

Application ref: 2025/1343/P  
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Date: 4 June 2025

**Development Management**  
Regeneration and Planning  
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MV Heritage Consultancy Ltd  
32  
Murray Road  
Richmond  
TW10 7QG

Dear Sir/Madam

## **DECISION**

Town and Country Planning Act 1990 (as amended)

### **Householder Application Granted**

Address:  
**10 Fitzroy Park**  
**London**  
**N6 6HU**

#### **Proposal:**

Erection of an outbuilding a within the rear garden.

Drawing Nos: Existing Site Plan, May 2025; Existing Location Plan, May 2025;  
Proposed Site Plan, May 2025; Proposed Location Plan, May 2025; Proposed South  
East Elevation, May 2025; Proposed South West Elevation, May 2025; Proposed North  
West Elevation, May 2025; Proposed North East Elevation, May 2025; Proposed  
Section (A), May 2025; Proposed Section (B), May 2025; Proposed Roof Plan, May  
2025; Proposed Ground Floor Plan, May 2025; TSP-01, 14/04/2025; 131-01, 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 Existing Site Plan, May 2025; Existing Location Plan, May 2025; Proposed Site Plan, May 2025; Proposed Location Plan, May 2025; Proposed South East Elevation, May 2025; Proposed South West Elevation, May 2025; Proposed North West Elevation, May 2025; Proposed North East Elevation, May 2025; Proposed Section (A), May 2025; Proposed Section (B), May 2025; Proposed Roof Plan, May 2025; Proposed Ground Floor Plan, May 2025; TSP-01, 14/04/2025; 131-01, 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 The outbuilding hereby approved shall only be used for purposes incidental to the use of the main property (10 Fitzroy Park) and shall not be used as a separate residential dwelling or a business premises.

Reason: To safeguard the amenity of the residential use, adjoining premises, and the area generally in accordance with policies A1 and A4 of the London Borough of Camden Local Plan 2017.

- 5 All tree protection measures shall be carried out in accordance with the details approved in 'Arboricultural Impact Assessment & Tree Condition Survey (prepared by Oakhouse Arboricultural Services, dated 07/04/2025)'. The tree protection measures shall be retained and maintained for the duration of the construction period.

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.

#### Informative(s):

- 1 Reasons for granting permission.

The application site principally comprises a Grade II listed two storey dwelling and attached garage, in spacious grounds located on the southeastern side of Fitzroy Park. The site is located within the Highgate Village Conservation Area. Fitzroy Park is a private road which is managed and maintained by the local residents association.

The applicant is seeking permission for the construction of an outbuilding and associated decking housing a hot tub and sauna within the rear garden.

Being a small-scale, low profile garden structure located in the rear garden, , the proposed outbuilding would be subordinate to the garden and site, would

ensure a sufficient amount of garden space is retained and would have limited visibility from the public realm. The proposed materials which include timber walls, aluminium roofing and timber framed aluminium windows and doors lend the outbuilding a lightweight appearance, and are appropriate for the garden context.

Overall, given the size of the garden, the addition of the modestly scaled outbuilding would not adversely impact the setting of the listed building or conservation area.

The Council has had special regard to the desirability of preserving the character and appearance of the conservation area, and the listed building, its setting, and its special interest.

Due to the scale, nature and location of the proposal, it does not raise any unacceptable amenity related concerns. While a window is proposed on the south western elevation of the outbuilding, it would face into the rear garden of the application site. To protect the residential character of the site/area, a condition has been attached to ensure that the outbuilding is only used for purposes ancillary to the enjoyment of the house, and that it cannot be used for a separate business or living means. It is not considered necessary for a noise impact assessment to be provided, or conditions surrounding noise levels to be attached in this instance as no plant equipment is proposed. Given the nature of the proposal, where the use is ancillary to the residential use and its limited size and distance from neighbouring properties it is considered that any noise level associated with the proposal would be acceptable.

An Arboricultural impact assessment and tree survey plan have been submitted, and the proposal includes the retention of all trees and the design includes screw piles. The Council's Tree's and Landscape Officer has confirmed that the submitted details are acceptable for undertaking the proposed installation with minimal impact on trees. A condition has been attached requiring tree protection measures to be carried out in accordance with the details within the arboricultural impact assessment. It is noted that no green roof has been included on the outbuilding. The arboricultural impact assessment states that it has been deemed unsuitable for a green roof in this instance as it would be shaded by surrounding trees, with poor growing conditions for plant species.

One objection has been received from neighbouring properties which is addressed within a consultation report. The planning history of the site has been taken into account when coming to this decision.

As such, the proposed development is in general accordance with policies A1, A2, A3, A4, D1 and D2 of the London Borough of Camden Local Plan 2017. 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 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 a Householder Application.

- 4 + 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.

- 5 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.

- 6 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.

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



Daniel Pope  
Chief Planning Officer