

2024/4823/P

Lower Ground Floor Flat, 13 Chalcot Gardens



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Fig 1. (Above) The site looking SE towards the bottom of the garden. Pre-existing garden building now



Fig 2. (Above) The site looking SW towards the Neighbours No. 14 garden



Fig 3. (Above) looking NW towards the rear of the site. No. 11 garden and structure seen to righthand side.



Fig 4. (Above) View from upper floor of rear garden and existing outbuilding



Fig 5. (Above) Existing outbuilding, view from rear



Fig 6. (Above) Photomontage existing outbuilding

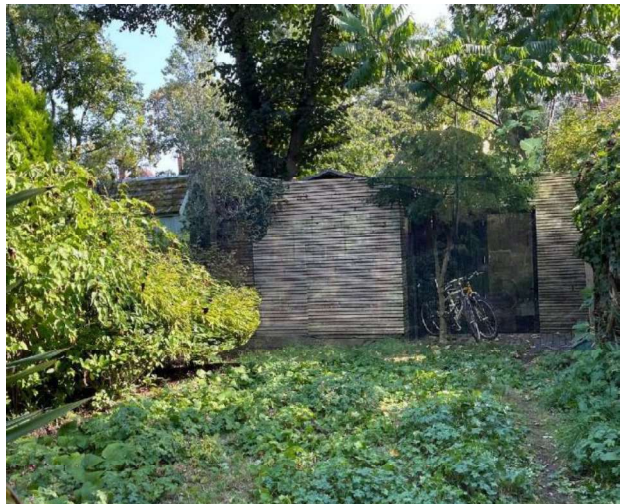


Fig 7. (Above) Photomontage proposed outbuilding

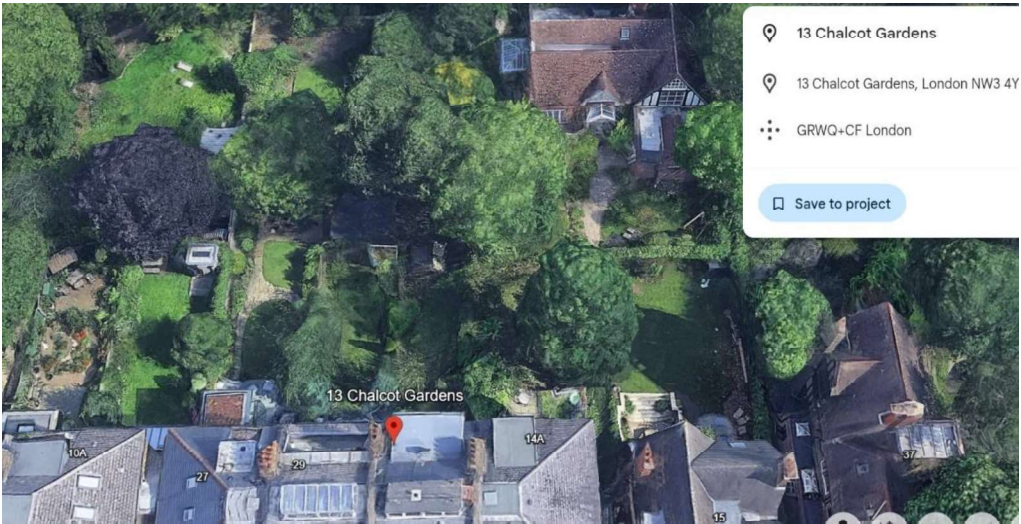


Fig 8. (Above) Aerial photo showing rear garden with existing outbuilding on site.

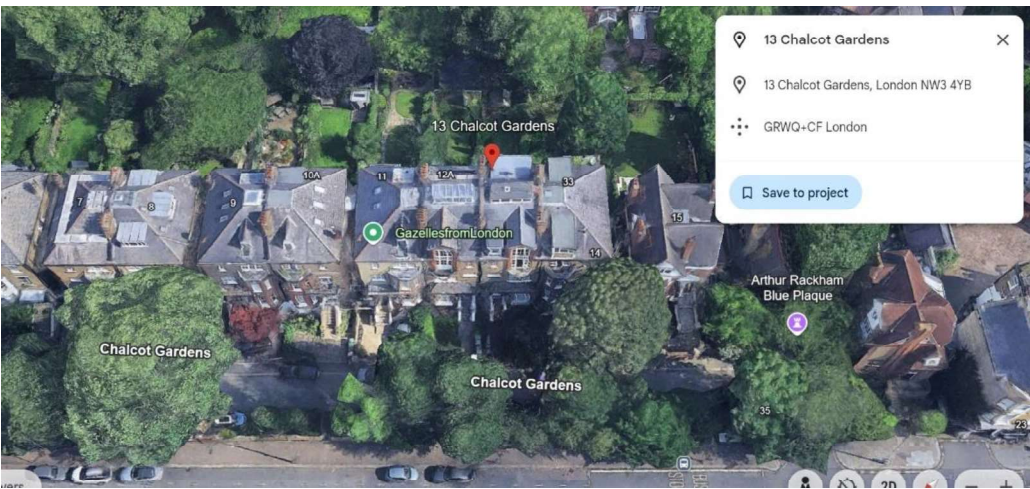


Fig 9. (Above) Aerial photo showing the front elevation of No. 13

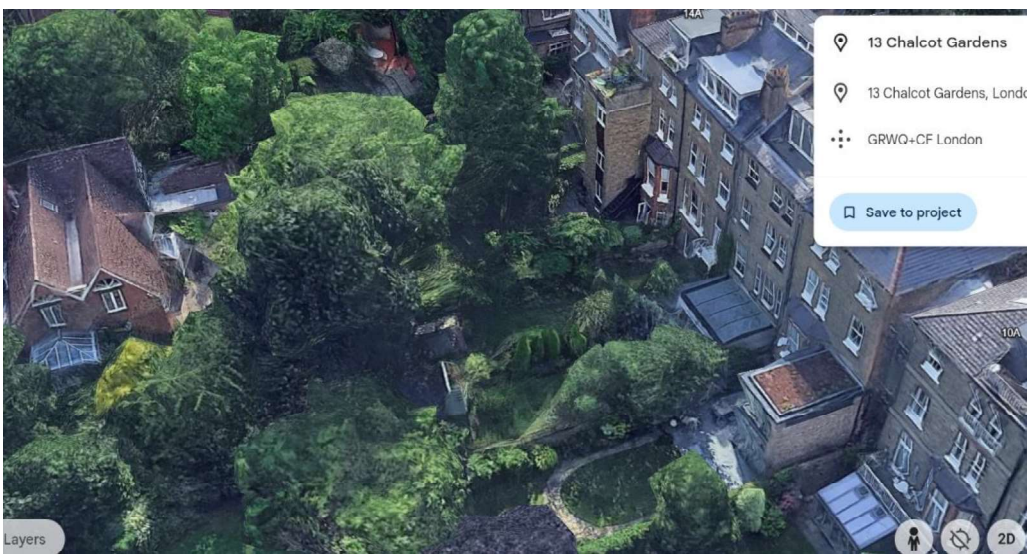


Fig 10. (Above) Aerial photo of site to show relationship of site to neighbours rear elevation and gardens.



Fig 11. (Above) Location Site Plan

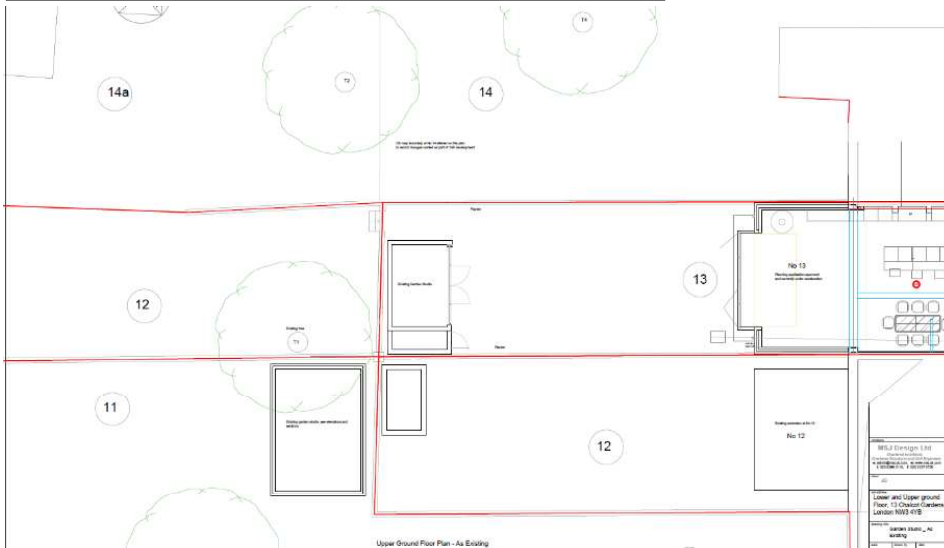


Fig 12. (Above) Existing Floor Plan



Fig 13. (Above) Superseded Proposed Floor Plan

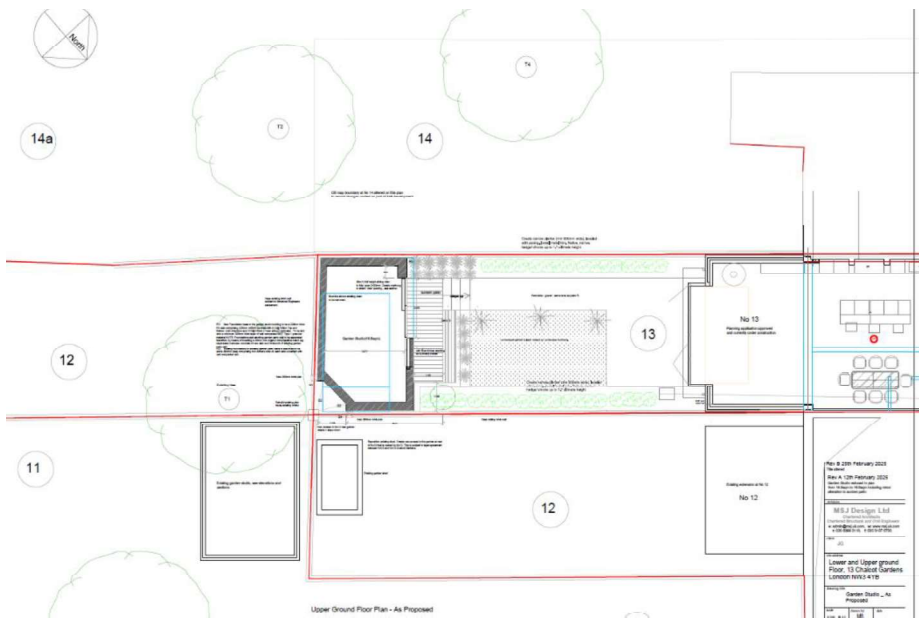


Fig 14. (Above) Amended proposed floor Plan

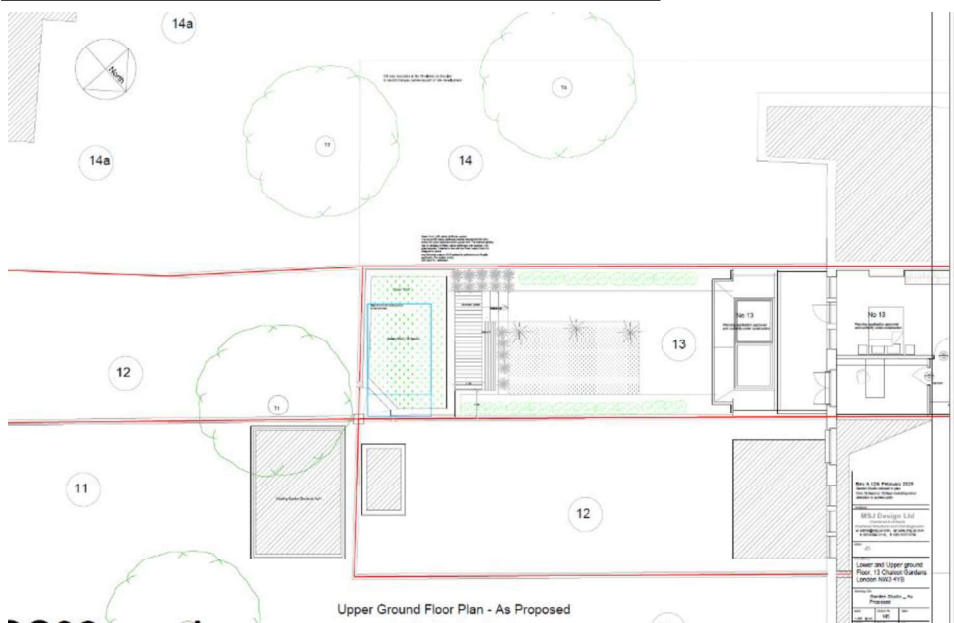


Fig 15. (Above) Proposed Roof Plan

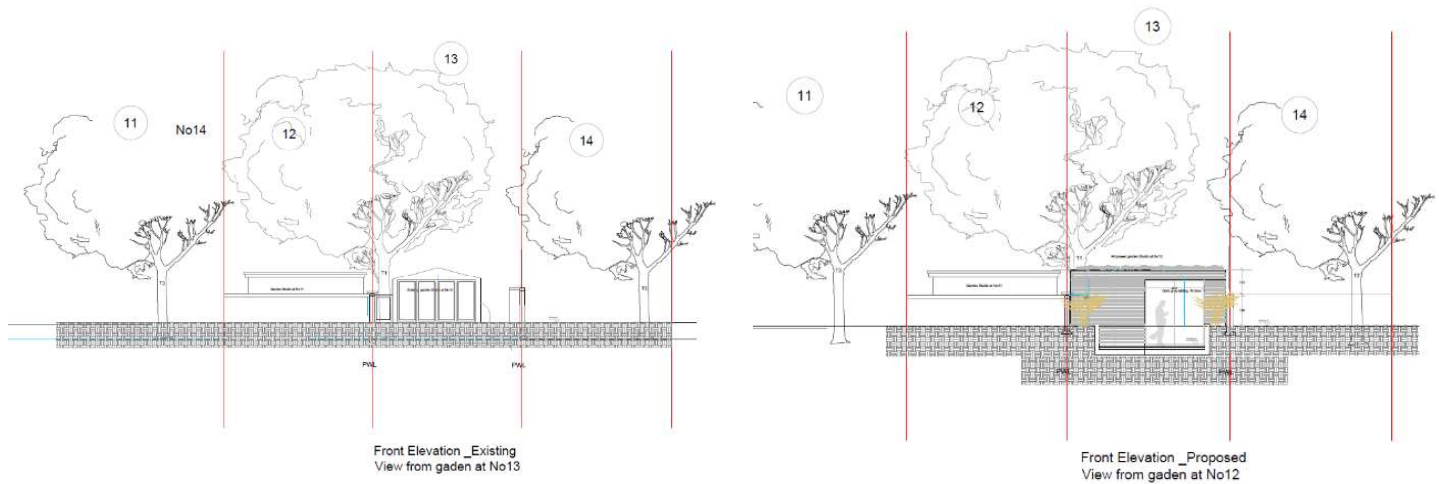


Fig 16. (Above) Existing and Proposed NW Front elevation



Fig 17. (Above) Existing and Proposed SE Rear Elevation

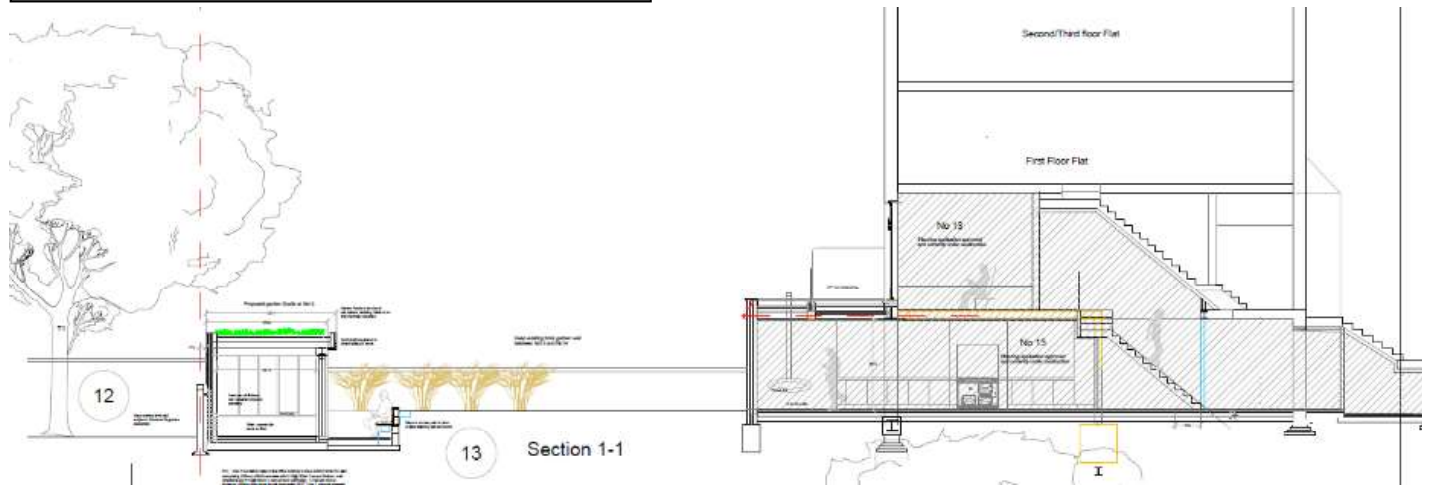


Fig 18. (Above) Proposed NE section elevation

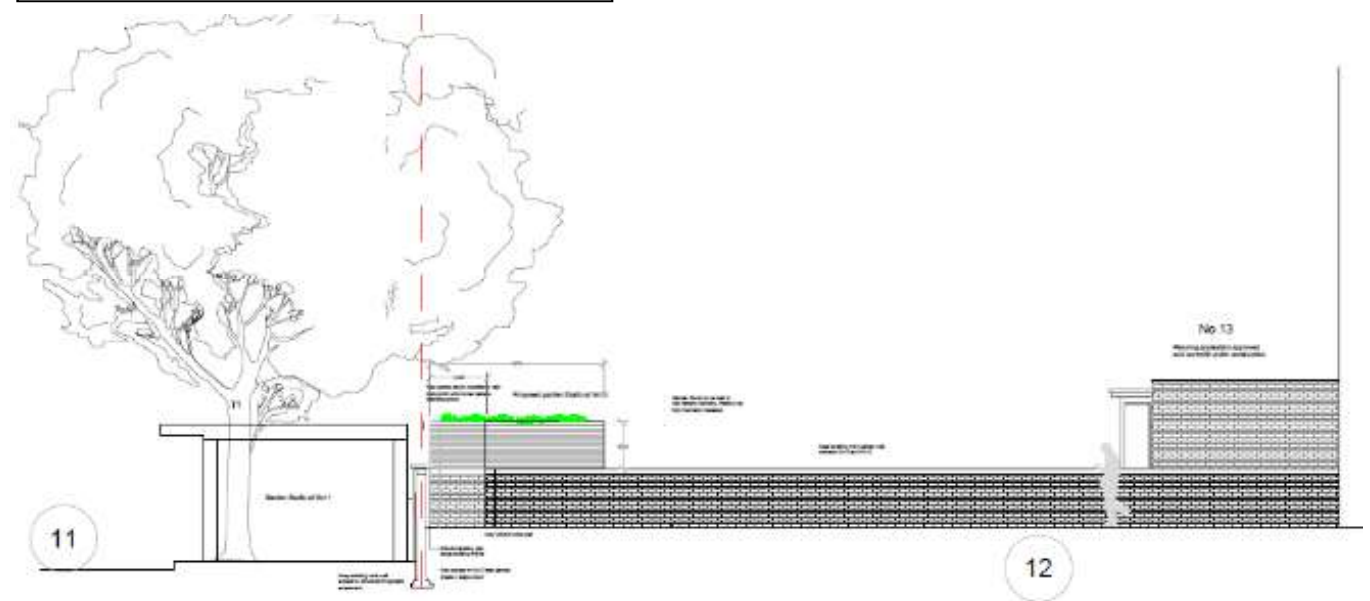


Fig 19. (Above) Proposed NE elevation

View From No 12 Garden

Delegated Report		Analysis sheet	Expiry Date:	30/12/2024
(Members Briefing)		N/A / attached	Consultation Expiry Date:	18/03/2025
Officer			Application Number(s)	
Adam Afford			2024/4823/P	
Application Address			Drawing Numbers	
Lower Ground Floor Flat 13 Chalcot Gardens London NW3 4YB			See Decision Notice	
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature	
Proposal(s)				
Proposed replacement Outbuilding within the rear garden.				
Recommendation(s):		Grant conditional planning permission		
Application Type:		Full Planning Permission		

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified 00		No. of responses 04		No. of objections 04	
Summary of consultation responses:	<p>Three objections have been received from neighbours and can be summarised as follows:</p> <ul style="list-style-type: none"> • The development will have an adverse effect on surrounding gardens and property's amenity in regards to noise, and loss of privacy. • Loss of character to the conservation area. <p><i>Officer's response:</i></p> <ul style="list-style-type: none"> • <i>The outbuilding would be used as ancillary to the main property. A condition has been added to ensure it is not used as a self-contained dwellinghouse and cause amenity harm in that manner.</i> • <i>The lighting should be proportion to the outbuilding and should not be left on when the outbuilding is not in use.</i> • <i>The outbuilding has been revised to have a green roof which should offset some of its impact in regard to drainage on site. A condition has been attached to ensure the quality of the green roof.</i> 					
CAAC/Local groups* comments: <small>*Please Specify</small>	<p>Eton CAAC object on the following grounds:</p> <p>Concern towards the cumulative effect of outbuilding structures like the one proposed and their harm in the erosion of the existing garden space. They are seen to be harmful to the character of the conservation area which is characterised by their extensive areas of rear gardens which together create a verdant green space amongst the predominate hardscaping of the urban context. The Eton CAAC has made reference to the Camden's 2021 official Planning Guidance on Design paragraph 4.40 of the section on gardens which recognises the destructive impact this kind of development can have on an area. The CAAC's concerns give mention to the recent application 2024/1382/P at 13 Chalcot gardens which was recently granted for a rear extension, the concern regards the cumulative impact of development encroaching into the garden adding to the sense of loss of greenery.</p> <p><i>Officer's response: The applicant has revised the design to reduce the scale and size of the outbuilding (Total 16.5 sqm) close to the existing structure that will be replaced (11 sqm). Therefore it is difficult to argue that the small additional 5.5 sqm creates excessive additional harm compared to the existing outbuilding.</i></p> <p><i>In addition the design includes a green roof which is seen as an improvement to the existing outbuildings felt roof. The green roof softens the impact of development and assists in retaining a sense of greenery, thereby mitigating the impact of the proposal, it is an improvement to the existing outbuilding which has greater harm due to the roofs material use of felt.</i></p>					

Site Description

Chalcot Gardens is a narrow private street adjoining England's Lane that was built during the 1880's and took its name from the earlier Upper Chalcot Farm. The road provides access to the houses fronting the southern side. The street is separated from England's Lane by a line of mature trees and brick boundary wall.

The proposal concerns the erection of a replacement outbuilding (garden studio) within the rear garden of 13 Chalcot Gardens which is currently arranged as four self-contained flats. The application pertains solely to the lower ground floor flat.

The building is within the Eton conservation area but is not listed. The building is identified as a positive contributor to the conservation area.

Relevant History

Host Property - 13 Chalcot Gardens

2024/1382/P - Conversion of two self-contained flats to single self-contained flat and erection of a single storey rear extension with roof terrace over. - Granted 12/06/2024

Maisonette 2nd and 3rd Floors, 13 Chalcot Gardens

2024/4463/P - Alteration to rear roof dormer to form terrace – Granted 26/11/2024

Nearby Properties:

Garden Flat, 4 Chalcot Gardens

2019/1823/P - Erection of timber framed garden studio/ storage room to rear garden of flat – Granted via Members Briefing 19/06/2019

5 Chalcot Gardens

2018/4803/P - Erection of a single storey rear garden outbuilding - Granted 16/11/2018

Maisonette Ground And 1st Floor Flat, 9 Chalcot Gardens

2024/1685/P - Replacement of existing windows and doors to upper ground floor rear elevation; installation of external staircase at rear. - Granted 12/06/2024

9 Chalcot Gardens

2024/2024/P - Erection of replacement outbuilding in rear garden – Granted 16/01/2025

Relevant policies

National Planning Policy Framework (2024)

The London Plan (2021)

Camden Local Plan (2017)

- A1 Managing the impact of development
- A2 Open Space
- A3 Biodiversity
- CC1 Climate change mitigation
- CC3 Water and flooding
- D1 Design
- D2 Heritage

Camden Planning Guidance (2021)

- CPG Amenity
- CPG Design

Eton Conservation Area Character Appraisal & Management Plan (2002)

Draft Camden Local Plan

The council published a new Draft Camden Local Plan (incorporating Site Allocations) for consultation in January 2024 (DCLP). Responses to the consultation and a Submission DCLP (updated to take account of the responses) will be reported to Cabinet on 2 April 2025, and to the Council on 7 April 2025.

The Council is recommended to agree the Submission DCLP for publication and submission to the government for examination (following a further period of consultation).

The DCLP is a material consideration in the determination of planning applications but still has limited weight until the Council has made a decision on the Submission DCLP. The weight that can be given to it will increase as it progresses towards adoption (anticipated 2026).

Assessment

1.0 Proposal

1.1 The application seeks permission to erect a single-storey outbuilding in the rear garden.

1.2 Key planning issues are as follows:

- Design & Heritage
- Neighbouring Amenity

1.3 The design has been revised to reduce the scale of the outbuilding From 19.5 sqm to 16.5 sqm.

2.0 Design & Heritage

2.0.1 Local Plan policy D1 seeks to achieve high quality design in all developments. Policy D1 requires development to be of the highest architectural and urban design quality, which improves the function, appearance and character of the area. Policy D2 seeks to preserve and, where appropriate, enhance Camden's rich and diverse heritage assets and their settings,

including conservation areas and listed buildings.

- 2.0.2 Eton Conservation Area Character Appraisal & Management Plan highlights the '*verdant characteristics of the area*' and states that: '*Loss of rear garden space and the open character of rear gardens through rear extensions, swimming pools, lightwells, large outbuildings and excessive hard surfaced areas. The result has involved loss of trees visible through building gaps.*'
- 2.0.3 The Home Improvements CPG also states that '*materials are integral to the architectural design, appearance and character of a building. The choice and use of materials and finishes therefore plays a crucial role in any alteration and extension given their impact on the appearance and character of a home (and Conservation Area if applicable).*' In order to be acceptable materials should be contextual (in terms of the existing property and the wider built environment).
- 2.0.4 The outbuilding would be sited at the very rear of a large rear garden in the same location as a recently removed outbuilding. The garden in its entirety measures 133 sqm and so the outbuilding 16.5 sqm would occupy 12.4% of this area. During the course of the application, the outbuilding was reduced in scale to improve the relationship to its context and reduce the take up of soft landscaped area. The revised size of the outbuilding (16.5 sqm) creates a minimal addition of 5.5 sqm compared to the pre-existing outbuilding (11 sqm). The small additional 5.5sqm is considered minimal within the context of the site's large garden and cannot be said to create additional harm to the conservation area compared to the existing outbuilding.
- 2.0.5 It is noted there is an extant permission for a rear extension that has not yet been implemented. Even were this to be built out, the cumulative impact of the outbuilding and rear extension would be acceptable and a large area of garden would remain. The Rear extension would be 26 sqm, which would equal 19.5% of the total garden space. The rear extension combined with the outbuilding would occupy 31.9% of the existing garden area.
- 2.0.6 The outbuilding would be finished in oak cladding which is considered appropriate to a garden setting within a conservation area. The outbuilding would have a glazed door and window facing towards the main house on the front (north-west facade). A reasonable area of garden space would be retained for amenity of current and future occupiers. The addition of a green roof is considered to complement the verdant characteristics of the area and mitigate the reduction of garden space, The green roof would improve its impact on outlook from neighbouring properties. The green roof is also considered to be in accordance with policies CC1 (Climate change mitigation) and CC3 (Water and flooding) of the Local Plan.
- 2.0.7 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 Listed Buildings and Conservation Areas Act 1990 as amended by the Enterprise and Regulatory Reform Act (ERR) 2013.
- 2.0.8 The principle of a replacement garden building, together with the scale, form and detailed design is considered acceptable. Overall, the proposal is not considered harmful to the character or appearance of the host building, street of which it is part or the wider Eton Conservation Area, in accordance with the requirements of policies CC1, CC3, D1 and D2 of the London Borough of Camden Local Plan 2017.

2.1 Neighbouring Amenity

- 2.1.1 Policy A1 seeks to protect the quality of life of occupiers and neighbours by only granting planning permission to development that would not harm the amenity of residents. This includes factors such as privacy, outlook, and implications to natural light, artificial light spill, odour and fumes as well as impacts caused from the construction phase of development.
- 2.1.2 The proposed outbuilding will not bring about material harm to neighbouring amenity. The outbuilding is not excessively glazed but would have a window, glazed doors which would face towards the host building, approximately 15m away. The outbuilding will be used in a way that is consistent with domestic life and owing to its location at ground floor level, is not expected to bring about unacceptable light spillage, nor lead to a loss of privacy. For these reasons, the extent of glazing is not considered to present any issues of overlooking.
- 2.1.3 Overall, no significant negative impact on neighbouring amenity is expected from the proposed works in terms of loss of daylight, sunlight, privacy or outlook. The scheme is thus considered to be in accordance with Local Plan policy A1.

2.2 Trees

- 2.2.1 In relation to the existing tree nearby, the Tree Officer has recommended a condition to secure further tree protection details which will need to be carried out in accordance with the approved information. No trees are proposed for removal in order to facilitate development.
- 2.2.2 For this reason, the works are considered to be in accordance with policies A2 and A3 of the Camden Local Plan.

3.0 Recommendation

- 3.1 Grant conditional planning permission.

The decision to refer an application to Planning Committee lies with the Director of Regeneration and Planning. Following the Members Briefing panel on Monday 7th April 2025, nominated members will advise whether they consider this application should be reported to the Planning Committee. For further information, please go to www.camden.gov.uk and search for 'Members Briefing'.

Application ref: 2024/4823/P
Contact: Adam Afford
Tel: 020 7974 7057
Email: Adam.Afford@camden.gov.uk
Date: 28 March 2025

Development Management
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London Borough of Camden
Town Hall
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WC1H 9JE

Phone: 020 7974 4444

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United Kingdom

DRAFT

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Full Planning Permission Granted

Address:

Lower Ground Floor Flat
13 Chalcot Gardens
London
Camden
NW3 4YB

DECISION

Proposal: Proposed replacement Outbuilding (Garden Studio) within the rear garden.

Drawing Nos: Site Location Plan; DWG No - 24021, Block location Plan; DWG No - 105 Rev A, Amended Proposed Ground floor Plan; DWG No-GS01 Rev B, Amended Proposed Roof Plan; No-GS02 Rev A, Amended Proposed Section 1-1; GS03 Rev A, Amended Proposed Section 2-2; GS04 Rev A, Proposed Rear Elevation; GS06, Amended Proposed Front Elevation; GS07 Rev A, Design and Access Statement

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 -

Site Location Plan; DWG No - 24021, Block location Plan; DWG No - 105 Rev A, Amended Proposed Ground floor Plan; DWG No-GS01 Rev B, Amended Proposed Roof Plan; No-GS02 Rev A, Amended Proposed Section 1-1; GS03 Rev A, Amended Proposed Section 2-2; GS04 Rev A, Proposed Rear Elevation; GS06, Amended Proposed Front Elevation; GS07 Rev A, Design and Access Statement

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.

- 4 The ancillary accommodation hereby approved shall only be used for purposes incidental to the residential use of the Lower Ground Floor Flat, 13 Chalcot Gardens, and shall not be used for sleeping accommodation or as a separate independent dwelling, or any other purposes whatsoever.

Reason: To ensure that the future occupation of the outbuilding does not adversely affect the amenity of immediate area by reason of noise, traffic congestion and excessive on-street parking and to avoid the creation of substandard housing, in accordance with policy A1, A4, D1, H6 and T2 of the London Borough of Camden Local Plan 2017.

- 5 Prior to the commencement of any works on site, details demonstrating how trees to be retained shall be protected during construction work shall be submitted to and approved by the local planning authority in writing. Such details shall follow guidelines and standards set out in BS5837:2012 "Trees in Relation to Construction". 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 amenity of the area in accordance with the requirements of policies A2 and A3 of the London Borough of Camden Local Plan 2017.

- 6 Prior to commencement of development, full details in respect of the living roof in the area indicated on the approved roof plan shall be submitted to and approved by the local planning authority. The details shall include
- i. a detailed scheme of maintenance
 - ii. sections at a scale of 1:20 with manufacturers details demonstrating the construction and materials used
 - iii. full details of planting species and density

The living roofs shall be fully provided in accordance with the approved details prior to first occupation and thereafter retained and maintained in accordance with the approved scheme.

Reason: In order to ensure the development undertakes reasonable measures to take account of biodiversity and the water environment in accordance with policies G1, CC1, CC2, CC3, D1, D2 and A3 of the London Borough of Camden Local Plan 2017.

Informative(s):

- 1 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).
- 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, 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 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 Biodiversity Net Gain (BNG) Informative (1/2):

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 ("1990 Act") is that planning permission granted in England is subject to the condition ("the biodiversity gain condition") that development may not begin unless:

(a) a Biodiversity Gain Plan has been submitted to the planning authority, and

(b) the planning authority has approved the plan.

The local planning authority (LPA) that would approve any Biodiversity Gain Plan (BGP) (if required) is London Borough of Camden.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are summarised below, but you should check the legislation yourself and ensure you meet the statutory requirements.

Based on the information provided, this will not require the approval of a BGP before development is begun because it is a Householder Application.

++ Summary of transitional arrangements and exemptions for biodiversity gain condition

The following are provided for information and may not apply to this permission:

1. The planning application was made before 12 February 2024.
2. The planning permission is retrospective.
3. The planning permission was granted under section 73 of the Town and Country Planning Act 1990 and the original (parent) planning permission was made or granted before 12 February 2024.
4. The permission is exempt because of one or more of the reasons below:
 - o It is not major development and the application was made or granted before 2 April 2024, or planning permission is granted under section 73 and the original (parent) permission was made or granted before 2 April 2024.
 - o It is below the de minimis threshold (because it does not impact an onsite priority habitat AND impacts less than 25 square metres of onsite habitat with biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat).

The application is a Householder Application.

It is for development of a Biodiversity Gain Site.

It is Self and Custom Build Development (for no more than 9 dwellings on a site no larger than 0.5 hectares and consists exclusively of dwellings which are Self-Build or Custom Housebuilding).

It forms part of, or is ancillary to, the high-speed railway transport network (High Speed 2).

5 Biodiversity Net Gain (BNG) Informative (2/2):

+ Irreplaceable habitat:

If the onsite habitat includes Irreplaceable Habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements. In addition to information about minimising adverse impacts on the habitat, the BGP must include information on compensation for any impact on the biodiversity of the irreplaceable habitat.

The LPA can only approve a BGP if satisfied that the impact on the irreplaceable habitat is minimised and appropriate arrangements have been made for compensating for any impact which do not include the use of biodiversity credits.

++ The effect of section 73(2D) of the Town and Country Planning Act 1990 If planning permission is granted under section 73, and a BGP was approved in relation to the previous planning permission ("the earlier BGP"), the earlier BGP may be regarded as approved for the purpose of discharging the biodiversity gain condition on this permission. It will be regarded as approved if the conditions attached (and so the permission granted) do not affect both the post-development value of the onsite habitat and any arrangements made to compensate irreplaceable habitat as specified in the earlier BGP.

++ Phased development

In the case of phased development, the BGP will be required to be submitted to and approved by the LPA before development can begin (the overall plan), and before each phase of development can begin (phase plans). The modifications in respect of the biodiversity gain condition in phased development are set out in Part 2 of the Biodiversity Gain (Town and Country Planning) (Modifications and Amendments) (England) Regulations 2024

- 6 You are advised that the structure hereby approved should be constructed in such a manner that it will not be susceptible to future damage by protected trees. The Council is unlikely to consider favourably any application to heavily prune or fell protected trees because of their impact on the structure hereby approved.

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with the National Planning Policy Framework. The council publishes its adopted policies online, along with detailed Camden Planning Guidance. It also provides advice on the website for submitting applications and offers a pre-application advice service.

You can find advice about your rights of appeal at:

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

Yours faithfully

Chief Planning Officer