

Application ref: 2024/0547/P
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Date: 1 October 2024

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

Norton Taylor Nunn
Unit 14b Deben Mill Business Centre
Old Maltings Approach
Melton
IP12 1BL

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Full Planning Permission Granted

Address:

Flat A
12 Caversham Road
London
NW5 2DU

Proposal:

Replacement outbuilding to rear garden of flats.

Drawing Nos: Arboricultural Impact Assessment and Method Statements dated January 2024; Planning Statement; Existing Site Plan; Proposed Site Plan; 0001 Existing floor plans and elevations; Crane Garden Buildings Proposed drawings (1/6 to 6/6)

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: Arboricultural Impact Assessment and Method Statements dated January 2024; Planning Statement; Existing Site Plan; Proposed Site Plan; 0001 Existing floor plans and elevations; Crane Garden Buildings Proposed drawings (1/6 to 6/6).

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 **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, Arboricultural Impact Assessment and Method Statement (January 2024).

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.

- 5 **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 and D2 of the London Borough of Camden Local Plan 2017.

- 6 **Incidental use**
The outbuilding hereby approved shall only be used for incidental purposes to 12 Caversham 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.

Informative(s):

- 1 **Reasons for granting permission:**

The outbuilding would be in the rear garden of a four-storey residential building sub-divided into four flats. It would be used by the lower ground floor flat who have sole access to the garden. The site is in the Bartholomew Estate

Conservation Area.

With a maximum height of around 2.9m, the outbuilding would be subordinate to the host property in terms of bulk, height, and footprint. The timber cladding materials are appropriate for the area and an acceptable amount of garden space would be retained. The building would be set in from the boundaries providing space for planting and wildlife corridors. The overall scale and proportion to the garden space means it would be acceptable in terms of amenity, 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.

There are trees nearby and the outbuilding would be within the root protection areas. Due to the existing hard surface base, the tree report sets out a method statement and tree protection measures, including use of handheld tools within the protected zone, and protective barriers and material storage area outside the protected zone. A condition is attached requiring compliance with these tree protection measures.

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, with outbuildings at nearby properties. The scale, design and materials mean it would be seen as an incidental garden outbuilding in character with the area. 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.

There is a door to the side elevation, but the height of the boundary treatment and existing soft landscaping means there would be minimal overlooking to the neighbouring garden. 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, siting, and design, the proposal would not result in detrimental harm to neighbouring amenity in terms 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. It 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 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.

- 4 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.

- 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.

6 + 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 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 above the printed name and title.

Daniel Pope
Chief Planning Officer