

Address:	Leigh House (Lower Ground Floor Flat) 73 South End Road London NW3 2RJ		2
Application Number(s):	2024/1274/P 2024/2098/L	Officer: Brendan Versluys	
Ward:	Hampstead Town		
Date Received:	29/03/2024		
Proposal:	<p><u>Planning permission:</u> Erection of rear extension to lower ground floor; erection of outbuilding in the rear garden.</p> <p><u>Listed building consent:</u> Erection of rear extension to lower ground floor; internal alterations at lower ground floor.</p>		
Background Papers, Supporting Documents and Drawing Numbers:			
<p>Existing Drawings: CF-213-DR -0010 -A, rev A; CF-213-DR -0050 -A, rev A; CF-213-DR -0100 -A, rev A; CF-213-DR -0101 -A, rev A; CF-213-DR -0200 -A, rev A; CF-213-DR -0300 -A, rev A; CF-213-DR -0301 -A, rev A</p> <p>Proposed Drawings: CF-213-DR -1050 -D, rev D; CF-213-DR -1100 -B, rev B; CF-213-DR -1200 -C, rev C; CF-213-DR -1300 -B, rev B; CF-213-DR -1301 -A, rev A; CF-213-DR -2100 -D, rev D; CF-213-DR -2200 -C, rev C</p> <p>Documents: Design and Access Statement prepared by Cooke Fawcett Architects, 27/03/2024; Planning Statement prepared by DLBP Ltd., March 2024; Heritage Statement prepared by Place Services, March 2024; Structural Statement prepared by AMP Structures</p>			
RECOMMENDATION SUMMARY:			
<ol style="list-style-type: none"> 1. Grant conditional planning permission 2. Grant conditional listed building consent 			
Applicant:	Agent:		
Upspace Construction Services C/o Agent London, EC3R 8HN	Andrew Ryley DLBP Ltd 23-26 St Dunstan's Hill London, EC3R 8HN		

ANALYSIS INFORMATION

Land use details				
Use Class	Description	Existing GIA (sqm)	Proposed GIA (sqm)	Difference GIA (sqm)
C3	Dwellings (flats)	111	19.1 (extension) 38.2 (outbuilding)	+ 57.3

EXECUTIVE SUMMARY

- i) The application site is at 73 South End Road, known as Leigh House, a semi-detached Victorian property in use as flats. The site is in the Hampstead Conservation Area and the host building is Grade II listed.
- ii) Planning permission is sought for the erection of rear extension to lower ground floor, and erection of outbuilding in the rear garden. The rear extension and outbuilding would be associated with the lower ground and ground floor maisonette which is the sole owner of the rear garden. Listed building consent is also sought for erection of rear extension to lower ground floor and associated internal alterations at lower ground floor level.
- iii) The design of the outbuilding is considered acceptable given its proportionate size to and careful positioning within the rear garden, it having an appropriate height and bulk, and it being constructed with materials sympathetic to the host building and conservation area. Similarly, the rear extension is considered acceptable given the modest depth of the extension and its sympathetic design and use of materials in relation to the listed building. The proposed internal works to the maisonette are very limited and have no material impact on the historic building form and fabric.
- iv) The application is also considered to be acceptable in terms of the impact on neighbouring properties. There would be nil to negligible loss of light, outlook or privacy to neighbours.

OFFICER REPORT

Reason for Referral to Committee:

The Director of Economy, Regeneration and Investment has referred the application for consideration after briefing members (Clause 3(vii)). The panel considered it should be heard by committee due to the level of interest in this application from residents and community organisations.

1. SITE AND BACKGROUND

Location

- 1.1 The site is on the west side of South End Road, opposite Hampstead Heath, and covers an area of approximately 702 sqm.

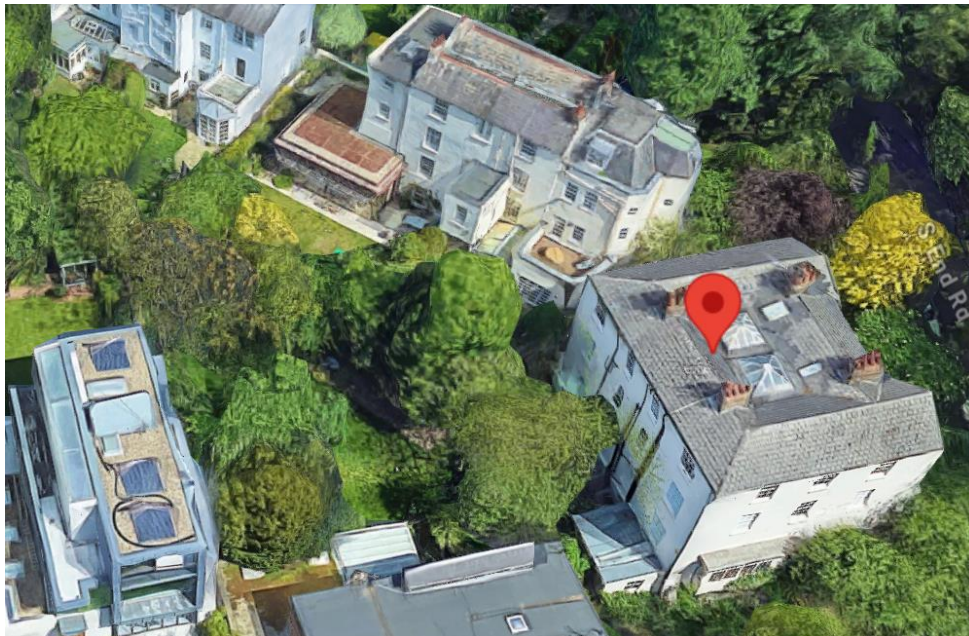


Figure 1 – The existing site including the rear garden (centre) viewed from the south

- 1.2 The site comprises a semi-detached, four storey residential building, known as 'Leigh House'.
- 1.3 The building comprises four flats, with the subject application relating to a lower ground and ground floor maisonette dwelling. The maisonette has sole use / access to the garden at the rear.
- 1.4 Surrounding properties are in residential use and many have similar building typologies to the application site. Sites generally have sizeable rear gardens, some of which accommodate outbuildings or garden sheds. The adjoining site at 12A Keats Grove accommodates an outbuilding at the rear of their property.

- 1.5 The site is adjacent to an area of designated Local Plan Open Space, comprising rear gardens of properties within the street block of South End Road, Keats Grove and Downshire Hill (see Figure 2). A small group of properties near the corner of South End Road and Keats Grove, including the application site, are excluded from this designated open space.



Figure 2: Excerpt of Camden Local Plan 2017 policies map, showing Local Plan Open Space in relation to the application site.

- 1.6 The site is located in the Hampstead Conservation Area and the host building is Grade II listed (ref. no. 1378672). The adjoining property, no. 71 (Russell House) is also Grade II listed and is included in the same list entry as no. 73.
- 1.7 The site is also located in the Hampstead Neighbourhood Forum area.

2. THE PROPOSAL

2.1 The proposal is for:

- Erection of a new single storey rear extension at the lower ground floor. The extension would be constructed with stucco to match the existing building, zinc roofing and aluminium framed windows; and
- Erection of an outbuilding in the rear garden, at the northwest corner of the site adjoining the party walls with nos. 79 and 83 South End Road. The outbuilding would be constructed with timber cladding. The floor plan includes a gym, office and store. The outbuilding has a footprint of 38.2 sqm and is 2.9m in height.

3. A new pathway, with stair and planter would be constructed between the rear extension and outbuilding, see Figures 2 and 3 below:



Figure 2 – Sketch of proposal, view from garden



Figure 3 – Sketch of proposal, view from garden

4. RELEVANT HISTORY

The site

- 4.1 None relevant.

The area

- 4.2 None relevant

5. CONSULTATION

Statutory consultees

Historic England

5.1 No comments.

Hampstead Neighbourhood Development Forum

5.2 Objection covering the following issues:

Design and Heritage

- Concern that the outbuilding is overly large.

Biodiversity and sustainability

- The proposal would be damaging to biodiversity and fail to utilise sustainable materials or methods of construction.
- Policy NE1 of the draft new Hampstead Plan supports development that provides a minimum of 10% Biodiversity Net Gain.
- Providing a green roof would not on its own mitigate the loss of the garden to development or the loss of trees. Further garden would be lost to surfacing and the proposed rear extension.
- Little space would be left for the movement of wildlife.
- Draft Policy NE2 states that acceptable garden buildings should be constructed on piled foundations or point supports (i.e., not reinforced concrete slab foundations).
- The revised Neighbourhood Plan according to Draft Policy DH3 supports net-zero carbon development and expects all new build to achieve at least net zero.

Officer response:

- *The outbuilding is considered to be appropriately sized and located. Design and heritage effects are assessed in section 10.*
- *The provision of a wildlife corridor, green roof and replacement planting comprising of a minimum of 5 x trees, is considered acceptable in mitigating adverse effects arising from the loss of vegetation and garden space at the site. Trees and landscaping effects are assessed in section 4 of this report.*
- *The applicant has not yet committed to a construction method for the outbuilding, but may consider using piled foundations, subject to taking advice from an arboricultural consultant.*
- *Given the limited size and footprint of the outbuilding together with it being constructed with timber, being a low energy material, the proposal would be consistent with Policy DH3 Sustainable Development of the Hampstead Neighbourhood Plan (Draft).*

Local groups

South End Residents Group

5.3 Objection covering the following issue(s):

- The proposed building would not be in line with and respectful of the existing character of local and heritage assets, and historical landscape.
- The proposed height of the building would detract from the neighbours outlook and would be overly noticeable.
- The proposed building would be detrimental to open spaces that have been designated as protected.
- The proposed development involves the dismantling of existing walls. These are listed and cannot be touched.

Officer response:

- *The outbuilding is considered to be appropriately sized and located and designed to be sympathetic to the adjacent listed building and character and appearance of the conservation area, as assessed in the 'Design and heritage' section of this report.*
- *Amenity effects, including outlook from neighbouring properties, are assessed in section 9, there is considered to be no significant adverse impacts.*
- *A wildlife corridor would be maintained to the designated open spaces to the rear of the application site. Trees and landscaping effects are assessed in section 11. Aside from adding trellises to one of the existing boundary walls, the applicant does not propose any works to the boundary walls as part of the construction of the outbuilding.*

Downshire Hill Residents Association

5.4 Objection covering the following issue(s):

- Object to the proposal on an 'in principle basis' in respect to the intrusion into, and dilution of, the protected open space bounded by the properties in Downshire Hill, Keats Grove and South End Road.
- Concerns regarding size/design of outbuilding, noise effects and loss of vegetation.

Officer response:

- *The outbuilding is considered to be appropriately sized and located and designed to be sympathetic to the adjacent listed building and character and appearance of the conservation area, as assessed in the 'Design and heritage' section of this report.*
- *Amenity effects, including outlook from neighbouring properties, are assessed in section 9, there is considered to be no significant adverse*

impacts. The property remains in use as a single dwelling and the development is not considered to give rise to additional noise impacts.

- *As set out above the impact of the proposed development has mitigated the impact on the natural environment through replacement tree planting, a wildlife corridor and green roof. Trees and landscaping effects are assessed in section 11.*

Adjoining occupiers

5.5 Three sites notice were displayed as follows:

- 1 x South End Road (in front of application site)
- 1 x Keats Grove (lamp post next to 11 Keats Grove)
- 1 x Downshire Hill (lamppost opposite The Freemason Arms - pub)

5.6 The notices were displayed on 13/06/2024 until 07/07/2024 and the application was advertised in the local paper on 05/06/2024 (29/06/2024).

5.7 Objections were received from at least 17 local households. The objections received by the Council are on the Council's website. The key issues raised are.

Trees/landscaping

- Concern with loss of trees in relation to biodiversity/amenity/visual privacy benefits they provide, can the existing trees be replanted.

Officer response:

- *Trees and landscaping effects are assessed in section 11 of this report. The existing trees to be removed are poor quality therefore replacement planting in the form of a minimum 5 x trees is considered to be acceptable.*

Design/character

- The outbuilding will be very high and oversized, in very close proximity to neighbouring properties.

Officer response:

- *The outbuilding is considered to be appropriately sized and located and designed to be sympathetic to the adjacent listed building and character and appearance of the conservation area, as assessed in the 'Design and heritage' section of this report.*
- *Amenity effects, including outlook from neighbouring properties, are assessed in section 9, there is considered to be no significant adverse impacts. The property remains in use as a single dwelling and the development is not considered to give rise to additional noise impacts.*

Use of the outbuilding

- The use/purpose of the outbuilding is unclear, it could be used as a stand-alone residence.

Officer response:

A condition is proposed which would prohibit the outbuilding from being occupied at any time other than for purposes incidental to the residential use of the existing dwelling at the application site.

Structural effects

- Concern the outbuilding may cause damage to adjoining boundary walls.

Officer response:

Aside from adding trellises to one of the existing boundary walls, the applicant does not propose any works to the boundary walls as part of the construction of the outbuilding. An informative is proposed advising that the proposals may be subject to control under the Party Wall etc Act 1996 which covers party wall matters, boundary walls and excavations near neighbouring buildings. They are advised to consult a suitably qualified and experienced Building Engineer.

Amenity

- The outbuilding will block views and may affect light access.
- The previously quiet garden will now be used for louder activities and the foot traffic to and from this building will create noise not previously experienced.
- It appears to include removing/replacing the fencing of these surrounding properties which is unacceptable and implies that the building will reach to our fencing.

Officer response:

- *Amenity effects, including impact on light and outlook from neighbouring properties, are assessed in section 9, there is considered to be no significant adverse impacts. The property remains in use as a single dwelling and the development is not considered to give rise to additional noise impacts.*
- *Aside from adding trellises to one of the existing boundary walls, the applicant does not propose any works to the boundary walls as part of the construction of the outbuilding. An informative is proposed advising that the proposals may be subject to control under the Party Wall etc Act 1996 which covers party wall matters, boundary walls and excavations near neighbouring buildings. They are advised to consult a suitably qualified and experienced Building Engineer.*

Precedent effects

- Consenting to an application which allows gardens to be razed and replaced by large structures (we are not talking garden sheds) opens the floodgates to other developers to do likewise.

Officer response:

There are existing outbuildings in rear gardens on other sites in the locality, including properties on South End Road, Keats Grove and Downshire Hill, the proposed outbuilding subject to this application would therefore not set a precedent.

Flooding effects

- The loss of garden will impact negatively on local flood risk.

Officer response:

A green roof is proposed over the outbuilding. Given the amount of garden space to be retained together with the provision of a green roof over the outbuilding, the proposal would not exacerbate flooding.

6. POLICY

National and regional policy and guidance

[National Planning Policy Framework 2024 \(NPPF\)](#)

[National Planning Practice Guidance \(NPPG\)](#)

[London Plan 2021 \(LP\)](#)

[London Plan Guidance](#)

Local policy and guidance

[Camden Local Plan \(2017\) \(CLP\)](#)

[Policy G1 Delivery and location of growth](#)

[Policy H1 Maximising housing supply](#)

[Policy H6 Housing choice and mix](#)

[Policy A1 Managing the impact of development](#)

[Policy A2 Open space](#)

[Policy A3 Biodiversity](#)

[Policy A4 Noise and vibration](#)

[Policy D1 Design](#)

[Policy D2 Heritage](#)

[Policy CC1 Climate change mitigation](#)

[Policy CC2 Adapting to climate change](#)

[Policy CC3 Water and flooding](#)

[Hampstead Neighbourhood Plan \(2018\)](#)

DH1 Design

DH2 Conservation areas and listed buildings

NE2 Trees

NE3 Biodiversity Corridors
NE4 Supporting biodiversity

Hampstead Conservation Area Conservation Area Appraisal and Management Strategy (2001)

Draft Camden Local Plan

The council has published a new Draft Camden Local Plan (incorporating Site Allocations) for consultation (DCLP). The consultation closed on 13 March 2024. The DCLP is a material consideration in the determination of planning applications but has limited weight at this stage. The weight that can be given to it will increase as it progresses towards adoption (anticipated 2026).

Hampstead Neighbourhood Plan (2025 – 2040) – Draft

DH1 Design

DH2 Conservation areas and listed buildings

DH3 Sustainable development

NE1 Supporting biodiversity and mitigating climate change

NE2 Ecological Networks and Biodiversity Corridors

NE3 Local Green Spaces

NE4 Trees

The Hampstead Neighbourhood Plan (Draft) is now at examination. The draft plan has therefore been given significant weight in the assessment of this application.

Supplementary Planning Documents and Guidance

Most relevant Camden Planning Guidance (CPGs):

[Amenity - January 2021](#)

[Biodiversity CPG - March 2018](#)

[Design - January 2021](#)

[Trees CPG - March 2019](#)

[Water and flooding CPG - March 2019](#)

7. ASSESSMENT

7.1 The principal considerations material to the determination of this application are considered in the following sections of this report:

8	Land use
9	Impact on neighbouring amenity
10	Design and heritage
11	Trees and landscaping

8. LAND USE

- 8.1 The proposal involves the erection of an extension to the rear of the building's lower ground floor, as well as the erection of a timber outbuilding within the rear garden, both are associated with the use of the lower ground/ground floor rear maisonette dwelling.
- 8.2 The rear extension would provide for additional living space to the existing maisonette and the principle of this extension is therefore acceptable.
- 8.3 The outbuilding would be used in association with the maisonette dwelling, which has exclusive ownership over the rear garden area. The floor plan for the outbuilding includes a gym, office and store – it does not detail any kitchen/cooking facilities or a WC/bathroom. It is therefore unlikely that the outbuilding could be used to provide separate living accommodation, but a condition should be attached to the permission to make clear it can only be used for purposes incidental to the existing residential maisonette. The proposal will provide for an increase in residential floorspace (the priority land use of the plan) but does not result in any additional units, the proposal is considered to be acceptable in principle in land use terms.

9. IMPACT ON NEIGHBOURING AMENITY

- 9.1 CLP policies A1 and A4 and the Amenity CPG are all relevant with regards to the impact on the amenity of residential properties in the area, requiring careful consideration of the impacts of development on light, outlook, privacy and noise. The thrust of the policies is that the quality of life of current and occupiers should be protected and development which causes an unacceptable level of harm to amenity should be refused.

Light and outlook

- 9.2 The rear extension is single storey and would largely sit below adjacent boundary walls and would therefore not impact upon the amenity of neighbouring residents in terms of daylight/sunlight.
- 9.3 Views of the top of the outbuilding may be possible from some adjoining properties, but this is principally due to some parts of the existing boundary walls having a low profile. The outbuilding would stand at a height of approximately 2.9m, which is considered to an acceptable height for a garden outbuilding (it is not felt to be excessively high). The applicant proposes to replace missing fence panels (trellises) attached to the boundary wall with 79 South End Road, immediately to the north-east of the outbuilding. The boundary adjacent to the outbuilding is brick wall and trellis above, approximately 3.9m high. The applicant is not proposing to increase the height of the boundary treatment, and instead will only be replacing a missing section of trellis. The trellis will screen the outbuilding from view from the adjacent property on South End Road. An image of this existing and

proposed boundary treatment, with the outline of the proposed outbuilding, is included below:

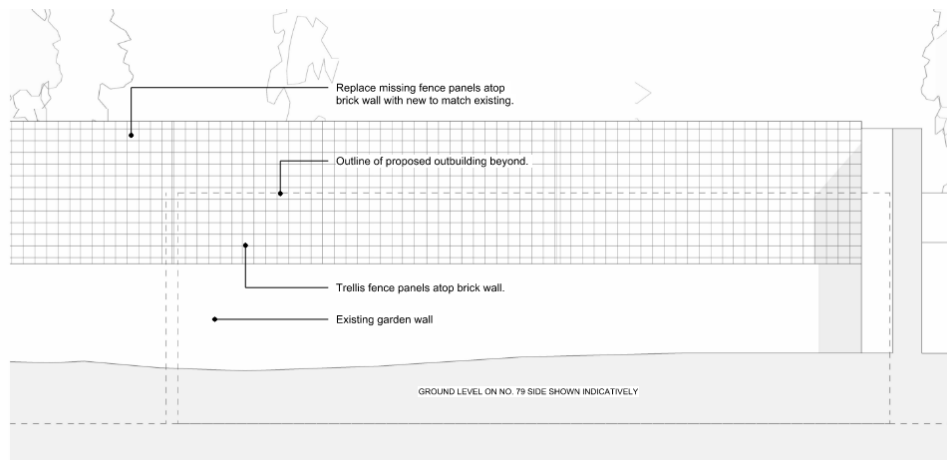


Figure 4 – North-east elevation (Proposed)

- 9.4 The outbuilding would be partially screened by existing and proposed boundary treatments (including the boundary wall and attached trellises) which would limit its visibility from adjacent sites, see Figure 5 below..

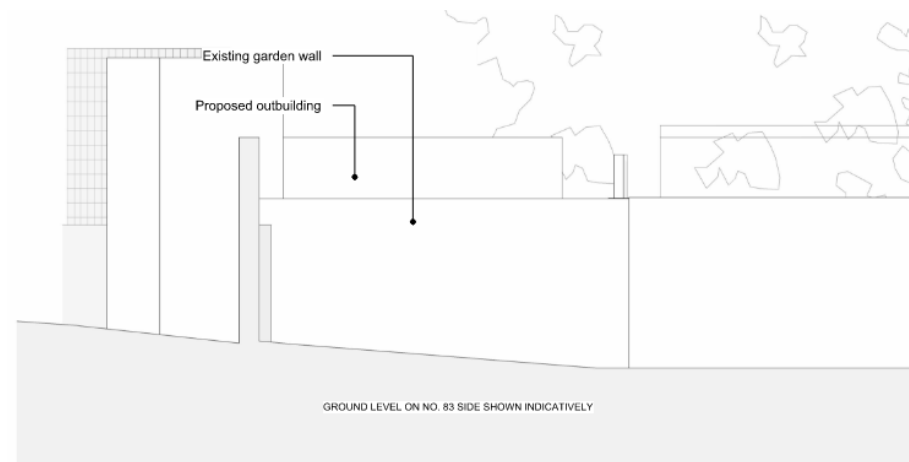


Figure 5 – North elevation (Proposed)

- 9.5 Given the minor extent of the outbuilding protruding above existing boundary walls in relation to the large rear gardens of adjoining residential properties, any reduction in light access and impacts to outlook would be negligible and have an indiscernible impact on the enjoyment of the adjoining properties' outdoor living space.

Privacy

- 9.6 The proposed outbuilding would not give rise to overlooking or loss of privacy issues, as the outbuilding would be single storey in height, sited at the rear of the garden, and would have no windows fronting onto neighbouring properties. Similarly, the rear extension would not enable overlooking into adjacent properties given its positioning at lower ground floor level.

Noise

- 9.7 The proposed extension would provides additional floorspace to an existing home and the outbuilding would be used in a manner incidental to the existing maisonette dwelling. It is considered that it is unlikely that there would be a material increase in activity at the site as a result of the extension or outbuilding. The use of the garden/outbuilding in an unneighbourly manner (which would be the case irrespective of whether the extension or outbuilding were to be constructed) is capable of control under Environmental Health legislation

Conclusion

- 9.8 Given the outbuilding is a single storey structure and not out of scale with the rear garden, together with the boundary treatments and setback from the main outdoor living spaces and habitable rooms of adjoining properties, the outbuilding would not appear as an overly dominant structure or adversely affect outlook or sunlight/daylight access to occupiers of adjoining properties.
- 9.9 Similarly, the rear extension is single storey and would largely sit below adjacent boundary walls and would therefore not impact upon the amenity of neighbouring residents in terms of overlooking.
- 9.10 There would be no discernible increase in noise from the site arising from the use of the rear extension and outbuilding.
- 9.11 Overall, the proposal would result in acceptable amenity effects.

10. DESIGN AND HERITAGE

- 10.1 The Council's design policies are aimed at achieving the highest standard of design in all developments. The following considerations contained within policies D1 and D2 are relevant to the application: development should respect local context and character; preserve or enhance the historic environment and heritage assets; comprise details and materials that are of high quality and complement the local character; and respond to natural features.
- 10.2 In addition, Policy DH1 Design of the Hampstead Neighbourhood Plan (adopted version) requires development to respect and enhance the character of the area and the way it functions, in particular seeking to ensure development responds positively and sympathetically to the existing rhythm,

proportion, height, scale, massing, materials and storey heights of surrounding buildings; and sympathetic to established building lines and arrangements of front gardens, walls, railings or hedges. Policy DH2 Conservation Areas and listed buildings, seeks to ensure new developments preserve or enhance the character of the Conservation Area having regard to the relevant Conservation Area Appraisal(s) and Management Strategies.

- 10.3 Policies DH1 and DH2 of the Hampstead Neighbourhood Plan (draft revised version) have a similar intent as the same policies in the adopted plan.
- 10.4 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 sets out that special regard must be given to the preservation of a listed building, its setting or its features of special architectural or historic interest. Section 72 of the same Act sets out that special regard must be given to preserving or enhancing the character and appearance of a conservation area.
- 10.5 CPG Home Improvements states the siting, location, scale, and design of an outbuilding should have a minimal visual impact on and be visually subordinate within the host garden. Outbuildings should preserve or enhance the character of conservation areas and should not detract from the open character and garden amenity of neighbouring gardens and the wider surrounding area. Space suitable for soft landscaping and an acceptable amount of garden space should be retained.
- 10.6 CPG Home Improvements states rear extensions should:
 - Be subordinate to the building being extended, in relation to its location, form, footprint, scale, proportions, dimensions and detailing;
 - Be built from materials that are sympathetic to the existing building wherever possible;
 - Respect and preserve the original design and proportions of the building, including its architectural period and style;
 - Respect and preserve existing architectural features, such as projecting bays, decorative balconies, cornices and chimney stacks;
 - Be carefully scaled in terms of its height, width and depth; and
 - Allow for the retention of a reasonably sized garden.

Extension and internal alterations

- 10.7 The rear extension would be a modest and proportionate addition to the building, it would be off-set from the northern building line of the existing building, ensuring there is a delineation between the old and the new and avoiding a potentially more dominant full-width rear extension which could compromise the appearance of the listed building. As such, the rear extension is acceptable in terms of its size and location.

- 10.8 The rear extension is designed with a low profile and the roof would not protrude above the modest raised parapet at the edge of extension. The general composition of the outbuilding is simple and unobtrusive to the host building.
- 10.9 The extension would be constructed with white stucco to match the materiality of the existing listed building. The aluminium framed windows would be consistent with the contemporary form of the rear extension, which is distinct from the traditional fenestration of the remainder of the building.
- 10.10 The windows and doors in the main elevation of the building are removed in order to access the extension, these elements are not historic, their removal is therefore not considered to be contentious.
- 10.11 The internal alterations include the relocation of a bathroom (at lower ground floor) and the lowering of the floor to the two rear rooms. The relocation of the bathroom allows the side entrance to be reopened, improving the plan form and to some extent reinstating the circulation of this part of the building. The new bathroom is located on the other side of the staircase, which in this instance is the least intrusive position. The floors to the rear two rooms are lowered by 40cms. The floor to ceiling height (of the lowered two rear rooms) will be lower than the floors above in order to maintain the building's hierarchy, and there is no historic flooring or joinery to this part of the building which would be impacted by these works.

Outbuilding

- 10.12 The outbuilding would be located at the northern tip of the rear garden, wrapping around a small kink to the boundary with 83 South End and then continuing along approximately two thirds of the rear boundary of no. 79 (see Figure 4 below).



Figure 4 – Precedent image of proposed outbuilding

- 10.13 The outbuilding would be located well-clear of the existing house, and together with it being discreetly located at the northern end of the rear garden, the outbuilding would be a secondary feature of the property and as such it would not compromise the setting of the listed building.
- 10.14 The outbuilding and rear extension would together reduce the amount of garden space, however the total proportion of garden space lost is modest and an acceptable amount of garden space would remain, amounting to a reduction of approximately 57.3sqm or 14.1% of the existing garden space. Trees and landscaping impacts are discussed in more detail in section 4 of this report.
- 10.15 The footprint of the outbuilding is relatively large, however given the combination of the large size of the rear garden, the existing planting to remain and proposed replacement planting, and the structure being designed to carefully wrap around the northern tip of the rear garden (instead of standing in a more prominent, isolated position within the garden), the bulk and mass of the outbuilding structure can be absorbed within the verdant setting of the rear garden. The footprint of the outbuilding has been slightly reduced with a setback from the boundary with 12A Keats Grove. Consequently, the sense of enclosure arising from the garden outbuilding has been reduced to an acceptable level.
- 10.16 Further, garden buildings are not uncommon within the local area, and as such are an accepted part of the character of the conservation area.
- 10.17 The outbuilding would be constructed in timber and would incorporate a green roof which further assists with mitigating the bulk of the structure in the rear garden context and would be sympathetic to the character and appearance of the conservation area.
- 10.18 Overall, the outbuilding would read as subordinate to the host property and an acceptable amount of garden space would remain. The outbuilding would be visible in views from neighbouring gardens however by virtue of its scale, design and materiality, it is not considered to harm the character and appearance of the conservation area.

Conclusion

- 10.19 It is considered that the proposed outbuilding, rear extension and internal alterations would not cause a detrimental impact upon the character and appearance and historical features and settings of the listed building and would preserve the character and appearance of the conservation area.
- 10.20 Special attention has been paid to the desirability of preserving the listed building and its setting or any features of special architectural or historic

interest which it possesses, and to preserving or enhancing the character or appearance of the conservation area, under s.16, s.66 and s72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Enterprise and Regulatory Reform Act 2013.

11. TREES AND LANDSCAPING

- 11.1 Policies A3 and D1 advise that the Council seek to protect gardens and resist the loss of trees and vegetation of significant amenity, historic, cultural or ecological value.
- 11.2 Hampstead Neighbourhood Plan policy NE2 seeks to ensure development protects trees that are important to local character, streetscape, biodiversity and the environment, policy NE3 seeks to ensure development proposals, where appropriate, include measures to protect and assist in the restoration of Hampstead's tree lines and biodiversity corridors, and policy NE4 seeks to ensure development proposals are encouraged to increase canopy cover as part of any landscaping scheme, increase where feasible the area of permeable surfaces, and should protect or enhance the status or population of priority habitats, species and wildlife movement.
- 11.3 The proposal involves the removal of 8 x smaller Category C and Category U trees located within the rear garden. Works would also occur within the Root Protection Area of a tree to remain (an Evergreen Magnolia). The applicant has not yet committed to a construction method for the outbuilding but may consider using piled foundations, subject to taking advice from an arboricultural consultant.
- 11.4 While the trees have limited visibility from the public realm, their removal could have some degree of collective impact however the trees are not of sufficient quality or significance for their removal to be resisted.
- 11.5 The loss of canopy cover and amenity would be mitigated against through replacement planting. The replacement planting would include at least 5 x trees, which is an appropriate number of trees with suitable space to grow in the rear garden.
- 11.6 An indicative replacement planting/landscaping plan has been provided, with full details of the replacement planting/landscaping to be secured as a condition of planning permission. The initial landscaping scheme includes five new trees to be planted along with areas for planting beds, ornamental grasses, small shrubs and flowering perennials, and a grassed lawn. The proposed replacement planting, along with the provision of a green roof over the new outbuilding, would mitigate the loss of amenity and enhance the biodiversity of the site.

- 11.7 A green roof would also be implemented over the outbuilding, softening the bulk of the structure and offsetting the loss of garden space from the outbuilding.
- 11.8 The Council's Tree Officer has advised the impact of the scheme on the trees to be retained will be of an acceptable level provided appropriate tree protection measures are secured. The applicant has agreed to a condition of consent that prior to the commencement of any works on site, details demonstrating how trees to be retained shall be protected during construction work to be submitted to and approved by Council. The condition would stipulate 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.
- 11.9 As discussed under 'Design and Heritage', the footprint of the outbuilding has been slightly reduced with a setback from the boundary with 12A Keats Grove. This will ensure a wildlife corridor is maintained and the passage of wildlife is not unduly obstructed by the outbuilding. In particular, the wildlife corridor would ensure a green-link to the designated open spaces to the rear gardens to the north-west of the site is maintained.
- 11.10 In light of the above, the proposed scheme is considered to have an acceptable impact on the biodiversity of the site and landscaped character of the wider area.

12. BIODIVERSITY NET GAIN (BNG) AND SUSTAINABILITY

- 12.1 It is important to note that this development is not subject to Biodiversity Net Gain (BNG) requirements as the application was submitted on 29/03/2024 and the BNG requirements came into effect for small sites on the 02/04/2024. An informative has been added to the decision notice in relation to Biodiversity Net Gain and the applicant's obligations.
- 12.2 While the proposal would unlikely achieve a Biodiversity Net Gain of 10% as encouraged by the Hampstead Neighbourhood Plan (Draft), the provision of a wildlife corridor, green roof and replacement planting comprising of a minimum of 5 x trees, as discussed in the preceding section of this report is considered acceptable in mitigating adverse effects arising from the loss of vegetation and garden space at the site. Regarding Policy DH3 of the Hampstead Neighbourhood Plan (Draft) which supports net-zero carbon development and expects all new build to achieve at least net zero, given the limited size and footprint of the outbuilding together with it being constructed with timber, being a low energy material, the proposal would be consistent with this policy.

13. CONCLUSION

13.1 Given the above assessment, the proposal is for modest and proportionate additions to the existing rear garden space. The proposed outbuilding is an unobtrusive, light-weight and simple structure, commensurate with the size of the existing rear garden area. The rear extension is a small-scale addition to the existing maisonette, which respects the existing building lines and is subservient to the existing building. The proposed internal works are very limited and have no material impact on the historic building form and fabric. In this regard, the proposal would be appropriate to the surrounding context, and preserve the character and appearance of the conservation area. The proposed development is in general accordance with policies of the development plan and the National Planning Policy Framework (2024).

14. RECOMMENDATION

14.1 Grant conditional Planning Permission and conditional Listed Building Consent

15. CONDITIONS PLANNING PERMISSION

1	<p>Three years from the date of this permission</p> <p>This development must be begun not later than three years from the date of this permission.</p> <p>Reason: In order to comply with the provisions of Section 92 of the Town and Country Planning Act 1990 (as amended).</p>
2	<p>Approved drawings</p> <p>The development hereby permitted shall be carried out in accordance with the following approved plans and documents:</p> <p>CF-213-DR -0010 -A, rev A; CF-213-DR -0050 -A, rev A; CF-213-DR -0100 -A, rev A; CF-213-DR -0101 -A, rev A; CF-213-DR -0200 -A, rev A; CF-213-DR -0300 -A, rev A; CF-213-DR -0301 -A, rev A; CF-213-DR -1050 -D, rev D; CF-213-DR -1100 -B, rev B; CF-213-DR -1200 -C, rev C; CF-213-DR -1300 -B, rev B; CF-213-DR -1301 -A, rev A; CF-213-DR -2100 -D, rev D; CF-213-DR -2200 -C, rev C</p> <p>Reason: For the avoidance of doubt and in the interest of proper planning.</p>
3	<p>External work – materials</p> <p>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.</p> <p>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.</p>
4	<p>Tree protection details</p> <p>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.</p>

	<p>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 and policy NE2 of the Hampstead Neighbourhood Plan.</p>
5	<p>Landscaping details</p> <p>No development shall take place until full details of hard and soft landscaping, including at least 5 replacement trees of a species, size and location to be agreed with the Council's Tree and landscape officer, and means of enclosure of all un-built, open areas have been submitted to and approved by the local planning authority in writing. The relevant part of the works shall not be carried out otherwise than in accordance with the details thus approved.</p> <p>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 and policies DH1, DH2, NE2, NE3 and NE4 of the Hampstead Neighbourhood Plan.</p>
6	<p>Implementation of landscaping</p> <p>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.</p> <p>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 and policies DH1, DH2, NE2, NE3 and NE4 of the Hampstead Neighbourhood Plan.</p>
7	<p>Living roof</p> <p>Prior to commencement of development , full details in respect of the living roof in the area indicated on the approved roof plan shall be submitted to and approved by the local planning authority. The details shall include</p> <ol style="list-style-type: none"> i. a detailed scheme of maintenance ii. sections at a scale of 1:20 with manufacturers details demonstrating the construction and materials used

	<p>iii. full details of planting species and density</p> <p>The living roofs 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.</p> <p>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 and policy NE4 of the Hampstead Neighbourhood Plan.</p>
8	<p>Outbuilding use</p> <p>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 Maisonette (Basement and Ground floors, Rear), 73 South End Road.</p> <p>Reason: To protect amenity of adjoining occupiers and also ensure the outbuilding permitted does not become a self-contained dwelling, separate and apart from the original dwellinghouse known as Maisonette (Basement and Ground floors, Rear), 73 South End Road in accordance with policies H1, H6, A1 and A4 of the Camden Local Plan 2017.</p>

16. INFORMATIVES PLANNING PERMISSION

1.	<p>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).</p>
2.	<p>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.</p>

3.	<p>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)</p> <p>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.</p>
4.	<p>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:</p> <p>(a) a Biodiversity Gain Plan has been submitted to the planning authority, and (b) the planning authority has approved the plan.</p> <p>The local planning authority (LPA) that would approve any Biodiversity Gain Plan (BGP) (if required) is London Borough of Camden.</p> <p>There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are summarised below.</p> <p>Based on the information available, <u>this proposal will not require the approval of a BGP before development is begun</u> because the application was submitted on 29/03/2024 and the Biodiversity Net Gain (BNG) requirements came into effect for small sites on the 02/04/2024.</p>
	<p>+ 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.</p> <p>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.</p> <p>++ The effect of section 73(2D) of the Town and Country Planning Act 1990</p>

	<p>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.</p> <p>++ 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.</p>
5.	<p>Your proposals may be subject to control under the Party Wall etc Act 1996 which covers party wall matters, boundary walls and excavations near neighbouring buildings. You are advised to consult a suitably qualified and experienced Building Engineer.</p>

17. CONDITIONS LISTED BUILDING CONSENT

1.	<p>Three years from the date of this permission</p> <p>The works hereby permitted shall be begun not later than the end of three years from the date of this consent.</p> <p>Reason: In order to comply with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.</p>
2.	<p>Approved drawings</p> <p>The development hereby permitted shall be carried out in accordance with the following approved plans: CF-213-DR -0010 -A, rev A; CF-213-DR -0050 -A, rev A; CF-213-DR -0100 -A, rev A; CF-213-DR -0101 -A, rev A; CF-213-DR -0200 -A, rev A; CF-213-DR -0300 -A, rev A; CF-213-DR -0301 -A, rev A; CF-213-DR -1050 -D, rev D; CF-213-DR -1100 -B, rev B; CF-213-DR -1200 -C, rev C; CF-213-DR -1300 -B, rev B; CF-213-DR -1301 -A, rev A; CF-213-DR -2100 -D, rev D; CF-213-DR -2200 -C, rev C</p> <p>Reason: In order to safeguard the special architectural and historic interest of the building in accordance with the requirements of policy D2 of the Camden Local Plan 2017.</p>

3.	<p>External work – materials</p> <p>All new work and work of making good shall be carried out to match the existing adjacent work as closely as possible in materials and detailed execution.</p> <p>Reason: In order to safeguard the special architectural and historic interest of the building in accordance with the requirements of policy D2 of the Camden Local Plan 2017 and policy DH2 of the Hampstead Neighbourhood Plan.</p>
4.	<p>Details</p> <p>Before the relevant part of the work is begun, 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:</p> <p>a) Details including sections at 1:10 of all windows (including jambs, head and cill), and external doors for the rear extension;</p> <p>b) Manufacturer's specification details of all facing materials for the rear extension and outbuilding (to be submitted to the Local Planning Authority) and samples of those materials (to be provided on site);</p> <p>c) Details of new flooring for the rear extension; and</p> <p>d) Details of new servicing for the rear extension.</p> <p>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.</p> <p>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 policy DH2 of the Hampstead Neighbourhood Plan.</p>

18. INFORMATIVES LISTED BUILDING CONSENT

1	<p>You are advised that any works of alterations or upgrading not included on the approved drawings which are required to satisfy Building Regulations or Fire Certification may require a further application for listed building consent.</p>
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