

Application ref: 2024/5290/P
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Date: 3 February 2025

Development Management
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Brian O'Reilly Architects
31 Oval Road
London
NW1 7EA

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Householder Application Granted

Address:

7A Netherhall Gardens
London
NW3 5RN

Proposal: Erection of rear extension, replacement of front garden gate with timber boundary, replacement windows, alterations to rooflights, PV panels and other alterations.

Drawing Nos: Location Plan dated 27-Nov-2024, 7a Netherhall Gardens Design Statement by Brian O'Reilly Architects, 590-101-E, 590-102-E, 590-103-E, 590-200-E, 590-201-E, 590-202-E, 590-300-E, 590-102-P, 590-103-P, 590-200-P Rev A, 590-201-P, 590-202-P, 590-300-P.

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 dated 27-Nov-2024, 7a Netherhall Gardens Design Statement by Brian O'Reilly Architects, 590-101-E, 590-102-E, 590-103-E, 590-200-E, 590-201-E, 590-202-E, 590-300-E, 590-102-P, 590-103-P, 590-200-P Rev A, 590-201-P, 590-202-P, 590-300-P.

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 Before the relevant part of the work is begun, a methodology statement in regard to the of paint removal from brickwork, shall be submitted to and approved in writing by the local planning authority:

The relevant part of the works shall be carried out in accordance with the details thus approved.

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.

- 5 The arched windows on the side elevation (facing towards No.7b Netherhall Gardens) shall be fitted with obscure glazing and shall be permanently retained and maintained as such thereafter.

Reason: In order to prevent unreasonable overlooking of neighbouring premises in accordance with the requirements of policy A1 of the London Borough of Camden Local Plan 2017.

- 6 If during construction/demolition works, evidence of potential contamination is encountered, works shall cease and the site fully assessed to enable an appropriate remediation plan to be developed. Works shall not recommence until an appropriate remediation scheme has been submitted to, and approved in writing by, the local planning authority and the remediation has been completed. Upon completion of the building works, this condition shall not be discharged until a closure report has been submitted to, and improved in writing by, the local planning authority.

Reason: To ensure the risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policies D1, A1, and DM1 of the London Borough of Camden Local Plan 2017.

Informative(s):

1 Reasons for granting permission.

The initial front boundary proposed presented an overly closed and defensive character to the street, which is generally a lot more visually open. In response to officer concern on this point, the design was revised. The revised gates are much lower and are considered acceptable and of no material harm. To the front elevation at ground level, the full height window would be replaced, as would the front door and fanlight. The alteration would essentially be to the fenestration rather than the size of the openings. To the front and rear the existing PVC windows would be replaced with slimline aluminium which is a welcome enhancement. The replacement windows to the side elevation would be enlarged to include the existing arched forms above as part of the aperture. These larger windows would be frosted glass to ensure neighbour privacy and prevent any perception of overlooking to No 7b. This will be secured by condition. The existing rooflights would be replaced, two would be relocated slightly and another to the north roofslope would increase in size.

Existing photovoltaic panels towards the rear would be replaced with those of a larger area, and additional solar panels would be installed on the south roofslope. The black paint to the building will be stripped to reveal the brickwork, dependent on ease of access to each elevation. This is a welcome improvement, however a condition is attached for the submission of a methodology to minimise damage to the brickwork.

To the rear a full-width, single-storey rear extension would be erected extending 3m into the garden. The extension would be highly glazed, similar in nature to a conservatory. The extension is facing west and will need to employ passive measures to regulate temperature in extreme weather. The design is considered acceptable, subordinate to and distinguished from the main part of the property. A substantial area of garden would still be retained.

Overall, the proposed changes are not considered to cause harm to the host building or wider Conservation Area.

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 amenity, the rear extension, enlarged windows to the side elevation and rooflight alterations are taken into account. The rear extension would be largely glazed and would facilitate views outwards to the garden and upwards. Views to either side would be considered limited by the existing boundary treatments either side of the garden. The habitable rooms located within neighbouring properties are not considered to be adversely impacted from this new glazed extension in terms of loss of privacy, outlook or daylight/sunlight. The enlarged windows to the side elevation will be obscured to ensure there is no perception of overlooking to the neighbour and a condition is added to ensure they remain obscured in perpetuity. Two of the rooflights would be moved a short distance, and another would be enlarged. The rooflights to be moved, would be shifted slightly further to the rear of the property, further away from the windows of neighbouring properties. For this reason, the alteration is

considered to reduce any existing overlooking harm from these rooflights. The rooflight to be enlarged is on the north roofslope looking toward No9. Although there is increased potential for overlooking from a larger rooflight generally, it would not be directly opposite window to No 9 and is designed to look upwards and bring in light rather than create an outlook, so the enlarged rooflight is not considered to cause material harm. The works to the front boundary and garden and are not considered to cause any harmful amenity impacts.

- 2 The introduction of PV panels is also supported from a sustainability perspective and improves the sustainability credentials of the building. This fenestration improvements will also improve energy efficiency of the home and therefore accords with policies CC1 and CC2 of the 2017 Local Plan.

One objection was received prior making this decision, this is addressed in the Consultation Summary. The planning history of the site has been taken into account when coming to this decision.

As such, the proposal is in general accordance with policies A1, CC1, CC2 D1, D2 and DM1 of the Camden Local Plan 2017. The proposed development also accords with the London Plan 2021 and the National Planning Policy Framework 2024.

- 3 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).
- 4 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.
- 5 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.

- 6 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.
- 7 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 the application is a Householder Application.

++ 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).

8 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-householder-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', is centered on the page.

Daniel Pope
Chief Planning Officer