

Application ref: 2023/0391/P
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Date: 13 June 2024

Development Management
Regeneration and Planning
London Borough of Camden
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Boyer Planning
2nd Floor
24 Southwark Bridge Road
London
SE1 9HF

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Full Planning Permission Granted

Address:
11 Elsworthy Road
London
NW3 3DS

Proposal:

Amalgamation of two dwelling units into a single family dwelling, erection of two-storey side extension; works to rear including erection of a single storey rear extension and balcony giving access to garden; and in the front garden, landscaping and the repositioning of stair posts to accommodate wheelchair side access.

Drawing Nos: A-001, A-002, A-003, A-004, A-005, A-006, A-007, A-008, A-009, A-010, A-011, A-100, A-100 rev C, A-101 rev G, A-200 rev G, A-201 rev G, A-202 rev F, A-203 rev G, A-300 rev E, A-301 rev F, A-302 rev G, A-400 rev G, A-401 rev E, A-402 rev G, Planning Statement dated 18/01/2023 ref 21.5104, BS5837:2012 TREE SURVEY AND ARBORICULTURAL IMPACT ASSESSMENT: 11 Elsworthy Road, London, NW3 3DS ref GHA/DS/162340:23 dated 16th January 2023, Tree Constraints Plan dated December 2022.

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:

A-001, A-002, A-003, A-004, A-005, A-006, A-007, A-008, A-009, A-010, A-011, A-100, A-100 rev C, A-101 rev G, A-200 rev G, A-201 rev G, A-202 rev F, A-203 rev G, A-300 rev E, A-301 rev F, A-302 rev G, A-400 rev G, A-401 rev E, A-402 rev G, Planning Statement dated 18/01/2023 ref 21.5104, BS5837:2012 TREE SURVEY AND ARBORICULTURAL IMPACT ASSESSMENT: 11 Elsworthy Road, London, NW3 3DS ref GHA/DS/162340:23 dated 16th January 2023, Tree Constraints Plan dated December 2022.

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 policies D1 and D2 of the London Borough of Camden Local Plan 2017.

- 4 Prior to the commencement of any works on site, a Tree Protection Plan shall be submitted to and approved by the local planning authority in writing. Such details shall follow guidelines and standards set out in BS5837:2012 "Trees in Relation to Construction". 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 the approved protection details.

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 Prior to the commencement of construction/demolition works on site, tree protection measures shall be installed in accordance with the approved Arboricultural Method Statement and the Tree Protection Plan to be approved before commencement. 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 Reasons for granting permission:

The property is a semi-detached Italianate villa on the south side of Elsworthy Road and is identified as a positive contributor within the Elsworthy Conservation Area. The property has been divided into two dwelling units; the lower ground floor is currently a self-contained unit.

In terms of the amalgamation of the two dwelling units, loss of one unit is acceptable in principle according to Policy H3, and has also been previously granted ref 2015/2964/P dated 4th September 2015. As the past permission was not implemented within three years planning permission is required again.

External works include the erection of a two storey side extension which would align with the adjacent extension at No 11 in terms of height. With its set back it is considered subordinate to the main façade, and although it is a two-storey extension it will sit considerably lower than the string course of the raised ground floor of the main house. The extension would be in brick to match the main house and would have a flat roof with parapet. To the rear there would be a greater extent of glazing at ground level, as would be seen on the rear extension. The existing fence and door at the front of the property, giving side access at lower ground level, would be retained.

To the rear, a single storey extension would be erected. The rear extension is modern and glazed with a brick parapet above. The majority of the extension's flat roof will be inaccessible but a modest portion to the side of the bay window will act as a balcony giving access to the garden. The balustrade will be a vertical metal railing which is considered appropriate to the conservation area.

In the front garden, the existing piers at the bottom of the main entrance stairs will be shifted back against the lowest step to create more room for an even path to allow for wheelchair access into the side extension. This alteration is considered minimal, and would preserve the character of the main entrance staircase.

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 (ERR) 2013.

A prominent Beech tree with a Tree Protection Order stands in the far western corner of the front garden adjacent to the boundary with No. 13 and the street. The widened path for wheelchair access will be installed in close proximity. An Arboricultural Report has been provided and a Tree Protection Plan is secured by condition.

In terms of neighbour amenity, the new two storey side extension will be built alongside the adjacent side extension and existing boundary wall at No. 11 and therefore will not have a negative impact on light levels received or loss of outlook to the neighbour on this side. There will be a new window at upper ground floor level on the rear of the side extension, and a modest balcony atop the new extension, however neither would directly overlook any nearby

habitable rooms and are therefore acceptable. The new glazing of the extensions at lower ground floor level would be more extensive than the existing, but again, the fenestration is not considered to directly overlook any nearby habitable rooms. Overall, the proposal is not expected to have a significant impact on the amenity of neighbouring sites in terms of overlooking, daylight, sunlight or outlook.

The planning history of the site has been taken into account in this decision. An initial objection was received from the CAAC which has since been withdrawn as the proposal has been revised to overcome key concerns. An objection was also received from a neighbouring property raising concern in regard to preserving the historic character of the host property, the height green roof (previously included) and noise from the rear garden access from the first floor/upper ground. In relation to these concerns, the side extension is set back and subservient from the front façade, the door to the front of the property at lower ground level has been revised to be more appropriate to the age of the host property, and the green roof has been removed from the scheme, and there will not be sufficient space to congregate at first floor level to the rear, but rather just a means of access to the garden below, and the balcony to the rear is modest in size and will not allow a large number of people to congregate and create excessive noise.

Also having due regard to the Public Sector Equality Duty, the proposal would also have a clear and positive impact on those experiencing barriers to accessibility, including disabled people, those with young children, and older people.

As such, the proposed development is in general accordance with policies A1, A2, A3, C6, D1, D2 and H3 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.

- 5 Your proposals may be subject to control under the Party Wall etc Act 1996 which covers party wall matters, boundary walls and excavations near neighbouring buildings. You are advised to consult a suitably qualified and experienced Building Engineer.

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 2023.

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