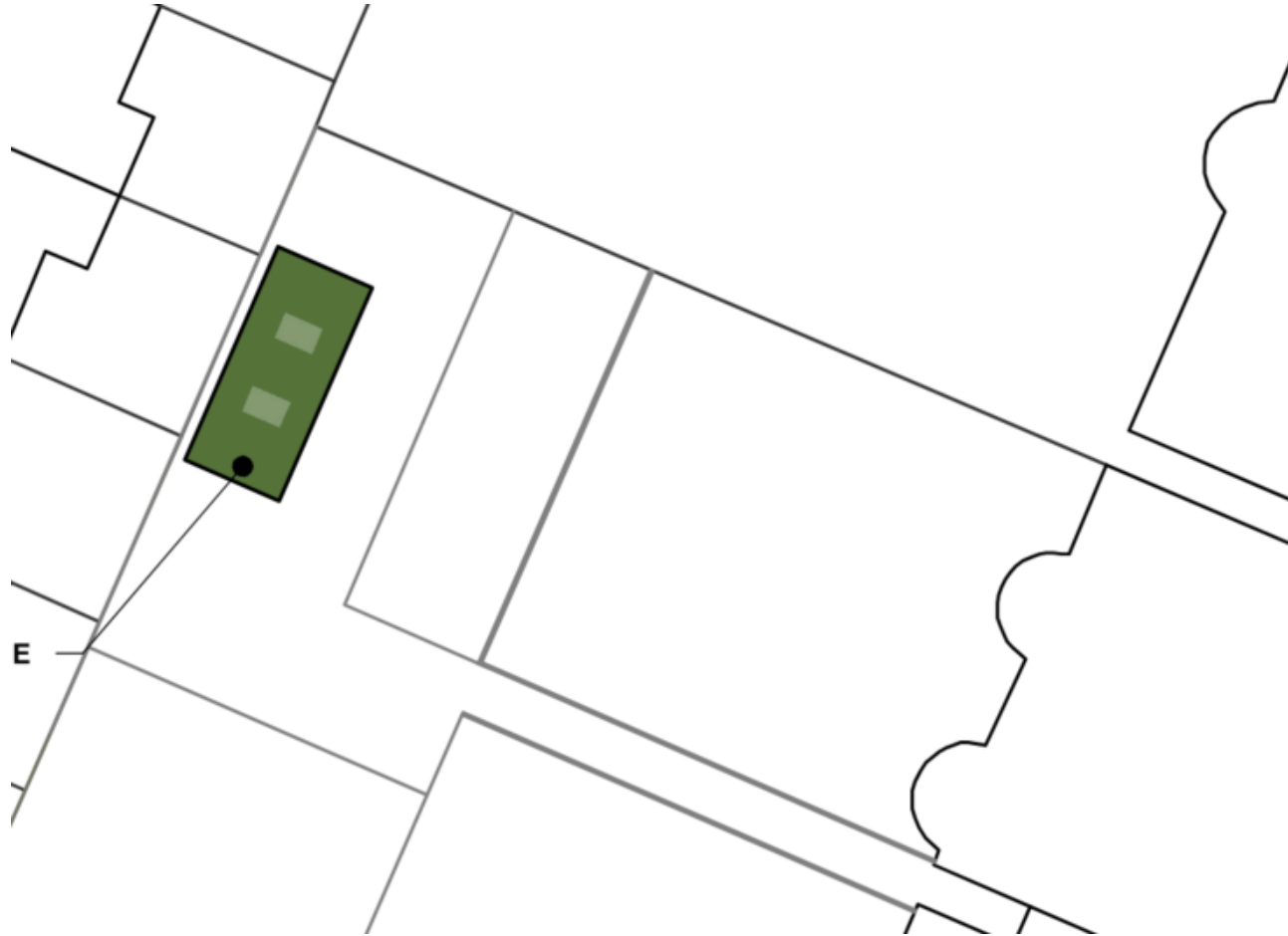
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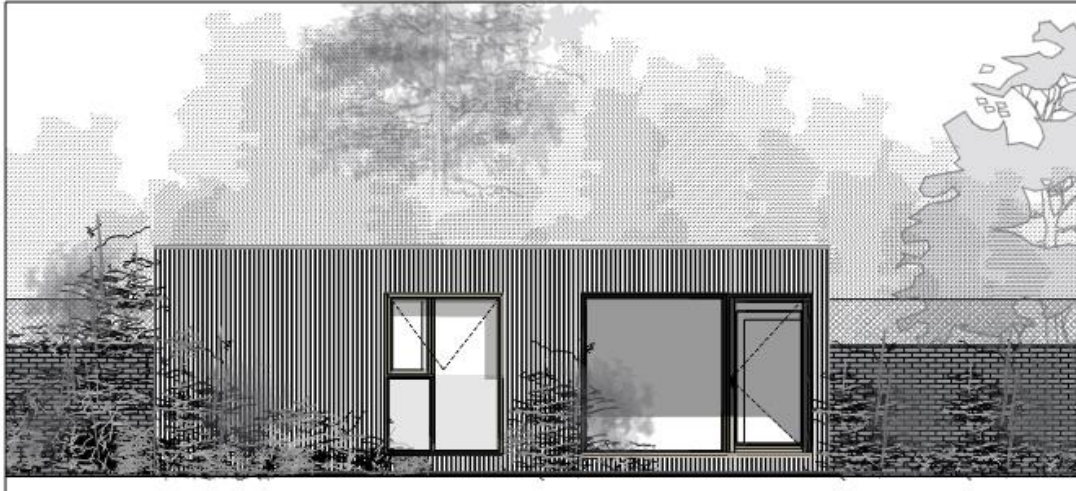




# Proposed Site Plan



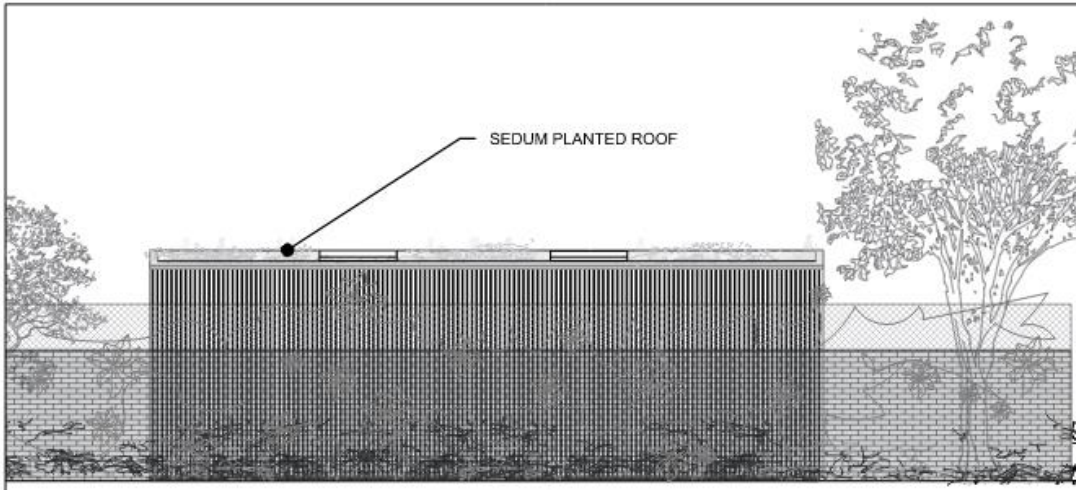
# Proposed elevations



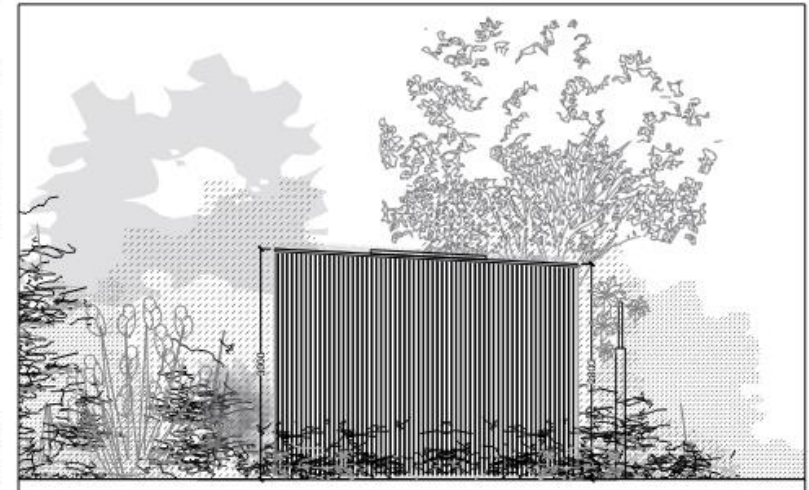
SOUTH EAST ELEVATION SCALE 1:100



SOUTH WEST ELEVATION SCALE 1:100

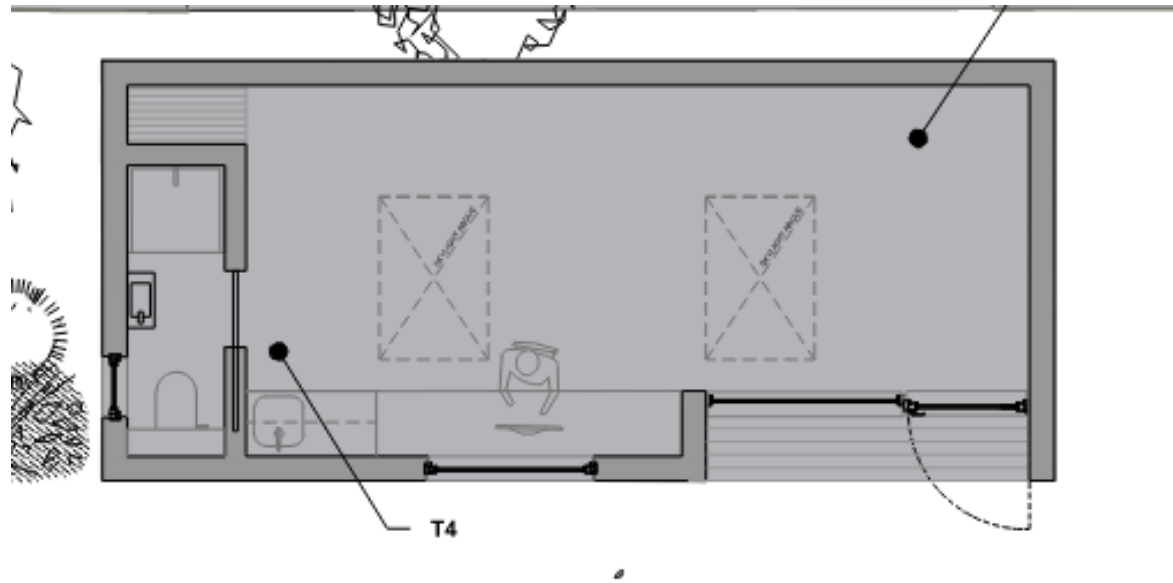


NORTH WEST ELEVATION SCALE 1:100

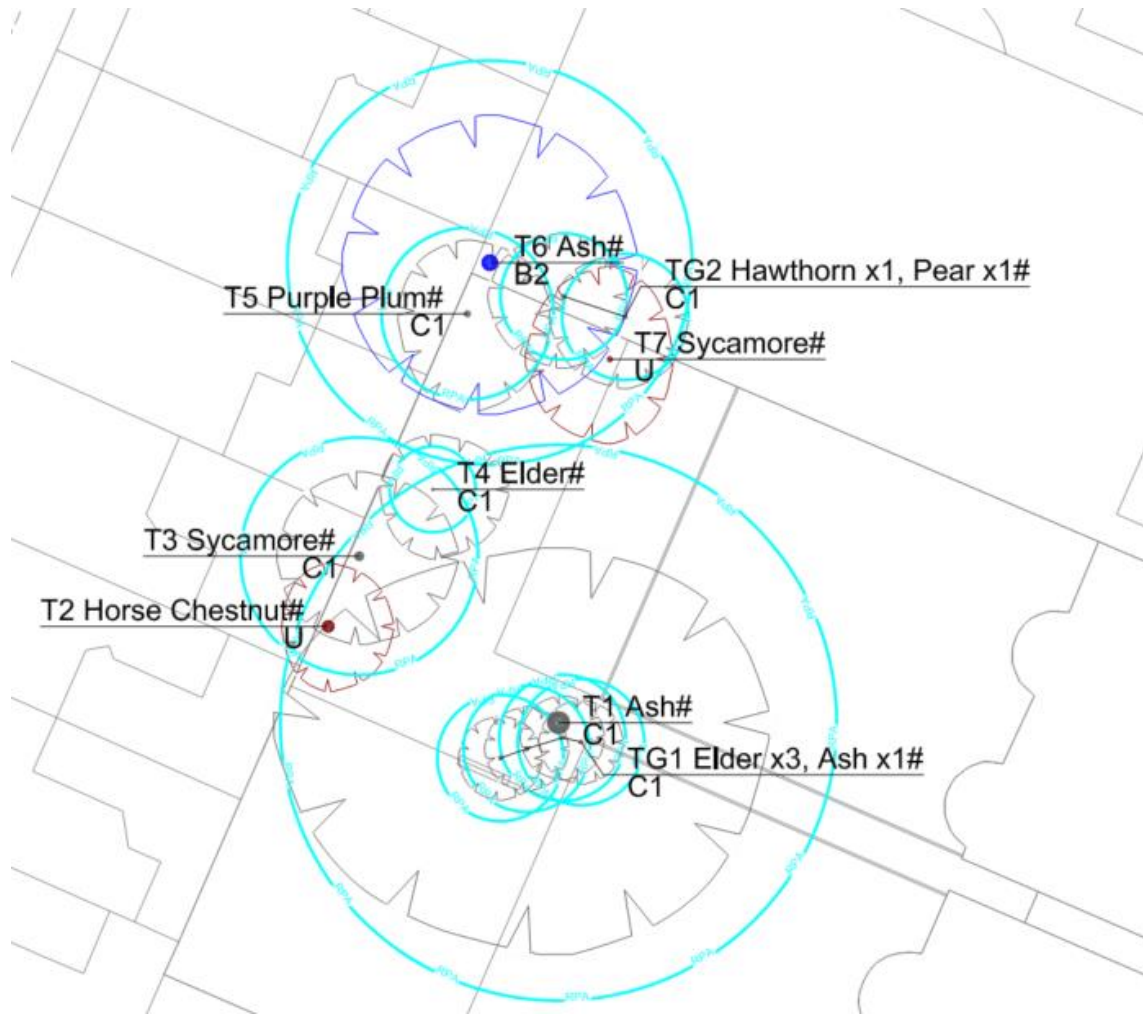


NORTH EAST ELEVATION SCALE 1:100

# Proposed floor plan



# Existing tree plan



## KEY

Please refer to Tamla Trees report for details

- Category A - Trees of high quality
- Category B - moderate quality
- Category C - low quality
- Category U - Dead, Dying or Defect trees with <10 years retention value