

Application ref: 2021/3828/P  
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**Development Management**  
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Xul Architecture  
33 Belsize Lane  
London  
NW3 5AS  
United Kingdom

Dear Sir/Madam

### **DECISION**

Town and Country Planning Act 1990 (as amended)

#### **Householder Application Granted**

Address:

**23 Daleham Gardens  
London  
NW3 5BY**

Proposal:

Erection of a single storey rear garden outbuilding.

Drawing Nos: LP00 rev 1, EX00 rev 1, EX01 rev 1, EX02 rev 1, EX03 rev 1, PA01 rev2, PA02 rev 2, PA03 rev 1, PA04 rev 2, PA05, Report regarding the impact on trees of proposals for development at 23 Daleham Gardens, London NW3 5BY ref S529-J3-1A-3.

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 LP00 rev 1, EX00 rev 1, EX01 rev 1, EX02 rev 1,

EX03 rev 1, PA01 rev2, PA02 rev 2, PA03 rev 1, PA04 rev 2, PA05, Report regarding the impact on trees of proposals for development at 23 Daleham Gardens, London NW3 5BY ref S529-J3-IA-3.

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

- 3 Prior to the commencement of construction/demolition works on site, tree protection measures shall be installed in accordance with approved report ref S529-J3-IA-3. The protection shall then remain in place for the duration of works on site and works should be undertaken in line with the approved arboricultural method statement, 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.

- 4 The proposed replacement trees detailed in the approved report reference S529-J3-IA-3 shall be planted by not later than the end of the planting season following completion of the development. Any trees (including trees existing at the outset of the development other than those indicated to be removed) which, within a period of 5 years from the completion of the development, die, are removed or become seriously damaged or diseased, shall be replaced as soon as is reasonably possible and, in any case, by not later than the end of the following planting season, with others of similar size and species, unless the local planning authority gives written consent to any variation.

Reason: To ensure that the landscaping is carried out within a reasonable period and to maintain a high quality of visual amenity in the scheme in accordance with the requirements of policies A2, A3, D1 and D2 of the London Borough of Camden Local Plan 2017.

- 5 Notwithstanding the provisions of Class C3 of the Schedule of the Town and Country Planning (Use Classes) Order, 1987, or any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order, the outbuilding shall only be used for ancillary purposes to the main house and shall not be used as a separate and independent Class C3 dwelling unit.

Reason: To ensure that the future occupation of the building complies with policies for new housing and does not adversely affect the adjoining premises/immediate area by reason of noise, traffic congestion and excessive on-street parking pressure etc, in accordance with policies H7, T2, D1 and A1 of the London Borough of Camden Local Plan 2017.

Informative(s):

- 1 Reasons for granting permission.

The proposal is for an outbuilding in the rear garden for use as a garden office. The outbuilding would be located in a setback area of the garden retaining a substantial amount of garden amenity space. The outbuilding is 4500mm in

depth and 7600mm at it widest to the rear, jutting out by 1200mm to accommodate a WC. At the front it is approached by three stairs and by an area of decking to the front and side elevation. The decking extends out 1800mm in depth from the front and side facades.

In terms of detailed design the garden office will be contemporary in design, contrasting with the main property, clad in charcoal timber cladding with grey-powder coated aluminium framed windows and a green roof. The green roof is considered to mitigate the loss of permeable and natural garden, and contributes to maintaining the green nature characteristic of the conservation area. The outbuilding will be raised slightly, as per the existing topography of the garden, but the height of the roof would be lowered to approx. 2540mm adjacent to the neighbouring boundary. Its height would be 300-500mm above the boundary fence (depending on the gradient of the land) but would be set away from the boundary by 500mm.

The host property, 23 Daleham Gardens is listed as a positive contributor in the Fitzjohns and Netherhall Conservation Area. The proposal is considered an acceptable addition in terms of design. It is subordinate in design and positioning to the main house. It does not seek to replicate the style of the main house but is designed to contrast. The design has been reduced slightly to reduce its visual impact.

In terms of neighbouring amenity, main window openings face towards the garden of no. 21 Daleham Gardens but it is noted they are on the far side, 14000mm from the garden boundary, at an oblique angle and approximately 23000mm away from the neighbouring property, therefore no significant negative overlooking impact is expected. There is a window on the side elevation facing the rear garden boundary. This is not expected to pose any negative amenity concern as the garden boundary fence is higher here and there is substantial foliage.

No significant loss of light or outlook is expected to no 25 Daleham Gardens as the structure is designed with a lower volume nearer to the garden boundary, a 500mm set back and the tree foliage to be retained will reduce the impact on the neighbouring garden.

The outbuilding would remain as ancillary accommodation to the main house. There is no intention to use it as a separate Class C3 dwelling house; a condition is added to ensure this.

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.

Two objections were received and have been addressed in the Consultation Summary. The site's planning history was taken into account when coming to this decision.

As such, the proposal is in general accordance with policies A1, D1 and D2 of the Camden Local Plan 2017. The proposed development also accords with

the policies of the London Plan 2021 and National Planning Policy Framework 2021.

- 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 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, 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.
- 4 All works should be conducted in accordance with the Camden Minimum Requirements - a copy is available on the Council's website (search for 'Camden Minimum Requirements' at [www.camden.gov.uk](http://www.camden.gov.uk)) 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 2021.

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