

Application ref: 2024/4083/P
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Date: 26 November 2024

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

Phone: 020 7974 4444

planning@camden.gov.uk
www.camden.gov.uk/planning

Seesaw Studios
Albert House
256-260 Old Street
London
EC1V 9NN

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Full Planning Permission Granted

Address:

Studio
98 Fellows Road
London
NW3 3JG

Proposal: Erection of a single storey outbuilding in rear garden.

Drawing Nos: Location plan; SE 1841-04/P1; SE 1841-01/P1 Rev. A; SE 1841-02/P1 Rev. B; SE 1841-03/P1 Rev. B; Design and Access Statement Rev. A dated 10/10/2024 prepared by Seesaw Studios; Arboricultural Impact Assessment/ Statement and Tree Protection Plan dated 15th October 2024 prepared by Gifford Tree Service; SE 1841-05/P1.

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:

Location plan; SE 1841-04/P1; SE 1841-01/P1 Rev. A; SE 1841-02/P1 Rev. B; SE 1841-03/P1 Rev. B; Design and Access Statement Rev. A dated 10/10/2024 prepared by Seesaw Studios; Arboricultural Impact Assessment/ Statement and Tree Protection Plan dated 15th October 2024 prepared by Gifford Tree Service; SE 1841-05/P1.

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 Impact Assessment/ Statement and Tree Protection Plan" by Gifford Tree Service dated 15/10/2024 and "Proposed Site Plan" by Seesaw Studios dated September 2024 reference SE 1841-05/P1. 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 outbuilding hereby permitted shall not be occupied at any time other than for purposes incidental to the residential use of the dwelling known as Studio, 98 Fellows Road, London, NW3 3JG.

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 erection of a single storey outbuilding in the rear garden. The application building is not listed but lies within the Belsize Park Conservation Area and is a positive contributor.

The proposed outbuilding will be situated at the northeast corner of the rear garden and is considered subordinate in scale. The proposed outbuilding would occupy a limited part of the rear garden space and sufficient amenity space would be preserved following the erection of the outbuilding. Given its proposed location there would be limited visual impact to the wider area. Proposed materials including black timber cedar cladding and black crittal style French doors are considered acceptable. Overall, the proposal is considered acceptable in terms of design, materials, height, bulk and footprint in the

context of the garden setting and would not detract from the appearance and character of the host property and the Conservation Area.

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, no side windows are proposed within the outbuilding. Additionally, it would be located at the end of a long garden, sufficiently setback from neighbouring dwellings. Therefore, it is considered the outbuilding would not adversely impact the amenity of the adjacent properties in terms of loss of light, outlook or privacy. A condition has been imposed to limit the use of the proposed outbuilding to be incidental to the host dwelling.

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

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, A4, D1 and D2 of the London Borough of Camden Local Plan 2017, 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 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 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).

- 6 + 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 the National Planning Policy Framework. The council publishes its adopted policies online, along with detailed Camden Planning Guidance. It also provides advice on the website for submitting applications and offers a pre-application advice service.

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 typed name and title.

Daniel Pope
Chief Planning Officer