

Application ref: 2024/3908/P  
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Date: 5 February 2025

**Development Management**  
Regeneration and Planning  
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Town Hall  
Judd Street  
London  
WC1H 9JE

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SM Planning  
80-83 Long Lane  
London  
EC1A 9ET

Dear Sir/Madam

## **DECISION**

Town and Country Planning Act 1990 (as amended)

### **Householder Application Granted Subject to a Section 106 Legal Agreement**

Address:

**31 Elsworthy Road  
London  
Camden  
NW3 3BT**

Proposal:

Erection of single storey rear extension; formation of basement with pool, a front lightwell, a side lightwell and basement rooflights in ground at rear; infilling of windows and formation of a door in side elevation; a rear planter; the replacement of front garage door with windows and the installation of five roof lights at roof level.

Drawing Nos: 23045 00: 001 P1, 002 P1, 003 P1, 004 P1, 006 P1, 098 P1, 099 P1, 100 P1, 101 P1, 102 P1, 200 P1, 201 P1

23045 01: 000 P1, 001 P2, 002 P1, 003 P1, 004 P1, 006 P1, 100 P2, 101 P1, 102 P2, 200 P2, 201 P1, 202 P2

Heritage Statement (Jon Lowe Heritage - September 2024), Design & Access Statement (Moreno Masey - August 2024), Arboricultural Impact Assessment (Landmark Trees - May 2022), Arboricultural Method Statement (Landmark Trees - March 2024), Thermal Modelling & Overheating Analysis (E & S Bristol - September 2024), (Plant Noise Impact Assessment - EMTEC - August 2024), Schedule of Areas (Moreno Masey - 23045)

Addendum to BIA - technical Note (Soil Consultants), Engineering Drawings - 8255-MBP-SK240809 BIA of Consented application, 8255-MBP-SK240809 Excavation of

proposed scheme in current application, 8255-MBP-SK240809 Changes from consented application

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 documents and drawings:

23045 00: 001 P1, 002 P1, 003 P1, 004 P1, 006 P1, 098 P1, 099 P1, 100 P1, 101 P1, 102 P1, 200 P1, 201 P1

23045 01: 000 P1, 001 P2, 002 P1, 003 P1, 004 P1, 006 P1, 100 P2, 101 P1, 102 P2, 200 P2, 201 P1, 202 P2

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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 The development hereby approved shall not commence until such time as a suitably qualified chartered engineer with membership of the appropriate professional body has been appointed to inspect, check for compliance with the design (as approved by the local planning authority and building control body) and monitor the critical elements of both permanent and temporary basement construction works throughout their duration. Details of the

appointment and the appointee's responsibilities shall be submitted to and approved in writing by the local planning authority prior to the commencement of development. Any subsequent change or reappointment shall be confirmed forthwith for the duration of the construction works.

Reason: To ensure proper consideration of the structural stability of neighbouring buildings and to safeguard the appearance and character of the immediate area in accordance with the requirements of policies D1, D2 and A5 of the London Borough of Camden Local Plan 2017.

5 The development shall not be carried out other than in strict accordance with the methodologies, recommendations and requirements of :

- the Addendum to BIA - technical Note (Soil Consultants)

- Engineering Drawings - 8255-MBP-SK240809 BIA of Consented application, and 8255-MBP-SK240809 Excavation of proposed scheme in current application, 8255-MBP-SK240809 Changes from consented application

- the confirmation at the detailed design stage that the damage impact assessment would be limited to Burland Category 1.

Reason: To ensure proper consideration of the structural stability of neighbouring buildings and to safeguard the appearance and character of the immediate area in accordance with the requirements of policies D1, D2 and A5 of the London Borough of Camden Local Plan 2017.

6 Prior to the occupation of the development hereby approved, full details of Air Source Heat Pumps (ASHPs) and any mechanical ventilation shall be submitted to and approved by the local planning authority. The details shall demonstrate the ASHP system and any ventilation either has no active cooling function, or cooling deactivated by the manufacturer, or that it is an air to water heat pump system only supplying underfloor heating and/or oversized radiators. The measures shall be fully provided in accordance with the approved details and thereafter retained and maintained in accordance with the approved scheme, and no other system of active cooling shall be implemented.

Reason: In order to minimise energy consumption and following the energy and cooling hierarchies, in accordance with policies CC1, CC2, D1 of the Camden Local Plan 2017

- 7 Before the relevant part of the work is begun, detailed drawings, section 1:10, 1:50 in respect of the new garage doors 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 and all approved samples shall be retained on site during the course of the works.

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.

- 8 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.

- 9 Prior to the occupation of the development hereby approved, full details of hard and soft landscaping and means of enclosure of all un-built, open areas shall be submitted to and approved by the local planning authority (both in writing) and fully implemented. The hard and soft landscaping and means of enclosure shall be undertaken entirely in accordance with the approved details (prior to the occupation of the approved development) and permanently retained thereafter.

Reason: To ensure that the development achieves a high quality of landscaping which contributes to the visual amenity and character of the area in accordance with the requirements of policies A2, A3, A5, D1 and D2 of the London Borough of Camden Local Plan 2017.

- 10 Before the relevant part of the work is begun, detailed drawings in respect of the following, shall be submitted to and approved in writing by the local planning authority:

- Elevations of front lightwell and planter including dimensions of the upstand, grate, and also an enlarged garden bed

The relevant part of the works shall be carried out in accordance with the details thus approved and all approved samples shall be retained on site during the course of the works.

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.

- 11 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

- 12 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

#### Informative(s):

- 1 Reasons for granting permission:

The application site comprises a three - storey detached period property with existing accommodation at roof level and is in use as a single dwellinghouse (Class C3). It is constructed with brick with timber windows and a slate roof. The house is set back from the street with existing parking on the forecourt. The rear garden backs on to Primrose Hill and the site is within the Elsworthy Conservation Area to which it makes a positive contribution.

The application follows on from planning permission ref 2021/1527/P, approved on 25/01/2023 subject to a section 106 legal agreement, which granted consent for a basement extension, side elevation windows, new garage doors and alterations to the rear of the house.

With respect to urban design and the character and appearance of the Conservation Area, the size of the basement is similar to that already approved. The amendments would involve the introduction of a front lightwell and a side lightwell on the east elevation. The side lightwell is acceptable as it would be small in scale and located between the host building and the

neighbouring and would be set back sufficiently from the front elevation.

The new front lightwell would be behind a 150mm high upstand with a coping stone on top, itself behind a planter. It would be barely visible from the street and given that the existing distinctive front bay would be fundamentally unaltered. Taken together with the removal of the garage door in the front elevation of the building and the re-formation of a matching window within a brick bay there would be no undue harm to the appearance of the building or the Conservation Area. A condition to secure details of all new landscaping would ensure the provision of sufficient landscaping to maintain the green attributes of the site.

- 2 The rear conservatory extension is considered to take on board the advice given at the pre-application stage about being of an appropriate depth, height and lightweight appearance. The distinctive two storey bays on the rear elevation would remain and the size, siting and design of the conservatory would allow the original late 19th century elevation of the house to be preserved.

The rooflights to the rear of the basement, planter at the rear of the site, windows and door on the side elevation and the six new rooflights on the flat, central part of the main roof would not harm the appearance of the building or the visual amenity of neighbouring occupiers. A new garage door is shown to the garage at the side of the house. A condition is attached to secure details in the interests of the conservation interests of the site.

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.

The proposed rear conservatory, front and sides lightwells, rooflights and windows and door in the side elevation would not impact on neighbouring occupiers' amenity in terms of loss of light, privacy or outlook.

The Council's Health Officer has considered the Plant Noise Impact Assessment which has been submitted and is satisfied that the submitted acoustic submission meets the Local Plan guidelines and is therefore acceptable in environmental health terms. Consequently, there are no objections to the application in terms of noise and disturbance, subject to the implementation of conditions to ensure that the plant does not exceed recommended noise levels and that appropriate anti-vibration measures are provided.

Returning to the basement, this would accord with the qualitative planning criteria under policy A5 (Basements) in terms of not affecting the amenity of any neighbouring properties and not affecting the character or appearance of any townscape or heritage assets.

The footprint of the basement would be the same as previously approved (under 2021/1527/P). The Council's Trees Officer has viewed the submitted Arboricultural Method Statement and he is satisfied that there would be no

significant harm to any existing trees. Furthermore, a condition to secure details of tree protection measures is attached.

Furthermore, the basement would comply with the quantitative criteria under parts f to m of policy A5, vis:

- f. not comprise of more than one storey;
- g. not be built under an existing basement;
- h. not exceed 50% of each garden within the property;
- i. be less than 1.5 times the footprint of the host building in area;
- j. extend into the garden no further than 50% of the depth of the host building measured from the principal rear elevation;
- k. not extend into or underneath the garden further than 50% of the depth of the garden;
- l. be set back from neighbouring property boundaries where it extends beyond the footprint of the host building;
- m. avoid the loss of garden space or trees of townscape or amenity value

### 3 Reasons for granting permission (continued):

At the pre-application stage, the applicant was advised that due to site being in a local flood zone, there should be no habitable accommodation or bathrooms or kitchens in the basement. The proposed basement includes two stores, a games room and plant room.

A Basement Impact Assessment (BIA) has been undertaken in accordance with policy A5 and the Council's Planning Guidance on Basements. The BIA has been duly audited by the Council's independent Basement Impact Assessors. It is accepted that the proposed basement will not have a significant impact on the land stability of the area. With the inclusion of appropriate mitigation measures it is accepted that the basement will not impact the hydrology of the area.

Based on the revised BIA and supporting documents it can be confirmed that the BIA complies with the requirements of CPG: Basements and the Principles for Audit set out in the Basement Impact Assessment (BIA) Audit Service Terms of Reference & Audit Process

Planning conditions are attached to ensure that the development is undertaken in accordance with the audited Basement Impact Assessment and that a qualified engineer is appointed to oversee the basement works.

An Overheating Assessment has been undertaken, in line with the Camden Planning Guidance on Energy Efficiency & Adaptation for the ventilation which is proposed in the basement. The Overheating Assessment indicates that mechanical ventilation is required for the gym and swimming pool in the basement. The Council's Sustainability Team is of the view that the cooling of these rooms is not essential and that mechanical ventilation of the rooms is

contrary to the policy and guidance for energy efficiency and climate change mitigation. A condition to prevent the use of the mechanical plant for ventilation is therefore attached accordingly.

A letter of objection has been received following statutory consultation on the application. The matters raised therein are addressed in a Consultation Summary.

Planning permission 2021/1527/P was granted subject to a S106 legal agreement to secure a Construction Management Plan. A S106 agreement should be completed to ensure that the development permitted under this application is subject to a CMP.

The planning history of the site and the neighbouring sites have been taken into account in the assessment of the application.

As such, the proposed development is in general accordance with policies A1, A3, A4, A5, D1, D2, CC1, CC2 and CC3 of the Camden Local Plan 2017. It also accords with the London Plan 2021 and the National Planning Policy Framework 2021.

- 4 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).
- 5 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.
- 6 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.

## 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 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).

## 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.

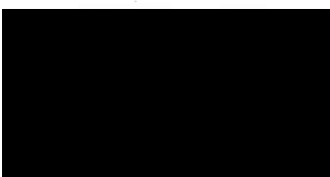
In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with the National Planning Policy Framework. The council publishes its adopted policies online, along with detailed Camden Planning Guidance. It also provides advice on the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



Daniel Pope  
Chief Planning Officer