

Application ref: 2024/3246/P
Contact: Gary Wong
Tel: 020 7974 3742
Email: gary.wong@camden.gov.uk
Date: 22 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

Ecospace
Unit 5a/6a Iliffe Yard
London
SE17 3QA
United Kingdom

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Full Planning Permission Granted

Address:

Flat A
13 Oval Road
London
NW1 7EA

Proposal:

Proposed replacement of a single storey outbuilding in the rear garden ancillary to the ground floor flat.

Drawing Nos: Design and Access Statement 2414.DAS.01; 2414.PL.01; 2414.PL.04 Rev.A; 2414.PL.001; 2414.PL.02.C Rev.C; 2414.PL.03.B Rev.C; 2414.PL.05; Arboricultural Survey, Impact Assessment and Method Statement ref: ASIAMS201.1 dated 03/09/2024 prepared by STEM arboricultural consultancy; D0901-00W_1-2Deg_200-Ext-XF301-SM_001 Rev.A; General Maintenance Lightweight Sedum System Bauder XF301 system Revision V7 February 2022; Bauder system summary XF301 lightweight sedum system Version V4 dated 19/08/2024; Section through proposed edge detail T0321DA; Bauder sedum species in current blankets.

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 and Access Statement 2414.DAS.01; 2414.PL.01; 2414.PL.04 Rev.A; 2414.PL.001; 2414.PL.02.C Rev.C; 2414.PL.03.B Rev.C; 2414.PL.05; Arboricultural Survey, Impact Assessment and Method Statement ref: ASIAMS201.1 dated 03/09/2024 prepared by STEM arboricultural consultancy; D0901-00W_1-2Deg_200-Ext-XF301-SM_001 Rev.A; General Maintenance Lightweight Sedum System Bauder XF301 system Revision V7 February 2022; Bauder system summary XF301 lightweight sedum system Version V4 dated 19/08/2024; Section through proposed edge detail T0321DA; Bauder sedum species in current blankets.

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

- 3 Prior to the commencement of works on site, tree protection measures shall be installed and working practices adopted in accordance with the document entitled "Arboricultural Survey, Impact Assessment and Method Statement" by Stem Arboricultural Consultancy dated 03/09/2024 ref. ASIAMS201.1. 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 BS5837:2012 and with the approved protection details. The development shall be monitored by the project arboriculturalist in accordance with the approved report.

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 Camden Local Plan.

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

Reason: In order to ensure the development undertakes reasonable measures to take account of biodiversity in accordance with Policies A3 of the Camden Local Plan 2017.

- 5 The outbuilding hereby permitted shall not be occupied at any time other than for purposes incidental to the residential use of the dwelling known as Flat A, 13 Oval Road, London, NW1 7EA.

Reason: To safeguard the amenity of the residential use, adjoining premises, and the area generally in accordance with policies A1 and A4 of the Camden Local Plan 2017.

Informative(s):

1 Reasons for granting permission:

The application seeks permission for the replacement of a single storey outbuilding in the rear garden ancillary to the ground floor flat. The application building is not listed but lies within the Primrose Hill Conservation Area.

The proposed replacement outbuilding would measure approximately 4.1m in width, 8.2m in depth and 2.8m in height. Proposed materials include timber cladding and timber framed windows and doors. A green roof with two skylights is proposed over the roof of the outbuilding.

The proposed replacement outbuilding would have an increase in length compared to the existing outbuilding but its width and height would remain the same. Despite its increase in length, its overall scale and bulk would be similar to other approved outbuildings at No.11 and 15 Oval Road. The replacement outbuilding would be located approximately 13m away from the rear of the dwelling. Although the application flat does not own all of the rear garden space at the site, it still benefits from a rear garden approximately 25.9m in depth. The proposed outbuilding would occupy 25% of the available rear amenity space. Therefore, it is considered that sufficient amenity space would be preserved following the erection of the replacement outbuilding. Mature trees ranging from approximately 4m to 15m in height are located on the side boundaries of the garden adjacent to where the replacement outbuilding is proposed. These retained trees will provide natural screening to the outbuilding. Overall, the outbuilding is therefore not considered to have an oppressive height or a bulky appearance when viewed from neighbouring properties. As such, the proposal is considered acceptable in terms of design, materials, height, bulk and footprint in the context of the garden setting.

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 2013.

In terms of neighbouring amenity impact, two side windows are proposed within the outbuilding. According to the submitted plans, a smaller side window to north elevation would appear to serve a shower while the other larger side window would be opaque glazed and serve a yoga area. Whilst the proposed outbuilding would be close to the side boundaries, it would be located at a considerable distance from any neighbouring windows or glazed doors. Therefore, it is considered the outbuilding would not adversely impact the amenity of the adjacent properties in terms of light spill, loss of light, outlook or privacy.

A representation was received from the Primrose Hill CAAC. Whilst saying they do not object in principle they question the sustainability of the structure and have asked for conditions addressing light pollution impacts and to prevent independent residential use. For the reasons outlined in the preceding paragraph officers do not consider the windows are likely to result in light spill at close enough distance to unduly disturb neighbouring residents. Furthermore

the proposal is only to be used for ancillary purposes and therefore unlikely to be subject to the same intensity of occupation as a single dwelling, which would be both unsustainable and more likely to result in amenity impacts. A condition will be recommended to clarify that the use of the proposed outbuilding shall remain incidental to the host dwelling.

- 2 The applicant has submitted an arboricultural report and green roof details. The Tree and Landscaping Officer has reviewed the submitted information and is satisfied that the submitted tree protection details are sufficient to demonstrate that the trees retained will be adequately protected throughout development and the trees to be removed would not significantly affect the character and appearance of the Conservation Area. Standard compliance conditions are recommended for tree protection measures and green roof details to be in accordance with submitted plans.

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.

No objections were received following statutory consultation. The planning history of the site has been taken into account when coming to this decision.

As such, the proposed development is in general accordance with Policies A1, A2, A3, D1 and D2 of the London Borough of Camden Local Plan 2017, the London Plan 2021 and the National Planning Policy Framework 2023.

- 3 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).
- 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 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.

- 6 The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 ("1990 Act") is that planning permission granted in England is 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 will not require the approval of a BGP before development is begun because 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).

- 7 + 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. In addition to information about minimising adverse impacts on the habitat, the BGP must include information on compensation for any impact on the biodiversity of the irreplaceable habitat. The LPA can only approve a BGP if satisfied that the impact on the irreplaceable habitat is minimised and appropriate arrangements have been made for compensating for any impact which do not include the use of biodiversity credits.

++ The effect of section 73(2D) of the Town and Country Planning Act 1990

If planning permission is granted under section 73, and a BGP was approved in relation to the previous planning permission ("the earlier BGP"), the earlier BGP may be regarded as approved for the purpose of discharging the biodiversity gain condition on this permission. It will be regarded as approved if the conditions attached (and so the permission granted) do not affect the post-development value of the onsite habitat, or any arrangements made to compensate irreplaceable habitat, as specified in the earlier BGP.

++ Phased development

In the case of phased development, the BGP will be required to be submitted to and approved by the LPA before development can begin (the overall plan),

and before each phase of development can begin (phase plans). The modifications in respect of the biodiversity gain condition in phased development are set out in Part 2 of the Biodiversity Gain (Town and Country Planning) (Modifications and Amendments) (England) Regulations 2024.

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 written over a light blue rectangular background.

Daniel Pope
Chief Planning Officer