

Application ref: 2024/3478/P
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Date: 18 December 2024

Development Management
Regeneration and Planning
London Borough of Camden
Town Hall
Judd Street
London
WC1H 9JE
Phone: 020 7974 4444

UPP Architects + Town Planners
LABS Atrium The Stables Market
Chalk Farm Road
London
NW1 8AH

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Full Planning Permission Granted Subject to a Section 106 Legal Agreement

Address:

**Land to the Rear of 12 Sarre Road
London
NW2 3SL**

Proposal:

Erection of a two-storey dwelling house fronting Gondar Gardens to the rear of 12 Sarre Road. Provision of external amenity space, cycle storage and refuse facilities.

Drawing Nos: 000GO-A-01-001, 000GO-A-01-002, 000GO-A-02-001, 000GO-A-02-002, 000GO-A-03-001, 000GO-A-03-002, 000GO-A-03-003, 000GO-A-03-004, 000GO-A-05-001, 000GO-A-05-001, 000GO-A-06-001, 000GO-A-06-002, 000GO-A-06-003, 000GO-A-06-004

000GO-A-01-002, 000GO-A-02-101, 000GO-A-02-102, 000GO-A-02-103, 000GO-A-03-101, 000GO-A-03-102, 000GO-A-03-103, 000GO-A-05-101, 000GO-A-05-102, 000GO-A-05-103, 000GO-A-06-101, 000GO-A-06-102, 000GO-A-06-103, 000GO-A-06-104

Energy and Sustainability Statement (13/08/2024), Daylight and Sunlight Assessment (July 2024), Environment Construction and Logistics Management Plan, Envirocheck Report (353527670_1_1), Phase 1 Preliminary Contamination Risk Assessment Report (05/08/2024), Arboricultural Impact Assessment, Method Statement and Tree Protection Plan (22 July 2024), Biodiversity Net Gain Report (1158), Preliminary Ecology Appraisal (1089), FRA and SuDS Strategy Report (FRA20213.1), Overheating Analysis Document, Planning, Design and Access Statement, Predicted Energy Assessment document

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

000GO-A-01-001, 000GO-A-01-002, 000GO-A-02-001, 000GO-A-02-002, 000GO-A-03-001, 000GO-A-03-002, 000GO-A-03-003, 000GO-A-03-004, 000GO-A-05-001, 000GO-A-05-001, 000GO-A-06-001, 000GO-A-06-002, 000GO-A-06-003, 000GO-A-06-004

000GO-A-01-002, 000GO-A-02-101, 000GO-A-02-102, 000GO-A-02-103, 000GO-A-03-101, 000GO-A-03-102, 000GO-A-03-103, 000GO-A-05-101, 000GO-A-05-102, 000GO-A-05-103, 000GO-A-06-101, 000GO-A-06-102, 000GO-A-06-103, 000GO-A-06-104

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

- 3 Prior to commencement of development, 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 including sections at 1:10 of all windows (including jambs, head and cill), joinery details, external doors, boundary treatment and gates

b) Manufacturer's specification details of all facing materials (to be submitted to the Local Planning Authority) and samples of those materials (to be provided on site).

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 policy D1 of the London Borough of Camden Local Plan 2017 and policy 2 of the 2015 Fortune Green Neighbourhood Plan

- 4 Before the development commences, details of secure and covered cycle storage area for 2 cycles shall be submitted to and approved by the local planning authority. The approved facility shall thereafter be provided in its entirety prior to the first occupation of any of the new units, and permanently retained thereafter.

Reason: To ensure the development provides adequate cycle parking facilities in accordance with the requirements of policy T1 of the London Borough of Camden Local Plan 2017 and policy 7 of the 2015 Fortune Green Neighbourhood Plan

- 5 Prior to commencement of above ground works, drawings and data sheets showing the location, extent (no.10 panels) and energy generation capacity (at least 4.0kWp) and associated equipment to be installed on the building 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. A site-specific lifetime maintenance schedule for each system, including safe roof access arrangements, shall be provided. 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 policy CC1 (Climate change mitigation) of the London Borough of Camden Local Plan 2017.

- 6 The development hereby approved shall achieve a maximum internal water use of 110litres/person/day. 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, CC3 of the London Borough of Camden Local Plan 2017.

- 7 Prior to commencement of above ground works, details, drawings and data sheets showing the location, Seasonal Performance Factor of at least 2.5 (or COP of 4 or more or SCOP of 3.4 or more) and Be Green stage carbon saving of the air source heat pumps and associated equipment including extract vents to be installed on the building, 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. A site-specific lifetime maintenance schedule for each system, including safe access arrangements, shall be provided. The equipment 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 policy CC1 and to safeguard the character of the area in line with requirements of D1 of the London Borough of Camden Local plan

- 8 Part A: No development shall commence until a site investigation is undertaken and the findings are submitted to and approved in writing by the local planning authority.

The site investigation should assess all potential risks identified by the desktop study and should include a generic quantitative risk assessment and a revised conceptual site model. The assessment must encompass an assessment of risks posed by radon and by ground gas. All works must be carried out in compliance with LCRM (2020) and by a competent person.

Part B: No development shall commence until a remediation method statement (RMS) is submitted to and approved in writing by the local planning authority. This statement shall detail any required remediation works and shall be designed to mitigate any remaining risks identified in the approved quantitative risk assessment. This document should include a strategy for dealing with previously undiscovered contamination. All works must be carried out in compliance with LCRM (2020) and by a competent person.

Part C: Following the completion of any remediation, a verification report demonstrating that the remediation as outlined in the RMS have been completed should be submitted to, and approved in writing, by the local planning authority. This report shall include (but may not be limited to): details of the remediation works carried out; results of any verification sampling, testing or monitoring including the analysis of any imported soil and waste management documentation. All works must be carried out in compliance with LCRM (2020) and by a competent person.

Reason: To ensure the risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policies G1, D1, A1, and DM1 of the London Borough of Camden Local Plan 2017.

- 9 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.

- 10 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.] 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 of the London Borough of Camden Local Plan 2017.

- 11 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 or any phase of the development, whichever is the sooner. 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 of the London Borough of Camden Local Plan 2017.

- 12 Prior to first use of the air source heat pump hereby approved, the active cooling function shall be disabled on the factory setting and the air source heat pump shall be used for the purposes of heating only.

Reason: To ensure the proposal is energy efficient and sustainable in accordance with policy CC2 of the London Borough of Camden Local Plan 2017

Informative(s):

- 1 Reasons for granting permission.

Housing is the priority land use of the Local Plan. In policy terms the proposal would comply with policy G1 and H1 of the 2017 Local Plan providing new residential. Issues of trees, amenity, and standard of accommodation, efficiency, sustainability and transport need to be overcome and are attended to in the sections below. Policy 1: Housing of the 2015 Fortune Green and West Hampstead also supports provision of new housing.

The site lies in a built-up area residential area and there are no policies in the LB Camden Local Plan which preclude the erection of new dwellings within residential gardens. Policy 17 of the Fortune Green and West Hampstead Neighbourhood Plan seeks to protect green space but there have been several developments relatively recently within rear gardens which abut a road

including fronting onto Gondar Gardens from properties on Sarre Road.

Previous applications on site have been located to the other side of the site and within close proximity to a Tree Preservation Order tree which has been removed (without consent). Previous applications did not accept the principle of the development because of this proximity and that the development would occupy the site of the TPO tree and therefore be unacceptable. However following discussions with the Council's tree officer because the location has been changed to further down Gondar Gardens there is an adequate distance away from this position and therefore the principle is acceptable.

Policy H7 of the Local Plan aims to secure a range of homes of different sizes that will contribute to the creation of mixed, inclusive and sustainable communities and reduce mismatches between housing needs and existing supply. A two bedroom market property falls in line with Council housing priorities and is listed as a high priority. Therefore the proposal complies with the policy H7.

The Council's design policies are aimed at achieving the highest standard of design in all developments, including where alterations and extensions are proposed. Policy D1 requires extensions to consider the character, setting, context and the form and scale of neighbouring buildings, and the character and proportions of the existing building.

The design of the new dwelling respects, and is informed by, the height, scale, massing and rhythm of neighbouring properties along Gondar Gardens. Due to the topographical incline running from south to north along the length of Gondar Gardens, the design falls in line with the prevailing angle of previously consented development. The proposed new two storey building is similar in scale to those approved in 2009 at 1 Gondar Gardens and in 2011 to the rear of no.10. The overall profile of the new dwelling is considered to complement the massing and scale of development along Gondar Gardens, and would preserve the existing character of infill development in the area

The proposal is traditional in its form; however a contemporary approach has been taken to the detailing of windows, doors, external finishes and the elevation proportions. The materials proposed comprise of brick, wood panels for the doors which is supported. The Juliet balcony, brick lintels and inset doorway are a clear nod to the adjacent buildings but appear slightly different on elevation which is supported. A planning condition is secured to approve details of materials prior to the commencement of development. While clearly being a relatively modern intervention into the street scene, there are clear examples directly adjacent of similar development and design and so the scheme is considered to reference the character of the built form within the surrounding environment.

- 2 The proposed new dwelling would encroach in to the garden of 12 Sarre Road, however there is already an existing precedent set with development on Gondar Gardens and proposals are therefore not considered to disrupt the balance between built and un-built space and the pattern of development of the wider area. The bin store has been altered since pre-application stage to open to the front, which is accepted.

In relation to amenity and outlook and sense of enclosure, the proposed building would not impact the buildings on Gondar Gardens as the proposal would have similar dimensions to the adjacent properties. There is also no housing currently located to the northern side of this plot. In terms of Gondar Gardens, the existing relationship of other buildings on Sarre Road means that a precedent has already been established as to acceptable relationships with properties on that street. Overall there is enough distance between the fence and proposed building to the rear windows of Sarre Road as to not adversely impact the amenity of these neighbours.

In terms of privacy and overlooking, the small number of windows means that there would be no significant impact. One large window to the rear ground floor means that there will be little increase in overlooking or loss of privacy towards neighbouring properties to the rear.

In terms of the daylight/sunlight impact, the property is due north of the buildings on Gondar Gardens and has the same dimensions as the adjacent building meaning any impact to daylight/sunlight is minimal. There are only garages located to the north. In relation to the buildings due north on Sarre Road the windows are at oblique angles to the site of the proposed dwelling and so on balance the impact is unlikely to be significant. A daylight/sunlight assessment has been submitted in support of the scheme and confirms all neighbouring windows meet BRE guidance.

CPG Housing & CPG Design highlights the importance of high quality housing that provides secure, well-lit accommodation that has well-designed layouts and rooms. The unit over two floors is measured at 73.29sqm. 2b3p units should be a minimum of 70sqm and so the unit meets this requirement. The bedrooms also meet minimum space standards. Therefore the building meets the technical requirements. There is 14.50sqm of rear garden provision which is welcomed. In terms of internal configuration, the ground floor appears fairly rational and open plan and provides a good level of accommodation. The first floor provides two bedrooms, one ensuite, and one study room which is also acceptable. The unit is dual aspect and the roof lights provide a good amount of light into the first floors. The building is relatively close to the rear windows of no.12 however due to the fence and window size any issues of privacy are not adverse. The daylight/sunlight assessment also confirms that the proposed habitable rooms will receive an acceptable level of daylight.

The provision of the 2 space cycle store in the rear garden are secured by condition, to ensure compliance with London Plan standards and Policy T1 of the Camden Local Plan.

The new house will be secured as car free by means of a S106 Agreement, in accordance with Policy T2. A Construction Management Plan and associated Implementation Support Contribution of £4,194 and Impact Bond of £8,000 will be secured by means of the S106, in line with Policy A1. Whilst a draft CMP has been submitted in support of the application, this will need to be updated using the Council's standard pro-forma once a principal contractor has been appointed and submitted for approval following local consultation and prior to any works commencing on site. A S106 highways contribution of £7,000 is required for repaving the adjacent footway and crossover on Gondar Gardens,

which may become damaged as a result of the proposed construction works.

- 3 In relation to sustainability the scheme includes both air source heat pumps (ASHP) and PV panels which are welcomed. Further details of both these elements are secured via condition as well as a condition securing the ASHP only for heating. The development is also supported by an energy and sustainability statement which confirms that due to the measures at Be Clean and Be Green the development achieves in excess of a 35% reduction from Part L of Building regulations and therefore meets the policy requirement as set out in the Council's Energy Efficiency and Adaption CPG.

In terms of site contamination, the report submitted indicates that the site has a low risk of contamination which is accepted. However a land contaminated condition is attached to ensure that sufficient ground investigation works are undertaken.

In terms of trees and biodiversity, the proposal complies with the Biodiversity net gain (BNG) requirements. In order to comply the applicant will have to purchase off site credits however this will be secured under a BNG plan and is therefore accepted.

In terms of trees, the scheme has no direct tree impacts and allows for the replacement TPO tree secured via tree replacement notice to be planted in the approved position onsite but outside of the red line. The two trees on the highway on Gondar Gardens will required physical protection throughout development as they are at risk from mechanical damage when deliveries take place, which is secured by condition. A landscaping condition is attached to secure further details.

The planning history of the site was taken into account when coming to this decision. No objections were received.

As such, the proposal is in general accordance with policies A1, A3, A4, CC1, CC2, H1, H6, H7, T1, T2, D1 and D2 of the Camden Local Plan 2017 and policy 1, 2, 7, 8 and 18 of the 2015 Fortune Green Neighbourhood Plan. The proposed development also accords with the policies of the London Plan 2021 and 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) 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 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.

- 9 Biodiversity Net Gain (BNG) Informative (1/2):

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 permission WILL require approval of a BGP before development is begun because none of the statutory exemptions or transitional arrangements summarised below are considered to apply.

++ 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).

10 Biodiversity Net Gain (BNG) Informative (2/2):

+ 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-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