

2024/3296/P – Basement Flat, 8 King Henry's Road



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Figure 1. Aerial photo - Google



Figure 2. Front of property



Figure 3. Existing front lightwell and bin store at front



Figure 4. Rear of Property 1 of 2



Figure 5. Rear of property 2 of 2



Figure 6. Rear amenity space



Figure 7. Existing lower ground floor plan



Figure 8. Proposed lower ground floor



Figure 9. Existing ground floor plan



Figure 10. Proposed ground floor plan



Figure 11. Existing front elevation



Figure 12. Proposed front elevation



Figure 13. Existing rear elevation



Figure 14. Proposed rear elevation



Figure 15. Proposed Section

Delegated Report (Members Briefing)		Analysis sheet	Expiry Date:	02/10/2024
		N/A	Consultation Expiry Date:	15/12/2024
Officer			Application Number	
Blythe Smith			2024/3296/P	
Application Address			Drawing Numbers	
Basement Flat 8 King Henry's Road London NW3 3RP			See draft decision notice	
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature	
Proposal				
Erection of lower ground floor rear extension with green roof and bin store to front amenity space.				
Recommendation:	Grant conditional planning permission			
Application Type:	Full Planning Permission			

Conditions or Reasons for Refusal:	<i>Refer to Draft Decision Notice</i>			
Informatives:				
Consultations				
Summary of consultation:	Site notices were displayed near to the site on the 14/08/2024 (consultation end date 07/09/2024). The development was also advertised in the local press on the 21/11/2024 (consultation end date 15/12/2024).			
Adjoining Occupiers:	No. of responses	03	No. of objections	03

	<p>Three letters of objection were received from nearby neighbours at 6 and 8 King Henry's Road. These can be summarised as follows:</p> <ul style="list-style-type: none">- Impact of rainwater/drainpipes- Lack of information regarding building works- Lack of bicycle provision- Lack of working with the freeholders of 8 King Henry's Road- Applicant has not notified other neighbours- The application is not a "small development", or a minor reconfiguration, but is a major project involving significant structural alterations to the basement of the building. <p><u>Officer response:</u></p> <ul style="list-style-type: none">- <i>It is the officers understanding that the issue with drainpipes/rainwater refers to the rear drainpipe that runs down back of the inside corner of the closet wing, and which will need to run off somewhere over the new extension. This would be covered by separate legislation (Building Regulations).</i>- <i>Details of how construction would be undertaken is not a planning consideration and a concern of Building Control and covered by separate legislation.</i>- <i>Bicycle provision is not required for the type of development proposed</i>- <i>Working with the freeholders is a civil matter and not a planning consideration.</i>- <i>It is considered that sufficient notice has been provided as per the summary of consultation above by the provision of the site notice and press advert.</i>- <i>It is the officers understanding that the objection of the development not being a "small development" was an objection regarding the Biodiversity Net Gain requirements, this is addressed within section 7.</i>- <i>The category of the planning application relates to the uplift in floorspace. As the proposed extension would create 19.5sqm of additional floor space, this is considered a minor development.</i>
Summary of consultation responses:	N/A

Site Description

The site is a 3 storey plus basement mid-terrace house on the north side of King Henry's Road. The property is not within a conservation area but is located in close proximity to the Primrose Hill Conservation Area. The site is also locally listed.

Relevant History

2010/6956/P - Erection of an extension to the roof of residential dwelling (Class C3). - **Granted 07-03-2011**

11318 - The conversion of No. 8 King Henry's Road into four self-contained flats and the construction of a four storey addition at the rear. - **Granted 11-08-1971**

Relevant policies

National Planning Policy Framework (2023)

The London Plan (2021)

Camden Local Plan (2017)

- **A1** Managing the impact of development
- **A3** Biodiversity
- **D1** Design
- **D2** Heritage

Camden Planning Guidance

- CPG Amenity (2021)
- CPG Design (2021)

Draft Camden Local Plan (2024)

The Council has published a new Draft Camden Local Plan (incorporating Site Allocations) for consultation (DCLP). The DCLP is a material consideration and can be taken into account 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).

Assessment

1. Proposal

- 1.1. The proposals consist of a rear lower ground floor extension built of brick, to match the existing brick, with a green roof on its roof and a small bin store to the front amenity space
- 1.2 The existing rear elevation is split with a slight projection to the west side almost to roof level. The proposal seeks to extend the existing lower ground floor flat, the western side would be extended by approximately 1m and the eastern side by 3.6m. The rear garden is irregularly shaped leaving 8.9m depth of garden remaining.
- 1.3 Ground floor rear extensions of varying sizes can be seen at 10, 12 and 14 King Henry's Road. However, planning records of their construction cannot be found.
- 1.4 An existing bin store constructed in concrete located between the front boundary wall and the existing lightwell of the property will be removed and replaced with one built in timber.
- 1.5 The principal planning considerations for the proposal are:
 - Design and Heritage
 - Amenity
 - Biodiversity

2. Design and Heritage

- 2.1. The Council's design policies are aimed at achieving the highest standard of design in all developments. The following considerations contained within Policy D1 are relevant to the application: development should respect local context and character; comprise details and materials that are of high quality and complement the local character; and respond to natural features.
- 2.2. The proposed lower ground floor rear extension is considered to be modest in size, which slightly wraps around the existing rear closet wing (by 3.9m), which projects no further than the neighbouring conservatory and follows the pattern of other extensions along the rear of these properties at this end of the terrace. Due to the size of the proposed extension, and size of the existing rear garden, it is considered that sufficient garden space would be retained, and the extension would be subordinate to the main building as 114sqm of amenity space would be left. A green roof is also proposed which is welcome, and a condition has been included to secure the details of the green roof.
- 2.3. The lower ground floor rear extension would be built in matching brick colour and bond pattern with a green roof and double glazed white timber bifold doors. These are considered to be acceptable in terms of materials which are not considered to harm the character or appearance of the conservation area.
- 2.4. The proposed bin store is to be constructed in timber at a maximum height of 0.85m. Whilst bin stores are not a common feature along King Henry's Road, the storage of bins within the front garden area is a common feature. The enclosure would be appropriately sited (running perpendicular to King Henry's Road) and although it projects above the level of the existing front

boundary wall by approximately 0.3m, it is not considered to cause harm to the character or appearance of the site or surrounding area.

- 2.5. It is considered that the proposals would not result in a detrimental impact upon the character and appearance of the host property and its locally listed status and would maintain the character and appearance of the adjacent Primrose Hill Conservation Area and would be in accordance with policies D1 and D2 of the Camden Local Plan 2017.

3. Amenity

- 3.1. Policy A1 seeks to protect the quality of life of occupiers and neighbours by only granting permission for development that would not harm the amenity of residents, which includes factors such as privacy, overlooking and outlook.
- 3.2. Given the proposals minimal size at lower ground floor and ground level, it is not considered to result in adverse impacts on daylight, sunlight, overlooking or outlook. There would be a condition to ensure the roof would not be used as a roof terrace to avoid potential overlooking to neighbouring properties.
- 3.3. It is considered that the proposed development would not lead to a significant impact upon the amenities of any neighbouring resident. The development is therefore considered to be in accordance with policy A1 of the Camden Local Plan 2017.

4. Biodiversity and Sustainability

- 4.1. The proposal is for a modest basement extension with minor alterations to the rear of the host building, there would be no development on any natural space. As such there is no requirement for Biodiversity Net Gain and it would be exempt as it is below the de minimis threshold. The regulations for Biodiversity Net Gain are set out in the informatives.
- 4.2. The green roof located on the roof of the proposed lower ground floor extension and the planting within the front lightwell provide an opportunity to improve biodiversity within the immediate area along with absorbing water runoff. It is recommended that substrate be more 100mm in depth to allow plants to establish themselves. Details of the proposed green roof would be secured by condition.
- 4.3. The application site has trees towards the rear garden which are considered to be sufficiently away from the building works. However, a condition has been proposed for tree protection details to ensure against damage to any of the tree root systems.
- 4.4. In light of the above, the proposed scheme is considered to have an acceptable impact on the biodiversity of the site. The development is therefore considered to be in accordance with policies G1, CC1, CC2, CC3, D1, D2 and A3 of the London Borough of Camden Local Plan 2017.

5. Recommendation

- 5.1. Grant conditional Planning Permission

The decision to refer an application to Planning Committee lies with the Director of Regeneration and Planning. Following the Members Briefing panel on Monday 27th January 2025, nominated members will advise whether they consider this application should be reported to the Planning Committee. For further information, please go to www.camden.gov.uk and search for 'Members Briefing'.

Application ref: 2024/3296/P
Contact: Blythe Smith
Tel: 020 7974 3892
Email: Blythe.Smith@camden.gov.uk
Date: 23 January 2025

Development Management
Regeneration and Planning
London Borough of Camden
Town Hall
Judd Street
London
WC1H 9JE

Phone: 020 7974 4444

planning@camden.gov.uk
www.camden.gov.uk

Mutiny Architecture
Work.Life
13 Hawley Crescent
London
NW1 8NP

Dear Sir/Madam,

DECISION

Town and Country Planning Act 1990 (as amended)
Full Planning Permission Granted

Address:
Basement Flat
8 King Henry's Road
London
NW3 3RP

Proposal: Erection of lower ground floor extension with green roof and, binstore to front amenity space.

Drawing Nos: 270-Ex-010-01; 270-Ex-011-00; 270-Ex-100-00; 270-Ex-101-00; 270-Ex-200-00; 270-Ex-300-00; 270-Ex-301-00; 270-Ex-302-00; 270-PA-100-00; 270-PA-101-00; 270-PA-201-00; 270-PA-300-00; 270-PA-301-00; 270-PA-302-00

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

270-Ex-010-01; 270-Ex-011-01 ; 270-Ex-100-00; 270-Ex-101-00; 270-Ex-200-00;
270-Ex-300-00; 270-Ex-301-00; 270-Ex-302-00; 270-PA-100-00; 270-PA-101-00;
270-PA-201-00; 270-PA-300-00; 270-PA-301-00; 270-PA-302-00

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.

- 4 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.

- 5 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
- i. a detailed scheme of maintenance
 - ii. sections at a scale of 1:20 with manufacturers details demonstrating the construction and materials used
 - iii. full details of planting species and density

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.

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.

- 6 The flat roof of the lower ground floor rear extension as approved shall not be used as a roof terrace, sitting out area or other amenity space, and should only be accessed for maintenance purposes.

Reason: To protect the amenity of adjoining occupiers and the area in accordance with policies A1 and D1 of the Camden Local Plan 2017

Informative(s):

- 1 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).
- 2 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.
- 3 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.

- 4 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, 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).

++ Summary of transitional arrangements and exemptions for biodiversity gain condition

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).

5 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 both the post-development value of the onsite habitat and any arrangements made to compensate irreplaceable habitat as specified in the earlier BGP.

++ Phased development

In the case of phased development, the BGP will be required to be submitted to and approved by the LPA before development can begin (the overall plan), and before each phase of development can begin (phase plans). The modifications in respect of the biodiversity gain condition in phased development are set out in Part 2 of the Biodiversity Gain (Town and Country Planning) (Modifications and Amendments) (England) Regulations 2024.

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with the National Planning Policy Framework. The council publishes its adopted policies online, along with detailed Camden Planning Guidance. It also provides advice on the website for submitting applications and offers a pre-application advice service.

You can find advice about your rights of appeal at:

<https://www.gov.uk/appeal-planning-decision>.

Yours faithfully

Chief Planning Officer

DECISION