

Application ref: 2019/1146/P
Contact: John Diver
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Date: 8 August 2019

Development Management
Regeneration and Planning
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Ayad Al-Tuhafi
62 Upper Montagu Street
London
W1H 1SW
United Kingdom

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Householder Application Granted

Address:
1 Ferncroft Avenue
London
NW3 7PG

Proposal: Replacement of existing wall/fence to boundary of dwelling.

Drawing Nos: (Prefix AA003-) 40-1, 40-2, 40-3, 40-4, 36-01.

Supporting: Structural Engineers Statement prepared by Malachy Walsh ref. 15600/D3 dated 14th May 2019; Arboricultural Impact Assessment & Method Statement dated 10th May 2019; Arboricultural Methods Statement and Tree Protection Plan (CCL 10303 / TPP Rev 1); Tree Constraints Plan (CCL 10303 / TCP Rev 1).

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: (Prefix AA003-) 40-1, 40-2, 40-3, 40-4, 36-01.

Supporting: Structural Engineers Statement prepared by Malachy Walsh ref. 15600/D3 dated 14th May 2019; Arboricultural Impact Assessment & Method Statement dated 10th May 2019; Arboricultural Methods Statement and Tree Protection Plan (CCL 10303 / TPP Rev 1); Tree Constraints Plan (CCL 10303 / TCP Rev 1).

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

- 4 The development hereby approved shall be constructed in strict accordance with the recommendations and methodologies set out within the Arboricultural Impact Assessment & Method Statement and Engineers reports hereby approved (Crown Tree Consulting, dated 10th May 2019 including plans: CCL 10303 / TPP Rev 1, CCL 10303 / TCP Rev 1 and CCL 10303 / IAP Rev; Structural Engineers Statement prepared by Malachy Walsh ref. 15600/D3 dated 14th May 2019).

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 amenities of the area in accordance with the requirements of policies D1, D2 and A3 of the London Borough of Camden Local Plan 2017.

Informative(s):

- 1 Reasons for granting permission.

The existing close boarded timber fence and wall are not of great merit and their replacement is not objectionable. The design of the replacement would include a brick dwarf wall and piers, with timber panels between, all with a height not dissimilar to existing. The replacement would have an appearance that would remain in keeping with similar boundary treatments found elsewhere in the local area and would remain sensitive to the host site and surrounding conservation area. As the choice of brick will be key, a condition is applied for the bricks and mortar to resemble, as closely as possible, in colour and texture those of the host building. Subject to the conditions applied, the replacement is therefore considered to preserve the character and appearance of the host

dwelling and conservation area. It is not considered that the works would impact the setting of any nearby listed building, given the siting of the wall in relation to those listed buildings further along Ferncroft Avenue. This assessment is endorsed by members of the Council's Conservation team.

Due to changing grade levels, the replacement wall would necessitate the installation of new foundations and a retaining wall. As the site is host to a number of mature trees, supporting reports from both a structural engineer as well as arboriculturalist have been provided to demonstrate how the development will avoid damage to the mature trees on site. These include details of the construction of the wall and its foundations as well as detailed methodology for tree protection and any necessary removals. All category A or B trees are to be retained on site. The only trees due for removal are category C (low quality and low amenity value) and include a Leyland cypress hedge (G8) and small, multi-stemmed bay tree (T5). Neither of these trees are protected, or of suitable quality to become protected and their loss would not affect the overall verdant character of the site. These reports have been reviewed alongside the Council's Tree Officers who raise no objection, subject to conditions that the recommendations set out in the reports are adhered to. On the basis that all of the larger, mature planting within the site will remain unaffected, the development is considered acceptable in biodiversity terms.

The proposed works would not result in any harmful loss of amenity to any neighbouring resident. Similarly it would not result in any detrimental impact to local traffic or highways conditions.

No objections were received in relation to the development following public consultation. The site's planning history has been taken into account when coming to this decision. Special regard has been attached to the desirability of preserving or enhancing 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 proposed development is in general accordance with policies G1, A1, A3, D1, D2 and T3 of the Camden Local Plan 2017. The development also accords with the London Plan 2016 as well as the NPPF 2019.

- 2 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 London Borough of Camden 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.
- 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 All works should be conducted in accordance with the Camden Minimum Requirements - a copy is available on the Council's website at <https://beta.camden.gov.uk/documents/20142/1269042/Camden+Minimum+Requirements+%281%29.pdf/bb2cd0a2-88b1-aa6d-61f9-525ca0f71319> 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 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