

2024/4376/P – Basement flat, 16 Primrose Gardens



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2024/4376/P – Photos and drawings



Figure 1: Aerial view of the site (Source: Google satellite image)

Site photos



Figure 2 Existing rear garden (Source: site photos)



Figure 3 View towards the rear garden (Source: site photos)



Figure 4 View towards No.18 Primrose Gardens (Source: site photos)

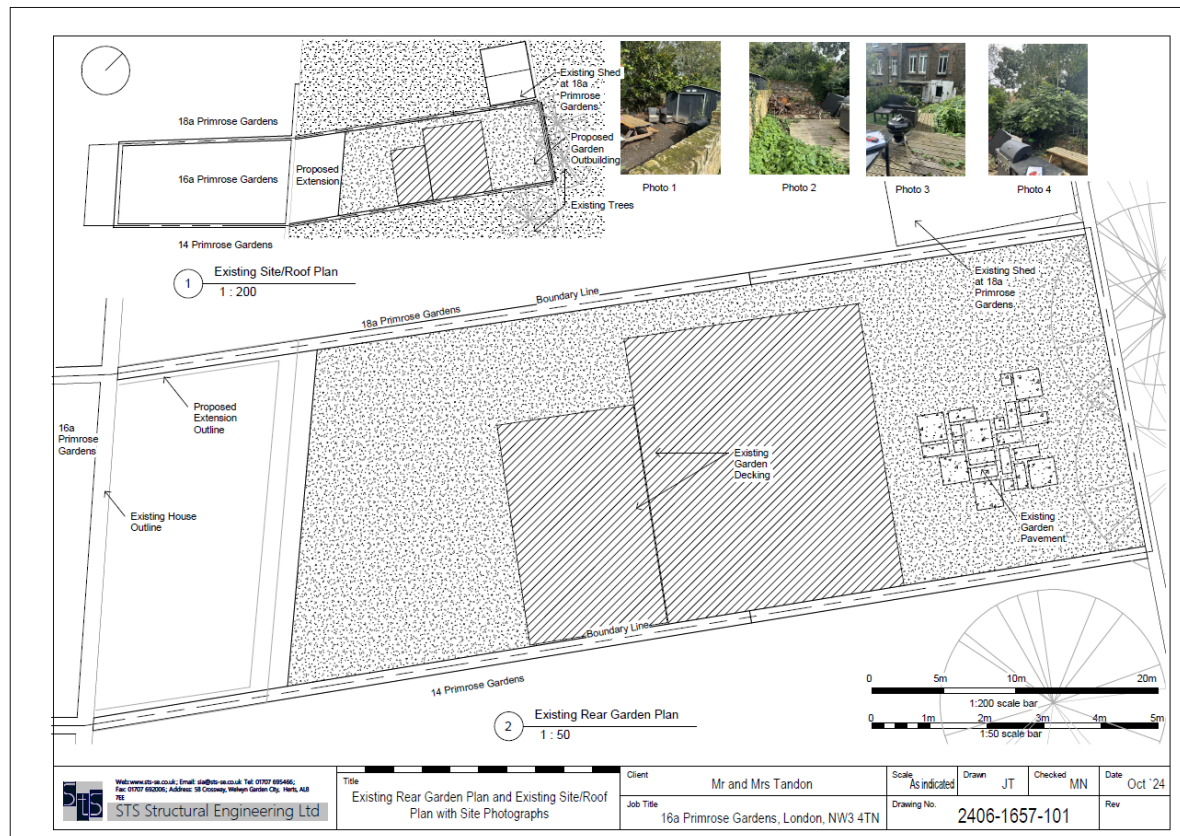


Figure 5 Existing site plan and rear garden plan (Source: submitted drawings)

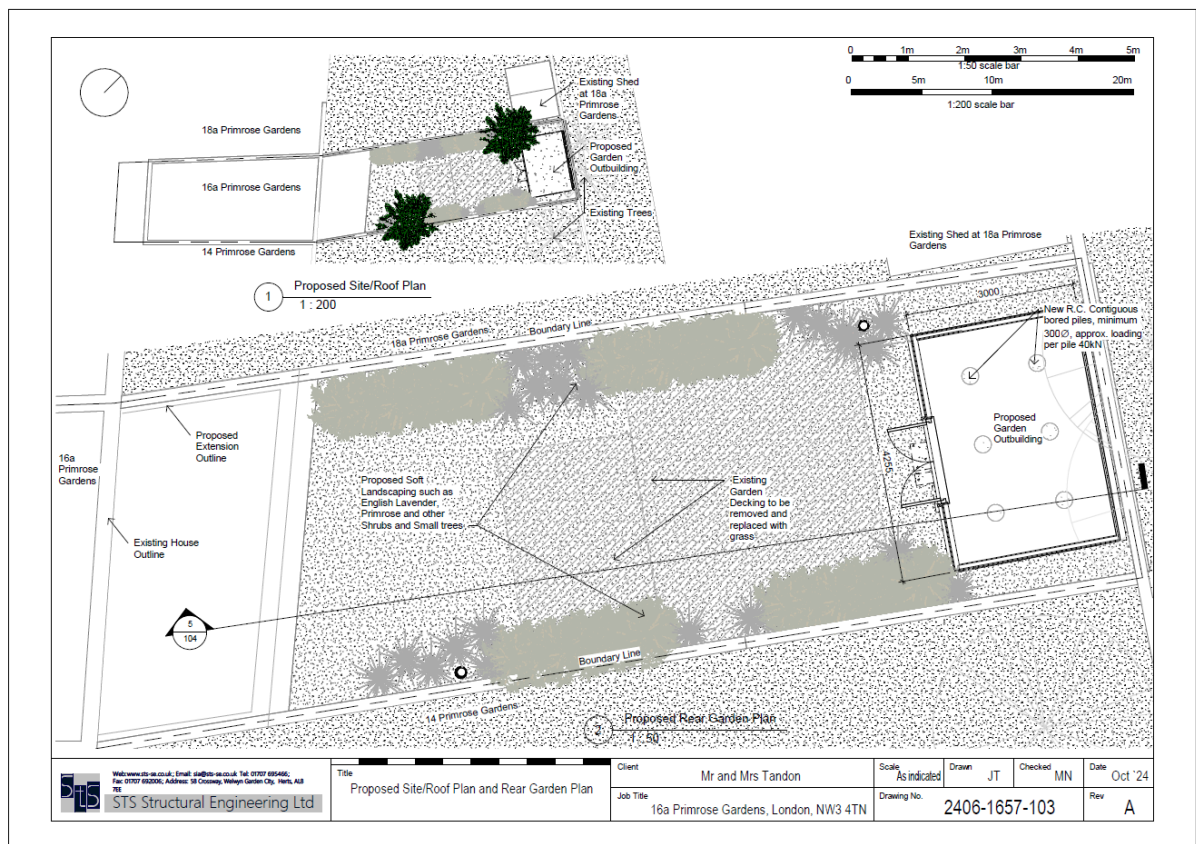


Figure 6 Proposed site plan and rear garden plan (Source: submitted drawings)

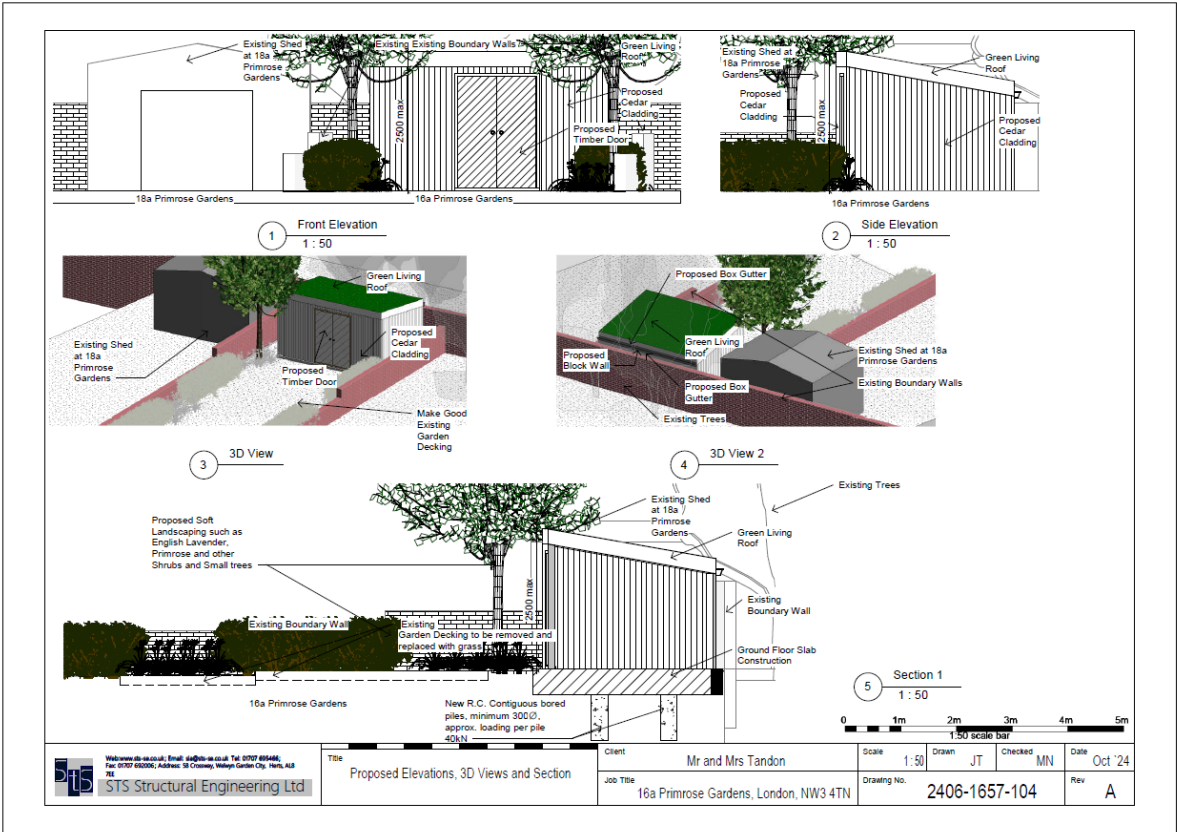


Figure 7 Proposed elevation and 3D view (Source: submitted drawings)

Delegated Report (Members Briefing)		Analysis sheet	Expiry Date:	27/01/2025
		N/A / attached	Consultation Expiry Date:	05/01/2025
Officer			Application Number(s)	
Gary Wong			2024/4376/P	
Application Address			Drawing Numbers	
Basement Flat 16 Primrose Gardens London NW3 4TN			Refer to draft decision notice.	
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature	
Proposal(s)				
Erection of an outbuilding in rear garden and associated landscaping.				
Recommendation(s):		Grant conditional full planning permission.		
Application Type:		Full Planning Permission		

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice			
Informatives:				
Consultations				
Adjoining Occupiers:	No. of responses	00	No. of objections	00
Summary of consultation responses:	A site notice was displayed on 16/10/2024 and expired on 09/11/2024. A press notice was published on 17/10/2024 and expired on 10/11/2024. No response was received from any neighbours following the statutory consultation.			
Belsize CAAC	An objection was received from the Belsize CAAC and can be summarised as follows: <ul style="list-style-type: none">There are no permitted outbuildings in this part of Primrose Gardens.The plan area of the proposed outbuilding is excessive.The use of concrete piles and slab is environmentally unfriendly. Officer's response: <ul style="list-style-type: none">The planning history shows that there are several outbuildings granted planning permission along Primrose Gardens. Please refer to the planning history section below.Please refer to Section 2 for assessment on design and heritage.The Council's Tree Officer has reviewed the submitted information including the use of concrete piles and slab and it is considered the impact on T1 (an off-site hawthorn tree) will be of an acceptable level.			
The Belsize Society	A comment was received from The Belsize Society and can be summarised as follows: <ul style="list-style-type: none">Concerns over this type of development where significant proportions of gardens are built over.In this case, though 26.7% of the garden is being built over (the permitted extension and new outbuilding), there is already 29.12sqm of decking, further eroding the natural environment in the garden, resulting in only 52.88sqm being available for planting / soft landscaping.There are currently no trees, no planting or soft landscaping in this garden and we would hope this degradation of the natural environment and resultant lack of biodiversity and visual loss would be addressed with a planting and landscaping scheme to mitigate the loss to the local environment. Officer's response: <ul style="list-style-type: none">Please refer to Section 2 for assessment on design and heritage.Please refer to Section 4 for assessment on biodiversity.			

Site Description

The proposal relates to a basement flat within a five storey mid-terrace property on the east side of Primrose Gardens, which was converted into 5 self-contained flats in 1971.

The application site is within the Belsize Park Conservation Area and the application building is identified as making a positive contribution to the character and appearance of the conservation area.

Relevant History

Application site

2021/0693/P – Erection of a single storey rear extension, following the removal of the existing conservatory – **Granted planning permission on 19/04/2021** (expired on 19/04/2024 and has not been implemented and has now lapsed)

2006/2751/P - Alterations at roof level including enlargement of front and rear dormer windows to the top floor flat. – **Granted planning permission on 18/08/2006**

2005/5421/P - Alterations at roof level including enlargement of front and rear dormer windows and provision of inset terrace at rear, to provide additional accommodation to existing flat. – **Refused planning permission on 07/03/2006**

G9/12/15/11090 - The conversion of 16 Primrose Gardens N.W.3. into 5 self contained units and the construction of a new dormer window at the rear. – **Granted planning permission on 09/06/1971**

Neighbouring sites

13 Primrose Gardens

2014/0743/P – Erection of outbuilding at rear of flat to replace existing garden shed – **Granted planning permission on 24/03/2014**

2013/2927/P - Erection of outbuilding at rear of residential flat (Class C3). – **Refused planning permission on 15/07/2013**

26 Primrose Gardens

2021/2493/P – Erection of rear garden shed (retrospective) – **Granted planning permission on 20/08/2021**

2012/6147/P – Erection of outbuilding in rear garden – **Refused planning permission on 23/01/2013**

36617 – Construction of greenhouse in the rear garden – **Granted planning permission on 20/10/1983**

51 Primrose Gardens

2022/4842/P – Installation of a detached timber outbuilding – **Granted planning permission on 20/02/2023**

Relevant policies

National Planning Policy Framework (2024)

The London Plan (2021)

Camden Local Plan (2017)

- A1 Managing the impact of development
- A2 Open space
- A3 Biodiversity
- A4 Noise and vibration
- CC1 Climate change mitigation
- CC2 Adapting to climate change
- D1 Design
- D2 Heritage
- H1 Maximising housing supply
- H6 Housing choice and mix

Camden Planning Guidance:

- CPG Amenity (2021)
- CPG Design (2021)
- CPG Trees (2019)
- CPG Home Improvements (2021)

Belsize Conservation Area Statement (2003)

Draft Camden Local Plan (2024)

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. The proposal

- 1.1. The applicant is seeking permission for the erection of an outbuilding in the rear garden and associated landscaping.
- 1.2. The proposed outbuilding would measure approximately 3m in depth, 4.26m in width and 2.5m in height. It will be built with cedar cladding and include a sloped mono-pitched roof and a timber door onto the rear garden. Associated landscaping includes additional planting along both sides of the rear garden and replacing the existing solid decking with soft landscaping.

2. Design and Heritage

- 2.1. 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 seeks to preserve and, where appropriate, enhance Camden's rich and diverse heritage assets, including conservation areas.
- 2.2. CPG Design states that good design should respond appropriately to the existing context by ensuring the scale of the proposal overall integrates well with the surrounding area and carefully responding to the scale, massing and height of adjoining buildings, the general pattern of heights in the surrounding area. The Council will only permit development within conservation areas and development affecting the setting of conservation areas, that preserves and where possible enhances the character and appearance of the area. CPG Home Improvements states that, because outbuildings occupy space in the garden, the size and design should be carefully considered in terms of the impact on neighbour amenity, biodiversity and the character of the wider area, so that they do not detract from the generally 'soft' and green nature of gardens.
- 2.3. The application site is within the Belsize Park Conservation Area, wherein the Council has a statutory duty, under section 72 of The Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended), to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.
- 2.4. The Belsize Park Conservation Area Statement does not provide specific guidance on outbuildings, but it does note, with regards to trees and landscaping, that all trees which contribute to the character and appearance of the conservation area should be retained and protected.
- 2.5. The proposed outbuilding is considered subordinate visually within the rear garden by virtue of its scale, design and location. The width of the outbuilding would be set in from the side boundaries by approximately 0.9m and 0.5m respectively and its height would not be excessive such that views over the top would still be possible. Ample garden and amenity space would be retained between the outbuilding and the main property by approximately 68.9sqm (about 84.5% of the existing rear garden space). The proposed materials including cedar cladding and timber doors are considered acceptable as these are considered to complement the host property and the garden setting.
- 2.6. It is noted that a single storey rear extension was granted permission under reference 2021/0693/P. This permission was not implemented and expired on 19/04/2024 and has now lapsed. Should the applicant wish to construct it they would need to re-apply for a new planning permission. Taking this into consideration, the proposed outbuilding would essentially take up a less percentage of the rear garden space being built on as the unbuilt single storey rear extension. Therefore, the proposed outbuilding is considered to be adequately proportionate within the garden setting and would not be detrimental to the appearance and character of the host building and the conservation area.
- 2.7. Given the location of the outbuilding, there would be limited views of it from the public realm. Planning history shows that there have been some outbuildings granted permissions along Primrose Gardens including No.13, 26 and 51. As such the proposed erection of a modest sized outbuilding in the rear garden is not considered to be out of character with the surrounding development. Whilst the proposed outbuilding would lead to some loss of soft landscaping in the rear garden of approximately 12.65sqm, this would be mitigated by additional planting along the sides of the rear garden, replacing the existing solid decking with soft landscaping, and the inclusion of a green roof on the outbuilding. On balance, it is not considered the proposed outbuilding would cause

detrimental impact on the verdant character of the agglomerated rear gardens along this part of Primrose Gardens and the wider conservation area.

- 2.8. Overall, the visual impact from the proposed outbuilding is considered acceptable and would not be detrimental to the appearance and character of the host property or the conservation area. The proposed development is considered to be in accordance with Policies D1 and D2 of the London Borough of Camden Local Plan 2017.

3. Amenity

- 3.1. 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.
- 3.2. The proposed outbuilding would not include any side windows but only timber doors facing the back of the property. The outbuilding would have a modest maximum height of 2.5m sloped towards the rear boundary and set in from both sides of the boundaries and used as space incidental to the lower ground floor flat. The use will be secured by condition. Overall, the proposed outbuilding is not considered to result in any undue light spillage, noise disturbance or loss of light, outlook and privacy to the neighbouring properties.
- 3.3. Overall, the amenity impact in terms of potential light spillage, noise disturbance, loss of light, outlook and privacy is considered acceptable and in accordance with policies H1, H6, A1 and A4 of the London Borough of Camden Local Plan 2017.

4. Biodiversity

- 4.1. Policy A2 seeks to protect non-designated spaces with nature conservation, townscape or amenity value, including gardens. The sub-text to the policy notes that development within rear gardens and other undeveloped areas can have a significant impact upon the amenity and character of the area; and gardens provide a setting for buildings, provide visual interest and support natural habitats. It is noted that the Council will resist development that occupies an excessive part of a garden and will also seek the retention of important views and glimpses of green space, such as gardens.
- 4.2. Policy A3 seeks to protect and secure additional, trees and vegetation. The Council will resist the loss of trees and vegetation of significant amenity, historic, cultural or ecological value including proposals which may threaten the continued wellbeing of such trees and vegetation. Replacement trees or vegetation are expected to be provided where the loss of significant trees or vegetation or harm to the wellbeing of these trees and vegetation has been justified in the context of the proposed development.
- 4.3. It is noted there are some garden trees close to the proposed outbuilding and tree protection measures have been including in an arboriculture report to demonstrate how they would be protected during the development. Landscaping details including additional planting and replacing the existing decking with grass are also included in the proposal. The Council's Tree Officer has reviewed the submitted information and is satisfied with the details subject to standard compliance conditions.
- 4.4. A green living roof is proposed on the roof of the outbuilding, but the full details are not submitted in this application. These details would be secured via a pre-commencement condition prior to the commencement of the development.
- 4.5. The proposed outbuilding would include construction works involving concrete piles and concrete slab. The Council's Tree Officer has reviewed the information and raised no objection to these works as the impact on the root area of the off-site trees would be of an acceptable level.
- 4.6. Overall, the proposal is considered acceptable in terms of the impact on biodiversity in accordance with policies A2, A3, CC1 and CC2 of the London Borough of Camden Local Plan 2017.

5. Conclusion

- 5.1. The proposed development is in general accordance with policies H1, H6, A1, A2, A3, A4, CC1, CC2, D1 and D2 of the Camden Local Plan 2017, the London Plan 2021, and the National Planning Policy Framework 2024.

6. Recommendation

Grant conditional full 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 27th

January 2025, 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: 2024/4376/P
Contact: Gary Wong
Tel: 020 7974 3742
Email: gary.wong@camden.gov.uk
Date: 16 January 2025

Development Management
Regeneration and Planning
London Borough of Camden
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Judd Street
London
WC1H 9JE

Phone: 020 7974 4444

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

STS Structural Engineering Ltd
58 Crossway
Welwyn Garden City
AL8 7EE

Dear Sir/Madam,

DECISION

Town and Country Planning Act 1990 (as amended)

Full Planning Permission Granted

Address:

Basement Flat
16 Primrose Gardens
London
NW3 4TN

Proposal: Erection of an outbuilding in rear garden and associated landscaping.

Drawing Nos: Arboricultural Survey Impact Assessment and Method Statement Report (BS5837:2012) ref: AIA/MF/0202/24 dated November 2024 prepared by Marcus Foster Arboricultural Design & Consultancy; 2406-1657-101; 2406-1657-102; 2406-1657-103 Rev. A; 2406-1657-104 Rev. A.

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 Survey Impact Assessment and Method Statement Report (BS5837:2012) ref: AIA/MF/0202/24 dated November 2024 prepared by Marcus Foster Arboricultural Design & Consultancy; 2406-1657-101; 2406-1657-102; 2406-1657-103 Rev. A; 2406-1657-104 Rev. A.

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 policy D1 and D2 of the London Borough of Camden Local Plan 2017.

- 4 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 Marcus Foster Arboricultural Design and Consultancy dated November 2024 ref. AIA/MF/0202/24. All trees on the site, or parts of trees grow 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 London Borough of Camden Local Plan 2017.

- 5 All hard and soft landscaping works shall be carried out in accordance with the approved landscape details by not later than the end of the planting season following completion of the development or any phase of the development, whichever is the sooner. Any trees or areas of planting (including trees existing at the outset of the development other than those indicated to be removed) which, within a period of 5 years from the completion of the development, die, are removed or become seriously damaged or diseased, shall be replaced as soon as is reasonably possible and, in any case, by not later than the end of the following planting season, with others of similar size and species, unless the local planning authority gives written consent to any variation.

Reason: To ensure that the landscaping is carried out within a reasonable period and to maintain a high quality of visual amenity in the scheme in accordance with the requirements of policies A2, A3, D1 and D2 of the London Borough of Camden Local Plan 2017.

- 6 Prior to commencement of development, full details in respect of the living roof within the proposed outbuilding in the rear garden shall be submitted to and approved by the local planning authority. The details shall include

i. a detailed scheme of maintenance

- ii. sections at a scale of 1:20 with manufacturer's details demonstrating the construction and materials used
- iii. full details of planting species and density

The living roofs shall be fully provided in accordance with the approved details prior to first occupation and thereafter retained and maintained in accordance with the approved scheme.

Reason: In order to ensure the development undertakes reasonable measures to take account of biodiversity in accordance with policies CC1, CC2, D1, D2 and A3 of the Camden Local Plan 2017

- 7 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 Basement Flat, 16 Primrose Gardens, London, NW3 4TN.

Reason: To protect amenity of adjoining occupiers and also ensure the outbuilding hereby permitted does not become a self-contained dwelling, separate and apart from the original dwellinghouse known as Basement Flat, 16 Primrose Gardens in accordance with policies H1, H6, A1 and A4 of the Camden Local Plan 2017.

Informative(s):

- 1 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).
- 2 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.
- 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 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).

- 5 + 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>.

Yours faithfully

Chief Planning Officer

DRAFT

DECISION