

Application ref: 2024/5259/P
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Development Management
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Alistair Grills Associates
4 Chisholm Road
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United Kingdom

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Householder Application Granted

Address:

**74 Fairhazel Gardens
London
NW6 3SR**

Proposal:

Erection of rear outbuilding with associated roof terrace connected to main dwelling.
Replacement rear basement and ground fenestration.

Drawing Nos: Planning, Design, Access and Heritage Statement for 74, Fairhazel Gardens,
London, Camden, NW6 3SR by Callender Howorth Interiors & Alistair Grills Associates; 1273-900 - EXISTING GROUND AND BASEMENT FLOOR PLANS; 1273-800 - PROPOSED GROUND AND BASEMENT FLOOR DEMOLITION PLANS Rev:B; 1273-301 - EXISTING AND PROPOSED SECTION Rev:B; Fairhazel Gardens (74) HA1 - CH - Dwg No 1273-300 - EXISTING AND PROPOSED REAR ELEVATION Rev:B ;1273-100 Rev A - PROPOSED GROUND AND BASEMENT FLOOR PLANS Rev:B ; 1273-902 - BLOCK PLAN; 1273-901 - LOCATION PLAN; Covering Letter with Householder Application; 1273-903 - SITE PHOTOGRAPHS; 1273 - PROPOSED REAR TERRACE RENDER 02 Rev:B ;1273 - PROPOSED REAR TERRACE RENDER 01 Rev:B; 1273 - EXISTING REAR TERRACE RENDER 01; 1273 - EXISTING REAR TERRACE RENDER 01

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:

Planning, Design, Access and Heritage Statement for 74, Fairhazel Gardens, London, Camden, NW6 3SR by Callender Howorth Interiors & Alistair Grills Associates; 1273-900 - EXISTING GROUND AND BASEMENT FLOOR PLANS; 1273-800 - PROPOSED GROUND AND BASEMENT FLOOR DEMOLITION PLANS Rev:B; 1273-301 - EXISTING AND PROPOSED SECTION Rev:B; Fairhazel Gardens (74) HA1 - CH - Dwg No 1273-300 - EXISTING AND PROPOSED REAR ELEVATION Rev:B ;1273-100 Rev A - PROPOSED GROUND AND BASEMENT FLOOR PLANS Rev:B ; 1273-902 - BLOCK PLAN; 1273-901 - LOCATION PLAN; Covering Letter with Householder Application; 1273-903 - SITE PHOTOGRAPHS; 1273 - PROPOSED REAR TERRACE RENDER 02 Rev:B ;1273 - PROPOSED REAR TERRACE RENDER 01 Rev:B; 1273 - EXISTING REAR TERRACE RENDER 01; 1273 - EXISTING REAR TERRACE RENDER 01.

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 policies D1 and D2 of the London Borough of Camden Local Plan 2017.

- 4 The outbuilding hereby approved shall only be used for ancillary purposes to 74 Fairhazel Gardens and shall not be used as a separate residential dwelling or business premises.

Reason: In order to protect the residential amenities of neighbouring occupiers and prevent substandard living accommodation and excessive on-street parking pressure in accordance with policies A1, H6 and T2 of the London Borough of Camden Local Plan 2017.

Informative(s):

- 1 Reasons for granting permission.

The proposal involves the creation of an outbuilding in the rear basement lightwell, this would be connected to the main dwelling at ground floor and the proposed roof terrace would be accessed from this level. The rear ground floor

door will be widened and a new Juliette balcony will be inserted adjacent to the door.

The outbuilding, located at basement level, is modest in size and would not be highly visible from public spaces, ensuring minimal impact on the local character. The outbuilding is subordinate to the dwelling, screened by a retaining wall at a lower level. The proposed materials match the existing dwelling and surrounding area, allowing the extension to read as a subordinate addition while respecting the visual integrity of the conservation area. The development is not considered to harm to the host building or its surroundings, maintaining the existing garden size and not disturbing any green vegetation.

The proposed roof terrace and staircase in this instance are considered acceptable. The introduction of a stepped access with railings to connect the altered bay window entrance with the roof terrace above the outbuilding and the communal gardens beyond would enhance the dwelling's access to amenity space. The garden space is not lost because it is replaced by a terrace with access to the communal garden. Given the nature of the conservation area, proposals for roof terraces and staircases will preserve the character and appearance of both the host building and the South Hampstead Conservation Area

As the applicant's site has a history of flooding, the applicant has confirmed the inclusion of the following measures to reduce the impact of flood risk: a 210mm plinth to prevent surface water from accessing the basement area via the rear ground-level garden entrance. The height of 210mm is considered reasonable to balance daylight into the basement rooms. The second method includes two 1200-litre polyethylene Polybutts (water butts) to collect excess surface water from the new entrance terrace. The Sustainability Officer has reviewed these measures and raised no objections regarding the development

The proposal given its scale and siting at the lower level are not considered harmful. Given the minor nature of the proposals and its siting below the retaining walls, this development is not expected to have any negative impact on neighbouring residential amenity in terms of loss of light, outlook, or privacy.

No objections were received prior to this decision. The planning history of the site and surrounding area was also taken into account during the decision-making process.

Special attention has been paid to the desirability of preserving or enhancing the character or appearance of the conservation area, as required under Section 72 of the Listed Buildings and Conservation Areas Act 1990, as amended by the Enterprise and Regulatory Reform Act 2013.

The proposed development is in general accordance with Policies A1, CC3, D1, D2, H6 and T2 of the Camden Local Plan 2017, the London Plan 2021, and the National Planning Policy Framework 2024.

- 2 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.

- 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 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.
- 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 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).

7 + 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 written over a light grey rectangular background.

Daniel Pope
Chief Planning Officer