

Application ref: 2024/4862/P  
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Date: 16 December 2024

**Development Management**  
Regeneration and Planning  
London Borough of Camden  
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DDWH Architects  
7 Lovers Walk  
London  
N31JH  
United Kingdom

Dear Sir/Madam

## **DECISION**

Town and Country Planning Act 1990 (as amended)

### **Full Planning Permission Granted**

Address:

**Flat 2-3**  
**21 Nassington Road**  
**London**  
**NW3 2TX**

Proposal: Bricking up of two windows on side elevation and forming of new window opening and removal of decayed timber pergola, trellis screens and balustrade to rear roof terrace and replacement with metal balustrade with 1500mm high Western red Cedar privacy screens to sides of terrace.

Drawing Nos: Design and Access, Sustainability Statement, 251-C-103, 251-C-203a, 251-C-102, 251-C-204a, 251-C-99, 251-C-202b, 251-C-201c, 251-C-101, 251-C-100.

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: Design and Access, Sustainability Statement, 251-C-103, 251-C-203a, 251-C-102, 251-C-204a, 251-C-99, 251-C-202b, 251-C-201c, 251-C-101, 251-C-100.

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 policy D1 and D2 of the London Borough of Camden Local Plan 2017 and policies DH1 and DH2 of the Hampstead Neighbourhood Plan 2018.

Informative(s):

- 1 Reasons for granting permission.

The property is a four-storey building sub-divided into three flats located within the South Hill Park conservation area, it is not listed and no works are proposed to the exterior at the front of the property. The proposal involves the bricking up of two windows on the side elevation and forming of new window opening and removal of decayed timber pergola, trellis screens and balustrade to rear roof terrace and replacement with metal balustrade with 1500mm high Western red Cedar privacy screens to sides of terrace. The building is currently arranged as self-contained flats, and it is proposed to undertake internal work to the layout of flat 2-3. As part of this work, it is proposed to brick up two side facing windows and install a new side facing window to match the design and appearance of the existing windows. Due to the location of the windows on the side, the location of the property being set back from Nassington Road at the front, it is not considered that the proposed work would have a negative impact on the appearance or character of the building within the wider conservation area. The proposed window will serve a staircase and it is considered that this will not result in a loss of amenity to the neighbouring property due to overlooking.

It is also proposed to remove the existing timber pergola from the rear roof terrace and replace the existing timber balustrade on the roof with a 1.1m high balustrade constructed from metal railing painted black. To protect the amenity of the adjoining neighbours, timber screens would be used to both sides of the terrace to a height of 1.5 metres. The balustrade would be sited in the same position as the existing. A retractable cassette awning will be installed over the opening onto the terrace to provide shade. It is considered that the removal of the dilapidated timber pergola and balustrade and the replacement railing would result in the enhancement of the rear of the property within the conservation area.

The proposed window alterations and new metal balustrade and timber

screening would not result in an increase in overlooking to the neighbouring properties. Due to the nature of the external works and design of the balustrade and screening, it is considered that the proposal would not result in any undue harm to the amenities of neighbouring occupiers or the character and appearance of the property within the conservation area and complies with policies A1, D1 and D2 of the Camden Local Plan and Policies DH1 and DH2 of the Hampstead Neighbourhood Plan and the aims and objectives of the South Hill Park Conservation Area Statement 2001.

No objections were received prior to the determination of this application. South Hill Park CAAC and South 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.

As such, the proposed development is in general accordance with policies A1, D1 and D2 of the Camden Local Plan 2017 and policies DH1 and DH2 of the Hampstead Neighbourhood Plan 2018. The proposed development also accords with The London Plan 2021 and the National Planning Policy Framework 2024.

- 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 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-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 above the printed name.

Daniel Pope  
Chief Planning Officer