

Application ref: 2023/0712/P  
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Date: 13 March 2024

**Development Management**  
Regeneration and Planning  
London Borough of Camden  
Town Hall  
Judd Street  
London  
WC1H 9JE

Phone: 020 7974 4444

[planning@camden.gov.uk](mailto:planning@camden.gov.uk)

[www.camden.gov.uk/planning](http://www.camden.gov.uk/planning)

bere:architects  
54a Newington Green  
London  
N16 9PX

Dear Sir/Madam

## **DECISION**

Town and Country Planning Act 1990 (as amended)

### **Full Planning Permission Granted Subject to a Section 106 Legal Agreement**

Address:

**16 Swain's Lane  
London  
N6 6QS**

Proposal:

Change of use of ground floor from office to residential to create a self-contained flat; erection of 1-3 storey rear extensions with roof terraces above at 1st and 2nd floor levels; alterations to front façade at ground floor level; associated hard and soft landscaping; removal of chimney and installation of solar panels on roof.

Drawing Nos: A.G20.E01 Rev. 12; A.G20.E02 Rev. 12; A.G20.E03 Rev. 12;  
A.G20.P00 Rev. 11; A.G20.P01 Rev. 12; A.G20.P02 Rev. 12; A.G20.P03 Rev. 12;  
A.G20.P04 Rev. 11; A.G20.P05 Rev. 3; A.G20.P06 Rev. 3; A.G20.S01 Rev. 12;  
A.G20.S02 Rev. 12; A.G20.S03 Rev. 6; B.G11.E01 Rev. 3; B.G11.E02 Rev. 3;  
B.G11.E03 Rev. 3; B.G11.P00 Rev. 5; B.G11.P01 Rev. 5; B.G11.P02 Rev. 5;  
B.G11.S01 Rev. 2; B.G20.E01 Rev. 7; B.G20.E02 Rev. 7; B.G20.E03 Rev. 7;  
B.G20.P00 Rev. 7; B.G20.P01 Rev. 7; B.G20.P02 Rev. 7; B.G20.P03 Rev. 2;  
B.G20.P04 Rev. 2; B.G20.S01 Rev. 7; B.G20.S02 Rev. 7; Daylight and Sunlight Report  
(prepared by Anstey Horne, dated January 2023); Design and Access Statement  
(prepared by Bere Architects, dated 31/07/2023); Embodied Carbon Calculation -  
Stage 2 (prepared by Energelio, dated February 2023); Heritage Report (prepared by  
Chilcroft Heritage Planning, dated January 2023); Planning Statement (prepared by  
Allen Planning Ltd, dated February 2023).

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: A.G20.E01 Rev. 12; A.G20.E02 Rev. 12; A.G20.E03 Rev. 12; A.G20.P00 Rev. 11; A.G20.P01 Rev. 12; A.G20.P02 Rev. 12; A.G20.P03 Rev. 12; A.G20.P04 Rev. 11; A.G20.P05 Rev. 3; A.G20.P06 Rev. 3; A.G20.S01 Rev. 12; A.G20.S02 Rev. 12; A.G20.S03 Rev. 6; B.G11.E01 Rev. 3; B.G11.E02 Rev. 3; B.G11.E03 Rev. 3; B.G11.P00 Rev. 5; B.G11.P01 Rev. 5; B.G11.P02 Rev. 5; B.G11.S01 Rev. 2; B.G20.E01 Rev. 7; B.G20.E02 Rev. 7; B.G20.E03 Rev. 7; B.G20.P00 Rev. 7; B.G20.P01 Rev. 7; B.G20.P02 Rev. 7; B.G20.P03 Rev. 2; B.G20.P04 Rev. 2; B.G20.S01 Rev. 7; B.G20.S02 Rev. 7; Daylight and Sunlight Report (prepared by Anstey Horne, dated January 2023); Design and Access Statement (prepared by Bere Architects, dated 31/07/2023); Embodied Carbon Calculation - Stage 2 (prepared by Energelio, dated February 2023); Heritage Report (prepared by Chilcroft Heritage Planning, dated January 2023); Planning Statement (prepared by Allen Planning Ltd, dated February 2023).

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 policies D1 and D2 of the London Borough of Camden Local Plan 2017.

- 4 Before the relevant part of the work is begun, detailed drawings, or samples of materials as appropriate, in respect of the following, shall be submitted to and approved in writing by the local planning authority:

a) Details of the front entrance screen at a scale of 1:10 including materials and finish;

b) Details of the front bin store at a scale of 1:10 including materials and finish.

The relevant part of the works shall be carried out in accordance with the details thus approved and all approved samples shall be retained on site during the course of the works.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policies D1 and D2 of the London Borough of Camden Local Plan 2017.

- 5 Notwithstanding any indication given on the approved plans, the external render finish of the development hereby permitted shall be rough-cast to match the existing.

Reason: To safeguard the appearance of the building and the character of the area in accordance with policies D1 and D2 of the Camden Local Plan 2017.

- 6 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.

- 7 No development except for demolition shall take place until full details of hard and soft landscaping and means of enclosure of all un-built, open areas have been submitted to and approved by the local planning authority in writing. The relevant part of the works shall not be carried out otherwise than in accordance with the details thus approved.

Reason: To ensure that the development achieves a high quality of landscaping which contributes to the visual amenity and character of the area in accordance with the requirements of policies A2, A3 D1 and D2 of the London Borough of Camden Local Plan 2017.

- 8 All hard and soft landscaping works shall be carried out in accordance with the approved landscape details prior to occupation of any part of the development. Any trees or areas of planting (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.

- 9 Prior to commencement of the relevant part of the 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.

- 10 Prior to first occupation of the buildings, detailed plans showing the location and extent of photovoltaic cells to be installed on the building, including an overshadowing assessment, shall have been submitted to and approved by the Local Planning Authority in writing. The measures shall include the installation of a meter to monitor the energy output from the approved renewable energy systems and a site specific lifetime maintenance strategy. The cells shall be installed in full accordance with the details approved by the Local Planning Authority and permanently retained and maintained thereafter.

Reason: To ensure the development provides adequate on-site renewable energy facilities in accordance with the requirements of policies G1, CC1 and CC2 of the London Borough of Camden Local Plan 2017.

- 11 The cycle parking shown on the approved plan A.G20.P01 Rev. 12 shall be provided in full prior to the commencement of the use hereby permitted, and shall thereafter be retained for the duration of the development.

Reason: To ensure adequate cycle parking is available on site and to promote sustainable modes of transport in accordance with policy T1 of the Camden Local Plan 2017.

- 12 The ground floor flat hereby approved shall achieve a maximum internal water use of 105 litres/person/day, and 5 litres/person/day for external water use. The dwelling/s shall not be occupied until the Building Regulation optional requirement has been complied with.

Reason: To ensure the development contributes to minimising the need for further water infrastructure in an area of water stress in accordance with policies CC1, CC2 and CC3 of the London Borough of Camden Local Plan.

- 13 The first floor roof terraces hereby approved shall not be used or accessed, other than for emergency egress, until the privacy screen shown on drawings A.G20.E02 Rev. 12, A.G20.E03 Rev. 12 and A.G20.S03 Rev. 6 has been fully installed. The approved privacy screen shall thereafter be retained for the duration of the development.

Reason: In order to prevent unreasonable overlooking of neighbouring premises in accordance with policy A1 of the Camden Local Plan 2017.

- 14 The flat roof of the ground floor rear extension hereby approved shall not be used at any time as amenity space, and any access out onto this area shall be for maintenance purposes only.

Reason: To safeguard the amenities of the adjoining neighbours in accordance with the requirements of policy A1 of the London Borough of Camden Local Plan 2017.

Informative(s):

1 Reasons for granting permission:

The proposal involves the erection of a replacement ground floor rear extension with a similar depth to the existing original single storey element, to facilitate the change of use of the existing ground floor office to a 1-bed residential flat, and the erection of a part single storey, part 2-storey rear extension above to extend the existing flats at 1st and 2nd floor levels.

Prior approval was granted in 2021 for the change of use of the ground floor office to a 3-bed flat (ref. 2021/0507/P), and this permission is still extant. This therefore remains the realistic fallback position for the site, and as such, the absence of marketing evidence to justify the loss of the existing business use as required by policy E2 is considered acceptable in this instance. Policy H1 aims to maximise Camden's capacity for housing, and the proposal would result in the net increase of 1 unit which is welcomed. Whilst policy H7 recognises that a 1-bed market flat is a lower priority of housing compared with 2- or 3-bed market flats, the size of the proposed dwelling greatly exceeds the minimum space standards for a 3-bed flat on one storey, and thus could potentially be retrofitted to include more bedrooms in future if necessary.

Policy H4 aims to maximise the supply of affordable housing. The Council expects a contribution to affordable housing from all developments that provide one or more additional homes and involve a total addition to residential floorspace of 100sqm GIA or more. A sliding scale target applies to developments that provide one or more additional homes and have capacity for fewer than 25 additional homes, starting at 2% for one home and increasing by 2% for each home added to capacity. On the basis of 146sqm GIA of additional housing floorspace proposed within the ground floor flat, this would result in a requirement for 2% affordable housing. This would equate to 2.92sqm GIA of affordable floorspace. Where developments have capacity for fewer than 10 additional dwellings, the Council will accept a payment-in-lieu (PIL) of affordable housing. The affordable housing payment in lieu rate is £5,000 per sqm GIA. Therefore, the affordable housing payment in lieu would be £14,600 (2.92sqm x £5,000) and this would be secured via a Section 106 Legal Agreement.

The proposed ground floor flat would provide a good level of residential amenity in terms of its overall floorspace and room sizes and would exceed the Nationally Described minimum space standards. The unit would be triple aspect which would allow for sufficient light, outlook and air flow. The

installation of low water use fittings to minimise water consumption on site targeting a daily consumption less than 105 litres/person internal use would be secured by condition.

The proposed single storey rear extension would be full width and would extend 6.3m into the rear garden; 0.9m further than the existing single storey rear element. It would incorporate angled rooflights with a similar pitch to the existing rooflights and the glazing to the side and rear would be contemporary in size and style but would remain in keeping with the design of the host building. All existing windows would also be replaced with high performance windows in the same Crittall style.

- 2 The proposed rear extensions at 1st and 2nd floor levels would increase the size of the existing 2-bed flats and would provide private amenity space in the form of rear roof terraces to flats. The roof terraces would be secured with metal balustrades to match the existing to the front of the property and an acid-etched glass privacy screen would be erected to the western end of the 1st floor roof terrace. This is considered to be a lightweight addition and is acceptable in design terms. The extensions would be subordinate additions to the host building in terms of bulk and scale. Whilst the drawings note that the finish of the building including the extensions is proposed to be smooth render, it has been agreed with the applicants that the new render should be rough-cast to match the existing. This is noted in the revised Design and Access Statement and will be secured by condition.

The proposed removal of the existing integrated garage to the front façade and its replacement with a new entrance door and screening is considered acceptable given this part of the building is not original. Details of the proposed entrance screen will be secured by condition. Details of the design of the proposed front bin store will also be secured by condition.

Overall, it is considered that the proposal would respect and preserve the design and proportions of the host building and the character and appearance of the Dartmouth Park 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 Area) Act 1990 as amended by the Enterprise and Regulatory Reform Act (ERR) 2013.

The occupier of 16 St Albans Road to the rear has raised objections to the proposals in terms of loss of privacy through overlooking into neighbouring gardens and the rear windows of the properties along St Albans Road from the proposed 1st and 2nd floor roof terraces. There is a separation distance of approximately 27m from the rear building line of the neighbouring properties along St Albans Road and the proposed rear roof terraces, which exceeds Camden's recommended minimum separation distance of 18m. A privacy screen would be erected to the western end of the 1st floor roof terrace to prevent overlooking of the rear garden of No. 14 Swain's Lane closest to the rear building line. A condition will also be added to ensure that the flat roof of the proposed ground floor rear extension is not used as amenity space. As such, the proposed roof terraces would not result in a loss of privacy to neighbouring residents. The proposals would also not cause a loss of light or

outlook or a significant increase in light pollution.

There are existing trees within the front garden of the property and bordering the rear of the site in neighbouring gardens, and so a condition requiring the submission and approval of tree protection details prior to the commencement of works is required. Details of proposed hard and soft landscaping and of the construction and maintenance of the proposed green roof above the ground floor extension will also be secured by conditions.

The proposals include the refurbishment of the existing building to Passive House standards and the incorporation of internal air source heat pumps and MVHR within the ground floor flat. Solar PV panels are proposed to be installed on the main flat roof of the building. A condition will be added to secure the submission and approval of specification details and a site-specific lifetime maintenance strategy for PV panels and to ensure compliance with the maintenance strategy. The condition will also secure the submission and approval of an overshadowing assessment to ensure that they are well-positioned on the roof to avoid overshadowing.

- 3 In terms of transport, the proposed ground floor flat would be secured as car-free via a s106 legal agreement to ensure no additional parking congestion occurs in the area and to encourage the use of more sustainable modes of transport, in line with policy T2. The provision of 2 secure and covered cycle parking spaces for use by the ground floor flat is required to comply with policy T1 and the London Plan and the implementation of the proposed internal cycle parking will be secured by condition.

The Council's Transport Planner has reviewed the proposals and notes that the proposals show that the existing vehicle entrance would be reduced. The highway works to reduce the length of the crossover would be implemented by the Council's highways contractor, and as such a highways contribution of £1,847 for these works would need to be secured as an additional s106 planning obligation. Given the limited nature of the proposed works, a Construction Management Plan (CMP) is not necessary. Construction vehicles can load and unload within the hardstanding area.

One letter of support was received from a neighbouring property, and no objections other than those noted above from No. 16 St Albans Road were received prior to making this decision. The planning history of the site and surrounding area were taken into account when coming to this decision.

As such, the proposed development is in general accordance with policies A1, A2, A3, D1, D2, E1, E2, H1, H4, H6, H7, T1, T2, T4, CC1, CC2, CC3 and CC5 of the Camden Local Plan 2017. The proposed development also accords with policies of the London Plan 2021 and of the National Planning Policy Framework 2023.

- 4 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).

- 5 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.
- 6 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.

- 7 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.
- 8 If a revision to the postal address becomes necessary as a result of this development, application under Part 2 of the London Building Acts (Amendment) Act 1939 should be made to the Camden Contact Centre on Tel: 020 7974 4444 or Environment Department (Street Naming & Numbering) Camden Town Hall, Argyle Street, WC1H 8EQ.
- 9 You are reminded that this decision only grants permission for permanent residential accommodation (Class C3). Any alternative use of the residential units for temporary accommodation, i.e. for periods of less than 90 days for tourist or short term lets etc, would constitute a material change of use and would require a further grant of planning permission.
- 10 This proposal may be liable for the Mayor of London's Community Infrastructure Levy (CIL) and the Camden CIL. Both CILs are collected by Camden Council after a liable scheme has started, and could be subject to surcharges for failure to assume liability or submit a commencement notice PRIOR to commencement. We issue formal CIL liability notices setting out how much you may have to pay once a liable party has been established. CIL



payments will be subject to indexation in line with construction costs index. You can visit our planning website at [www.camden.gov.uk/cil](http://www.camden.gov.uk/cil) for more information, including guidance on your liability, charges, how to pay and who to contact for more advice. Camden adopted new CIL rates in October 2020 which can be viewed at the above link.

- 11 Your proposals may be subject to control under the Party Wall etc Act 1996 which covers party wall matters, boundary walls and excavations near neighbouring buildings. You are advised to consult a suitably qualified and experienced Building Engineer.

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 read 'DPope', is written over a light blue rectangular background.

Daniel Pope  
Chief Planning Officer