

2023/5057/P  
251 Goldhurst Terrace



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# 2023/5057/P

251 Goldhurst Terrace

## Plans and Photos



Figure 1. Aerial view of 251 Goldhurst Terrace

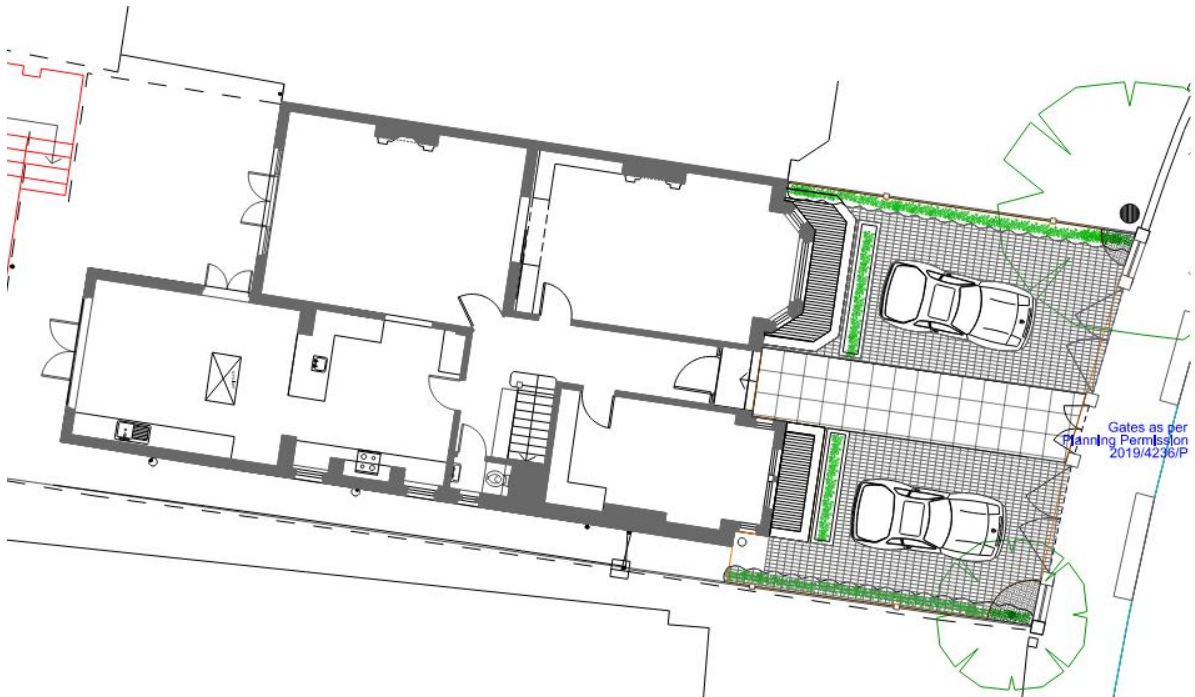


Figure 2. Proposed Site Plan

**2023/5057/P**

251 Goldhurst Terrace

Plans and Photos



Figure 3. Pre-existing Site Plan



Photograph 1. Pre-existing forecourt

**2023/5057/P**

251 Goldhurst Terrace

Plans and Photos

*Photographs 2 and 3 – Existing paving*



**2023/5057/P**

251 Goldhurst Terrace

Plans and Photos

*Photographs 4 and 5 – Existing boundary treatments*



<b>Delegated Report</b> <b>(Members Briefing)</b>		<b>Analysis sheet</b>		<b>Expiry Date:</b>	23/01/2024
		N/A		<b>Consultation Expiry Date:</b>	24/03/2024
<b>Officer</b>				<b>Application Number</b>	
Sarah White				2023/5057/P	
<b>Application Address</b>				<b>Drawing Numbers</b>	
251 Goldhurst Terrace London NW6 3EP				See draft decision notice	
<b>PO 3/4</b>	<b>Area Team Signature</b>	<b>C&amp;UD</b>	<b>Authorised Officer Signature</b>		
<b>Proposal(s)</b>					
Replacement of hardstanding in forecourt (retrospective).					
<b>Recommendation:</b>		Grant conditional planning permission with warning of Enforcement Action			
<b>Application Type:</b>		Householder Application			
<b>Conditions or Reasons for Refusal:</b>		Refer to Draft Decision Notice			
<b>Informatives:</b>					
<b>Consultations</b>					
<b>Summary of consultation:</b>		A site notice was displayed near to the site on 28/02/2024 (consultation end date 23/03/2024). A press notice was advertised in the local paper on 29/02/204 (consultation end date 24/03/2024).			
<b>Adjoining Occupiers:</b>		No. of responses	01	No. of objections	01
<b>Summary of consultation responses:</b>		One objection from a local resident was received following statutory consultation. A summary of this response is as follows: <ul style="list-style-type: none"> <li>1. No attempt has been made to restore visual amenity to a level at least as good as how it was with the previous hardstanding, in keeping with at least some of the typical Conservation Area characteristics.</li> <li>2. The proposal is contrary to the South Hampstead Conservation Area Conservation Area Appraisal and Management Strategy (2011)</li> <li>3. In both planning application ref. 2019/4236/P (for the installation of the front railings, gates and brick piers to the front) and application ref. 2016/6697/P (for excavation of a basement) the drawings clearly</li> </ul>			

	<p>show the retention of both the hedges at the sides of the 'front garden' as well as the attractive shrubs planted either side of the front door in front of the bay window structures. So, even to achieve full compliance with each of these planning consents, this would require the re-provision of this level of soft-landscaping and appropriate replanting.</p> <ol style="list-style-type: none"> <li>4. The proposal lacks green/soft landscaping</li> <li>5. Concerns over permeability and drainage of the hardstanding area</li> </ol> <p><u>Officer response:</u></p> <ol style="list-style-type: none"> <li>1. Refer to design and heritage section below.</li> <li>2. Refer to design and heritage section below.</li> <li>3. Refer to paragraph 3.10 below.</li> <li>4. Refer to design and heritage section below.</li> <li>5. Refer to flooding and drainage section below.</li> </ol>
<p><b>Combined Residents' Associations of South Hampstead (C.R.A.S.H)</b></p>	<p>The Combined Resident's Associations of South Hampstead objected as follows:</p> <ol style="list-style-type: none"> <li>1. The works were undertaken without planning permission</li> <li>2. Incorrect plans – existing and proposed plans show planter beds that do not exist</li> <li>3. Loss of the paths to the front door and side access is harmful</li> <li>4. Concerns over permeability and drainage of the hardstanding area</li> <li>5. The proposed lighting is inappropriate</li> <li>6. The previous hedge has been removed and replaced with metal railings</li> <li>7. The proposal results in harm to the South Hampstead Conservation Area.</li> </ol> <p><u>Officer response:</u></p> <ol style="list-style-type: none"> <li>1. The application is being treated retrospectively.</li> <li>2. A site visit was undertaken by the Planning Officer, and it was confirmed that the planter beds are present on site.</li> <li>3. Refer to design and heritage section below</li> <li>4. Refer to flooding and drainage section below</li> <li>5. The proposed lighting has now been removed from the scheme.</li> <li>6. Changes to the boundary treatments were approved under planning permission 2019/4236/P and do not form part of the current application.</li> <li>7. Refer to design and heritage section below.</li> </ol>
<p><b>South Hampstead Flood Action Group</b></p>	<p>The South Hampstead Flood Action Group objected as follows:</p> <ol style="list-style-type: none"> <li>1. Concerns over permeability and drainage of the hardstanding area</li> <li>2. Goldhurst Terrace has a history of flooding</li> </ol> <p><u>Officer response:</u></p> <ol style="list-style-type: none"> <li>1. Refer to flooding and drainage section below</li> </ol>

## Site Description

The application site is located on the southern side of Goldhurst Terrace at No. 251 and comprises a three-storey over basement semi-detached single-family dwelling.

The site is located in the South Hampstead Conservation Area and makes a positive contribution to the conservation area, and it is within the area covered by the Kilburn Neighbourhood Plan Area.

The site is located within a Local Flood Risk Zone (Goldhurst) and Goldhurst Terrace is identified as a Historically Flooded Street.

## Relevant History

**2022/1308/P** – Installation of 2 no. Air Source Heat Pumps (ASHP) used for heating, in rear garden. **Granted** on 20/09/2022.

**2019/4239/P** – Variation of Condition 3 (approved plans) of planning permission dated 09/04/2018 ref 2016/6697/P for Basement excavation with front lightwells and sunken terrace; increase in height of the existing ground floor projection and replacement of rear doors, to dwellinghouse (Class C3); changes to include installation of railings and planters at first floor level to form terrace over the extension. **Granted** 09/04/2021.

**2019/4238/P** – Roof extension to include rear dormer window with a rooflight on top, two rooflights to front roof slope, one on the rear and one on the side roof slopes. **Refused** on 13/10/2020 for the following reason:

- *The proposed rear dormer roof extension by reason of its size, scale, bulk and design would undermine the architectural integrity of the host property, harming its appearance and the symmetry of the semi-detached pair and would be detrimental to the character and appearance of the surrounding conservation area, contrary to policies D1 (Design) and D2 (Heritage) of the London Borough of Camden Local Plan 2017.*

**2019/4237/P** – Creation of one balcony at second floor level to front elevation, and replacement of timber windows with timber double doors, to residential building (Class C3). **Granted** 18/02/2023.

**2019/4236/P** – Erection of new railings, gates and brick piers to front garden as a means of enclosure to residential building (Class C3). **Granted** 13/12/2019.

**2016/6697/P** – Basement excavation with front lightwells and sunken terrace with steps for access to the rear; increase in height of the existing ground floor projection and replacement of rear doors, to dwellinghouse (Class C3). **Granted** on 09/04/2018.

## Relevant policies

### National Planning Policy Framework (2024)

### The London Plan (2021)

### Camden Local Plan (2017)

- A1 Managing the impact of development
- D1 Design
- D2 Heritage
- CC1 Climate change mitigation
- CC2 Adapting to climate change
- CC3 Water and flooding

### Camden Planning Guidance:



- CPG Amenity (2021)
- CPG Design (2021)
- CPG Home Improvements (2021)
- CPG Water and Flooding (2019)

## **South Hampstead Conservation Area Conservation Area Appraisal and Management Strategy (2011)**

### **Swiss Cottage Conservation Area Design Guide**

#### **Draft Camden Local Plan**

The council has published a new [Draft Camden Local Plan](#) (incorporating Site Allocations) for consultation (DCLP). The DCLP is a material consideration and can be taken into account in the determination of planning applications but has limited weight at this stage. The weight that can be given to it will increase as it progresses towards adoption (anticipated 2026).

## **Assessment**

### **1. The proposal**

1.1. The application seeks retrospective permission for the replacement of hardstanding within the forecourt. The forecourt has been repaved with Marshall Standard concrete block paving in colour 'charcoal'. The proposed plans show boundary planting along the side boundaries in addition to a planter box in front of each of the front light wells (two in total).

### **Revisions**

1.2. The following revisions have been made to the proposal during the course of the application:

- Removal of ground and side lighting
- Insertion of a York stone path in the centre of the forecourt in the same location as the previous entrance path.
- Insertion of permeable drainage channels on either side of the centre path

### **2. Assessment**

2.1. The principal considerations material to the determination of this application are as follows:

- Design and Heritage
- Neighbouring Amenity
- Flooding and Drainage
- Biodiversity Net Gain (BNG)

### **3. Design and Heritage**

3.1. The Council's design policies are aimed at achieving the highest standard of design in all developments. The following considerations contained within policies D1 and D2 are relevant to the application: development should respect local context and character; preserve or enhance the historic environment and heritage assets; comprise details and materials that are of high quality and complement the local character; and respond to natural features.

3.2. The application site is located within the South Hampstead Conservation Area; the Council has a statutory duty to have special regard to the desirability of preserving or enhancing the character and appearance of the conservation area.

3.3. The South Hampstead Conservation Area Conservation Area Appraisal and Management Strategy (SHCA) highlights that a key issue for the conservation area is a loss of front gardens to paved parking areas. In July 2010 an Article 4(1) Direction was made on the majority of

properties within the conservation area, and this removed permitted development rights for *making, enlarging, improving or altering a hard surface at the front of a house*, among other works. Therefore, planning permission is now required for any changes to hard surfaces within forecourts/ front gardens in the conservation area to allow the Council to adequately consider the impacts of the proposed works on the character and appearance of the conservation area.

- 3.4. It is important to note that the area at the front of the dwelling at the application site was already a hardstanding area and has been for more than 10 years. Therefore, the application does not entail the loss of green space or the creation of new parking spaces. For clarity, the assessment is for the impact of the changes to the pre-existing hardstanding area on the character and appearance of the conservation area.
- 3.5. The pre-existing hardstanding at the application site comprised two cobbled car parking bays, either side of a central stone path, with a matching stone path on the eastern side which led to the side passage and bin storage. There were also hedges along the side boundaries and areas of planting along the front of the dwelling.
- 3.6. The application has been reviewed by Council's Conservation Officer who noted that whilst it is not clear if the front path was original, although it's possible that it was historic (it is not conclusively proved that mosaic tiles were used in this part of the Conservation Area), the setts for the parking bays were clearly modern as the front area would have been a garden historically. However, the difference in materials and paving styles delineated a path, on the line of the original. The Swiss Cottage Conservation Area Design Guide notes that York stone landscaping should be retained. With the pre-existing treatment, the contrast between the path and parking bays at least acknowledged the historic difference between paving and garden area and related to the front façade bays. As built, the paving results in a single treatment being used across the whole site area and fails to provide any delineation between the path and parking bays.
- 3.7. The design of the proposal has been amended since the original submission to include a York stone path down the centre of the two parking spots, on the line of the original, to recreate this historic delineation between paving and garden area.
- 3.8. The Conservation Officer also noted that whilst the loss of the old stone setts is regrettable, given that these are not confirmed to be a historic feature, insisting on their reinstatement is not reasonable in this instance. Therefore, the reinstatement of the path is a suitable improvement on the current situation. A condition has been included to ensure that the York stone path is constructed within three months of the decision being issued.
- 3.9. The SHCA also outlines that one of the most prominent features of the conservation area is vegetation, both to the front and rear of properties, and that it is vital in providing wildlife corridors, enhancing biodiversity and reducing flood risk, as well as in preserving the attractive, tranquil character of the conservation area.
- 3.10. Objectors raised concerns about the loss of the side boundary hedging and the planting in front of the dwelling. It is important to note that the previous planning permission 2016/6697/P provided approval for the removal of the vegetation at the front of the dwelling to accommodate lightwells, and this was to be replaced with raised planter boxes. A site visit was undertaken by the Planning Officer, and it was confirmed that the planter beds are present on site. Additionally, previous planning approval 2019/4235/P specified that the side boundary hedging was intended to be retained. It is clear that this has been since removed, however the hedging has been replanted. A condition has been included to ensure that this boundary hedging is retained.
- 3.11. In summary, the proposal would preserve the character and appearance of the conservation area. The proposal has been reviewed by the Council's Conservation Officer, who has confirmed that with the reinstatement of the York stone path, the works are acceptable. As such, the proposal is considered to comply with policies D1 and D2 of the London Borough of Camden Local Plan.

#### **4. Neighbouring Amenity**

- 4.1. Policy A1 seeks to protect the quality of life of occupiers and neighbours by only granting permission for development that would not harm the amenity of residents. This includes factors such as privacy, outlook, implications to natural light, artificial light spill, as well as impacts caused from the construction phase of development.
- 4.2. Due to the nature of the proposal, being the replacement of a hardstanding area, the development would not result in harm to neighbouring amenity.

#### **5. Flooding and Drainage**

- 5.1. Policy CC2 outlines that all development should adopt appropriate climate change adaptation measures including not increasing, and wherever possible reducing, surface water run-off through increasing permeable surfaces and use of Sustainable Drainage Systems (SuDS). Policy CC3 states that the Council will seek to ensure that development does not increase flood risk and reduces the risk of flooding where possible and will require development to consider the impact of development in areas at risk of flooding (including drainage); incorporate flood resilient measures in areas prone to flooding; and utilise SuDS in line with the drainage hierarchy to achieve a greenfield run-off rate where feasible.
- 5.2. The site is located within a Local Flood Risk Zone (Goldhurst) and Goldhurst Terrace is identified as a Historically Flooded Street.
- 5.3. The Applicant has confirmed that the new hardstanding area comprises permeable blocks, with a layer of clean grit below and a clean aggregate as subbase which allows for drainage.
- 5.4. Council's Enforcement Team visited the site on 19<sup>th</sup> September 2023 to undertake permeability testing of the hardstanding area. There was light rain in this part of Camden prior to the visit. The Enforcement Officer poured a 5-litre bucket of water over the new paving near to the public pavement to observe the extent of surface water run-off that would occur. After 2-3 minutes, almost all the water on the paving had permeated through. Given that the existing brick paving has replaced the pre-existing concrete slab/cobblestone paving (two forms of hard landscaping), the observations and assessment from the Enforcement Officer was that some water is likely to continue encroach the pavement during rainy periods, and the differences between water run-off into the street between the previous and existing paving would not be material. As such, it is concluded that the proposal would not result in increased surface water run-off or flood risk compared to the previous hardstanding area.
- 5.5. The proposal has been revised since the original submission to include two permeable drainage channels on either side of the centre path to help further reduce surface water run off from the site. A condition has been included to secure these measures and ensure that they are implemented within three months of the decision being issued.
- 5.6. As such, it is considered that the proposal would not result in unacceptable impacts on flood risk at the site or surrounding area.

#### **6. Biodiversity Net Gain (BNG)**

- 6.1. It is important to note that this development is not subject to Biodiversity Net Gain (BNG) requirements as the application is a Householder Application. An informative has been added to the decision notice in relation to Biodiversity Net Gain and the Applicant's obligations.

#### **7. Recommendation**

- 7.1. Grant Conditional Planning Permission with warning of Enforcement Action.

## **ENFORCEMENT ACTION TO BE TAKEN:**

The property is under an Article 4 Direction which restricts certain permitted development rights, including the replacement of hard surfaces where it fronts a public highway, private street or other publicly accessible space ([South Hampstead Article 4 Direction schedule, First Schedule, Part \(d\)](#)). The front garden of the site, which fronts a public highway, has been re-paved with grey brick slabs without planning permission.

This proposal relates to the retention of the grey brick slabs and installation of a York Slab walkway and Permeable Drainage Channels to address the design and flood risk concerns.

If the consent is not fully implemented within **THREE (3) months** from the date of this decision, it is recommended that the Director of Supporting Communities will instruct the Borough Solicitor to issue an Enforcement Notice alleging a breach of planning control in connection with this consent

*The decision to refer an application to Planning Committee lies with the Director of Regeneration and Planning. Following the Members Briefing panel on Monday 3<sup>rd</sup> March 2025, nominated members will advise whether they consider this application should be reported to the Planning Committee. For further information, please go to [www.camden.gov.uk](http://www.camden.gov.uk) and search for 'Members Briefing'.*

Application ref: 2023/5057/P  
Contact: Sarah White  
Tel: 020 7974 5213  
Email: sarah.white@camden.gov.uk  
Date: 25 February 2025

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# DRAFT

Dear Sir/Madam

**DECISION**

Town and Country Planning Act 1990 (as amended)

## **Householder Application Granted**

Address:

**251 Goldhurst Terrace  
London  
NW6 3EP**

Proposal: Replacement of hardstanding in forecourt (retrospective)

Drawing Nos: 4742/PA/R/01;4742/PA/R/02; 4742/PA/R/03B; Cover Letter (prepared by GML Architects, dated 28/11/2023); Heritage Statement (prepared by Cogent Heritage, dated 27/11/2023)

The Council has considered your application and decided to grant permission subject to the following condition(s):

Condition(s) and Reason(s):

- 1 Within three months of the date of this decision, the proposed York stone pathway and permeable drainage channels shall be installed and thereafter retained and maintained.

Reason: To reduce the rate of surface water run-off from the handstanding and limit the impact on the storm-water drainage system, and to maintain a high quality of visual amenity in the scheme in accordance with Policies D1, D2, CC1, CC2, CC3 of the London Borough of Camden Local Plan 2017.

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:

4742/PA/R/01;4742/PA/R/02; 4742/PA/R/03B; Cover Letter (prepared by GML Architects, dated 28/11/2023); Heritage Statement (prepared by Cogent Heritage, dated 27/11/2023)

Reason: For the avoidance of doubt and in the interest of proper planning.

- 3 The areas of planting within and to the side of the hard landscaping which, within a period of 5 years from the completion of the development, die, are removed or become seriously damaged or diseased, shall be replaced as soon as is reasonably possible and, in any case, by not later than the end of the following planting season, with others of similar size and species, unless the local planning authority gives written consent to any variation.

Reason: To maintain a high quality of visual amenity in the scheme in accordance with the requirements of policies A2, A3, D1 and D2 of the London Borough of Camden Local Plan 2017.

#### Informative(s):

- 1 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).
- 2 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.
- 3 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.

#### 4 WARNING OF ENFORCEMENT ACTION TO BE TAKEN

The as-built hardstanding area has been constructed without planning permission. As such, this matter has been referred to Council's Enforcement Team to investigate and take enforcement action as necessary.

#### 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 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).

#### 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-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

Chief Planning Officer