

Application ref: 2023/2189/P
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Date: 12 January 2024

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

Phone: 020 7974 4444

planning@camden.gov.uk

www.camden.gov.uk/planning

eDEN Garden Rooms
347 st marys lane
Upminster
Essex
RM14 3HP
United Kingdom

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Full Planning Permission Granted

Address:

**35 Rhyl Street
FLAT A
London
NW5 3HA**

Proposal:

Erection of single storey rear outbuilding

Drawing Nos:

01, 02, 02 Vii, 03, 04, 04 Vii, 05 Viii, 06, Tree Plan, Arboricultural Impact Assessment, 8 Photos.

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: 01, 02, 02 Vii, 03, 04, 04 Vii, 05 Viii, 06, Tree Plan,

Arboricultural Impact Assessment, 8 Photos.

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 of the London Borough of Camden Local Plan 2017.

- 4 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 and Arboricultural Impact Assessment dated 24th November 2023 ref. GHA/DS/122260:23 by GHA Trees. 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.

- 5 The outbuilding hereby approved shall only be used for purposes incidental to the residential use of Flat A 35 Rhyl Street and shall not be used as a separate independent use.

Reason: To ensure that the outbuilding is not used for unauthorised purposes and that the future occupation of the building does not adversely affect the adjoining premises/immediate area by reason of noise, traffic congestion and excessive on street parking pressure etc, in accordance with policies G1, A1, T2 and H1 of the London Borough of Camden Local Plan 2017.

- 6 Screw-piles and soak away are to be installed in accordance with DWG 06 dated 01/11/2023 by Eden Garden Rooms. The screw-piles shall be installed under the supervision of the project arboriculturalist.

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.

Informative(s):

- 1 Reasons for granting permission:

The site relates to a flat within a building in the West Kentish Town Conservation Area. The rear garden has a depth of over 14m. The proposed

outbuilding would measure 4.20m wide x 2.65m depth with a height of 2.50m.

The outbuilding would be located at the far end of the garden. A distance of 10m would be left between the outbuilding and the rear elevation of the main dwelling. The outbuilding would be predominantly constructed from vertical timber panelled cladding, with powder coated aluminium fascias and aluminium double glazed window frames. The materials and design are appropriate for the outbuilding. The scale is sufficiently modest and is subordinate to the garden size and it would not be visible from the public realm.

Given the modest scale of the outbuilding and its distance from neighbouring buildings, it is not considered the proposed outbuilding would have a detrimental impact on the amenities of the neighbouring properties in regards to loss of light, overbearing or overshadowing impacts.

There are two trees (cherry T1 and Apple T2) situated in close proximity to the new outbuilding and are categorised as class C trees which are trees of low value. Tree T2 is located within the neighbouring properties garden (no.37 Rhyll Street) and tree T1 is located within the garden of no.35. Tree T1 would be situated 1.5m away from the new outbuilding and a portion of the outbuilding will encroach a section of the root protection area of tree T1. The submitted arboriculturalist's report states that screw pile footings will be used whilst constructing the outbuilding and an air void would be required underneath the structure so it is breathable; the screw footings will ensure minimal root disturbance to the tree. The council's tree officer was consulted on this application has reviewed the arboriculture report, plans and photographs and considers the proposal to be acceptable subject to conditions requiring tree protection and foundation design, which will be added to the decision notice.

Concerns were raised by the West Kentish Town Conservation Advisory Area chair in regards to the cherry tree being in close proximity to the new outbuilding and how the outbuilding would encroach the tree branch. However after the applicant submitted additional photos of the impacted tree and an arboricultural report to show its separation distance from the outbuilding it was evident that the tree is set over 1.5m from the outbuilding and the outbuilding's height would be lower than the said branch that would encroach it. This information was relayed back to the CAAC who then was satisfied that no impact would be had on the cherry tree.

The proposal is therefore considered to preserve the character and appearance of the conservation area. 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.

The planning history of the site has been taken into account when coming to this decision.

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

Framework 2023.

- 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.](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