

Application ref: 2022/4508/P  
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Date: 31 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](mailto:planning@camden.gov.uk)

[www.camden.gov.uk/planning](http://www.camden.gov.uk/planning)

Green Retreats Ltd  
Green Retreats Ltd  
Hangar 4  
Westcott Venture Park  
Aylesbury  
HP18 0XB

Dear Sir/Madam

## **DECISION**

Town and Country Planning Act 1990 (as amended)

### **Full Planning Permission Granted**

Address:

**28 Flat 1  
Fellows Road  
London  
Camden  
NW3 3LH**

Proposal:

Erection of rear garden outbuilding.

Drawing Nos: Site Location Plan; 200800673TGOS1; TQRQM23053101610751;

Arboricultural Report dated 16th February 2023; Tree Protection Plan dated 16th February 2023.

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; 200800673TGOS1; TQRQM23053101610751; Arboricultural Report dated 16th February 2023; Tree Protection Plan dated 16th February 2023.

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

- 3 The outbuilding hereby permitted shall not be occupied at any time other than for purposes incidental to the residential use of the dwelling known as Flat 1, 28 Fellows Road.

Reason: To protect amenity of adjoining occupiers and also ensure the outbuilding hereby permitted does not become a self-contained dwelling, separate and apart from the original dwellinghouse known as Flat 1, 28 Fellows Road in accordance with policies H1, H6, A1 and A4 of the Camden Local Plan 2017.

- 4 All work shall be carried out in accordance with the relevant recommendations of British Standard 3998: 2010. (Recommendation for Tree Work)

Reason: To ensure the preservation of the amenity value and health of the tree(s).

- 5 Prior to the commencement of works on site, tree protection measures shall be installed in accordance with the approved Arboricultural Method Statement and Tree Protection Plan dated 16th February 2023. The protection shall then remain in place for the duration of works on site and recommendations made in the method statement followed, 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.

#### Informative(s):

- 1 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.
- 2 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.

- 3 You are advised that the structure hereby approved should be constructed in such a manner that it will not be susceptible to future damage by protected trees. The Council is unlikely to consider favourably any application to prune or fell protected trees because of their impact on the structure hereby approved. You are further advised that the Department for Communities and Local Government the Regions guidance "Tree Preservation Orders - A Guide to the Law and Good Practice" states that no compensation is payable to a person for loss or damage which was (i) reasonably foreseeable by that person, and (ii) attributable to that person's failure to take reasonable steps to avert the loss or damage or mitigate its extent
- 4 Reasons for granting permission:

The proposed single storey outbuilding would be located to the rear of the garden area. Through the process of the application, revisions have been received to set the proposal in from the boundary walls. The proposed structure would be built with timber redwood cladding and incorporate large framed sliding doors with a flat green roof design. The proposed design and materials are considered appropriate in the garden setting, and would appear as a visually lightweight structure within the rear garden area. The proposed structure is not considered to be visible from the public realm due to the location within the terrace as well as the existing boundary treatment and therefore would not have a visual impact on the character and appearance of the conservation area.

The proposed structure would not include any rear facing windows. There is one high level window to the side, but this will be overlooking the garden. The proposed structure would be partly screened by boundary walls which it is set back from, as such it is not considered that its form and massing would give rise to adverse overlooking, loss of outlook or loss of light.

There are a number of trees in close proximity to the outbuilding. An Arboricultural report has been submitted in support of the application and assessed by the Council's Tree Officer. It is noted that the Arboricultural report is in line with BS58837:2012 Trees in relation to design, demolition and construction. A condition is recommended to ensure that the tree protection measures shall be installed in accordance with the method statement and tree protection plan.

A condition is also recommended to ensure that the outbuilding is occupied as incidental use to the residential flat at 28 Fellows Road and not used as self

contained accommodation.

The site's planning history was taken into account when determining this application. Belsize CAAC have been consulted and have no objection to the proposal.

Considerable importance and weight has been attached to the harm and special attention has been paid to the desirability of preserving or enhancing the character or appearance of the conservation area, under and s.72 of The Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Enterprise and Regulatory Reform Act (ERR) 2013.

The proposed development is in general accordance with Policies A1, A2, A3, A4, H1, H6, D1 and D2 of the Camden Local Plan 2017, and the proposed development also accords with the London Plan 2021; and the provisions of the National Planning Policy Framework 2021.

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