

Application ref: 2024/5295/P  
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Date: 17 March 2025

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

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TJR Planning  
Suite 3 The Mansion  
Wall Hall Drive  
Aldenham  
WD25 8BZ

Dear Sir/Madam

## **DECISION**

Town and Country Planning Act 1990 (as amended)

### **Householder Application Granted**

Address:  
**35 Elsworthy Road**  
**London**  
**NW3 3BT**

Proposal:  
Erection of front boundary wall, timber fence and gates, and new landscaping to front garden.

Drawing Nos: Design and access statement dated 06 November 2024, Planning and Heritage Statement dated November 2024, Tree Projects' Support Statement dated 08 October 2024 and Tree Protection Plan for Front Garden Fence Drawing Ref: TSP/TPP/ER FGF July 2023, (929\_PL\_) 001; 002; 003 Rev A; 010; 011 Rev A, 020, 021 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:

Tree Projects' Support Statement dated 08 October 2024 and Tree Protection Plan for Front Garden Fence Drawing Ref: TSP/TPP/ER FGF July 2023 (929\_PL\_) 001; 002; 003 Rev A; 010; 011 Rev A, 020, 021 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 policies D1 and D2 of the London Borough of Camden Local Plan 2017.

- 4 Facing materials

Before the relevant part of the work is begun, detailed drawings, or samples of materials as appropriate, in respect of the following, shall be submitted to and approved in writing by the local planning authority:

a) Manufacturer's specification details of brick slip and coping materials (to be submitted to the Local Planning Authority) and samples of those materials (to be provided on site).

The relevant part of the works shall be carried out in accordance with the details thus approved and all approved samples shall be retained on site during the course of the works.

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.

- 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, as set out in the Tree Projects' Tree Protection Plan for Front Garden Fence Drawing Ref: TSP/TPP/ER FGF July 2023 and landscape plan drawing reference 929 PL 003.

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 (Biodiversity) of the Camden Local Plan 2017.

Informative(s):

1 Reasons for granting permission:

The site relates to a detached three-storey with basement dwellinghouse on the southern side of Elsworthy Road. The house has a large rear garden which is bounded to the south by Primrose Hill. It is identified as making a positive contribution to the character and appearance of the Elsworthy Conservation Area. This part of the Conservation Area derives its character from the 'garden suburb' influenced pattern of development with large, detached houses on generous verdant sites and set back from the street.

The proposal is a resubmission of proposed boundary treatment comprising of brick wall, timber fence and gates, and landscaping to front garden, following a boundary treatment that was refused planning permission under reference 2024/0357/P. The current proposals have addressed the reasons for refusal. The proposed front boundary wall, fence, gates, and posts result in a more sympathetic boundary treatment. The low red-brick wall with hardwood gates, gate posts and railings are lower in height and results in less solidity to the front boundary. The slim railings allow for permeability with respect to visibility between the street, house, and garden and to allow for the privet hedging to grow, which helps soften the view by greening the streetscape in accordance with the garden suburb character of the conservation area. The proposed pedestrian gate and path are positioned in a central position to allow direct access from the street to the entrance, with two hardwood vehicular gates serving existing crossovers are considered to form a balanced boundary treatment that is sympathetic to the street scape which would preserve the character and appearance of the Elsworthy Conservation Area.

The overall scale and proportion to the garden space means this would be acceptable in terms of amenity impacts, biodiversity, and greening. Based on the information available this permission will not require the approval of a Biodiversity Gain Plan before development is begun because it is a Householder application.

There is a mature plane tree immediately in front of the boundary on the street. Due to its proximity, the revised wall has been designed to bridge over the tree roots, with the wall and gate posts supported on stainless steel ground screw piles with brick slips and coping bricks. To ensure the quality of the facing materials, the details will be secured by condition.

Due to the site currently being under construction there are existing tree protection measures in place. A condition is included in this decision to secure the protection of the street tree during construction of this proposal, and to ensure compliance with the tree protection measures set out in the tree protection plan.

Given its siting, scale, design, distance from existing boundaries, and subject to the conditions included in this decision, the proposal would not result in harm to neighbouring residential amenity in terms of loss of light, privacy, or outlook.

The proposal is considered to preserve the character and appearance of the

conservation area. Special attention has been paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area.

The council received an objection from the Elsworthy CAAC which it considered prior to making this decision. The applicant has amended the boundary planting to privet hedge and the CAAC have confirmed this was satisfactory and withdrew their objection. The council also considered the area's planning history and relevant appeal decisions when coming to this decision.

The proposal is in general accordance with policies D1, D2, A1 and A3 of the Camden Local Plan 2017. It also accords with the London Plan 2021 and 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 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](http://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) 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 provided, this will not require the approval of a BGP before development is begun because the application is a Householder Application.

#### ++ 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-householder-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