

Application ref: 2021/5626/P  
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Date: 25 August 2022

**Development Management**  
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Robert Birbeck Architect  
195 Ruskin Park House  
Champion Hill  
London  
SE5 8TN

Dear Sir/Madam

## DECISION

Town and Country Planning Act 1990 (as amended)

### Householder Application Refused

Address:

**Eldon House**  
**Lyndhurst Road**  
**London**  
**NW3 5PZ**

Proposal:

Erection of single storey rear extension

Drawing Nos: Site location plan (unnumbered); EH/P/01, EH/P/02; EH/P/03; EH/P/04; and EH/P/05.

Supporting Docs: Design statement and photographs ref: EH/P/DS; Tree report by Abbots Arboricultural Advice dated 12th October 2021 ref SAL/KMA/10894; and and Bailiss Company ground slab/foundation details 095 S\_005

The Council has considered your application and decided to **refuse** planning permission for the following reason(s):

#### Reason(s) for Refusal

- 1 The proposed rear extension, when considered as a cumulative addition to that granted permission as reference 2014/1714/P, would result in an addition to the original building of excessive bulk, scale and footprint that would detract from character of the surrounding area and harm the character and appearance of the conservation area contrary to Policies D1 and D2 of the Camden Local Plan 2017 and Polices DH1 and DH2 of the Hampstead Neighbourhood Plan 2018.

- 2 The proposed rear extension would increase the rear boundary enclosure of 21 Rossllyn Hill to an unacceptable degree and result in loss of outlook and an overbearing physical impact to the neighbouring occupiers contrary to Policy A1 of the Camden Local Plan 2017 and Policy DH1 of the Hampstead Neighbourhood Plan 2018.
- 3 The applicant has failed to demonstrate adequately that the construction of the extension within the crown spread, and in such close proximity, to a mature tree that contributes to local amenity in such a manner that will not cause harm to its long term health contrary to Policy NE2 of the Camden Local Plan 2017 and Policy DH1 of the Hampstead Neighbourhood Plan 2018.

Informative(s):

- 1 Without prejudice to reasons for refusal 1 and 2, the applicant is advised that reason for refusal 3 above may be overcome by further investigative work on site to establish the extent of root spread and demonstrating that the proposed foundation can be accommodated without harm to the tree. Any such site investigation work should not be undertaken without first discussing and agreeing its precise form and methodology with the Council's Tree Officers. In the event that the works can occur without harm to the tree, then the Council would seek conditional controls to ensure the works are carried out in accordance with agreed detail and suitable tree protection measures are in place.

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