

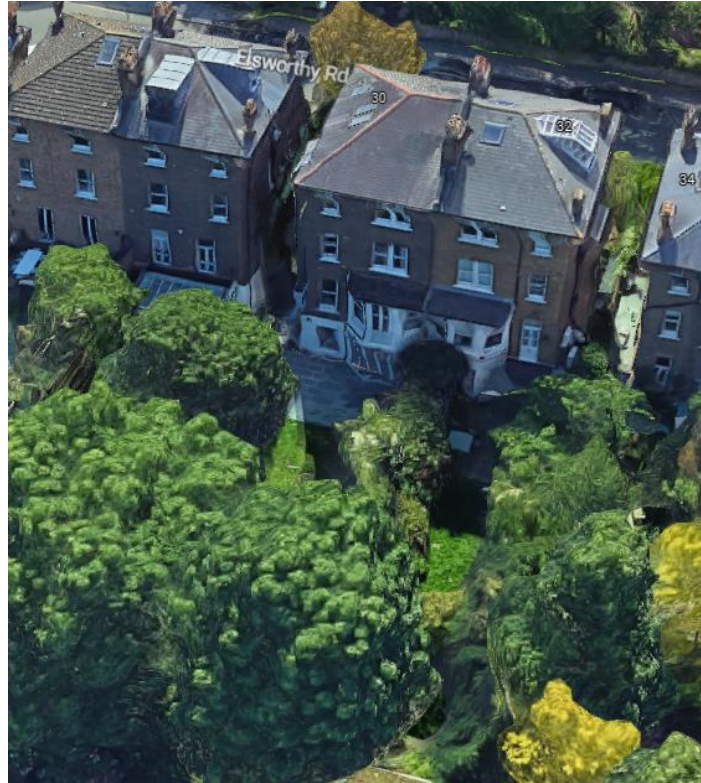
# 30 Elsworthy Road NW3 3DL



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**Photos for 2022/4565/P – 30 Elsworthy Road, NW3 3DL**

1. Aerial view of rear elevation and garden of 30 Elsworthy Road

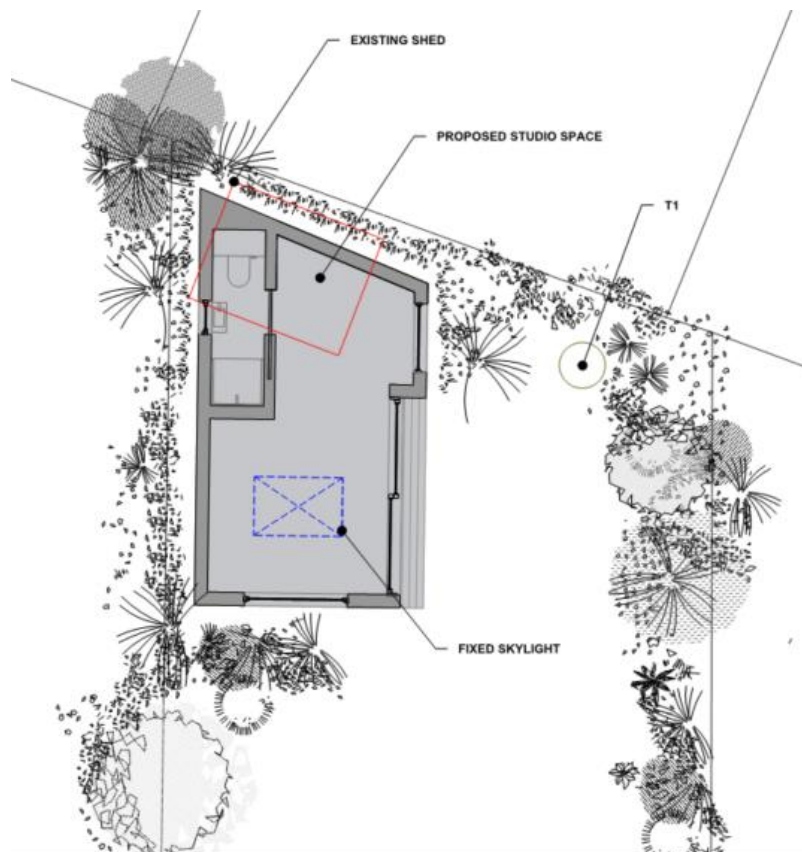


2. Rear garden with proposed location of outbuilding (in place of existing shed)

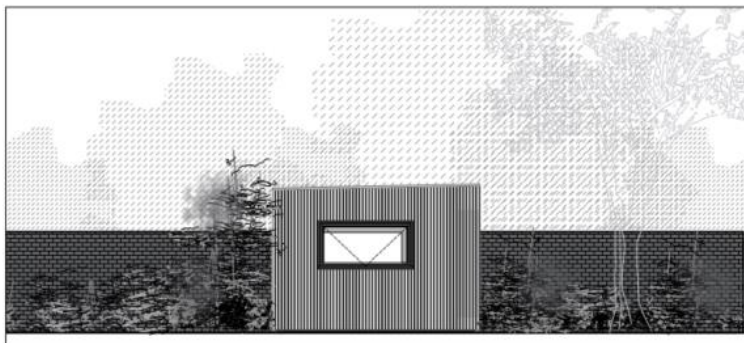




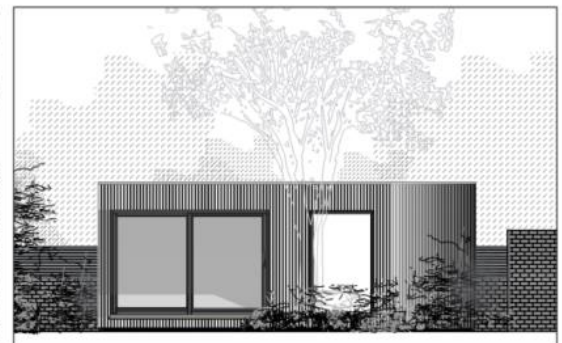
### 3. Proposed garden plan



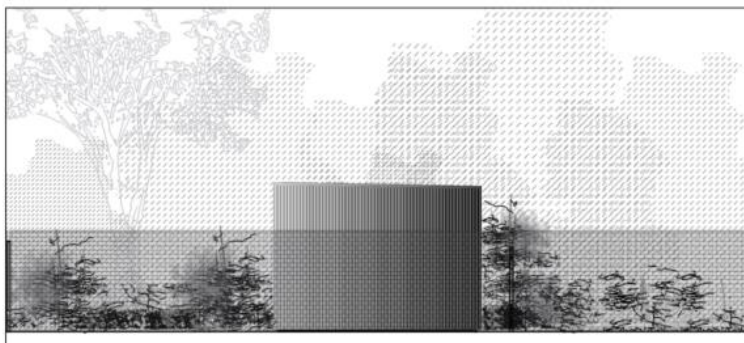
### 4. Proposed elevations



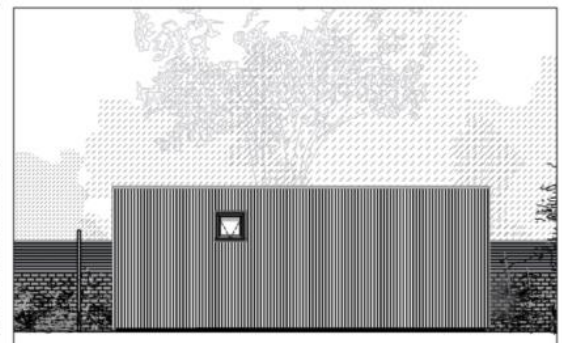
SOUTH WEST ELEVATION SCALE 1:100



SOUTH EAST ELEVATION SCALE 1:100



NORTH EAST ELEVATION SCALE 1:100



NORTH WEST ELEVATION SCALE 1:100

<b>Delegated Report</b> <b>(Members Briefing)</b>		<b>Analysis sheet</b>		<b>Expiry Date:</b>		<b>15/12/2022</b>	
		N/A / attached		<b>Consultation Expiry Date:</b>		<b>12/02/2023</b>	
<b>Officer</b>				<b>Application Number(s)</b>			
Sam FitzPatrick				2022/4565/P			
<b>Application Address</b>				<b>Drawing Numbers</b>			
30 Elsworthy Road Camden London NW3 3DL				Please refer to decision notice			
<b>PO 3/4</b>		<b>Area Team Signature</b>		<b>C&amp;UD</b>		<b>Authorised Officer Signature</b>	
<b>Proposal(s)</b>							
Erection of single storey timber outbuilding in rear garden for ancillary residential purposes.							
<b>Recommendation(s):</b>		<b>Grant Conditional Planning Permission</b>					
<b>Application Type:</b>		<b>Householder Application</b>					
<b>Conditions or Reasons for Refusal:</b>		<b>Refer to Draft Decision Notice</b>					
<b>Informatives:</b>							
<b>Consultations</b>							
<b>Adjoining Occupiers:</b>		No. notified		00		No. of responses	
						00	
<b>Summary of consultation responses:</b>		Site notice: 13/01/2023 – 06/02/2023 Press notice: 19/01/2023 – 12/02/2023  No objections or responses received.					
<b>Elsworthy CAAC:</b>		A letter of objection was received on behalf of the Elsworthy CAAC. Their objection comments can be summarised as follows: <ul style="list-style-type: none"> <li>- Objection to the development of habitable accommodation in rear garden;</li> <li>- Objection to the perceived excessive size of the proposed structure.</li> </ul> <u>Officer Response:</u> <ul style="list-style-type: none"> <li>- A condition is attached stating the use of the outbuilding must be ancillary to the host building, and not used for accommodation or as a business premises. There is no policy preventing the construction of outbuildings in principle, and they are also a form of permitted development where properties benefit from permitted development rights. In this instance, the height and positioning of the proposed outbuilding mean permitted development rights are not benefited from.</li> <li>- Please refer to section 3 (Design and Conservation) of the report.</li> </ul>					

## Site Description

The application site is a large four storey semi-detached dwellinghouse located on the north side of Elsworthy Road. The property has a large rear garden with a number of trees, located throughout the garden. The neighbouring properties are also large four storey dwellings with similar sized rear gardens, a number of which have outbuildings within their gardens.

The site is not listed but is located within the Elsworthy Conservation Area and is regarded as making a positive contribution.

## Relevant History

### Application site:

None.

### Neighbouring properties:

#### 26A Elsworthy Road

**2013/0897/P** – The erection of a single storey outbuilding ancillary with green roof to dwelling house. **Granted – 08/04/2013.**

#### 32 Elsworthy Road

**2014/7477/P** – Replacement of summer house & garden shed with a single storey timber structure in rear garden. **Granted – 28/01/2015**

#### Flat 1, 34 Elsworthy Road

**2007/5273/P** – Erection of single-storey building at end of rear garden to provide studio for ancillary use to Flat 1 and replacement of existing upper ground floor balcony and spiral staircase to rear of existing flat with larger balcony and staircase. **Granted – 14/01/2008**

## Relevant policies

### **National Planning Policy Framework (2021)**

### **The London Plan (2021)**

### **Camden Local Plan (2017)**

- **A1** Managing the impact of development
- **A3** Biodiversity
- **D1** Design
- **D2** Heritage

### **Camden Planning Guidance**

- CPG Amenity (2021)
- CPG Design (2021)
- CPG Home Improvements (2021)
- CPG Trees (2019)

### **Conservation Area Statements**

- Elsworthy Road Conservation Area Appraisal and Management Strategy (2009)

## 1. The proposal

- 1.1. Planning permission is sought for the erection of a single storey timber outbuilding in the rear garden for ancillary residential purposes, specifically as a work studio. The structure would be located in the north end of the rear garden close to the boundary.
- 1.2. The structure would measure 3.9m wide, 7.1m deep on one side, 5.5m deep on the other, and 2.8m high from ground level. The structure would feature a rooflight and windows to the north-west, south-east, and south-west elevations. A shed would be removed, and the concrete slab that this was located on still remains in the north-west section of the garden. This would be removed and the structure would rest on ground screws and be suspended slightly above ground level. It would also feature a flat roof with a sedum blanket on top, and the windows would be Scandinavian laminated pine.

## 2. Assessment

2.1. The principal considerations material to the determination of this application are:

- The design and impact of the proposal on the character and appearance of the Elsworthy Conservation Area;
- The impact of the proposal on neighbouring amenity;
- The impact on trees and biodiversity.

## 3. Design and Conservation

- 3.1. Local Plan Policy D1 (Design) aims to ensure that all developments are of the highest standard of design and respect the character, setting, form, and scale of neighbouring buildings, its contribution to the public realm, and its impact on wider views and vistas.
- 3.2. Local Plan Policy D2 (Heritage) states that the Council will require that developments preserve, and where appropriate, enhance Camden's rich and diverse heritage assets and their settings, including conservation areas. This is supported by the Elsworthy Conservation Area statement.
- 3.3. More specifically with regards to proposed structures in rear gardens, CPG Home Improvements states that *"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"*.
- 3.4. The footprint, size, scale, height, and massing of the proposed structure are considered to be acceptable in the context of the residential garden space, and the structure itself would read as subordinate within the host garden. The proposed outbuilding would have an external floor area of approximately 24.5sqm, within a total rear garden area of approximately 287.6sqm, which would amount to a relatively small cumulative total of garden space occupied by the proposed structure (approximately 9%). The remaining available garden area is considered more than a reasonably sized garden to retain the open character of existing natural landscape and garden amenity. It is noted that the proposed outbuilding would replace an already existing shed sited in the same north-west corner



of the rear garden.

- 3.5. The proposed outbuilding would be set away from the boundary fence by approximately 0.5m or more at all points and would be sited in the far corner of the rear garden. The height of the lowest boundary wall/fence immediately adjacent to the proposed outbuilding is approximately 1.6m, so the outbuilding would project approximately 1.1m above this. In view of the boundary fence heights, as well as the substantial amount of existing screening from vegetation and planting, the visual impact of the outbuilding from private views would be limited.
- 3.6. The use of high-quality materials such as red cedar or Douglas fir for the cladding and Scandinavian pine for the windows would give the outbuilding a natural look that softens the visual appearance and allows the structure to blend in with the surrounding garden and wider area. The use of a sedum blanket to the flat roof would also contribute to this.
- 3.7. The outbuilding would not be self-contained and is intended for use as a space incidental to the enjoyment and ancillary to the residential purposes of the main dwelling house (as confirmed in the Design and Access statement). A condition would be attached to any permission to ensure that this would be the case, so that the amenity of adjoining residential occupiers is not adversely affected by the proposal in this regard.
- 3.8. It is therefore considered that the siting, location, scale, and design of the outbuilding would have a minimal visual impact on, and be subordinate within, the host garden, given the site context. The materials used would be in keeping with the nature of gardens at the rear along this terrace. As such, the proposal is considered to preserve the character and appearance of the host building, neighbouring buildings, and wider Elsworthy Conservation Area, and is also in accordance with Council policies and guidelines, so is therefore acceptable.
- 3.9. Special attention has been paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area, under s.72 of the Listed Buildings and Conservation Areas Act 1990 as amended by the Enterprise and Regulatory Reform Act 2013.

#### **4. Amenity**

- 4.1. Local Plan Policy A1 (Managing the impact of development) seeks to protect the amenity of Camden's residents by ensuring the impact of development is fully considered and by only granting permission to development that would not harm the amenity of communities, occupiers, and neighbouring residents. This is supported by CPG Amenity which requires that the potential impact on the amenity of neighbouring properties must be fully considered and seeks for developments to be "*designed to protect the privacy of both new and existing dwellings to a reasonable degree*".
- 4.2. Given the outbuilding's position towards the rear of the garden, the discrete nature of the siting due to the existing screening from vegetation, and its relatively modest size and height, it is not considered that the proposal is overbearing or would result in any significant sense of enclosure, nor would it have any adverse impacts on levels of outlook or result in a loss of privacy through overlooking into habitable rooms of neighbouring properties.
- 4.3. Any possible light spillage from the proposed doors, windows, and skylight is considered to be small and there is not expected to be any significant increase in noise given the incidental nature of the outbuilding's use.
- 4.4. The outbuilding's windows would not directly face and be in close proximity to boundary fences, except the window to the north-west elevation. However, this window would be small in scale, at a high level, and sited only marginally higher than the boundary fence.
- 4.5. A condition is also recommended to ensure that the flat roof of the outbuilding is not used as a roof terrace, in order to prevent a loss of privacy through overlooking.
- 4.6. It is considered that the proposal would not significantly harm the amenity of neighbouring occupiers regarding light, privacy, and outlook in accordance with policy A1 of the London Borough of Camden Local Plan 2017.

#### **5. Trees and Landscaping**

- 5.1. Policy A3 of the Camden Local Plan 2017 seeks to retain and protect existing trees during development and is supported by CPG Trees. The Arboricultural Survey, Impact Assessment, and Method Statement that was submitted in support of this application details how the existing concrete slab located in the corner of the rear garden will be demolished with hand tools and careful consideration of tree roots and soil structure. Similarly, the ground screws that the structure will be supported by will be designed so as to be as non-invasive as possible and installed in such a way that they do not impact tree roots. The proposal and its supporting arboriculture evidence has been reviewed by a member of the Council's Trees and Landscape team, who has requested the addition of two additional pre-commencement conditions – one to amend the tree protection plan in order to increase its width over root protection areas, and one to provide details of the air void under the structure. Both conditions are

recommended to be added to any permission.

- 5.2. The sedum roof details submitted have also been reviewed by a member of the Council's Tree and Landscape team and are considered to be sufficient to allow for a thriving and adequately maintained living roof, so are acceptable. A compliance condition is recommended to ensure that the green roof is provided in accordance with the approved details.
- 5.3. As such, the impact of the proposal on any nearby trees and landscaping are considered to be acceptable in planning terms and in accordance with Camden Local Plan policies D1 and A3 as well as with the relevant Camden Planning Guidance.

## **6. Recommendation**

- 6.1. Overall, the proposed development is considered acceptable in terms of its design and impact on the character and appearance of the host building, neighbouring buildings, and wider Elsworthy Conservation Area. There would be no significant adverse impacts on the residential amenity of neighbouring occupiers, and the development is deemed consistent with the objectives, guidance, and policies identified above. It is therefore recommended that conditional planning permission is granted.

***The decision to refer an application to Planning Committee lies with the Director of Regeneration and Planning. Following the Members Briefing panel on Monday 6<sup>th</sup> March 2023, nominated members will advise whether they consider this application should be reported to the Planning Committee. For further information, please go to [www.camden.gov.uk](http://www.camden.gov.uk) and search for 'Members Briefing'.***



Application ref: 2022/4565/P  
Contact: Sam Fitzpatrick  
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Email: [sam.fitzpatrick@camden.gov.uk](mailto:sam.fitzpatrick@camden.gov.uk)  
Date: 1 March 2023

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WC1H 9JE

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London  
SE17 3QA  
United Kingdom

# DRAFT

Dear Sir/Madam

## DECISION

Town and Country Planning Act 1990 (as amended)

### Householder Application Granted

Address:  
**30 Elsworthy Road**  
**Camden**  
**London**  
**NW3 3DL**

# DECISION

Proposal: Erection of single storey timber outbuilding in rear garden for ancillary residential purposes.

Drawing Nos: Site Location Plan 2216.PL.01; Design and Access Statement 2216.DAS.01; Proposed Floor Plan 2216.PL.02; Proposed Elevations 2201.PL.03; Arboricultural Survey, Impact Assessment and Method Statement ASIAMS151.1; Sedum Roof Details; Sedum Roof Section 2216.PL.04.

The Council has considered your application and decided to grant permission subject to the following condition(s):

Condition(s) and Reason(s):

- 1 The development hereby permitted must be begun not later than the end of three years from the date of this permission.

Reason: In order to comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan 2216.PL.01; Design and Access Statement 2216.DAS.01; Proposed Floor Plan 2216.PL.02; Proposed Elevations 2201.PL.03; Arboricultural Survey, Impact Assessment and Method Statement ASIAMS151.1; Sedum Roof Details; Sedum Roof Section 2216.PL.04.

Reason:

For the avoidance of doubt and in the interest of proper planning.

- 3 All new external work shall be carried out in materials that resemble, as closely as possible, in colour and texture those of the existing building, unless otherwise specified in the approved application.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policy D1 [and D2 if in CA] of the London Borough of Camden Local Plan 2017.

- 4 The outbuilding hereby approved shall only be used for ancillary purposes to 30 Elsworthy Road and shall not be used as a separate residential dwelling or business premises.

Reason: In order to protect the residential amenities 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.

- 5 Prior to the commencement of any works on site, details demonstrating how trees to be retained shall be protected during construction work shall be submitted to and approved by the local planning authority in writing. Such details shall follow guidelines and standards set out in BS5837:2012 "Trees in Relation to Construction". All trees on the site, or parts of trees growing from adjoining sites, unless shown on the permitted drawings as being removed, shall be retained and protected from damage in accordance with the approved protection details.

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.

- 6 Prior to commencement of any works on site, details of the design of building foundations and the layout, with dimensions and levels, of service trenches and other excavations on site in so far as these items may affect trees on or adjoining the site, shall be submitted to and approved in writing by the local planning authority. This shall include sectional drawings showing the air void to allow for gaseous exchange for roots. The relevant part of the works shall not be carried out otherwise than in accordance with the details thus approved.

Reason: To ensure that the development will not have an adverse effect on existing trees and in order to maintain the character and amenities of the area in accordance with the requirements of policies A2 and A3 of the London Borough of Camden Local Plan 2017.

- 7 The green roof hereby approved shall be fully installed on the outbuilding in accordance with the approved details prior to first use of the building and thereafter retained and maintained in accordance with the approved scheme.

Reason: In order to ensure the development undertakes reasonable measures to take account of biodiversity and the water environment in accordance with Policies A3 and CC3 of the London Borough of Camden Local Plan 2017.

- 8 The flat roof of the outbuilding hereby approved shall not be used at any time as amenity space, and any access out onto this area shall be for maintenance purposes only.

Reason: To safeguard the amenities of the adjoining neighbours in accordance with the requirements of policy A1 of the London Borough of Camden Local Plan 2017.

Informative(s):

- 1 You are reminded that this decision only grants permission for an outbuilding used for purposes incidental to the existing residential use at the property. Any alternative use of the outbuilding for temporary accommodation, i.e. for periods of less than 90 days for tourist or short term lets etc, would constitute a material change of use and would require the grant of planning permission.
- 2 You are reminded that the tree protection plan required to be submitted prior to the commencement of any works under condition 4 of this decision should show an area of ground protection that is close to the full width of the garden in order to properly cover root protection areas.
- 3 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).
- 4 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 & 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.
- 5 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 [www.camden.gov.uk](http://www.camden.gov.uk)) 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)

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 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.

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraph 38 of the National Planning Policy Framework 2021.

You can find advice about your rights of appeal at:

<https://www.gov.uk/appeal-householder-planning-decision>.

If you submit an appeal against this decision you are now eligible to use the new [submission form](#) (Before you start - Appeal a planning decision - GOV.UK).

Yours faithfully

Chief Planning Officer

DECISION