

Application ref: 2024/5695/P
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Date: 4 February 2025

Development Management
Regeneration and Planning
London Borough of Camden
Town Hall
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London
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www.camden.gov.uk/planning

Miltiadou Cook Mitzman Architects
3rd Floor
10-12 Emerald Street
London
WC1N 3QA

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Full Planning Permission Granted

Address:

Flat J
6 King Henry's Road
London
NW3 3RP

Proposal: Enclosure of roof terrace at third floor level to form winter garden; extending of glazed tower with roof access hatch; installation of PV panels and air cooling units at roof level, and ASHP at ground floor level; replacement windows to front elevation.

Drawing Nos: (419-DWG-) 000 P2, 001 P2, 002 P2, 003 P2, 004 P2, 005 P2, 006 P2, 007 P2, 008 P2, 009 P2, 010 P2, 011 P2, 101 P2, 102 P2, 103 P2, 104 P2, 105 P2, 106 P2, 107 P2, 108 P2, 109 P2, 110 P2, 111 P2, Plant Noise Assessment (prepared by Zona Acoustics, dated 18 December 2024), Dynamic Thermal Modelling Rev 1 (prepared by Achieve Green, dated 29 January 2025), ASHP / Air Cooler Unit Details (Multisplit Full DC Inverter - R32)

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:

(419-DWG-) 000 P2, 001 P2, 002 P2, 003 P2, 004 P2, 005 P2, 006 P2, 007 P2, 008 P2, 009 P2, 010 P2, 011 P2, 101 P2, 102 P2, 103 P2, 104 P2, 105 P2, 106 P2, 107 P2, 108 P2, 109 P2, 110 P2, 111 P2, Plant Noise Assessment (prepared by Zona Acoustics, dated 18 December 2024), Dynamic Thermal Modelling Rev 1 (prepared by Achieve Green, dated 29 January 2025), ASHP / Air Cooler Unit Details (Multisplit Full DC Inverter - R32)

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 of the London Borough of Camden Local Plan 2017.

- 4 The external noise level emitted from plant, machinery or equipment at the development with specified noise mitigation hereby approved shall be lower than the typical existing background noise level by at least 10dBA, by 15dBA where the source is tonal, as assessed according to BS4142:2014 at the nearest and/or most affected noise sensitive premises, with machinery operating at maximum capacity and thereafter be permanently retained.

Reason: To ensure that the amenity of occupiers of the development site/ surrounding premises is not adversely affected by noise from mechanical installations/ equipment in accordance with the requirements of policies A1 and A4 of the London Borough of Camden Local Plan 2017

- 5 Prior to use, machinery, plant or equipment at the development shall be mounted with proprietary anti-vibration isolators and fan motors shall be vibration isolated from the casing and adequately silenced and maintained as such.

Reason: To ensure that the amenity of occupiers of the development site and surrounding premises is not adversely affected by vibration in accordance with the requirements of policies A1 and A4 of the London Borough of Camden Local Plan 2017

- 6 Prior to first use of the air source heat pump located at ground floor level hereby approved, the active cooling function shall be disabled on the factory setting and the air source heat pumps shall be used for the purposes of heating only.

Reason: To ensure the proposal is energy efficient and sustainable in accordance with policies CC1 and CC2 of the London Borough of Camden

Informative(s):

1 Reasons for granting permission.

The proposed winter garden is considered appropriate in form, massing, and materiality, reading as a subordinate feature to the host building. The winter garden would be fully glazed and sit behind the existing parapet which would be slightly raised to align with cills along the elevation. Retention and raising of the existing parapet would allow for the existing pattern and rhythm of the building to be retained, while also reducing the visual impact of the winter garden on the host building and wider street scene.

The proposed extension to the stair core tower would continue the existing feature upwards, utilising the same design and materiality, and would read as a natural continuation of the feature. It would also reach a maximum height that matched that of the existing roofline, which ensures that the feature remains subordinate to the host building. The glass stair core tower is a key architectural feature of the host building, and the proposed alteration would not disrupt or counteract any existing proportions or symmetries. A roof access hatch is also proposed, which is subordinate in form and height and therefore acceptable.

Along the front elevation, two existing UPVC windows will be replaced with triple glazed grey framed aluminium units, which is considered acceptable in design and materiality terms. The windows will have a matching design to other recently replaced windows elsewhere on the building.

At roof level, the proposed PV panels and 2no. air cooling units have been sensitively sited to ensure that there is limited visibility from the public realm. At ground floor level, the proposed ASHP will be sited on a flank elevation, thus limiting its visibility and impact on the host building.

The proposed stair core extension and winter garden, given their scale and siting, are not considered to impact significantly on neighbouring occupiers in terms of loss of light, outlook, or privacy. A noise impact assessment was submitted indicating that the noise emitted from the air cooling and ASHP units would be within the requirements of policy A4. The proposals have been reviewed by the Council's Environmental Health Officer who deem them to be acceptable. Conditions are attached to ensure that noise from the plant does not exceed the required levels.

The application included an overheating assessment following the cooling hierarchy in accordance with the Local Plan. The assessment outlined that all other options within the cooling hierarchy have been explored and tested within the realms of the existing flat to bring the flat within reasonable comfort levels as set by CIBSE TM59. The dynamic thermal modelling proved that satisfactory levels are not achievable without active cooling. The assessment was reviewed by the Council's Sustainability Officer who deemed it to be acceptable and compliant with policy and guidance. A condition has been added to remove the cooling function from the proposed ground floor level

ASHP given separate AC units are proposed to ensure that the proposal is energy efficient and sustainable in accordance with policies CC1 and CC2.

No comments or objections were 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, A4, D1, CC1, and CC2 of the Camden Local Plan 2017. The proposed development also accords with 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) 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 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).

6 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>.

If you submit an appeal against this decision you are now eligible to use the new [submission form](#) (Before you start - Appeal a planning decision - GOV.UK).

Yours faithfully



Daniel Pope
Chief Planning Officer