

Application ref: 2025/0408/P
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Simon Miller Architects Ltd
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Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Variation or Removal of Condition(s) Granted

Address:
3 Crediton Hill
London
NW6 1HT

Proposal:
Variation of conditions 2 (approved drawings) and 5 (details of hard and soft landscaping) of planning permission 2024/3860/P dated 01/11/2024 (for 'Erection of outbuilding to rear garden'), NAMELY, to change external finishes and remove side door and change condition 5 to a compliance condition

Drawing Nos:
Existing drawings: Location Plan; 580 5EX00; 580 5EX01; 580 5EX02.
Approved drawings: 580 4PL01; 580 4PL02; 580 4PL03.
Proposed drawings: 580 5PL01 Rev B; 580 5PL02 Rev B; 580 5PL03.

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 no later than the end of three years from the date of the original planning permission ref 2024/3860/P dated 01/11/2024.

Reason: To comply with the provisions of Sections 73 and 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:

580 4EX00; 580 4EX01; 580 4EX02; 580 5PL01 Rev B; 580 5PL02 Rev B; 580 5PL03; P 001; P 002; P 003; P 004; P 005; P 006; Design and Access Statement (prepared by Simon Miller Architects, dated 10/09/2024); Heritage Statement (prepared by Simon Miller Architects, dated 10/09/2024); Green Roof Build Up Detail and Section Evo/JGI; Green Roof Species List; Green Roof Maintenance Summary (prepared by Pritchard & Pritchard); Tree Protection Plan MWA TPP 01; Arboricultural Appraisal Report DEV240905-1223 (prepared by MWA Arboriculture, dated 09/09/2024); 0410 P.01; MWA Tree Survey Schedule DEV240905-1223; Arboricultural Appraisal Report Rev 01 (prepared by MWA Arboriculture, dated 27/01/2025); Planting Specification (prepared by Wareing Design); Species Aftercare Specification (prepared by Wareing Design).

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

- 3 The outbuilding hereby permitted shall not be occupied at any time other than for purposes incidental to the residential use of the dwelling known as '3 Crediton Hill'.

Reason: To safeguard the amenity of the residential use, adjoining premises, and the area generally in accordance with Policies A1 and A4 of the London Borough of Camden Local Plan 2017.

- 4 Prior to the commencement of works on site, tree protection measures shall be installed and working practices adopted in accordance with the document entitled "Arboricultural Appraisal Report" by MWA Arboriculture dated 09/09/20240909. 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 BS5837:2012 and with the approved protection details. The development shall be monitored by the project arboriculturalist in accordance with the approved report.

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.

- 5 The hard and soft landscaping works shall be carried out in full accordance with the plans approved under application 2025/0433/P, including the arboricultural appraisal report rev 01 (prepared by MWA Arboriculture, dated 27/01/2025). The relevant part of the works shall not be carried out otherwise than in accordance with the approved details.

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, D1, and D2 of the

- 6 All hard and soft landscaping works shall be carried out in accordance with the approved landscape details (as approved under application 2025/0433/P) by not later than the end of the planting season following completion of the development. Any trees or areas of planting (including trees existing at the outset of the development other than those indicated to be removed) 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 ensure that the landscaping is carried out within a reasonable period and 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.

- 7 The green roof hereby approved shall be fully installed on the building in accordance with the approved details prior to first occupation and thereafter retained and maintained in accordance with the approved scheme for the duration of the development.

Reason: In order to ensure the development undertakes reasonable measures to take account of biodiversity and the water environment in accordance with Policies A3 and CC3 of the London Borough of Camden Local Plan 2017.

Informative(s):

- 1 Reasons for granting permission:

The application relates to minor alterations to the scheme granted on 01/11/2024 (ref. 2024/3860/P), which involved the erection of an outbuilding to the rear garden. It is proposed to alter the external materiality of the outbuilding, as well as remove the side door of the structure.

The alterations proposed would change the external finishes of the outbuilding from render (to the front and sides) and brick (to the rear) to timber cladding (to the front and sides) and painted board (to the rear). It is also proposed to remove the side door of the outbuilding facing the south, so this elevation would have no openings. Otherwise, the outbuilding would remain as consented, including in terms of footprint and dimensions. The proposed changes in materiality would be appropriate for the garden setting of the outbuilding and the wider conservation area and would help soften the visual impact of the outbuilding, allowing it to integrate more effectively with the soft landscaping. The removal of the door to the side elevation would have no significant impact in design terms. As such, the changes are considered to be minimal in the context of the consented scheme, and would have a neutral to positive impact in design terms. The proposed changes to the consented scheme would ensure that it continues to preserve the character and appearance of the conservation area. Therefore, the impact of the proposed

alterations would be minimal and is therefore considered to be acceptable.

The proposal would preserve the character and appearance of the conservation area overall. The Council has had special regard to the desirability of preserving the character and appearance of the Conservation Area.

The proposed amendments solely relate to a change in materiality and the removal of an opening, so it is considered that there would be no introduction of new amenity impacts. Therefore, as with the consented application, there would be no significant or harmful impacts to amenity.

It is also noted that condition 5 of the original permission, which required details of hard and soft landscaping to be submitted to and approved by the Council, has now been discharged under permission ref. 2025/0433/P on 28/03/2025. As such, condition 5 has been reworded to ensure compliance with the approved details, rather than require submission .

No objections were received prior to making this decision. 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, A2, A3, D1, D2, and CC3 of the London Borough of Camden Local Plan 2017 and policies 2 and 3 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 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.

Based on the information available, this will not require the approval of a BGP before development is begun because the permission is granted under section 73 and the original permission was a Householder Application.

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 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 the post-development value of the onsite habitat, or 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