

Application ref: 2024/1554/P  
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Date: 16 August 2024

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

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R L Planning  
Arlington Court  
Haywards Heath  
RH16 3UB

Dear Sir/Madam

## **DECISION**

Town and Country Planning Act 1990 (as amended)

### **Full Planning Permission Granted**

Address:

**Flat A**  
**36 Birchington Road**  
**London**  
**NW6 4LJ**

Proposal:

Erection of outbuilding to rear garden of flat.

Drawing Nos: Site location plan PP-12944575v1; 20.93 sheet 01; 20.93 sheet 02B; 20.93 sheet 03B; 20.93 sheet 04B; 20.93 sheet 05B; 20.93 sheet 06; 20.93 sheet 07; 20.93 sheet 08; Green roof details; Planning Statement with Tree Report.

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 PP-12944575v1; 20.93 sheet 01; 20.93 sheet 02B; 20.93 sheet 03B; 20.93 sheet 04B; 20.93 sheet 05B; 20.93 sheet 06; 20.93 sheet 07; 20.93 sheet 08; Green roof details; Planning Statement with Tree Report.

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

3 Tree protection

The works hereby approved shall be carried out in accordance with approved details and the tree protection methods outlined in the documents and plans hereby approved, and the foundations shall only use ground screws, as set out in the "Planning statement with tree report".

Reason: To ensure the retention of, and avoid damage to, the existing trees and maintain the character and amenity of the area in accordance with policy A3 of the Camden Local Plan 2017.

4 Materials

The building shall be finished in timber cladding and all new external work shall be carried out in materials as detailed in the approved drawings and documents.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policy D1 of the London Borough of Camden Local Plan 2017.

5 Incidental use

The outbuilding hereby approved shall only be used for incidental purposes to the residential uses in 36 Birchington Road and shall not be used as a separate residential dwelling or a business premises.

Reason: To protect the residential amenity of neighbouring occupiers and 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.

6 Green roof

The green roof hereby approved shall be fully installed on the building in accordance with the approved plans and details prior to first occupation, and thereafter retained and maintained for the duration of the development.

Reason: To ensure the development undertakes reasonable measures to take account of biodiversity and the water environment in accordance with Policies A3 and CC3 of the Camden Local Plan 2017.

7 Obscure glazing

The window on the northwest (rear) elevation hereby approved shall be installed with obscure glazing in accordance with the approved plans prior to first occupation, and thereafter retained and maintained for the duration of the development.

Reason: protect the residential amenity of neighbouring occupiers in

accordance with Policy A1 of the Camden Local Plan 2017.

Informative(s):

1 Reasons for granting permission:

The outbuilding would be in the rear garden of a residential building used as flats and it is not in a conservation area. It would be used by Flat A.

With a maximum height of around 2.6m, the outbuilding would be subordinate to the host property in terms of bulk, height, and footprint. The timber cladding materials used are appropriate for the area and an acceptable amount of garden space would be retained for amenity, greening, and biodiversity. It is also set in from the boundaries providing space for planting and wildlife corridors. The overall scale and proportion to the garden space means this would be acceptable in terms of amenity impacts, biodiversity, and greening.

Based on the information available this permission will not require the approval of a Biodiversity Gain Plan before development is begun because it is below the de minimis threshold, meaning it does not impact an onsite priority habitat and impacts less than 25sqm of onsite habitat with biodiversity value greater than zero and less than 5 metres in length of linear habitat.

Nonetheless, the inclusion of a green roof is positive, and a condition requiring this to be provided has been included.

There are trees nearby, but most will be small or unaffected. There is a large tree to the rear and although not protected, the proposal involves using ground screws to minimise any impact and protect the tree. A condition is attached requiring use of ground screws for the foundations.

Outbuildings are not out of character in this residential area and visibility from the public realm would be limited. It would be appropriate for the character of the area and the surrounding buildings.

A condition is included requiring obscure glazing to the window on the rear elevation facing neighbours. The windows fronting the other flats in the host property are far enough away and at a low enough level to not have a harmful impact on amenity.

A condition is attached requiring the outbuilding to only be used in connection with the host residential unit and preventing use for separate living or business accommodation. Given its scale, sitting, and design, the proposal would not result in detrimental harm to neighbouring amenity in terms of loss of light, outlook or overlooking, noise, or privacy.

No objections have been raised in relation to the application. The council also considered the area's planning history and relevant appeal decisions when coming to this decision.

The proposal is in general accordance with policies D1, A1 and A3 of the

Camden Local Plan 2017. It also accords with the London Plan 2021 and the National Planning Policy Framework.

- 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](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.

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 positioned in the upper left corner of the page.

Daniel Pope  
Chief Planning Officer