

Application ref: 2024/3860/P  
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Date: 1 November 2024

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

Phone: 020 7974 4444

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Simon Miller Architects Ltd  
11 Portsdown Mews  
London  
NW11 7HD  
United Kingdom

Dear Sir/Madam

## **DECISION**

Town and Country Planning Act 1990 (as amended)

### **Householder Application Granted**

Address:  
**3 Crediton Hill**  
**London**  
**NW6 1HT**

Proposal:  
Erection of outbuilding to rear garden.

Drawing Nos:  
580 4EX00; 580 4EX01; 580 4EX02; 580 4PL01; 580 4PL02; 580 4PL03; Design and Access Statement (prepared by Simon Miller Architects, dated 10/09/2024); Heritage Statement (prepared by Simon Miller Architects, dated 10/09/2024); Green Roof Build Up Detail and Section Evo/JGI; Green Roof Species List; Green Roof Maintenance Summary (prepared by Pritchard & Pritchard); Tree Protection Plan MWA TPP 01; Arboricultural Appraisal Report DEV240905-1223 (prepared by MWA Arboriculture, dated 09/09/2024); 0410 P.01; MWA Tree Survey Schedule DEV240905-1223.

The Council has considered your application and decided to grant permission subject to the following conditions:

#### Conditions and Reasons:

- 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:

580 4EX00; 580 4EX01; 580 4EX02; 580 4PL01; 580 4PL02; 580 4PL03; Design and Access Statement (prepared by Simon Miller Architects, dated 10/09/2024); Heritage Statement (prepared by Simon Miller Architects, dated 10/09/2024); Green Roof Build Up Detail and Section Evo/JGI; Green Roof Species List; Green Roof Maintenance Summary (prepared by Pritchard & Pritchard); Tree Protection Plan MWA TPP 01; Arboricultural Appraisal Report DEV240905-1223 (prepared by MWA Arboriculture, dated 09/09/2024); 0410 P.01; MWA Tree Survey Schedule DEV240905-1223.

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

- 3 The outbuilding hereby permitted shall not be occupied at any time other than for purposes incidental to the residential use of the dwelling known as '3 Crediton Hill'.

Reason: To safeguard the amenity of the residential use, adjoining premises, and the area generally in accordance with Policies A1 and A4 of the London Borough of Camden Local Plan 2017.

- 4 Prior to the commencement of works on site, tree protection measures shall be installed and working practices adopted in accordance with the document entitled "Arboricultural Appraisal Report" by MWA Arboriculture dated 09/09/20240909. 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 BS5837:2012 and with the approved protection details. The development shall be monitored by the project arboriculturalist in accordance with the approved report.

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.

- 5 No development 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. Such details shall include details of any proposed earthworks including grading, mounding and other changes in ground levels and shall include details of replacement trees of species, size, and location first agreed with the Council's Trees and Landscaping Officer. 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.

- 6 All hard and soft landscaping works shall be carried out in accordance with the approved landscape details by not later than the end of the planting season following completion 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.

- 7 The green roof hereby approved shall be fully installed on the building in accordance with the approved details prior to first occupation and thereafter retained and maintained in accordance with the approved scheme for the duration of the development.

Reason: In order to ensure the development undertakes reasonable measures to take account of biodiversity and the water environment in accordance with Policies A3 and CC3 of the London Borough of Camden Local Plan 2017.

#### Informatives:

- 1 Reasons for granting permission:

The proposal involves the erection of an outbuilding in the rear garden of a semi-detached end-of-terrace house on the west side of Crediton Hill, close to the intersection with Lymington Road. The application site is located within the West End Green Conservation Area and the Fortune Green and West Hampstead Neighbourhood Area.

The proposed outbuilding would be located to the far end of the rear garden, measuring approximately 2.9m in height, 7m in width, and 4.6m in depth. The outbuilding would be a simple timber structure set back from the garden boundary, with a flat green roof and aluminium framed sliding doors to the elevation closest to the house. There would be no other windows to any other elevation, but there would be a door to the south elevation leading to a small decking area. The outbuilding would be a modest size and reasonable footprint, and would retain approximately 185sqm garden space (around 83% of the existing garden), which would be considered adequate. The scale and location of the outbuilding would be considered to maintain a subordinate relationship with the host property, appearing as distinctly separate and part of the garden setting. It would also not be full width, ensuring that the garden quality is maintained and the structure would not be dominant in any views from the public realm, including any potential glimpses along the south side of the house. As such, the proposed outbuilding would not be considered to be

harmful to the character and appearance of the conservation area.

The proposal would preserve the character and appearance of the conservation area overall. The council has had special regard to the desirability of preserving the character and appearance of the Conservation Area.

Due to the nature of the works, it is not considered that there would be any negative impact on the amenity of neighbouring properties; the outbuilding is modest in size and is situated to the rear of the garden, as well as screened by adjacent garden walls and existing planting. It would also not be self-contained and is intended for use as a space ancillary to the residential purposes of the main dwelling. A condition has been attached securing the use of the outbuilding as ancillary to the main dwelling.

The application was supported by an arboricultural report, which has been reviewed by the Council's Trees and Landscaping Officer. This demonstrates that the scheme involves the removal of a number of trees, all of which are small in size and of minimal visibility from the public realm. They are not considered to contribute significantly to the character and appearance of the conservation area and the loss of canopy cover would be mitigated through replacement planting. The report also gives details of tree protection measures, as well as details of the green roof. Conditions have been attached to secure compliance with the tree protection and green roof details and further details of the proposed landscaping, including replacement trees.

Two objections from members of the public were received prior to determination, which primarily related to the size of the outbuilding and the subsequent impact on the conservation area, as well as the loss to greenery and trees. As noted above, the size is considered acceptable in the context of the garden and the proposal is granted subject to conditions securing replacement tree planting, which would offset the loss of trees.

The application site's planning history has been taken into account when coming to this decision.

As such, the proposal is in general accordance with Policies A1, A2, A3, D1, D2, and CC3 of the London Borough of Camden Local Plan 2017. The proposed development also accords with the London Plan 2021 and the National Planning Policy Framework 2023.

- 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 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.

- 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 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.

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

+ Summary of statutory exemptions for biodiversity gain condition:

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:
  - 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.
  - 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).

6 + 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 the post-development value of the onsite habitat, or 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.

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-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

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