

Application ref: 2024/4597/P
Contact: Matthew Kitchener
Tel: 020 7974 2416
Email: Matthew.Kitchener@camden.gov.uk
Date: 9 December 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

Architect Benjamin Machin
Studio 110, Netil Corner
2 Bocking Street
London
E8 4RU
United Kingdom

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Householder Application Granted

Address:
16 South Hill Park
London
Camden
NW3 2SB

Proposal:
Erection of rear outbuilding following demolition of existing.

Drawing Nos: Design, Access and Heritage Statement, 16 South Hill Park - Arbtech
TSR 01, Bauder System Summary - 046 Green Roof Specification, 04600 001, 046 00
100, 046 00 101, 046 00 200, 046 00 201, 046 00 202, 046 00 300, 046 00 301, 046
01 001, 046 01 100, 046 01 101, 046 01 200, 046 01 201, 046 01 202, 046 01 300,
046 01 301.

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: 'Design, Access and Heritage Statement', '16 South Hill Park - Arbtech TSR 01', 'Bauder System Summary - 046 Green Roof Specification', 04600 001, 046 00 100, 046 00 101, 046 00 200, 046 00 201, 046 00 202, 046 00 300, 046 00 301, 046 01 001, 046 01 100, 046 01 101, 046 01 200, 046 01 201, 046 01 202, 046 01 300, 046 01 301.

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

- 3 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 Survey to BS5837:2012" by Arbtech dated 10th May 2024 ref. '16 South Hill Park - Arbtech TSR 01'. 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 Camden Local Plan and Policy NE2 of the Hampstead Neighbourhood Plan 2018.

- 4 The living roof hereby approved 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 outbuilding hereby approved shall only be used for purposes ancillary to the residential use of 16 South Hill Park and shall not be used as a separate independent Class C3 dwelling or Class E (office) use.

Reason: To ensure that the outbuilding does not adversely affect the amenity of adjoining residential premises and is not used for unauthorised purposes, in accordance with policies G1, A1 and H6 of the Camden Local Plan 2017.

Informatives:

- 1 Reasons for granting permission:

The application property is a five-storey end of terrace property situated within the South Hill Park Estate conservation area, it is not listed. The proposal involves the erection of a single storey garden room in the rear garden. The building measures approximately 6.0m wide, 6.5m deep and is 3.3m high. It is finished in timber cladding, with a sedum roof and is located against the rear boundary of the garden. The garden room replaces an existing dilapidated

timber building in the same location and on the same footprint. The overall height will be 0.35m higher than the existing garden room. Although the building is higher than the existing it is considered that due to its backland siting and its location facing onto a parking area and an access road it is unlikely to harm the appearance of the conservation area.

The design is considered subordinate to the host dwelling in terms of scale and positioning at the foot of a substantial rear garden. It is considered that the materials and finish proposed are appropriate for the project and respect its context, within the rear garden of a property within the conservation area and therefore the proposal complies with policy D1 and D2 of the Camden Local Plan and Policies DH1 and DH2 of the Hampstead Neighbourhood Forum.

The property benefits from established planting and trees in the garden of the property to the rear of the application site. These will be protected during the works, and it is not considered that the proposal will result in the damage or loss to these trees and therefore the proposal complies with policy A3 of the Camden Local Plan.

Windows are proposed on the rear and side elevations of the building. The rear window looks out onto a parking area and the side window looks out onto Park End. These windows are in similar locations and sizes to windows in the existing building and it is considered that the window placement in the new building would not introduce any additional harm to the amenity of the surrounding area through their design or amenity through overlooking or use. Due to the siting, scale nature and detailed design of the garden room, it is considered that the proposal would not result in any undue harm to the amenities of neighbouring occupiers and the visual amenity of the conservation area and complies with policy A1 of the Camden Local Plan. A condition is attached ensuring that the outbuilding remains ancillary to the host property.

No letters of objection from neighbouring properties were received. The South Hill Park Estate CAAC and Hampstead Neighbourhood Forum were consulted but did not comment.

The planning history of the site and surrounding area were taken into account when coming to this decision.

Based on the information available this permission will not require the approval of a Biodiversity Gain Plan before development is begun because it is a Minor application.

The proposed garden room would preserve the character and setting of the host building and the character and appearance of this part of the South Hill Park Estate Conservation Area and would not impact on the residential or visual amenity of the surrounding area. As such, the proposals are considered to accord with the requirements of Policies A1, A3, G1, H6, CC1, CC2, CC3, D1 and D2 of the Camden Local Plan and Policies NE2, DH1 and DH2 of the Hampstead Neighbourhood Plan 2018.

- 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) 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 Biodiversity Net Gain (BNG)

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted 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 permission will not require the approval of a BGP before development is begun because the planning permission is a minor application within exemption threshold.

If the onsite habitat includes Irreplaceable Habitat (within the meaning of the

Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements.

The BGP must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat.

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

If planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 and a BGP was approved in relation to the previous (parent) planning permission ("the earlier BGP") there are circumstances when the earlier BGP is regarded as approved for the purpose of discharging the biodiversity gain condition subject to which the section 73 planning permission is granted.

+ 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.

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 written over a light grey rectangular background.

Daniel Pope
Chief Planning Officer