

Application ref: 2022/0973/P
Contact: Adam Greenhalgh
Tel: 020 7974 6341
Email: Adam.Greenhalgh@camden.gov.uk
Date: 20 April 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

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)

Householder Application Granted

Address:
72 Fitzjohn's Avenue
London
NW3 5LS

Proposal: Replacement of front garden outbuilding.

Drawing Nos: Location Plan (02/03/2022), Existing Structure Elevation Drawings & General Construction Information - 210500460TGOS1, Proposed Block Plan (12/04/2023), Proposed Plans & Elevations and General Construction Details - 210500460TGOS1, Sedum Roof Details, Installation & Maintenance & Annotated Sectional Drawings, Tree Survey P2220-TS01 V3 (Ligna Consultancy - 12/02/2022), Design & Access Statement, Method Statement for Pile Foundations, Tree Protection Plan P2220-ASP02 V1, Soft Landscaping Scheme P2220-SLS01 V2

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 drawings / documents:

Location Plan (02/03/2022), Existing Structure Elevational Drawings & General Construction Information - 210500460TGOS1, Proposed Block Plan (12/04/2023), Proposed Plans & Elevations and General Construction Details - 210500460TGOS1, Sedum Roof Details, Installation & Maintenance & Annotated Sectional Drawings, Tree Survey P2220-TS01 V3 (Ligna Consultancy - 12/02/2022), Design & Access Statement, Method Statement for Pile Foundations, Tree Protection Plan P2220-ASP02 V1, Soft Landscaping Scheme P2220-SLS01 V2

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 Tree Protection Plan by Ligna Consultancy ref. P2220-ASP02 dated 14/03/2023. 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 London Borough of Camden Local Plan 2017 and policies NE2 and NE4 of the Hampstead Neighbourhood Plan 2018.

- 4 The garden building hereby permitted shall only be used only for purposes incidental to the use of 72 Fitzjohn's Avenue as a dwellinghouse and not for separate residential or commercial purposes.

Reason: To ensure that the outbuilding does not adversely affect the character of the area or the amenity of neighbouring residential occupiers in accordance with policies A1, D1 and D2 of the Camden Local Plan 2017 and policies DH1 and DH2 of the Hampstead Neighbourhood Plan 2018.

- 5 Prior to the occupation of the garden building hereby permitted, the green roof shall be fully provided in accordance with the sedum roof details approved under this application. The green roof shall be permanently retained and maintained (in accordance with the approved details) thereafter.

Reason: In order to ensure the development undertakes reasonable measures to take account of biodiversity and the water environment in accordance with policies CC1, CC2, CC3, D1, D2 and A3 of the London Borough of Camden Local Plan 2017 and policies DH1, DH2 and NE4 of the Hampstead Neighbourhood Plan 2018.

Informative(s):

1 Reasons for granting permission:

The proposal is to replace an existing 2.5m by 2.5m timber walled/tiled roof garden building close to the front boundary with Fitzjohn's Avenue with a 3.7m by 4.7m timber walled/green roof garden building in the same location.

Due to the size, siting and design of the proposal, there would be no significant harm to the character or appearance of the Conservation Area or the visual amenity of the area.

The new outbuilding would be well screened within the Fitzjohn's Avenue streetscene by the front boundary wall and fence and mature trees and it would not be harmful to the character or appearance of the Conservation Area when viewed from Fitzjohn's Avenue or the adjacent path, or from any neighbouring properties.

The garden building would be set back from the front and side boundaries of the front garden by 0.8m and 0.9m respectively. The tree survey/tree protection plan which has been submitted confirms that newly planted hedging would be removed and replanted following construction of the outbuilding and no significant trees would be removed. Furthermore, a method statement including the use of pile foundations has been submitted. These documents have been reviewed by the Council's Tree Officer who is of the view that, subject to a condition to ensure that the tree protection plan is adhered to, the existing mature trees within the front garden would not be harmed and consequently there would be no adverse effects in terms of the Local Plan policies on appearance, biodiversity and sustainability (D1, D2 and CC1, CC2 and A3).

Two letters of objection to the application have been received following statutory consultation on the application. The objections, which relate to the impact on an existing tree and the effects on the appearance of the site and the area, have been addressed within the associated Consultation Summary.

A green roof would be installed above the outbuilding and details of the installation and maintenance of the green roof have been provided. The details would ensure the provision of a green roof to accord with design and biodiversity policies. A condition is attached to the effect that the green roof should be provided, and permanently retained thereafter, prior to the occupation of the building.

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 Areas) Act 1990 as amended by the Enterprise and Regulatory Reform Act 2013.

Due to the size and siting of the proposal there would be no loss of amenity for any surrounding occupiers.

The garden building would not result in any undue overshadowing of any

neighbouring properties' rooms or gardens and it would not result in any undue overlooking or loss of privacy. With its timber walls and green roof it would not be an inappropriate addition to the site which would have any undue overbearing or harmful effects on visual amenity.

Subject to a condition that it should be used for purposes incidental to the dwelling at 72 Fitzjohn's Avenue only it should not result in any unacceptable levels of noise or activity harmful to the suburban residential character of the area or the enjoyment of any neighbouring dwellings.

The application site's planning history has been taken into account when coming to this decision.

As such, the proposed development is in general accordance with policies A1, A2, A3, CC1, CC2, CC3, D1 and D2 of the London Borough of Camden Local Plan 2017. The proposed development also accords with policies DH1, DH2, NE2 and NE4 of the Hampstead Neighbourhood Plan 2018, 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-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

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

Daniel Pope
Chief Planning Officer