

Application ref: 2024/4800/P  
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**Development Management**  
Regeneration and Planning  
London Borough of Camden  
Town Hall  
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Knott Architects  
98 B Tollington Park  
London  
N4 3RB

Dear Sir/Madam

## **DECISION**

Town and Country Planning Act 1990 (as amended)

### **Householder Application Granted**

Address:  
**33 Gayton Road**  
**London**  
**NW3 1TY**

#### Proposal:

Erection of rear lower ground floor extension with terrace above and associated garden works. Replacement front and rear dormers. Replacement of timber casement windows with double glazed timber sashes and rear ground and lower ground floor fenestration alterations. Replacement of front boundary railings, stone steps and painting the front door.

Drawing Nos: Site location plan; 499 - 000; 001; 002; 003; 004; 005; 006; 007; 008; 009; 010; 011; 013; 052; 053; 054; 055; 056 Rev A; 057; 058; 059; 060 Rev A; 061; 063 and 064 Rev A

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: Site location plan; 499 - 000; 001; 002; 003; 004; 005; 006; 007; 008; 009; 010; 011; 013; 052; 053; 054; 055; 056 Rev A; 057; 058; 059; 060 Rev A; 061; 063 and 064 Rev A

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

#### Informatives:

- 1 Reasons for granting permission.

The site is mid-terrace 3 storey (plus lower ground floor and loft) single family dwelling located close to the junctions of Gayton Road, Willow Road and Well Walk to the north. It is located in the Hampstead Conservation Area, to which it makes a positive contribution. An Article 4 direction prevents any changes under permitted development to the front elevations of Gayton Road.

To the rear at lower ground floor an infill extension will be erected with glazed balcony above. This infill extension is modest with sufficient garden space retained and is set between two shallow projecting outriggers along the terrace, and project no further than these. The roof of the infill will create a terrace above with a simple glazed balcony barrier. One set of double metal doors are proposed at ground floor level on the outrigger, with a triple set of folding doors located replacing the existing upper ground floor rear window, with a further set of triple doors at lower ground floor. The metal doors are proposed to be dark grey with a grey metal finish to the balcony edge.

The proposals seek to enlarge the existing front and rear dormers. The enlargement of the front and rear dormers is acceptable and comparable in size to other dormers along the street, and which meet Camden's design guidance for dormers, and will be finished in new and re-used slates and lead cladding

The existing casement windows will be replaced with double glazed timber sliding sashes (6 to the front and 4 to the rear) and the timber windows and doors will be replaced with new metal framed double glazed doors to the ground and lower ground floors at the rear. A row of four timber casements are proposed at the rear and 3 sliding sashes proposed at the front. The other casement windows on the front and rear elevations are being upgraded to double glazed timber sliding sashes. Their replacement would be acceptable

and the use of metal at the rear at the lower levels would have limited views.

The railings, stone steps, stone caps to front boundary wall brick piers and coping stones to the front will be replaced. The works propose to remove non-original front steps and railings and replacing these with new stone steps and railings with an appropriate finial which matches others in the street, new coping stones on the front step party wall and new stone front boundary pier caps. The front door is also proposed to be painted black due to the Article 4. All of these proposals are considered to be acceptable and enhance the character and appearance of the conservation area.

Despite a raised view across the rear of the property from Flask Walk, the lower ground floor infill and balcony won't be visible and are therefore not considered to cause harm to the character or appearance of the host property or wider conservation area.

All of these proposed alterations are considered to preserve the character and appearance of the conservation area and are therefore in accordance with policies D1 and D2 of the Camden Local Plan 2017.

The adjoining property, No. 32, has a similar rear balcony terrace area at upper ground level, which is slightly higher than the proposal at No. 33. There is also an existing 1.8-2m high fence between the rear gardens. Therefore, no amenity concerns are raised as a result of the proposal as any overlooking will be mutual. The enlarged dormers and replacement fenestration are not considered to create any amenity concerns as they will have a similar outlook and siting.

The Hampstead CAAC were consulted and have not commented on the proposals. No objections were received.

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 Planning (Listed Buildings and Conservation Areas Act 1990) as amended by the Enterprise and Regulatory Reform Act (ERR) 2013.

## 2 Reasons for granting permission continued

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.

## 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, 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 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.

- 6 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, but you should check the legislation yourself and ensure you meet the statutory requirements.

Based on the information provided, this will not require the approval of a BGP before development is begun because 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 following are provided for information and may not apply to this permission:

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 of one or more of the reasons below:
  - 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).

7 + 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 positioned above the typed name and title.

Daniel Pope  
Chief Planning Officer