

Application ref: 2025/0625/P
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Date: 1 May 2025

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Thomas
Clarke

14 Swain's Lane
London
N6 6QS

DRAFT

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Householder Application Granted

Address:
14 Swain's Lane
London
N6 6QS

DECISION

Proposal:

Demolition of garage and erection of single storey outbuilding to side elevation (retrospective).
Drawing Nos: 02-25-00120, 01-25-00120-HRET, 032500120, 042500120, 052500120, 062500120, Proposed North Elevation CGI, Proposed East Elevation CGI, Proposed South Elevation CGI, Proposed Plan CGI, Heritage Statement, Design and Access Statement.

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:

02-25-00120, 01-25-00120-HRET, 032500120, 042500120, 052500120, 062500120, Proposed North Elevation CGI, Proposed East Elevation CGI, Proposed South Elevation CGI, Proposed Plan CGI, Heritage Statement, Design and Access Statement.

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 and policies DC2 and DC3 of the Dartmouth Park Neighbourhood Plan 2016.

- 4 The outbuilding hereby approved shall only be used for ancillary purposes at 14 Swain's Lane, and shall not be used as a separate residential dwelling or a business premises.

Reason: In order to protect the residential amenities of neighbouring occupiers and prevent substandard living accommodation and excessive on-street parking pressure in accordance with policies A1, H6 and T2 of the London Borough of Camden Local Plan 2017.

Informative(s):

- 1 Reasons for granting permission:

Retrospective planning permission is sought for the demolition of a garage and the erection of a single storey outbuilding to side elevation. The site is within the Dartmouth Park Conservation Area and is not listed.

The proposed outbuilding is located to the side elevation of the house, within the garden that wraps around the rear and side of the property, located between the host dwelling and 16 Swain's Lane. The outbuilding is set slightly further back than the pre-existing garage and matches its footprint, and has a similar bulk and massing. The outbuilding is set in from the front boundary wall by approximately 13m and measures approximately 2.4m in height, 5m in depth and 2.5m in width. The outbuilding is visible from the street but due to its separation distance from the house and modest height, the outbuilding does not appear overly dominant when viewed from the street. The use of black painted timber is appropriate and ensures the outbuilding blends in with the surroundings.

Given its location, scale, and design, and considering it replaces a previous structure, the outbuilding does not represent overdevelopment and does not appear overly dominant when viewed from neighbouring properties or the public realm.

Overall, the proposal is considered to be subordinate to main existing building and would not cause undue harm to the character or appearance of the surrounding

gardscape, streetscape or the Dartmouth Park Conservation Area. The proposal would preserve the character and appearance of the Conservation Area overall. The council has had special regard to the desirability of preserving the character and appearance of the Conservation Area.

The outbuilding would not result in undue overlooking or loss of privacy or enjoyment of adjoining sites due to its scale and positioning. Additionally, the structure is a replacement of a pre-existing garage structure which existed for some time. On this basis the outbuilding is not considered to lead to any significant, harmful impacts upon the amenity of any neighbouring residents.

A condition is attached to control the use and ensure that it is used for ancillary residential purposes only and not as a separate dwelling or for separate commercial purposes.

No objections were received in response to consultation. The sites planning history has been taken into account in coming to this decision.

As such, the proposed development is in general accordance with policies A1, D1 and D2 of the Camden Local Plan 2017 and policies DC2 and DC3 of the Dartmouth Park Neighbourhood Plan 2016. 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 The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted 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 permission will not require the approval of a BGP before development because it is a householder application.

Summary of statutory exemptions for biodiversity gain condition:

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:
 - 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 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-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

Chief Planning Officer

DECISION