

Application ref: 2024/5508/P
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Date: 4 February 2025

Development Management
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Tierney Architects Limited
S88 New Wing
Somerset House
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Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Full Planning Permission Granted

Address:
20 Hemstal Road
London
NW6 2AL

Proposal: Installation of 4 x rooflights on rear roof slope and 1 x rooflight on flat roof; increasing of bin store area and addition of secure bicycle storage; and installation of fencing and timber gate.

Drawing Nos: 197-IN-103, 197-IN-104, 197-IN-200, 197-IN-201, 197-GA-103-A, 197-GA-104-A, 197-GA-200-A, 197-GA-202, 197-IN-050, 197-IN-051, 197-IN-052, 197-IN-055, 197-IN-056, 197-IN-057, 197-GA-201-B, Fire Safety Strategy, Design and Access Statement (dated 12/11/24).

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:

197-IN-103, 197-IN-104, 197-IN-200, 197-IN-201, 197-GA-103-A, 197-GA-104-A, 197-GA-200-A, 197-GA-202, 197-IN-050, 197-IN-051, 197-IN-052, 197-IN-055, 197-IN-056, 197-IN-057, 197-GA-201-B, Fire Safety Strategy, Design and Access Statement (dated 12/11/24).

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 and Policy 2 of the Fortune Green and West Hampstead Neighbourhood Plan 2015.

Informative(s):

- 1 Reasons for granting permission:

Planning permission is sought for the installation of 4 x rooflights on the rear roof slope of the main roof, 1 x rooflight on the flat part of the main roof, the increasing of the bin store area, the addition of secure bicycle storage, and the installation of fencing and a timber gate. The site comprises a terraced property which has been divided into flats. The site is not within a Conservation Area. It is within the Fortune Green and West Hampstead Neighbourhood Plan area.

The installation of rooflights on the rear slope and flat section of the main roof are considered acceptable as they are appropriately sized and positioned. While the flat rooflight is slightly larger, it would not appear overly prominent and is unlikely to be visible from any view. Rooflights of various sizes are a common feature on properties along Hemstal Road and the surrounding area. Given their placement and the height of the property, the proposed rooflights are unlikely to be visible from the public realm and would not detract from the character or appearance of the property or its surroundings.

The alterations to the existing bin store include a minor increase in width and length to accommodate space for bicycle storage and the addition of planting on top. This aspect of the proposal is not considered to adversely affect the property or streetscene, and the provision of secure bicycle storage is supported.

It is also proposed to install fencing along the boundary wall on the side elevation facing Gladys Road and the rear boundary adjoining the front garden of 1 Gladys Road. A section of the boundary along Gladys Road already features a timber fence, and the continuation of fencing at the same height is considered acceptable as it enhances the privacy of the ground floor dwelling while remaining in keeping with the surrounding character. A timber gate is

proposed to the front elevation, to the side of the rear of the bin store, matching the height of the existing and proposed fencing. Overall, the works are considered acceptable in scale, design and materials and are although they will be visible from the public realm, they are not considered to detract from the property and streetscene.

Due to the nature and the location of the proposals, they would not impact upon neighbouring amenity in terms of loss of outlook, daylight, or privacy.

No 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 and D1 of the Camden Local Plan 2017 and Policy 2 of the Fortune Green and West Hampstead Neighbourhood Plan 2015. 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 is that planning permission granted for the development of land in England is deemed to have been granted 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 permission will not require the approval of a BGP before development is begun because it is below the de minimis threshold.

Summary of statutory exemptions for biodiversity gain condition:

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:
 - 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