

Application ref: 2018/5612/P
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Date: 18 March 2019

Development Management
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Hampstead Garden Design
18 Dorchester Gardens
London
NW11 6BN

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Householder Application Granted

Address:
95 Canfield Gardens
London
NW6 3DY

Proposal: Extension of patio into the rear garden, to residential building (Class C3).

Drawing Nos: Site location plan; Site survey; Existing rear elevation; Existing side elevation; Section of existing garden; Layout Plan Rev. 11.03.19; Proposed rear elevation; Proposed side elevation; Section of proposed landscaping; DKS/664 TC001; DKS/664 TC002 (For the purpose of the trees protection measures); BS5837:2012 Survey and Report from Arborweald Environmental Planning Consultancy (dated November 2018).

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:

Site location plan; Site survey; Existing rear elevation; Existing side elevation; Section of existing garden; Layout Plan Rev. 11.03.19; Proposed rear elevation; Proposed side elevation; Section of proposed landscaping; DKS/664 TC001; DKS/664 TC002 (For the purpose of the trees protection measures); BS5837:2012 Survey and Report from Arborweald Environmental Planning Consultancy (dated November 2018).

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

- 4 Prior to the commencement of construction/demolition works on site, tree protection measures shall be installed in accordance with approved BS5837:2012 Survey and Report from Arborweald Environmental Planning Consultancy (dated November 2018). The protection shall then remain in place for the duration of works on site, unless otherwise agreed in writing by the local authority.

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 Before the relevant part of the work is begun, detailed drawings, sections scale 1:50 and manufacturer specifications, of the balustrade surrounding the terrace at ground floor level, shall be submitted and approved in writing by 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 policy D1 and D2 of the London Borough of Camden Local Plan 2017.

Informative(s):

- 1 Reasons for granting permission:

The property extends with a patio area to the rear at ground floor level, siting above the extension of the lower ground floor, as granted under application

reference number 2006/0380/P. The patio area in its current form extends slightly greater than what was granted permission for, incorporating the TPO T8 - Silver Birch. It appears that the works have been implemented for more than four years, and therefore they have become lawful on balance, by the passage of time. An Arboricultural report was submitted which supports the retention of the tree T8 as well as other trees and vegetation within the garden, with significant amenity value, as part of this proposal.

The proposal is accompanied by significant tree protection measures detailed in the Arboricultural report. Tree officers have reviewed the information provided and confirmed it is acceptable subject to compliance condition to ensure tree protection measures are in place.

The proposed extension of the patio area, would project further to the rear by 0.6m in depth, over an area of 2sqm. Due to the existing rear arrangement, the additional extension would preserve the appearance of the rear elevation of the building and garden area. The proposal includes reconfiguration of the access steps into the rear garden from ground floor level and lower ground floor. The proposed changes would still retain the same heights as existing, which would be acceptable.

The proposal includes glass balustrade around the terrace and steps into the rear garden. As the terrace sits at the rear of the building, at ground floor level, this would be less visible from the neighbouring buildings and wider area. Details of the balustrade will be secured by condition.

At the garden level there is an existing paved area which is proposed to be extended, from 3.6sqm to 9sqm. The property benefits from a large rear garden of over approximately 108sqm. Subject to the proposal, the remaining garden area would still be over 100sqm. The paving would extend on a grass area and would not remove any vegetation of significant value. As such, the proposed extension of pavement at patio area would preserve the character and significance of the host building and garden area.

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 Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Enterprise and Regulatory Reform Act 2013.

In terms of impact on the amenity, as there is already a terrace in the same location, the area proposed to be extended sits in the middle of the existing patio and therefore would not allow for harmful views to the neighbouring buildings or rear gardens. As such, there would be no additional impact in terms of loss of privacy caused by the proposals.

Due to the nature, location and detailed design of the proposed alterations, these are not considered to cause significant harm to the neighbouring occupiers in terms of loss of light or outlook.

No objections were received prior making this decision. 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, A3, D1 and D2 of Camden Local Plan 2017. The development would also accord with the National Planning Policy Framework 2019 and the London Plan 2016.

- 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.

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 2019.

You can find advice about your rights of appeal at:

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

Yours faithfully



Daniel Pope
Chief Planning Officer