

Application ref: 2018/0379/P
Contact: Tony Young
Tel: 020 7974 2687
Date: 10 July 2018

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Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Full Planning Permission Granted

Address:
Eldon Court
Eldon Grove
LONDON
NW3 5PU

Proposal:
Alterations to side boundary wall and fence adjacent to driveway off Eldon Grove to provide a timber bin enclosure and access gate.
Drawing Nos: A101 rev A, A102 rev A, A103.

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 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.

- 3 The development hereby permitted shall be carried out in accordance with the following approved plans: A101 rev A, A102 rev A, A103.

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

Informative(s):

- 1 Reasons for granting permission:

The proposals to provide a bin store involve the removal of a small section of an existing side boundary wall and fence to accommodate an access gate located on the left-hand side of an existing access road to a garage at the front of Eldon Court. Behind the gate, and within the northern corner of the front garden, a bin store structure (measuring approximately 1.7m high x 4.2m wide x 1m deep) would be sited to reasonably accommodate the siting and collection of several standard sized wheelie bins. The structure would be fixed by means of a number of vertical posts into a new permeable concrete surface (approximately 9.5 sqm in area) and involve some minor works of excavation (approximately 0.3m in depth).

The proposals would help to improve both bin storage and pedestrian movement at the front of the premises in so far as the creation of a bin store would allow wheelie bins that currently sit on the pavement outside the property to be relocated within a dedicated space off the street and public footway. The access gate would also be suitably located away from the public footway so that it doesn't have any adverse impact on pedestrian movement when open and in use.

While the intention is for the bin store structure to eventually be concealed behind an extended front garden hedge, it is recognised that in the interim it would be visible to some degree at the front of the property. However, the widest part of the structure would be angled away from the street and mainly hidden behind the existing side boundary wall and fence in a position recessed to some degree from the street. The proposed access gate itself has also been designed to match as closely as possible the section of fence that it replaces so further reducing the visual impact. The proposed timber material and dark brown colour of both structure and gate would serve to soften the appearance of the bin store within the natural environment of the surrounding garden space.

A number of trees at the site have Tree Preservation Orders placed upon them; however, these are located at the rear Eldon Court or on Lyndhurst Gardens, and as such, a Council Tree officer has confirmed that they would not be affected by the proposed works given their location. Nevertheless, tree protection information has been submitted which is considered sufficient to demonstrate that any nearby trees would not be adversely affected by the proposals as the proposed scheme involves only minor excavation works within any possible root protection areas. The degree of encroachment in these areas is minimal and would be undertaken mainly by hand with any significant roots (for instance, those over 25mm in

diameter in line with BS5837:2012) to be retained. As such, the impact of the scheme on any nearby trees is considered acceptable.

Overall therefore, the design, size, scale, bulk, location and materials used for the proposed bin store structure and gate are considered to be appropriate and respect the context and setting of the host and neighbouring properties, and would not detract from the character and appearance of the building and the wider Fitzjohn's Netherhall Conservation Area, and as such, would be acceptable.

Concerns were initially raised as the proposed bin enclosure was originally positioned so that the full width of the store and access gate faced the road and involved the removal of part of the boundary wall. Following Council advice on these matters, the applicant has amended proposals so that the front boundary remains unchanged and the enclosure would be positioned more suitably in a recessed position to the side. These revisions are considered to be acceptable.

There are no amenity concerns as a result of these proposals in terms of loss of privacy to neighbouring properties given that the level of activity associated with bin collections and use at the front of the property would remain predominantly the same.

- 2 The site's planning and appeals history has been taken into account when coming to this decision. No objections have been received to the proposals following statutory consultation.

Special attention has been paid to the desirability of preserving or enhancing the character or appearance of the conservation area, under s.72 of the Listed Buildings and Conservation Areas Act 1990 as amended by the Enterprise and Regulatory Reform Act (ERR) 2013.

As such, the proposal is in general accordance with policies A1, D1 and D2 of the Camden Local Plan 2017, policies DH1 and DH2 of the Hampstead Neighbourhood Plan 2017, the London Plan 2016, and the National Planning Policy Framework 2012.

- 3 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).
- 4 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 are advised to consult the Council's Noise and Licensing Enforcement Team, Camden Town Hall, Judd St, Kings Cross, London NW1 2QS (Tel. No. 020 7974 4444 or search for 'environmental health' on the Camden website or seek prior approval under Section 61 of the Act if you anticipate any difficulty in carrying out construction other than within the hours stated above.
- 5 You are advised that the structure hereby approved should be constructed in such

a manner that it will not be susceptible to future damage by protected trees. The Council is unlikely to consider favourably any application to prune or fell protected trees because of their impact on the structure hereby approved. You are further advised that the Department for Communities and Local Government the Regions guidance "Tree Preservation Orders - A Guide to the Law and Good Practice" states that no compensation is payable to a person for loss or damage which was (i) reasonably foreseeable by that person, and (ii) attributable to that person's failure to take reasonable steps to avert the loss or damage or mitigate its extent

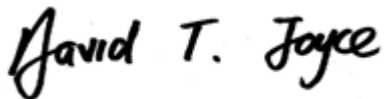
- 6 You are advised that the appropriate standards for tree work are set out in BS5837:2012. Failure to ensure that the proposed works are carried out to these standards may result in damage to the tree(s) and may result in legal action by the Council.

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.

You can find advice about your rights of appeal at:

<http://www.planningportal.gov.uk/planning/appeals/guidance/guidancecontent>

Yours faithfully

A handwritten signature in black ink that reads "David T. Joyce". The signature is written in a cursive, slightly slanted style.

David Joyce
Director of Regeneration and Planning