

Application ref: 2018/2166/P
Contact: Jaspreet Chana
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Date: 16 January 2019

Development Management
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Christopher Wickham Assocs
35 Highgate High Street
London
N6 5JT

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Householder Application Granted

Address:

**Kebony House Oak Hill Park
London
NW3 7LP**

Proposal:

Erection of outbuilding comprising single storey garden room, single storey building containing sauna, outdoor plunge pool, and associated ground level terrace.

Drawing Nos: CF-129-DR-1-0050-A, CF-129-DR-1-0100-A, CF-129-DR-1-0110-A, CF-129-DR-1-0111-A, CF-129-DR-1-0112-B, CF-129-DR-1-0113-C, CF-129-DR-1-0114-A, CF-129-DR-1-0115-B, CF-129-DR-1-0116-B, CF-129-SK-1709-003, CF-129-SK-1709-002_Rev B, CF-129-SK-1709-001_RevC, CF-129--SK-1711-002, CF-129-SK-1711-003, Planning Design & Access Statement, Preliminary Ecological Appraisal & Ground Level Roost Assessment, Pre-development Arboricultural Survey and Report.

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: CF-129-DR-1-0050-A, CF-129-DR-1-0100-A, CF-129-DR-1-0110-A, CF-129-DR-1-0111-A, CF-129-DR-1-0112-B, CF-129-DR-1-0113-C, CF-129-DR-1-0114-A, CF-129-DR-1-0115-B, CF-129-DR-1-0116-B, CF-129-SK-1709-003, CF-129-SK-1709-002_Rev B, CF-129-SK-1709-001_RevC, CF-129--SK-1711-002, CF-129-SK-1711-003, Planning Design & Access Statement, Preliminary Ecological Appraisal & Ground Level Roost Assessment, Pre-development Arboricultural Survey and Report.

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 policy D1 and D2 of the London Borough of Camden Local Plan 2017.

- 4 Prior to commencement of development , full details in respect of the Bauder Wildlife Blanket roof in the area indicated on the approved plans shall be installed in accordance with the approved plans or similar product to be first agreed by the local planning authority in writing. The details shall include:

- i. a detailed scheme of maintenance
- ii. sections at a scale of 1:20 with manufacturers details demonstrating the construction and materials used
- iii. full details of planting species and density

The living roof shall be fully provided in accordance with the approved details prior to first occupation and thereafter retained and maintained in accordance with the approved scheme.

Reason: In order to ensure the development undertakes reasonable measures to take account of biodiversity and the water environment in accordance with policies D1, D2 and A3 of the London Borough of Camden Local Plan 2017.

- 5 Prior to commencement of development, full details of biodiversity enhancements shall be submitted to and approved in writing by the local planning authority. Such details shall include a biodiversity planting plan and maintenance schedule informed by the recommendations 4.18-4.20 of the Preliminary Ecology Appraisal, plus a plan showing details of bird and bat box locations and types and indication of species to be accommodated . The relevant part of the works shall not be carried out otherwise than in accordance with the details thus approved.

Reason: In order to secure appropriate features to conserve and enhance wildlife habitats and biodiversity measures within the development, in

accordance with the requirements of the London Plan (2016) and Policies A3 and CC2 of the London Borough of Camden Local Plan 2017.

- 6 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.

- 7 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.

- 8 Prior to the end of the next available planting season, replacement tree planting shall be carried out in accordance with details of replanting species, position, date and size, where applicable, that have first been submitted to and approved by the local planning authority in writing.

Reason: To ensure that the development achieves a high quality of landscaping which contributes to the visual amenity and character of the area, in accordance with the requirements of policies A2 and A3 and D1 and D2 of the London Borough of Camden Local Plan 2017.

Informative(s):

- 1 Reasons for granting permission:

Planning permission was refused on the 8th September 2017 under reference 2017/3900/P for the 'construction of single storey garden room, single storey building containing sauna, outdoor plunge pool, and associated ground level terrace'. An appeal against the above decision was dismissed on 19th January 2018 on the basis that the application scheme was not accompanied by a bat survey. The planning inspector concluded that the proposal would not harm the character or appearance of the Hampstead Conservation Area, including any harm to important trees within close proximity to the proposed outbuildings,

subject to imposition of appropriate conditions.

This current application proposes the exact same proposal as the recent appeal decision above for the two outbuildings but the only difference is in design specifically the roof of the sauna building. The garden remains as proposed under the recent appeal scheme (application ref 2017/3900/P).

The ecological report provided addresses concerns highlighted in the appeal around protected species (specifically bats). The report adequately assesses the impact and proposes appropriate mitigation, therefore this resolves the concerns raised by the appeal inspector. However, in addition to assessing impacts, all developments should identify opportunities to enhance biodiversity through the development proposed. While the ecology report goes some way to address this, with the proposal of planting for biodiversity, it appears that opportunities for biodiversity enhancement have not been fully explored. This was advised to the applicants and after negotiation it was decided to create a wildlife habitat on the roof of the sauna building in the form of a living green roof which would also integrate the building into the landscape. The amended proposed plans now show a Bauder Wildlife Blanket (sedum blanket) roof on top of the sauna building which is considered substantial enough to be capable of supporting greater diversity value to the surrounding wildlife. Details of the proposed biodiversity enhancements will be secured by condition.

The design of the sauna building has been marginally amended to allow for a deeper roof to allow space for the wildlife sedum blanket. This will create a minimum height increase of 150mm, given the modest height increase and the location of the building set away from all neighbouring boundaries it is not considered the additional height would cause a detrimental impact on the character and appearance of the subject dwelling, the surrounding conservation area or on neighbours amenities.

No objections have been received prior to making this decision. The planning history of the site has been taken into account when coming to this decision.

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, A3, CC2, D1 and D2 of the Camden Local Plan 2017. The proposed development also accords with Policies DH1, DH2, NE2 and NE4 of the Hampstead Neighbourhood Plan, the London Plan 2016 and the National Planning Policy Framework 2018.

- 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).

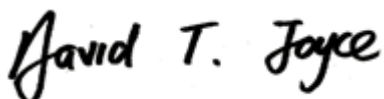
- 3 Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays 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.
- 4 You are advised that the biodiversity information/ecological assessment provided as part of this application will be made available to Greenspace Information for Greater London [GIGL], the capital's environmental records centre.
- 5 All site operatives must be made aware of the possible presence of protected species during works. If any protected species or signs of protected species are found, works should stop immediately and an ecologist should be contacted.

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraph 38 of the National Planning Policy Framework 2018.

You can find advice about your rights of appeal at:

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

Yours faithfully



David Joyce
Director of Regeneration and Planning