

Application ref: 2023/1134/P
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Date: 5 April 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
www.camden.gov.uk/planning

Finkernagel Ross
Unicorn House
221-222 Shoreditch High Street
London
E1 6PJ
United Kingdom

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Householder Application Granted Subject to a Section 106 Legal Agreement

Address:

**9 Harley Road
London
NW3 3BX**

Proposal:

Erection of single storey ground floor rear extension; excavation of basement level, summer house in the rear garden, replacement front boundary, alterations to front porch and forecourt, alterations to fenestration, associated alterations, demolition of rear conservatory.

Drawing Nos: 9HAR-300_P1, 9HAR-104_P1, 9HAR-100_P2, 9HAR-102_P1, 9HAR-105_P1, 9HAR-200_P1, 9HAR-301_P1, 9HAR-302_P1, 9HAR-303_P1, 9HAR-103_P1, 9HAR-101_P1, 9HAR-106_P2, 9HAR-900_P1, Arboricultural Impact Assessment and Method Statement by Trevor Heaps Arboricultural Consultancy Ltd dated 10/03/2023 ref. TH 2008, Environmental Noise Assessment ref. 102977.ph.Issue2, Structural Engineers Design Statement for Planning, 102977.ph.Issue1 (Proposed Installation of Mechanical Plant), Renewable Energy Statement and Sustainability Report for the M&E Services JB.607 July 2015, Basement Impact Assessment 15/23973-2.

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-

9HAR-300_P1, 9HAR-104_P1, 9HAR-100_P2, 9HAR-102_P1, 9HAR-105_P1, 9HAR-200_P1, 9HAR-301_P1, 9HAR-302_P1, 9HAR-303_P1, 9HAR-103_P1, 9HAR-101_P1, 9HAR-106_P2, 9HAR-900_P1, Arboricultural Impact Assessment and Method Statement by Trevor Heaps Arboricultural Consultancy Ltd dated 10/03/2023 ref. TH 2008, Environmental Noise Assessment ref. 102977.ph.Issue2, Structural Engineers Design Statement for Planning, 102977.ph.Issue1 (Proposed Installation of Mechanical Plant), Renewable Energy Statement and Sustainability Report for the M&E Services JB.607 July 2015, Basement Impact Assessment 15/23973-2.

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

- 3 Noise levels at a point 1 metre external to sensitive facades shall be at least 10dB(A) less than the existing background measurement (LA90), expressed in dB(A) when all plant/equipment (or any part of it) is in operation unless the plant/equipment hereby permitted will have a noise that has a distinguishable, discrete continuous note (whine, hiss, screech, hum) and/or if there are distinct impulses (bangs, clicks, clatters, thumps), then the noise levels from that piece of plant/equipment at any sensitive façade shall be at least 15dB(A) below the LA90, expressed in dB(A).

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies G1, CC1, D1, and A1 of the London Borough of Camden Local Plan 2017.

- 4 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.

- 5 The development hereby approved shall not commence until such time as a suitably qualified chartered engineer with membership of the appropriate professional body has been appointed to inspect, approve and monitor the critical elements of both permanent and temporary basement construction works throughout their duration to ensure compliance with the design which has been checked and approved by a building control body. Details of the appointment and the appointee's responsibilities shall be submitted to and approved in writing by the local planning authority prior to the commencement of development. Any subsequent change or reappointment shall be confirmed

forthwith for the duration of the construction works.

Reason: To safeguard the appearance and structural stability of neighbouring buildings and the character of the immediate area in accordance with the requirements of policies D1, D2 and A5 of the London Borough of Camden Local Plan 2017.

- 6 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: Arboricultural Impact Assessment and Method Statement by Trevor Heaps Arboricultural Consultancy Ltd dated 10/03/2023 ref. TH 2008,

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 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.

- 8 The development hereby approved shall be carried out strictly in accordance with the Basement Impact Assessment compiled by, GK/EMB dated 13/04/2016) and the recommendation in the Campbell Reith Audit dated April 2016

Reason: To safeguard the appearance and structural stability of neighbouring buildings and the character of the immediate area in accordance with the requirements of policy A5 of the Camden Local Plan 2017.

Informative(s):

- 1 This application follows on from a variation of condition application Ref. 2019/5388/P dated 07/04/21 which made amendments to Ref. 2015/7015/P dated 20/07/2016. The application seeks to build on these approved applications which are a material consideration.

The proposed extension matches the height and depth of the approved extension. There is only a minor adjustment to the massing and wall angle on the Northern side. The amended proposal provides a grid of piers with set-back fascia panels, capped with coping stones, which is acceptable.

The proposal includes alterations to the approved layout of skylights which is acceptable. The revised window arrangement on the South-West side elevation is acceptable. The new roof lights on the roof of the main house (flat roof area) are acceptable in terms of location and quantum. The reinstatement

of traditional chimney flaunching and pots to all chimneys to match neighbouring buildings (No.3 Wadham Gardens) is welcomed.

The approved glass balustrade to the lightwells and access stair to the basement would be replaced with gradual stepped landscaping with incorporated steps. The existing roof maintenance door on the first floor is replaced with a new timber frame glazed door to match details of the surrounding windows.

The GIA of the approved basement is reduced by removing the stepped services rooms with lightwells and access to the garden. The area and depth of the proposed basement fall within the plan of the approved scheme. A more modestly scaled basement is regarded as a positive aspect of the new scheme. The construction methodology and detailing are to remain as in the approved and audited Basement Impact Assessment.

A new skylight would be provided at the rear, flush with the patio, to provide natural light and ventilation to the basement. It would not be visible from the surrounding streets and, as such, is acceptable.

The garden outbuilding would be relocated and redesigned. Amendments were received during this application to reduce the scale and extent of the outbuilding. The originally submitted outbuilding was overly large, and it is noted that the CAAC objected to this aspect of the scheme. They withdrew their objection following the submission of a revised proposal. It would have a height of 3 meters to the top of the coping stone, and the design responds to the character of the rear extension. The outbuilding has a green roof to support a variety of wildflowers; details have been provided to show that the substrate depth can support the species proposed and a maintenance plan to ensure longevity.

A tree currently sitting close to the proposed rear extension is to be relocated elsewhere in the rear garden. New pleached trees along the Northerly side of the garden, trellises with vegetation and improved landscaping with plants and shrubs to be introduced.

The new proposal for the gates follows the overall arrangement of the approved proposal with only minor adjustments to the setting out of the piers. The new design is more sympathetic to the building and area as it includes brick piers with stone caps, low-level brick walls with stone coping and decorative metal railings. The height of the central piers and gates matches the approved heights.

The revisions incorporate more soft landscaping to the front curtilage which will soften the overall appearance of the forecourt in keeping with the Willett style. Impermeable surfaces will provide for the water to run to a permeable surface or border.

The new sculptural centerpiece is modest in height and width and would have limited visibility from the street; as such, it is acceptable. A slatted timber enclosure around the refuse storage is proposed, which is acceptable in terms of its size, location and materials.

- 2 The proposals include the rebuilding of the deteriorated front bays (one of which is not original and was added in the late 1980s) to the modern-day standard matching details of the existing bays. This is a like-for-like replacement which is acceptable in heritage terms. The proposal involves carefully moving the existing limestone doorway surround/portico forward to align with the furthest point of the bay side walls. This follows the approved proposal. There would be a curved portico detail atop the existing relocated portico, which is a simple and contextual detail. The new roof of the portico follows the shape of the amended portico detailing. The new entrance door with glazed side panels is harmonious with the front façade of the property.

The proposals omit the approved alterations to the roof of the dormer, leaving the roof as existing. This is a significant improvement as the approved dormer is considered a step backwards in terms of the appearance of the roof.

The proposals would not harm neighbouring residential amenities in terms of loss of light, outlook or sense of enclosure.

The Council's Tree and Landscaping Officer has reviewed the proposals and the updated arboricultural report and green roof details and raises no objection to the development. Tree protection details were submitted under ref. 2019/3416/P dated 16/07/2019 to discharge condition 5 of 2015/0715/P, dated 20/07/2015.

The full impact of the scheme has been assessed. The application is subject to a S106 Legal Agreement, to secure a Construction Management Plan.

No objections were received, and the planning history of the site has been taken into account when coming to this decision. The CAAC withdrew their objection following a review of the revised outbuilding layout.

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.

As such, the proposed development is in general accordance with policy G1, CC1, CC2, CC3, A1, D1, T4, A3, A5 and D2 of the Camden Local Plan. The proposed development also accords with The London Plan March 2021, and the National Planning Policy Framework 2021.

- 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 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

London Borough of Camden 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.

- 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.
- 6 All works should be conducted in accordance with the Camden Minimum Requirements - a copy is available on the Council's website at <https://beta.camden.gov.uk/documents/20142/1269042/Camden+Minimum+Requirements+%281%29.pdf/bb2cd0a2-88b1-aa6d-61f9-525ca0f71319> 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.

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>.

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



Daniel Pope
Chief Planning Officer