

Application ref: 2024/5491/P
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Date: 10 April 2025

Development Management
Regeneration and Planning
London Borough of Camden
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Judd Street
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SM Planning
80-83 Long Lane
London
EC1A 9ET

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Full Planning Permission Granted

Address:
Ornan Court
2 Ornan Road
London
NW3 4PT

Proposal: Erection of pergola and associated works including hard surfacing.

Drawing Nos: (1915 (PL))501 Rev P1; 511 Rev P1; 520 Rev P1; 521 Rev P1; 523 Rev P1; 530 Rev P1; 531 Rev P1; 570 Rev P1; 571 Rev P1; 580 Rev P1; 581 Rev P1; 582 Rev P1; 583 Rev P1; 583 Rev P1; 584 Rev P1; 590 Rev P1 and 591 Rev 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: (1915 (PL))501 Rev P1; 511 Rev P1; 520 Rev P1; 521 Rev P1; 523 Rev P1; 530 Rev P1; 531 Rev P1; 570 Rev P1; 571 Rev P1;

580 Rev P1; 581 Rev P1; 582 Rev P1; 583 Rev P1; 583 Rev P1; 584 Rev P1; 590 Rev P1 and 591 Rev P1

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

- 3 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 the pergola design and materials, or construction drawings showing same (to be submitted to the Local Planning Authority).

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.

- 4 Prior to the commencement of any works on site, details demonstrating how trees to be retained shall be protected during construction work shall be submitted to and approved by the local planning authority in writing. Such details shall follow guidelines and standards set out in BS5837:2012 "Trees in Relation to Construction". 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 the approved protection details.

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 Prior to commencement of any works on site, details of the design of building foundations and the layout, with dimensions and levels, of service trenches and other excavations on site in so far as these items may affect trees on or adjoining the site, shall be submitted to and approved in writing by the local planning authority. The relevant part of the works shall not be carried out otherwise than in accordance with the details thus approved.

Reason: To ensure that the development will not have an adverse effect on existing trees and in order to maintain the character and amenities of the area in accordance with the requirements of policies A2 and A3 of the London Borough of Camden Local Plan 2017.

- 6 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] or [prior to the occupation for the permitted use 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.

Informative(s):

1 Reasons for granting permission.

The site is a large mansion block comprising 5 upper storeys in a Queen Anne Revival style, located on the junction of Ornan Road and Haverstock Hill. The building is used as a hostel (*sui generis*) and which makes a positive contribution to the Fitzjohn's / Netherhall Conservation in which it is located.

The proposal seeks to erect a timber framed pergola and install hard surfacing beneath it. The pergola is proposed to be located on the north-western boundary close to the existing close boarded fence. The pergola is proposed to be single storey and measures approximately 4m x 2.6m x 2.6m high and be visually permeable and constructed of timber posts with a concealed aluminium roof. The pergola would be visible from the street as the topography of the land means that the garden sits above street level. The applicants have not provided exact details of the pergola as it is bespoke and therefore a condition has been added to seek final design before they construct it. Despite this, it is not considered that the structure in this location would be harmful to the character or appearance of the Fitzjohn's/Netherhall Conservation Area.

The pergola is proposed to be located under the canopy of a tree on the northwestern boundary. The hard surface under the pergola is proposed to be a concrete base, however, sufficient details have yet to be provided to ensure that any screw piles do not compact or damage the roots of this tree. The pile details and any associated service runs have all been conditioned to be provided before the works are undertaken in order to protect this tree.

There are no amenity concerns raised as a result of the proposed pergola, with no windows overlooked.

The Fitzjohn's / Netherhall CAAC have been notified and have not commented. No objections have been received. The Council's Conservation Officer has reviewed the proposal and has raised no objections. The application site's planning history has been taken into account when coming to this decision.

Special regard has been attached to 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.

As such, the proposed development is in general accordance with policies A3, D1 and D2 of the Camden Local Plan. The proposed development 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 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 You are reminded that there are two outstanding conditions to be complied with in relation to two felled TPO'd horse chestnut trees on the boundary of the site with Haverstock Hill. These related to the applications 2017/2882/T and 2020/4479/T which require the following:

2017/2882/T - Condition 3

During the first available planting season following the completion of works, a *Liriodendron tulipifera* (Tulip tree) shall be planted as a heavy standard with a girth size of 12-14 cms, unless otherwise agreed in writing by the local authority. The replacement tree shall be planted within 5m of the tree that is to be removed, close to the corner of Haverstock Hill and Ornan Road. The tree shall be planted and maintained to the standards set out in BS8545:2014.

Reason: In order to comply with the provisions of Section 206 of the Town and Country Planning Act 1990 (as amended).

And

2020/4479/T - Condition 1

Prior to 31st March 2020, a horse chestnut tree (*Aesculus hippocastanum*) shall be planted as an extra heavy standard with a girth size of 16-18cms within 5m of the position of the application tree and no less than 750mm from any structure unless otherwise agreed with the Council in writing. The tree shall be planted and maintained in accordance with the standards set out in BS8545:2014 - Tree from the nursery to independence in the landscape.

Reason: In order to comply with the provisions of Section 206 of the Town and Country Planning Act 1990 (as amended).

Failure to comply with these conditions might result in further action 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, 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 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).

++ 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)

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 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 positioned above the printed name and title of the signatory.

Daniel Pope
Chief Planning Officer