

Application ref: 2022/5257/P
Contact: Daren Zuk
Tel: 020 7974 3368
Email: Daren.Zuk@camden.gov.uk
Date: 17 March 2023

Development Management
Regeneration and Planning
London Borough of Camden
Town Hall
Judd Street
London
WC1H 9JE

Phone: 020 7974 4444

planning@camden.gov.uk
www.camden.gov.uk/planning

Resi
International House
Canterbury Crescent
Brixton
London
SW9 7QD

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Full Planning Permission Granted

Address:

Lower Ground Floor Rear
119 Canfield Gardens
London
NW6 3DY

Proposal: Erection of outbuilding (garden studio) in rear garden.

Drawing Nos: (Prefix 65158-02) 1100 A, 1200 A, 1300 A, 3100 A, 3200 A, 3300 A, 3500 A, Location Plan, Design Access & Heritage Statement, Planning Fire Safety Strategy (October 2022), Flood Risk Assessment (October 2022), and Arboricultural Impact Assessment, Method Statement & Tree Protection Plan ref. TH 3712.

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:

(Prefix 65158-02) 1100 A, 1200 A, 1300 A, 3100 A, 3200 A, 3300 A, 3500 A, Location Plan, Design Access & Heritage Statement, Planning Fire Safety Strategy (October 2022), Flood Risk Assessment (October 2022), and Arboricultural Impact Assessment, Method Statement & Tree Protection Plan ref. TH 3712.

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

- 3 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 by the local planning authority. The details shall include:

- i. a detailed scheme of maintenance
- ii. sections at a scale of 1:20 with manufacturers details demonstrating the construction and materials used
- iii. full details of planting species and density

The living roof 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.

Reason: In order to ensure the development undertakes reasonable measures to take account of biodiversity and the water environment in accordance with policies G1, CC1, CC2, CC3, D1, D2, and A3 of the London Borough of Camden Local Plan 2017.

- 4 Prior to the commencement of construction/demolition works on site, tree protection measures shall be installed in accordance with approved Arboricultural Impact Assessment, Method Statement & Tree Protection Plan ref. TH 3712. 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.

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.

- 5 The flat roof of the outbuilding hereby approved shall not be used at any time as amenity space and any access 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.

- 6 The outbuilding hereby approved shall only be used for purposes incidental to the residential use of 119 Canfield Gardens and shall not be used as a separate independent Class C3 dwelling or Class E commercial unit.

Reason: To ensure that the outbuilding does not adversely affect the amenity of adjoining residential premises and is not used for unauthorised purposes, in accordance with policies A1, H7 and E2 of the Camden Local Plan 2017.

Informative(s):

1 Reasons for granting permission.

The proposed ancillary outbuilding would measure 5.7m by 5.95m (34sqm) and would measure 3m in height. The freestanding structure, with a sedum flat roof above, would be positioned 0.95m away from both side boundaries and at least 0.8m away from the rear boundary. It would feature a timber clad façade with aluminium framed glazed sliding doors and a rear access door to a storage room.

The siting of the proposed outbuilding would amount to a relatively small total of rear garden space, approximately 17% of the total rear garden. The remaining available garden area is considered to be a large sized rear garden space, such that the open character of any existing natural landscaping and garden amenity would continue to be maintained.

The proposed outbuilding would be positioned towards at the rear of the garden with brick wall and wooden fence boundaries surrounding the structure. These are considered to be sufficiently tall to provide a high degree of screening for most of the proposed structure. Public and private views are noted as being relatively limited because of this, coupled with the natural screening provided by surrounding trees and other natural vegetation.

It is noted that a pre-application was submitted, and advice issued under planning ref. 2021/5077/PRE (dated 27/04/2022) for the erection of an outbuilding and installation of swimming pool and associated patio. It was determined that the cumulative impact of the proposed outbuilding, swimming pool, and patio in addition to the existing rear extension and adjacent patio would be harmful in terms of impact on the character and appearance of the application site and the South Hampstead Conservation Area, and also in biodiversity terms. The current application has removed the swimming pool and patio from the proposal, thus significantly reducing the proposal's impact on the application site, wider conservation area, and local biodiversity.

It is therefore considered that the location, footprint, and scale of the outbuilding would be visually subordinate within this context. The design and use of mainly natural and sustainable materials are also considered to be in keeping with the open nature of gardens at the rear and would respect and preserve the character and appearance of buildings and rear garden environments in the locality and the wider South Hampstead Conservation Area.

Furthermore, given the outbuilding's position towards the rear of the garden, the proposal is not considered to be overbearing or result in any significant sense of enclosure, nor have any adverse impact on levels of outlook, to either neighbours or existing and future occupiers of the host property. Any possible

light spillage from the proposed doors and window is also considered to be small and no significant change in footfall is expected given the incidental nature of the outbuilding's use. As such, the proposal is not considered likely to introduce any significant harm to neighbouring amenity in terms of outlook, overlooking, light-spill, loss of sunlight/daylight, or increased sense of enclosure and/or noise.

The tree protection measures and methodology submitted have been reviewed by a Council Tree Officer and is considered sufficient to demonstrate that trees would not be adversely affected by the proposals. As such, the impact of the scheme on any nearby trees is considered to be acceptable. Installation and maintenance details of the proposed green roof will be reviewed and approved through condition.

The site's planning and appeal history has been taken into account when coming to this decision. One objection was received following statutory consultation.

- 2 Special attention has been paid to the desirability of preserving or enhancing the character or appearance of the South Hampstead Conservation Area, under s.72 of the Listed Buildings and Conservation Areas Act 1990 as amended by the Enterprise and Regulatory Reform Act (ERR) 2013.

As such, the proposal is in general accordance with policies A1, A3, D1, D2, CC2 and CC3 of the Camden Local Plan 2017, the London Plan 2021, and the National Planning Policy Framework 2021.

- 3 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.
- 4 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) 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.

- 5 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).

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-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

A handwritten signature in black ink, appearing to read 'DPope', is written over a light grey rectangular background.

Daniel Pope
Chief Planning Officer