

Application ref: 2019/0200/P  
Contact: John Diver  
Tel: 020 7974 6368  
Date: 2 July 2019

**Development Management**  
Regeneration and Planning  
London Borough of Camden  
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Steene Associates (Architects) Ltd  
The Studio  
17 Oakridge Avenue  
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WD7 8EW

Dear Sir/Madam

### **DECISION**

Town and Country Planning Act 1990 (as amended)

#### **Variation or Removal of Condition(s) Granted**

Address:

**144 Mill Lane  
London  
NW6 1TF**

Proposal:

Variation to condition 4 (tree protection details) of planning permission ref 2017/1593/P dated 27/07/2018 for the 'Erection of outbuilding within rear garden ancillary to dwellinghouse', namely to allow for the removal and replacement of trees within rear garden

Drawing Nos: (Prefix: DB350 -) P01, P02, P03 (REV B); Site Location Plan (P01); Arboricultural Report (dated 07.04.17); annotated tree replacement drawing no.543.01.00 (dated 12/06/19), emails from agents dated 12/04/19 and 12/06/19

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 the original planning permission ref 2017/1593/P (dated 27/07/2018)

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: (Prefix: DB350 -) P01, P02, P03 (REV B); Site Location Plan (P01); Arboricultural Report (dated 07.04.17); annotated tree replacement drawing no.543.01.00 (dated 12/06/19), emails from agents dated 12/04/19 and 12/06/19.

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

- 3 Before the relevant part of the work is begun, detailed drawings, or samples of materials as appropriate, in respect of the following, shall be submitted to and approved in writing by the local planning authority:

a) Manufacturer's specification details of all facing materials (to be submitted to the Local Planning Authority) and samples of those materials (to be provided on site).

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 of the London Borough of Camden Local Plan 2017 and policies 1 and 2 of the Fortune Green and West Hampstead Neighbourhood Plan 2015.

- 4 A replacement Wild Cherry (*Prunus avium*) tree (of 14-16cm in circumference at 1m in height - extra heavy standard) shall be replanted within the rear garden in accordance with the annotated Tree Survey Plan ref.543.01.00 and the email dated 12 June 2019. The replanting shall be carried out before the end of the planting season following the completion of the construction of the garden outbuilding hereby approved.

Reason: In order to ensure the appropriate re-provision of protected trees and to maintain the character and amenity of the area in accordance with the requirements of policies D1, A2 and A3 of the London Borough of Camden Local Plan 2017 and policy 18 of the Fortune Green and West Hampstead Neighbourhood Plan 2015.

- 5 The area of flat roof to the outbuilding hereby approved shall not be used as an amenity area / terrace.

Reason: In order to prevent unreasonable overlooking of neighbouring premises in accordance with the requirements of policy A1 of the London Borough of Camden Local Plan 2017.

Informative(s):

- 1 Reason for granting permission-

This application seeks permission to vary condition 4 (Tree Protection details)

only of the parent application. All other aspects of the proposal would remain as per the approved scheme.

At present, the property contains two lime trees along its side boundary that are subject to Tree Preservation Orders. After being heavily pollarded numerous times to maintain light into the garden and access to the footway and having become covered in dense ivy foliage, these trees are no longer in a good condition and it is accepted that they offer little in the way of amenity value. Whereas the parent application was subject to a condition that these trees are protected during works (with details of protection measures to be submitted in advance of commencement), this application instead seeks to vary the permission to allow for the two trees to be removed and a suitable replacement tree replanted within the garden to mitigate the loss.

The Council's Tree officers have confirmed that, given the age and condition of the trees, the trees' removal would be acceptable subject to a replacement being secured. Rather than trying to squeeze two replacement trees into the rear garden, tree officers confirmed that their preference would be for a single, native tree of semi-maturity to be replanted in a manner that would allow for its long term viability. The precise location of the replanting will be agreed by the Council via the submission of revised plans. A Wild Cherry would be replanted to maximise its amenity value.

No objections were received in relation to the proposed variation. The site's planning history was taken into account when coming to this decision.

Subject to the revised wording of the condition, the proposed development would remain in general accordance with policies A1, A3, A4, and D1 of the London Borough of Camden Local Plan 2017. The development also accords with policies 1, 2 and 18 of the Fortune Green and West Hampstead Neighbourhood Plan 2015 as well as the London Plan 2016 and the NPPF 2019.


- 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

A handwritten signature in black ink, appearing to read 'DP', is centered on a light grey rectangular background.

Daniel Pope  
Chief Planning Officer