

Application ref: 2024/4755/P  
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Date: 31 January 2025

**Development Management**  
Regeneration and Planning  
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Halecyon  
124 City Road  
London  
EC1V 2NX  
United Kingdom

Dear Sir/Madam

## **DECISION**

Town and Country Planning Act 1990 (as amended)

### **Full Planning Permission Granted**

Address:

**11A Fairhazel Gardens**  
**London**  
**NW6 3QE**

Proposal:

Replacement of windows and front door; formation of a roof terrace on second floor level with formation of access door thereto

Drawing Nos: Location plan; 01; 02; 03; 04 Rev.1; 05 Rev.1; 06 Rev.1; 12; LW100746-01; LW100746-02; LW100746-03; LW100746-04; LW100746-05; LW100746-06; LW100746-07; LW100746-08; Example of timber screen, Planning Statement dated 29 October 2024.

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:

Location plan; 01; 02; 03; 04 Rev.1; 05 Rev.1; 06 Rev.1; 12; LW100746-01; LW100746-02; LW100746-03; LW100746-04; LW100746-05; LW100746-06; LW100746-07; LW100746-08; Planning Statement dated 29 October 2024.

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

- 3 All new external work shall be carried out in materials that resemble, as closely as possible, in colour and texture those of the existing building, unless otherwise specified in the approved application.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policy D1 and D2 of the London Borough of Camden Local Plan 2017.

- 4 Prior to the use of the terrace hereby approved, the 1.7m high solid timber privacy screen on the boundary with 9(A) Fairhazel Gardens shall be provided. The 1.7m high solid timber privacy screen will be permanently retained thereafter.

Reason : To safeguard the amenities of the adjoining neighbours in accordance with the requirements of Policy A1 of the London Borough of Camden Local Plan 2017.

#### Informative(s):

- 1 Reasons for granting permission:

The application seeks permission for replacement windows formation of a door and roof terrace at second floor level. The application building is not listed and is a positive contributor within the South Hampstead Conservation Area. The proposal relates to the maisonette flat on first and second floor.

A second floor rear window would be replaced by an access door to serve the proposed roof terrace with metal railings. Similar roof terraces can be seen in the immediate surrounding area such as at nos.7 and 9 Fairhazel Gardens and No.131-135 Goldhurst Terrace and therefore the proposed roof terrace is considered in keeping with the character of the surrounding development. Situated at the rear and in keeping with other terraces, it would not detract the appearance and character of the host dwelling and the South Hampstead Conservation Area.

The proposal would include replacements of the existing front entrance door at street level and the timber framed double glazed windows to the front, rear and side elevation on first and second floor level. The new units would still be timber framed double glazed units and are considered acceptable replacements as they would provide a similar visual appearance to the existing arrangement.

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 2013.

In terms of neighbouring amenity impact, the proposed roof terrace is limited in size and would be for the amenity use by the occupiers of the application maisonette flat only. Therefore the potential noise level resulting from the terrace use should not be unduly harmful.

An established degree of mutual overlooking already exists from the roof terraces of the neighbouring properties. Notwithstanding this, the proposed roof terrace would include a 1.7m privacy screen to the shared boundary with the adjoining neighbour at No.9A. As such the roof terrace should not cause any undue increase in loss of privacy to the adjoining occupiers.

The proposed new windows and doors would be replace the existing only with no new openings created. As such they are not considered to result in any increased overlooking. Overall, the proposal is considered acceptable and would not result in any undue increase in amenity impact in terms of loss of light, outlook, privacy or noise disturbance.

No objections have been received following statutory consultation. The planning history of the site has been taken into account when coming to this decision.

As such, the proposed development is in general accordance with Policies A1, D1 and D2 of the London Borough of Camden Local Plan 2017, the London Plan 2021 and the National Planning Policy Framework 2024.

- 2 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts that cover aspects including fire and emergency escape, access and facilities for people with disabilities and sound insulation between dwellings. You are advised to consult the Council's Building Control Service, Camden Town Hall, Judd St, Kings Cross, London NW1 2QS (tel: 020-7974 6941).
- 3 This approval does not authorise the use of the public highway. Any requirement to use the public highway, such as for hoardings, temporary road closures and suspension of parking bays, will be subject to approval of relevant licence from the Council's Streetworks Authorisations & Compliance Team, 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No 020 7974 4444). Licences and authorisations need to be sought in advance of proposed works. Where development is subject to a Construction Management Plan (through a requirement in a S106 agreement), no licence or authorisation will be granted until the Construction Management Plan is approved by the Council.

- 4 All works should be conducted in accordance with the Camden Minimum Requirements - a copy is available on the Council's website (search for 'Camden Minimum Requirements' at [www.camden.gov.uk](http://www.camden.gov.uk)) or contact the Council's Noise and Licensing Enforcement Team, 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No. 020 7974 4444)

Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You must secure the approval of the Council's Noise and Licensing Enforcement Team prior to undertaking such activities outside these hours.

- 5 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 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).

- 6 + 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

A handwritten signature in black ink, appearing to read 'DPope', written in a cursive style.

Daniel Pope  
Chief Planning Officer