

2024/0331/P

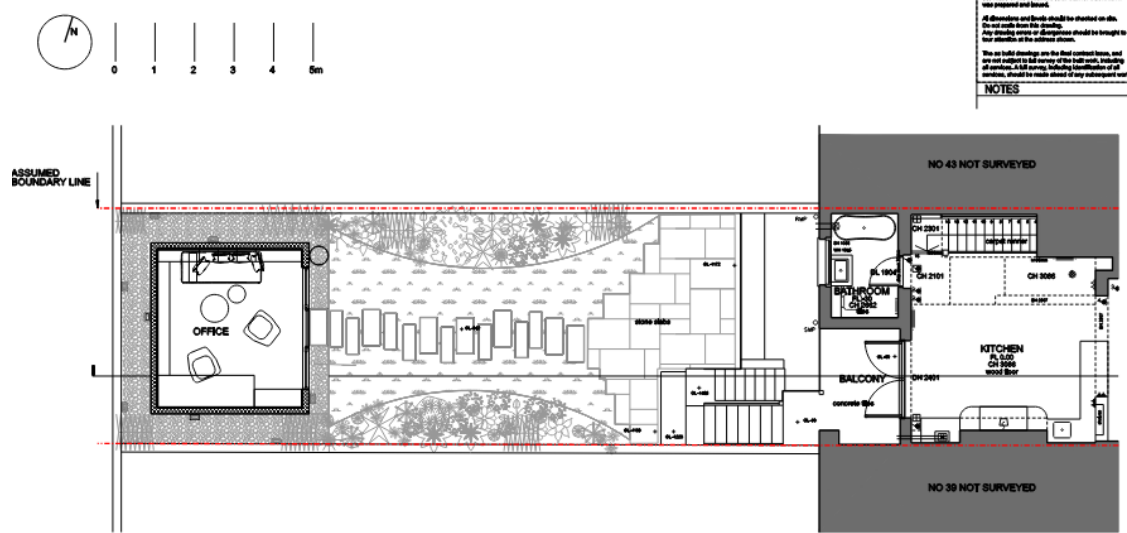
41 Upper Park Road



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2024/0331/P – 41 Upper Park Road – Site Photos & Plans

1. Site context plan

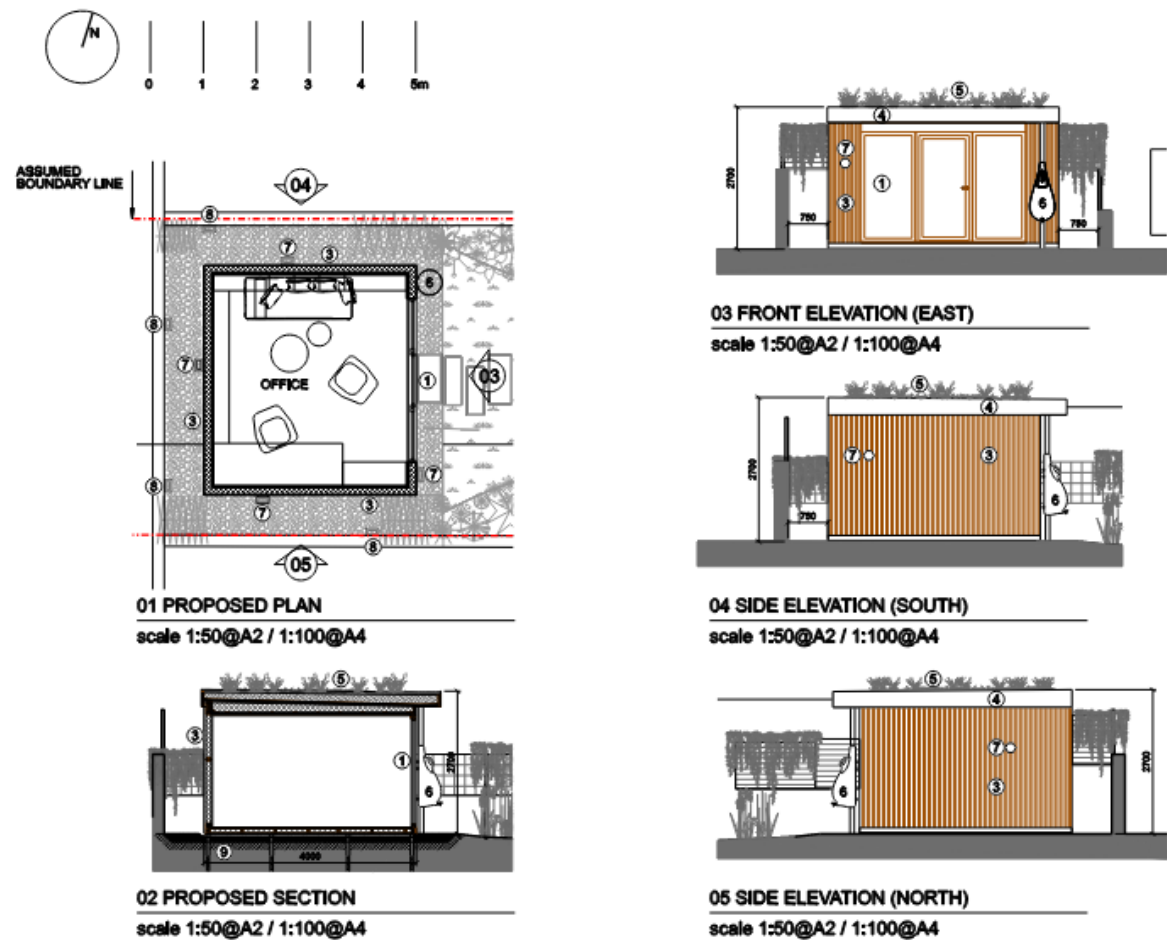


01 GARDEN GROUND FLOOR PLAN PROPOSED
SCALE 1:50@A2 / 1:100@A4

2. Site context, sloping site to rear with existing tall boundary treatment



- Plan and elevations of proposed building (revised September, with side window removed)



- Context of rear of site and location of outbuilding



5. Height of boundaries to the rear



6. Context of neighbouring garden building



Delegated Report (Members Briefing)		Expiry Date:	28/06/2024
		Consultation Expiry Date:	07/06/2024
Officer		Application Number(s)	
Leela Muthoora		2024/0331/P	
Application Address		Drawing Numbers	
Flat C 41 Upper Park Road London, NW3 2UL		See draft decision notice	
Proposal			
Erection of an outbuilding to the rear garden.			
Recommendation:	Grant conditional planning permission		
Application Type:	Full Planning Permission		

Conditions:	Refer to Draft Decision Notice			
Informatives:				
Consultations				
Summary of consultation:	A site notice was displayed near to the site on the 08/03/2024 (consultation end date 01/04/2024). The development was also advertised in the local press on the 08/03/2024 (consultation end date 07/04/2024).			
Summary of consultation responses:	No. of responses	01	No. of objections	01
	No letters of objection were received from or on behalf of the neighbouring owners/occupiers.			
CAAC/Local groups comments:	<p>A letter of objection was received on behalf of the Parkhill CAAC. Their objection comments can be summarised as follows:</p> <ol style="list-style-type: none">1. No details of mitigation or protection of adjacent trees;2. No dimensions provided but building too close to existing boundaries;3. No details of how drainage from roof managed;4. Window to side elevation results in loss of amenity (noise and light spill);5. Water, drainage, kitchen extract proposed;6. Internal height insufficient. <p><u>Officer's response:</u></p> <ol style="list-style-type: none">1. Tree report and protection plan submitted, reviewed by Tree officer and a condition included on the decision to ensure compliance.2. Applicant submitted revised drawings to increase set back from the boundaries. Please see section 4.5 of the assessment.3. Applicant submitted revised drawings to include a wildflower roof with a greater substrate depth and water abatement to manage roof drainage. Please see section 4.6 of the assessment.4. Applicant submitted revised drawings to omit side elevation window.5. Applicant has confirmed no kitchen or services other than electricity is proposed. The decision will include a condition that the outbuilding must remain in ancillary residential use. Please see section 5.2 of the assessment.6. As the building would be ancillary to the main building and it is not a primary living space, the internal floor to ceiling height is considered sufficient. Any increase in the height of the building is weighed against the requirement for the outbuilding to remain subservient to the host building and limit visibility above boundaries and surrounding buildings and gardens. Please see paragraphs 4.3, 4.4 and 4.6 of the assessment.			

Site Description

The site is located on the western side of Upper Park Road, to the east of Lawn Road. As a well-preserved example of a Victorian terrace house, it is characteristic of the local area which is predominantly residential in scale and character. The house is sub-divided into three flats.

The site is not statutorily listed but is identified as making a positive contribution to the character of the Parkhill and Upper Park Conservation Area.

There are no trees protected by Tree Preservation Orders within the application site but there are mature trees at neighbouring sites.

Relevant History

The planning history for the application site can be summarised as follows:

App ref	Development Description	Decision & Date
2010/1387/P	The erection of a single storey rear extension at lower ground floor level including roof terrace and railings to existing self-contained flat (Class C3).	Granted 07/06/2010
25548	Change of use including works of conversion and the erection of an additional rear dormer to provide one maisonette and two self-contained flats.	Permission Feb 1978

Relevant policies

National Planning Policy Framework (2023)

The London Plan 2021

Camden Local Plan (2017)

- **A1** Managing the impact of development
- **A3** Biodiversity
- **D1** Design
- **D2** Heritage
- **CC1** Climate change mitigation
- **CC3** Water and flooding

Camden Planning Guidance:

- Amenity (2021)
- Design (2021)
- Home improvements (2021)
- Water and flooding (2019)

Conservation Statements:

- Parkhill and Upper Park Conservation Area Appraisal and Management Strategy (2011)

Draft Camden Local Plan

The Council has published a new [Draft Camden Local Plan](#) (incorporating Site Allocations) for consultation (DCLP). The DCLP is a material consideration and can be taken into account in the determination of planning applications but has limited weight at this stage. The weight that can be given to it will increase as it progresses towards adoption (anticipated 2026).

Assessment

1. Proposal

- 1.1. Planning permission is sought for a garden building for use as a home office with storage, measuring approximately 4.4m in width x 4.0m in depth x 2.8m in height located within the rear garden of the host building.
- 1.2. The building would be timber clad with full height doors and windows with aluminium frames to the front (east facing) elevation and would include a wildflower living roof.

2. Revisions

- 2.1. During the assessment revisions to the proposed scheme were requested to address concerns raised by officers and the local amenity group. The revisions made to the proposed scheme can be summarised as follows:
 - Reduction in footprint, with increase in separation distance to boundaries.
 - Removal of window to side elevation
 - Increase in depth of living roof and amended from sedum to wildflower roof
- 2.2. The revisions made to the scheme did not material affect the scheme and as such were accepted as amendments under the ongoing application.

3. Assessment

- 3.1. The principal considerations material to the determination of this application are as follows:
 - Design and Conservation - The visual impact upon the character and appearance of the host property, street scene, local area and the Parkhill and Upper Park Conservation Area.
 - Residential Amenity - The impact upon the residential amenities of any neighbouring occupier.

4. Design and Conservation

- 4.1. The Council's design policies are aimed at achieving the highest standard of design in all developments. The following considerations contained within policy D1 are relevant to the application: development should respect local context and character; comprise details and materials that are of high quality and complement the local character; and respond to natural features. Policy D2 'Heritage' states that to maintain the character of Camden's conservation areas, the Council will not permit development within conservation area that fails to preserve or enhance the character and appearance of that conservation area.
- 4.2. The Parkhill and Upper Park Conservation Area Statement (2011) advises that any development of rear garden spaces should not detract from the general feeling of openness and should ensure that most of the existing garden space is retained owing to the positive contribution of these spaces to the character and appearance of the conservation area. In addition, tree canopy character of the conservation area is formed of continuous bands of trees spanning rear gardens. These important landscape features and views along rear garden vistas should be protected.
- 4.3. With a maximum height of around 2.7m, the outbuilding would be subordinate to the host property in terms of bulk, height, and footprint and would not detract from the open character. It would be set in from the boundaries providing space for planting and wildlife corridors, and the height will

retain visibility over garden walls and fences. The timber cladding materials used are appropriate for the area and will complement the host building being visually distinct as a garden building. The overall scale and proportion to the garden space means an acceptable amount of garden space would be retained for amenity, greening, and biodiversity.

- 4.4. The site is in the Parkhill and Upper Park Conservation Area. 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 neighbouring properties. Outbuildings are not out of character in this residential area and visibility from the public realm would be limited. The scale, design and materials results in a proposal that would be appropriate for the character of the area and the surrounding buildings and preserve the character and appearance of the conservation area overall.
- 4.5. There are trees nearby and the outbuilding would be within the root protection areas. The tree report sets out that no excavation will take place within the root protection area, only screw piles will be used, and a materials storage area will be outside this protected zone. A condition is attached requiring compliance with these tree protection measures, to ensure the construction method will not harm existing trees and their roots.
- 4.6. 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. However, the inclusion of a living roof is positive, the wildflower roof is an extensive green roof system with a substrate of 120mm to allow plants to establish themselves and provide a greater biodiversity value. The living roof provides natural insulation, absorbs water run-off, and supports biodiversity. Providing the roof is planted, inspected, and maintained in accordance with the approved documents, the roof would be a valuable amenity space and a condition requiring this to be provided has been included in the decision.
- 4.7. Considerable importance and weight have been attached to the harm and 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 Listed Buildings and Conservation Areas Act 1990 as amended by the Enterprise and Regulatory Reform Act (ERR) 2013.
- 4.8. Subject to the recommended conditions, it is considered that the proposed outbuilding would not cause a detrimental impact upon the character and appearance of the host property and would preserve the special character of the conservation area.

5. Residential Amenity

- 5.1. Policy A1 seeks to protect the quality of life of occupiers and neighbours by only granting permission to development that would not harm the amenity of residents. This includes factors such as privacy, outlook, implications to natural light, artificial light spill, odour, and fumes as well as impacts caused from the construction phase of development.
- 5.2. 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.

5.3. Subject to the conditions, the proposed development is not considered to lead to a significant impact upon the amenities of neighbouring residents. The development is thus considered to be in accordance with planning policy A1.

6. Recommendation

6.1. Grant conditional Planning Permission

The decision to refer an application to Planning Committee lies with the Director of Regeneration and Planning. Following the Members Briefing panel on Monday 30th September 2024, nominated members will advise whether they consider this application should be reported to the Planning Committee. For further information, please go to www.camden.gov.uk and search for 'Members Briefing.'

Application ref: 2024/0331/P
Contact: Leela Muthoora
Tel: 020 7974 2506
Email: Leela.Muthoora@camden.gov.uk
Date: 26 September 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

Round Robin Studio Ltd
23 Elsworthy Road
London
NW3 3DS

DRAFT

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Full Planning Permission Granted

Address:

Flat C
41 Upper Park Road
London
NW3 2UL

DECISION

Proposal:

Erection of an outbuilding to the rear garden.

Drawing Nos: Site Location Plan; Design and Access Statement dated 3 May 2024 rev 01;
Marcus Foster Arboricultural Survey Impact Assessment and Method Statement Report ref:
AIA/MF/076/24 dated April 2024; Midayo Landscapes - Proposal Landscape Plan C156-1F
dated 02 May 2024; Midayo Landscapes - Landscape Plan Details Plan C156 - Details 28
April 2024; Midayo Landscapes - Garden Maintenance Schedule; Midayo Landscapes -
Design Statement

(00)009AP, (00)010AP, (00)050AP, (00)201AS, (00)202AS, (00)211AS, (20)050AP rev 02,
(20)201AS rev 01, (20)211AS rev 01, (20)221AS rev 01, (20)500AP rev 02.

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;

Design and Access Statement dated 3 May 2024 rev 01;

Marcus Foster Arboricultural Survey Impact Assessment and Method Statement Report ref: AIA/MF/076/24 dated April 2024;

Midayo Landscapes - Proposal Landscape Plan C156-1F dated 02 May 2024

Midayo Landscapes - Landscape Plan Details Plan C156 - Details 28 April 2024

Midayo Landscapes - Garden Maintenance Schedule

Midayo Landscapes - Design Statement

(00)009AP, (00)010AP, (00)050AP, (00)201AS, (00)202AS, (00)211AS,
(20)050AP rev 02, (20)201AS rev 01, (20)211AS rev 01, (20)221AS rev 01,
(20)500AP rev 02.

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

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

- 4 Living roof condition

The living roof hereby approved shall be fully installed on the buildings in accordance with the approved plans and with the deepest shown substrate, prior to first occupation and thereafter retained and maintained for the duration of the development.

Reason: In order 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.

- 5 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 Arboricultural Report (April 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.

- 6 Incidental use

The outbuilding hereby approved shall only be used for incidental purposes to 41 Upper Park 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. [Delegated]

The proposed development is in general accordance with the London Borough of Camden Local Plan 2017, with particular regard to policies A1, A3, D1 and D2. For a more detailed understanding of the reasons for the granting of this planning permission, please refer to the associated officer report.

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)

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 this permission will not require the approval of a BGP before development is begun because the planning application was made before 12 February 2024.

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.

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>.

Yours faithfully

Chief Planning Officer

DRAFT

DECISION