

Application ref: 2021/4432/P  
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Date: 3 May 2023

**Development Management**  
Regeneration and Planning  
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Savills UK  
33 Margaret Street  
London  
W1G 0JD

Dear Sir/Madam

## **DECISION**

Town and Country Planning Act 1990 (as amended)

### **Variation or Removal of Condition(s) Granted Subject to a Section 106 Legal Agreement**

Address:  
**2 Wadham Gardens**  
**London**  
**NW3 3DP**

#### Proposal:

Variation of Condition 5 (Approved Drawings) of planning permission ref: 2007/6360/P, dated 01/07/2008 (as amended by 2021/4433/P, dated 10/11/2021) for 'The excavation of the basement and erection of a glazed extension to the rear and new door to replace existing within the rear elevation.' namely to omit part of the basement under the driveway, addition of lightwells to the front, reduction of skylights to the rear, basement slab lowered, skylight reconfigured to reflect red line boundary and omission of internal skylight and internal glazed stairwell.

Drawing Nos: Superseded Plans: 450 PL06 (Rev B), 450 PL07 (Rev B) and 450 PL08 (Rev B)

Proposed Plans: - PL/01 Rev A, PL02 Rev A, PL03 Rev A, PL04 Rev A, PL05 Rev A, 2105(02)000 (Rev A), 2105(02)005 (Rev B), 2105(02)201 (Rev A), PL09 Rev B, PL10 Rev A, PL20 Rev A, PL21 Rev A, PL22 Rev A, Tree Report, (PL) 11-12 and Tree Protection Plan 450 PL(16)

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 hard and soft landscaping shall accord with the details approved under application reference 2007/6360/P dated 01/07/2008, or other such details which have been submitted to and approved in writing by the local planning authority.

Reason: To ensure that the development achieves a high quality of landscaping which contributes to the visual amenity and character.

- 3 The surface water retention pond shall be provided, and all hard and soft landscaping works shall be carried out to a reasonable standard in accordance with the approved landscape details approved under application reference 2007/6360/P dated 01/07/2008, or other such details which have been submitted to and approved in writing by the local planning authority

Reason: To ensure that the development achieves a high quality of landscaping which contributes to the visual amenity and character.

- 4 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 to the satisfaction of the Council. The hard and soft landscaping shall accord with the details approved under application reference 2007/6360/P dated 01/07/2008, or other such details which have been submitted to and approved in writing by the local planning authority.

Reason: To ensure that the development achieves a high quality of landscaping which contributes to the visual amenity and character.

- 5 The development hereby permitted shall be carried out in accordance with the following approved plans- PL/01 Rev A, PL02 Rev A, PL03 Rev A, PL04 Rev A, PL05 Rev A, 2105(02)000 (Rev A), 2105(02)005 (Rev B), 2105(02)201 (Rev A), PL09 Rev B, PL10 Rev A, PL20 Rev A, PL21 Rev A, PL22 Rev A, Tree Report, (PL) 11-12 and Tree Protection Plan 450 PL(16)

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

Informative(s):

- 1 Reasons for granting permission/consent-

The proposed amendments include alterations to the basement design, scale and form. The basement was approved along with a glazed rear extension and fenestration alterations under 2007/6360/P. Commencement of development

has been confirmed through a certificate of lawfulness (2011/5077/P).

The application was originally approved without a BIA; however, considering the s73 application was applied for within the current Local Plan policies and planning guidance a BIA was required. The basement is actually reducing in size mainly to the rear to the northern side of the site. The southern part of the rear the basement is being increased but overall the basement is being consolidated.

Policy A5 (basements) ensures that basements in the borough have minimal impact on neighbouring buildings and structural foundations. The proposed basement seemingly fails this policy on point (h), (i), (j), (k) and (l). However whilst this is the case, the fact that the basement has already been approved and can be built out is a material consideration. Overall this proposal would reduce the size of the basement and providing the acceptability of the BIA which ensures structural and building integrity are protected.

Campbell Reith have been consulted on the submitted BIA and have considered the details acceptable providing a Basement Construction Plan is secured by s106 agreement.

The changes to the internal arrangement are small and the alterations to the roof lights, reducing them in size and only slightly moving their position, is considered to be acceptable.

The development is considered to preserve the character and appearance of the Conservation Area. 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.

One objection has been received prior to making this decision. This objection raised concerns in relation to the impacts of the basement which have been fully assessed and considered acceptable within the BIA. The Elsworthy CAAC have not commented on the proposal. The planning history of the site has been taken into account when coming to this decision. Two pre-commencement conditions were placed on the original application for further information relating to earthworks, hard and soft landscaping and trees. From the application history on the site it is clear these details have been discharged. Compliance conditions are attached to this permission.

As such, the proposed development is in general accordance with policies A1, A3, A5, CC1, CC2, 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 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 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 (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.

- 5 Your attention is drawn to the fact that there is a separate legal agreement with the Council which relates to the development for which this permission is granted. Information/drawings relating to the discharge of matters covered by the Heads of Terms of the legal agreement should be marked for the attention of the Planning Obligations Officer, Sites Team, Camden Town Hall, Argyle Street, WC1H 8EQ.

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-planning-decision>.

If you submit an appeal against this decision you are now eligible to use the new [submission form](#) (Before you start - Appeal a planning decision - GOV.UK).

Yours faithfully

A handwritten signature in black ink, appearing to be 'DRP', is written over a light grey rectangular background.

Daniel Pope  
Chief Planning Officer