

Application ref: 2022/3138/P
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Date: 25 November 2022

Development Management
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45 Welbeck St
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Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Householder Application Granted

Address:

**5 Wadham Gardens
London
NW3 3DN**

Proposal:

Erection of a timber pergola in the rear garden of the dwelling house (Class C3).

Drawing Nos: (2152) LP-01 Rev 00; AR-03.1 Rev 01; AR-03.2 Rev 02; AR-03.3 Rev 01

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: (2152) LP-01 Rev 00; AR-03.1 Rev 01; AR-03.2 Rev 02; AR-03.3 Rev 01.

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

- 3 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.

Informative(s):

- 1 Reasons for granting permission.

The application site is a two-storey plus attic detached dwellinghouse identified as making a positive contribution to the Elsworthy Conservation Area.

The proposed freestanding pergola in the rear garden is considered acceptable in terms of scale, design, and materials. The height and form of the structure would remain subordinate to the host building. It would measure 2.7m high from ground level, 3.8m wide and 6m long; this is slightly larger than a structure that would constitute permitted development. The frame would be formed of timber beams and columns and would remain open to the elements. As such, it would be a lightweight addition complementary to the character and appearance of the host property, retain verdant garden space and would preserve the character or appearance of the Elsworthy Conservation Area.

It would be sited approximately 2m from the house aligned with the existing extension to the eastern side elevation and be parallel to the side boundary with No.7 Wadham Gardens. The existing boundary fence is approximately 1.8m high and includes planting and an existing tree which would help screen the proposal from the neighbouring property. The Council Tree officer has confirmed the structure would not impact the trees' root area.

Given the existing arrangement includes patio table and chairs, the proposal is unlikely to increase use of the area to any greater extent that would result in harm to the neighbouring amenity. The pergola would also reduce opportunities for overlooking between gardens. Given these factors, the proposal would not result in any detrimental impact on neighbouring amenity in terms of loss of light, privacy, or outlook.

Following consultation, no objections have been received prior to making this decision. The Elsworthy Conservation Area Advisory Committee wrote with comments on the design which were withdrawn following clarification. The planning history of the site was considered when coming to this decision.

Special attention has been paid to the desirability of preserving or enhancing the character or appearance of the conservation area, under s72 of the Planning (Listed Buildings and Conservation Areas Act) 1990 as amended by the Enterprise and Regulatory Reform Act 2013.

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 London Plan 2021 and the 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 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) 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.

- 4 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.

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:

<https://www.gov.uk/appeal-householder-planning-decision>.

Yours faithfully

A handwritten signature in black ink, appearing to read 'DPope', is positioned in the upper left corner of the page.

Daniel Pope
Chief Planning Officer