

Application ref: 2024/4298/P
Contact: Obote Hope
Tel: 020 7974 2555
Email: Obote.Hope@camden.gov.uk
Date: 26 February 2025

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

Mr Steven Webber
59 Flat A Eton Avenue
London
NW3 3ET

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Full Planning Permission Granted

Address:

Flat A
59 Eton Avenue
London
NW3 3ET

Proposal:

The erection of a single-story garden studio within the curtilage of 59a Eton Avenue. The proposed garden room will be used for ancillary purposes incidental to the residential use of the main property, primarily as a home office and a gym.

Drawing Nos: AO1; A02; A03; A04; A05; A06; A07; 20.02 REV04; Arboricultural Report commissioned by John Cromar's Arboricultural LTD and Design, Access & Heritage Statement by POD dated 27 September 2024.

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: AO1; A02; A03; A04; A05; A06; A07; 20-02 REV04; Arboricultural Report commissioned by John Cromar's Arboricultural LTD and Design, Access & Heritage Statement by POD dated 27 September 2024.

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 "Report regarding the impact on trees of the proposals for development at 59A Eton Avenue, London NW3 3ET by John Cromar's Arboricultural Company Ltd" dated 10th October 2024 ref. S1443-J1-R1. 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 Camden Local Plan."

- 5 Prior to commencement of development , full details in respect of the living roof in the area indicated on the approved roof plan 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 manufacturers details demonstrating the construction and materials used and showing a variation of substrate depth with peaks and troughs
 - iii. full details of planting species and density

The living roof 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 and the water environment in accordance with policies G1, CC1, CC2, CC3, D1, D2 and A3 of the London Borough of Camden Local Plan 2017.

- 6 The single storey 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 59 Eton Avenue.

Reason: To prevent a separate residential or commercial use, to protect the amenity of adjoining occupiers and also to protect the residential character of the area in accordance with policies A1, D1 and D2 of the Camden Local Plan 2017.

Informative(s):

1 Reasons for granting permission:

The proposed single storey rear outbuilding would be located towards the rear of the site. The outbuilding would be clad in timber with aluminium framed windows with aluminium framed sliding doors to the front elevation. However, no windows are proposed to the rear or side elevations and a roof light flush with the flat roof would be formed.

As revised the scale, bulk and the overall design including the proposed materials to be used are considered appropriate to the garden setting. And given that the proposal would be of a similar scale and size to the neighbouring outbuilding at number 59B Eton Avenue, granted permission under 2020/3085/P on the 03/02/2021 (later amended under planning application 2021/3497/P - dated 26/08/2021 - increasing the height of the outbuilding by 0.3m and a finished height of 2.8m) the proposal is considered as acceptable in terms of conservation and design. Given that the outbuilding would be situated approximately 18m from the main (Listed) building it is not considered to detract from the setting or architectural character of the Listed building.

Concern was initially raised regarding the height and, while Camden Planning Guidance (CPG) suggest a finished height of no more than 2.5m, given the presence of similar sized outbuildings in the area (as discussed above), the height is considered acceptable. A reduction in the length of the outbuilding, omission of air conditioning and the amount of glazing have also resulted in the Conservation Area Advisory Committee withdrawing their objection.

The size of the outbuilding would not be disproportionate for the garden. The area of the rear garden is calculated to be approximately 180sqm and so the garden room will take up approximately 15% of the usable garden space. As such, it is considered that the proposed outbuilding would retain sufficient amenity space for the site and sufficient openness within the Conservation Area. As such, it is not considered that it would harm the character and appearance of the surrounding garden landscape and the Belsize Park Conservation Area.

The Arboricultural Report which was submitted concluded that no trees are proposed for removal in order to facilitate development. The proposal was checked by the Council's Tree Officer who confirmed that the impact of the scheme on the trees to be retained would be of an acceptable level and the tree protection details are considered sufficient to demonstrate that the trees to be retained would be adequately protected in accordance with BS5837:2012.

The outbuilding would also be installed on steel ground screws with a timber base frame which would further reduce its impact on the existing neighbouring shrubs and hedges.

In terms of Biodiversity Net Gain, a sedum (green) roof is proposed. The green roof together with the proposed tree protection measures would result in appropriate biodiversity provision. Furthermore, these measures will contribute positively to the Conservation Area and a condition would be attached for the details of the sedum roof to be submitted, approved and implemented.

Given the size of the proposed outbuilding and its proposed location to the rear of the garden, it is not considered that it would not have a detrimental impact on the residential amenity of neighbouring properties in terms of loss of light, outlook or privacy. A condition is to be attached to ensure that it is used for purposes incidental to the use of the application property only.

No neighbour objections were received prior to making this decision. The planning history of the site and surrounding area were taken into account when coming to this decision.

As such, the proposed development accords with policies A1, A2, A3, D1 and D2 of the Camden Local Plan 2017. The proposed development also accords with policies of the London Plan 2021 and of the National Planning Policy Framework 2024.

- 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 Biodiversity Net Gain (BNG) Informative (1/2):

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, but you should check the legislation yourself and ensure you meet the statutory requirements.

Based on the information available this permission will not require the approval of a Biodiversity Gain Plan before development is begun due to the proposal being 25sqm of onsite habitat that has biodiversity value greater than zero and less than 5m in length of onsite linear habits.

++ Summary of transitional arrangements and exemptions for biodiversity gain condition

The following are provided for information and may not apply to this permission:

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 was made or granted before 12 February 2024.
4. The permission is exempt because of one or more of the reasons below:
 - 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).

6 Biodiversity Net Gain (BNG) Informative (2/2):

+ 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. 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 both the post-development value of the onsite habitat and 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 written over a light grey rectangular background.

Daniel Pope
Chief Planning Officer