

Application ref: 2024/0609/P
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Date: 30 September 2024

Development Management
Regeneration and Planning
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Guy Davies Architects
Milking Parlour
Church Farm Lane
Priston
BATH
BA2 9EF

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Householder Application Granted

Address:

**38 Woodsome Road
London
NW5 1RZ**

Proposal:

Erection of an outbuilding within the rear garden of house.

Drawing Nos: Design & Access Statement dated 10 February 2024,
(2025.02.09_2309_) 100 Rev P3, 101, 1000, 1001 Rev P3, 1002, 1101 Rev P3

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:
Design & Access Statement dated 10 February 2024, (2025.02.09_2309_) 100 Rev P3, 101, 1000, 1001 Rev P3, 1002, 1101 Rev P3

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

- 3 The building shall be finished 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 and D2 of the London Borough of Camden Local Plan 2017 and policy DC1, DC2, and DC3 of the Dartmouth Park Neighbourhood Plan (2020).

- 4 **Incidental use**
The outbuilding hereby approved shall only be used for ancillary purposes to 38 Woodsome 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.

- 5 **Green roof**
The green roof hereby approved shall be fully installed on the building in accordance with the approved plans 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.

Informative(s):

- 1 **Reasons for granting permission:**

The outbuilding would be in the rear garden of a three-storey building used as a house. The site is in the Dartmouth Park Conservation Area and the Dartmouth Park Neighbourhood Plan area.

With a maximum height of around 3m, the outbuilding would be subordinate to the host property in terms of bulk, height, and footprint. The predominantly brick materials used are appropriate for the area and an acceptable amount of garden space would be retained for amenity, greening, and biodiversity. It would be set in from the side 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.

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

Sheds and 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.

The proposal would preserve the character and appearance of the conservation area overall. The council has had special regard to the desirability of preserving the character and appearance of the Conservation Area.

The windows fronting the other properties in the street would overlook the rear windows but they are far enough away and at a low enough level to not have a harmful impact on amenity given existing overlooking from the garden.

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, D2, A1 and A3 of the Camden Local Plan 2017 and policies DC1, DC2, DC3; ES2, and ES3 of the Dartmouth Park Neighbourhood Plan (2020). 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) 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 **Biodiversity Net Gain (BNG) Informative:**

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition ("the biodiversity gain condition") that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

The local planning authority (LPA) that would approve any Biodiversity Gain Plan (BGP) (if required) is London Borough of Camden.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are summarised below.

Based on the information available it appears this permission will not require the approval of a BGP before development is begun because it is a Householder application submitted before 2 April 2024.

++ Summary of statutory exemptions for biodiversity gain condition:

1. The planning application was made before 12 February 2024.
2. The planning permission is retrospective.
3. The planning permission was granted under section 73 of the Town and Country Planning Act 1990 and the original (parent) planning permission to which it relates was granted before 12 February 2024, or, the original (parent) planning permission to which it relates was made before 12 February 2024.
4. The permission is exempt because:
 - It is not 'major development' and the application was made or granted before 2 April 2024, or planning permission is granted under section 73 and the original (parent) permission was made or granted before 2 April 2024.
 - It is below the de minimis threshold because it does not impact an onsite priority habitat AND impacts less than 25 square metres of onsite habitat with biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat.
 - The application is a Householder Application.
 - It is for development of a Biodiversity Gain Site.
 - It is Self and Custom Build Development (for no more than 9 dwellings on a site no larger than 0.5 hectares, and consists exclusively of dwellings which are Self-Build or Custom Housebuilding.
 - It forms part of, or is ancillary to, the high speed railway transport network (High Speed 2).

+ Irreplaceable habitat:

If the onsite habitat includes Irreplaceable Habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements.

The BGP must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat.

The LPA can only approve a BGP if satisfied the adverse effect on the irreplaceable habitat is minimised and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.

+ The effect of section 73D of the Town and Country Planning Act 1990

If planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 and a BGP was approved in relation to the previous (parent) planning permission ("the earlier BGP") there are circumstances when the earlier BGP is regarded as approved for the purpose of discharging the biodiversity gain condition subject to which the section 73 planning permission is granted.

Those circumstances are that the conditions subject to which the section 73 permission is granted:

- do not affect the post-development value of the onsite habitat as specified in the earlier Biodiversity Gain Plan, and
- in the case of planning permission for a development where all or any part of the onsite habitat is irreplaceable habitat the conditions do not change the effect of the development on the biodiversity of that onsite habitat (including any arrangements made to compensate for any such effect) as specified in the earlier Biodiversity Gain Plan.

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with the National Planning Policy Framework.

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



Daniel Pope
Chief Planning Officer