

Application ref: 2023/0307/P
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Date: 18 April 2023

Development Management
Regeneration and Planning
London Borough of Camden
Town Hall
Judd Street
London
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www.camden.gov.uk/planning

Brandon Schubert Ltd
42 Albert Street
London
NW1 7NU

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Full Planning Permission Granted

Address:

**33 Downside Crescent
London
NW3 2AN**

Proposal:

Erection of single storey outbuilding in rear garden
Drawing Nos: PL-01; PL-02; PL-03, PL-04, PL-02 (Received 27.3.23); Tree Survey,
Arboricultural Impact Assessment and Arboricultural Method Statement & Tree
Protection Plan dated 20/1/22 by Usherwood Arboriculture.

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:

PL-01; PL-02; PL-03, PL-04, PL-02 (Received 27.3.23); Tree Survey, Arboricultural Impact Assessment and Arboricultural Method Statement & Tree Protection Plan dated 20/1/22 by Usherwood Arboriculture.

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

- 3 Prior to the commencement of works on site, tree protection measures shall be installed and working practices adopted in accordance with the BS5837:2012 Tree Survey, Arboricultural Impact Assessment, Arboricultural Method Statement & Tree Protection Plan 33 Downside Crescent, London NW3 2AN by Usherwood Arboriculture dated 20th January 2022. 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 BS5837:2012 and with the approved protection details. The development shall be monitored by the project arboriculturalist in accordance with the approved report.

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 Camden Local Plan 2017.

- 4 Replacement tree planting, to be a *Prunus Avium* "Plena" in the rear garden of the property planted no less than 1m away from any structure, shall be carried out in accordance with the approved plans by not later than the end of the planting season following completion of the development. Any trees or areas of planting (including trees existing at the outset of the development other than those indicated to be removed) which, within a period of 5 years from the completion of the development, die, are removed or become seriously damaged or diseased, shall be replaced as soon as is reasonably possible and, in any case, by not later than the end of the following planting season, with others of similar size and species, unless the local planning authority gives written consent to any variation.

Reason: To ensure that the landscaping is carried out within a reasonable period and to maintain a high quality of visual amenity in the scheme in accordance with the requirements of policies A2, A3, D1 and D2 of the London Borough of Camden Local Plan 2017.

- 5 The outbuilding hereby approved shall only be used for ancillary purposes to the dwellinghouse at 33 Downshire Hill 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 to 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.

Informative(s):

- 1 Reasons for granting permission:

The proposal includes the erection of a modest timber-clad outbuilding with timber fenestration and pitched slate shingle roof at the end of the garden to be used as a home office. It would have a max height of 3.25m with an eaves height of 2.05m and a footprint of 15.8sqm. Due to the large size of the garden, the outbuilding would read as a modest subordinate structure within the rear garden landscape. Sufficient garden space would still be retained when combined with the recent permission for a rear extension ref. 2021/2840/P. It is noted that outbuilding in this location would not appear out of context with the prevailing pattern of development. Given its location and scale, it would not be visible from the public realm. Its overall scale, form, detailed design are considered appropriate in the context of the garden space. It is not considered to cause harm to the character and appearance of the host property or the conservation area.

There would be no harm to neighbouring amenity in terms of loss of light, privacy or outlook given its location to the rear of the site away from neighbouring residential occupiers. A condition is also attached to ensure this outbuilding remains in incidental use to that of the main house.

One category C cherry tree will be removed to facilitate the development. The tree is of low amenity value and is of low visibility from the public realm. The tree is not considered to significantly contribute to the character and appearance of the conservation area. The loss of canopy cover could be mitigated against through replacement planting. A *Prunus Avium* 'Plena' tree (12-14cm diameter at 1m above ground) is proposed within the rear garden which is acceptable. Subject to a condition securing this replacement tree and a condition requiring tree protection to be installed prior to construction, the Council's tree team raised no objection.

One objection regarding loss of greenery, private views and scale of the garden was received during the consultation period and duly taken into consideration. The planning history of the site has been taken into account when coming to this decision.

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 Planning (Listed Buildings and Conservation Area) Act 1990 as amended by the Enterprise and Regulatory Reform Act 2013.

As such, the proposed development is in general accordance with policies A1, A2, A3, G1, H6, D1 and D2 of the Camden Local Plan 2017. It also complies with the London Plan 2021 and the National Planning Policy Framework 2021.

- 2 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).
- 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.

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



Daniel Pope
Chief Planning Officer