
Appeal Decision

Site visit made on 6 December 2016

by Beverley Wilders BA (Hons) PgDurp MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 11 January 2017

Appeal Ref: APP/X5210/D/16/3158182

4 Lock Mews, London NW1 9AD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Andrew Coulter against the decision of the Council of the London Borough of Camden.
 - The application Ref 2016/3330/P, registered on 4 July 2016, was refused by notice dated 10 August 2016.
 - The development is described as retention of garden shed to rear of dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for a garden shed to the rear of the dwelling at 4 Lock Mews, London NW1 9AD in accordance with the terms of the application, Ref 2016/3330/P, registered on 4 July 2016, subject to the following condition:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: location plan and drawing 01.

Procedural Matters

2. The planning application form states that the development was completed in January 2016 and at the time of my visit a single storey building had been erected in the rear garden. However as I cannot be certain that the development on site is fully in accordance with the submitted plans, in reaching my decision I have assessed the development as shown on the submitted plans.
3. The description of development in the heading above has been taken from the planning application form. However in allowing the appeal I have amended the description to remove reference to retention which is not a description of development.

Main Issues

4. The main issues are the effect of the development on:
 - The character and appearance of the area;
 - The living conditions of the occupiers of neighbouring property having regard to noise and disturbance.
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Reasons

Character and appearance

5. The appeal site comprises a modern three storey mid terraced property located within an estate of similarly designed properties. There is a flat roofed single storey extension at the rear of the property. The extension is faced in horizontal timber panels and the rear elevation of the main part of the property is rendered. The property has a modest sized rear garden primarily covered in timber decking. The side and rear boundary of the rear garden is marked by a solid timber fence with timber trellis above.
6. The garden shed is located at the end of the rear garden, to the rear of the single storey rear extension. Though it extends the full width of the rear garden, its modest size and height means that it does not have an overly bulky appearance when compared to the scale of the appeal property and surrounding development. The shed is positioned adjacent to and is lower than the existing boundary fence and is not therefore prominent when viewed from either surrounding properties on Lock Mews and Torriano Avenue or from Northpoint Square. The use of timber boarding to face the building complements the materials used on the rear extension and the timber decking and is not conspicuous or out of keeping.
7. At the time of my visit I noted the presence of a number of other single storey outbuildings of various sizes and designs in surrounding rear gardens, though I note the Council's comments with regard to the status of the shed at nearby 3a Torriano Avenue. Nevertheless I do not consider that the garden shed at the appeal site has an adverse effect on the overall development pattern of the area or that it is a dominant or disproportionate addition. At the time of my visit the shed on site was in a good state of repair and I do not share the Council's concerns regarding the durability of the materials used. Whilst I understand that permitted development rights were removed from the appeal property and surrounding properties, this is not a reason to withhold planning permission for development that is considered to be acceptable.
8. Taking the above matters into consideration, I conclude that the development does not adversely affect the character and appearance of the area. It therefore accords with the development plan and in particular Policy CS14 of Camden Local Development Framework Core Strategy (CS) and Policy DP24 of the Camden Local Development Framework Development Policies (DP) which require, amongst other things, all developments to be of the highest standard of design.

Living conditions

9. The application form and submitted plans describe the building as a garden shed and at the time of my visit the shed was being used for domestic storage. The building contains a door and a window in the elevation facing the rear garden. The modest size of the shed and its position at the end of the rear garden means that I do not consider that its use ancillary to the residential use of the appeal property would be likely to give rise to any significant increase in noise and disturbance to neighbouring occupiers or to affect their living conditions.

10. Though I have had regard to the concerns raised by both the Council and interested parties regarding possible future uses of the building, this is not a matter for me. I must consider the development as shown on the submitted plans. In reaching my decision I have had regard to the guidance contained within Camden Planning Guidance 1: Design (CPG1) and CPG6: Amenity and whilst I note that in some circumstances development in rear gardens can have a significant impact on living conditions, for the reasons stated, this is not the case with the development that is the subject of this appeal.
11. Taking the above matters into consideration, I conclude that the development is unlikely to adversely affect the living conditions of the occupiers of neighbouring property having regard to noise and disturbance. It therefore accords with the development plan and in particular Policy CS5 of the CS and Policy DP26 of the DP insofar as they relate to the impact of development on living conditions. These policies seek, amongst other things, consideration of the impact of development on neighbours and to ensure that the Council only grants permission for development that does not cause harm to amenity.

Other Matters

12. In reaching my decision I have had regard to the objections received from interested parties. Though I note the concern raised with regard to the use of the appeal property as a House of Multiple Occupation (HMO) and concerns regarding the noise and poor maintenance associated with that use, the appeal relates to a detached garden shed and therefore the existing use of the appeal property is not a matter for me to consider. A stated I am satisfied that what is being applied for and shown on the submitted plans is a garden shed. Any future change to the use of the shed would be a matter for the Council. Though the rear garden of the appeal property is modest in size and has been further reduced in size by the erection of the shed, I am satisfied that the remaining garden is of a sufficient size and layout to adequately meet the needs of the occupiers of the appeal property.
13. The fact that the application for planning permission was made after the shed was constructed and the fact that other development on the site may have been constructed without planning permission is not a reason to withhold planning permission. Finally based on the evidence submitted I am satisfied that application was properly publicised by the Council.

Conditions

14. I have had regard to the conditions suggested by the Council. I have not imposed a time limit condition as development has already commenced. In addition I have not imposed a condition requiring the shed to be constructed from materials to match the existing building having regard to the fact that the main part of the appeal property is rendered and the shed is faced in timber. However whilst development has already taken place and I consider what has been constructed on site to be acceptable, I cannot be certain that the as built development is fully in accordance with the submitted plans. I have therefore imposed a condition requiring the development to be carried out in accordance with the approved plans as this provides certainty.

Conclusion

15. For the above reasons and having regard to all matters raised, I hereby conclude that the appeal should be allowed.

Beverley Wilders

INSPECTOR