

Application ref: 2024/4450/P  
Contact: Gary Wong  
Tel: 020 7974 3742  
Email: [gary.wong@camden.gov.uk](mailto:gary.wong@camden.gov.uk)  
Date: 2 April 2025

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

Phone: 020 7974 4444

[planning@camden.gov.uk](mailto:planning@camden.gov.uk)  
[www.camden.gov.uk/planning](http://www.camden.gov.uk/planning)

HUB Architects and Designers Ltd.  
25 Basepoint  
Crab Apple Way  
Evesham  
WR11 1GP  
United Kingdom

Dear Sir/Madam

## **DECISION**

Town and Country Planning Act 1990 (as amended)

### **Full Planning Permission Granted Subject to a Section 106 Legal Agreement**

Address:

**1 Wadham Gardens  
London  
NW3 3DN**

Proposal:

Excavation of single-storey basement level under footprint of existing building, sunken terrace to north-west of site, 4x front and side light-wells with grilles, internal alterations to flats on ground, first and second floors, new and altered window openings to rear ground floor and first floor level, demolition and rebuild of the north-west end of the building, new boundary treatment and landscaping works, in association with 6 existing dwellings. Drawing Nos: Cover letter dated 14 October 2024 prepared by HUB Architects and Designers Ltd.; Construction Management plan reference 1179-App-02 Issue 1 dated October 2024 prepared by HUB Architects and Designers Ltd.; Design and Access Statement reference 1179-App-01 Issue 1 dated October 2024 prepared by HUB Architects and Designers Ltd.; 1179-00 Existing; 1179-00 Proposed; 1179-01 Existing; 1179-01 Proposed Rev. C; 1179-02 Existing; 1179-02 Proposed Rev. A; 1179-03 Existing; 1179-03 Proposed Rev. A; 1179-05 Proposed Rev. B; 1179-06 Proposed Rev. B; 1179-07 Proposed Rev. A; 1179-08 Proposed Rev. \*; 1179-10 Proposed railings Rev. A; 1179-10 Proposed hard and soft landscaping Rev. D; 1179-PL-01; Arboricultural Impact Assessment reference API/1WDG/AIA/02c dated 11th October 2024 prepared by Landmark Trees; Arboricultural Method Statement reference API/1WDG/AMS/02a dated 11th October 2024 prepared by Landmark Trees; Daylight report dated 18th June 2024 prepared by CHP Surveyors; Ecological report for Biodiversity Net Gain and Biological Impact Assessment dated 20/08/2024 prepared by Cherryfield Ecology; Ecological report for Emergence and Activity Bat Survey dated

03/10/2024 prepared by Cherryfield Ecology; The statutory biodiversity metric calculation dated 14 August 2024; BREEAM Design Stage Pre-Assessment Revision P3 dated 15 December 2021 prepared by Method Consulting; A confirmation letter reference 656RWG-240919-BREEAM Pre-Assessment Updated dated 19th September 2024 prepared by Method Consulting; Structural calculations prepared by Quadrant Harmon Consulting Ltd; 1550-01-Rev.2; 1550-02-Rev.3; 1550-03-Rev.2; 1550-04-Rev.2; 1550-GN01-Rev.2; 1550-GN02-Rev.3; 1550-GN03-Rev.2; Basement Impact Assessment Rev.5 dated 15 December 2021 prepared by Quadrant Harmon Consulting Ltd; Ground Appraisal Report reference GE17691 - GARv5JT240807 Version 5.0 dated August 2024 prepared by Geo-Environmental; 1179-PL-COND-4B-101; 1179-PL-COND-4B-100.

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:

Cover letter dated 14 October 2024 prepared by HUB Architects and Designers Ltd.; Construction Management plan reference 1179-App-02 Issue 1 dated October 2024 prepared by HUB Architects and Designers Ltd.; Design and Access Statement reference 1179-App-01 Issue 1 dated October 2024 prepared by HUB Architects and Designers Ltd.; 1179-00 Existing; 1179-00 Proposed; 1179-01 Existing; 1179-01 Proposed Rev. C; 1179-02 Existing; 1179-02 Proposed Rev. A; 1179-03 Existing; 1179-03 Proposed Rev. A; 1179-05 Proposed Rev. B; 1179-06 Proposed Rev. B; 1179-07 Proposed Rev. A; 1179-08 Proposed Rev. \*; 1179-10 Proposed railings Rev. A; 1179-10 Proposed hard and soft landscaping Rev. D; 1179-PL-01; Arboricultural Impact Assessment reference API/1WDG/AIA/02c dated 11th October 2024 prepared by Landmark Trees; Arboricultural Method Statement reference API/1WDG/AMS/02a dated 11th October 2024 prepared by Landmark Trees; Daylight report dated 18th June 2024 prepared by CHP Surveyors; Ecological report for Biodiversity Net Gain and Biological Impact Assessment dated 20/08/2024 prepared by Cherryfield Ecology; Ecological report for Emergence and Activity Bat Survey dated 03/10/2024 prepared by Cherryfield Ecology; The statutory biodiversity metric calculation dated 14 August 2024; BREEAM Design Stage Pre-Assessment Revision P3 dated 15 December 2021 prepared by Method Consulting; A confirmation letter reference 656RWG-240919-BREEAM Pre-Assessment Updated dated 19th September 2024 prepared by Method Consulting; Structural calculations prepared by Quadrant Harmon Consulting Ltd; 1550-01-Rev.2; 1550-02-Rev.3; 1550-03-Rev.2; 1550-04-Rev.2; 1550-GN01-Rev.2; 1550-GN02-Rev.3; 1550-GN03-Rev.2; Basement Impact Assessment Rev.5 dated 15 December 2021 prepared by Quadrant

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, detailed drawings, or samples of materials as appropriate, in respect of the following, shall be submitted to and approved in writing by the local planning authority:

a) Details including sections at 1:20 of all new windows (including jambs, head and cill), ventilation grills and external doors.

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 Camden Local Plan 2017.

- 5 The works hereby approved shall be carried out in accordance with the methods outlined in the submitted Arboricultural Method Statement (Landmark Trees), dated 11/10/2024, unless otherwise agreed in writing with the Local Planning Authority.

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.

- 6 All hard and soft landscaping works, including the replacement of the Hawthorn Tree as shown on the approved drawing "1179-10 Proposed soft and hard landscaping Rev D", shall be carried out in accordance with the approved landscape details, prior to the occupation of the development.

Any trees or areas of planting 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, A5, D1 and D2 of the London Borough of Camden Local Plan 2017.

- 7 Quadrant Harmon Consulting Ltd. shall inspect, approve and monitor the critical elements of both permanent and temporary basement construction works throughout their duration to ensure compliance with the design which has been checked and approved by a building control body. Should there be a subsequent change or reappointment, the replacement shall be a suitably qualified chartered engineer with membership of the appropriate professional body and 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 continuation of basement construction works. Any subsequent change or reappointment shall also be confirmed forthwith for the duration of the construction works.

Reason: To safeguard the appearance and structural stability of neighbouring buildings and the 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.

- 8 The basement works hereby approved shall be carried out in accordance with the Basement Impact Assessment (and supporting documents) as approved. Any change to the basement design or construction methodologies as approved shall be submitted to the local planning authority for approval in writing prior to their implementation.

Reason: To safeguard the appearance and structural stability of neighbouring buildings and the 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.

#### Informative(s):

- 1 Reasons for granting permission:

This application seeks planning permission for excavation of single-storey basement level under footprint of existing building, sunken terrace to north-west of site, 4x front and side light-wells with grilles, internal alterations to flats on ground, first and second floors, new and altered window openings to rear ground floor and first floor level, demolition and rebuild of the north-west end of the building, new boundary treatment and landscaping works, in association with 6 existing dwellings.

Planning permission was granted for a similar proposal under reference 2021/6174/P dated 17 August 2022, which itself was a duplicate of an earlier permission (application reference 2015/6104/P dated 26/04/2016). The principles of permission for other identical elements have already been established in the final decision notice of application 2021/6174/P. The previous permissions at the site are a material consideration and there have been no changes in circumstances which would now warrant a different

decision. The only difference with this application from the last permission 2021/6174/P is that there will be minor alterations including the widening of a window of bedroom 2 within lower ground floor level and re-locating the foot of the terrace staircase away from this window. Otherwise, there are no other changes made to the current application.

The increase in floor space to serve existing flats within the building exceeds 100 sqm. (231 sqm.). However, as no new dwellings would be created therefore there is no requirement to make an affordable housing contribution.

The impact on the character and appearance of the host building and the wider area, including the Elsworthy Conservation Area, has been considered acceptable. A condition will be recommended to secure the submission of details of all new windows, ventilation grills and external doors. It is noted that an approval of details application was granted consent in relation to Condition 4b of planning permission 2021/6174/P under reference 2024/2760/P for the submission of a method statement and drawings demonstrating how the existing Elsworthy Road and Wadham Gardens Street signs would be salvaged and re-instated on the boundary wall. The same details have been submitted under the current application and are considered appropriate and in keeping with the appearance and character of the existing street scene. Overall, the proposed works would adequately maintain the character and appearance of the Elsworthy 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.

The proposed basement works would be largely similar to previous permission granted except some proposed minor alterations including the widening of a window of bedroom 2 within lower ground floor level and re-locating the foot of the terrace staircase away from this window. Given the proposed alterations are minor in nature, the basement works would accord with the Council's guidance which was assessed in last permission. The same Basement Impact Assessment which was independently audited by Campbell Reith has been provided to this application. It was concluded that the BIA complies with the requirements of CPG Basements which would also apply to this application. An appointment letter to Quadrant Harmon Consulting Ltd was accompanied with this application to confirm they will be the chartered Structural Engineers responsible for the proposed works. Conditions will be recommended to ensure compliance with the BIA and the use of the appointed engineer to oversee the works.

- 2 It is not considered the proposed minor alterations under this application would cause undue harm to the visual and residential amenities of nearby and neighbouring properties or future occupiers of the host building. There has been no relevant change in material considerations which would alter the previous amenity assessments.

A highway works contribution and Construction Management Plan were

previously secured by legal agreement and will be again, along with a Construction Impact Bond and Approval in Principle, which are also considered necessary to mitigate the impact on the local highway network and local residents.

The arboricultural report notes that trees will be protected during construction works and a method statement has been provided which will be secured by compliance conditions.

The Elsworthy CAAC has been consulted and responded with no comment. The planning history and relevant appeal decisions of the site has been taken into account when coming to this decision.

As such, the proposed development is in general accordance with Policies G1, H4, A1, A5, D1, D2, CC1, CC2 and CC3 of the London Borough of Camden Local Plan 2017, the London Plan 2021 and the National Planning Policy Framework 2023.

- 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](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.

- 6 Your attention is drawn to the fact that there is a separate legal agreement with

the Council which relates to the development for which this permission is granted. Information/drawings relating to the discharge of matters covered by the Heads of Terms of the legal agreement should be marked for the attention of the Planning Obligations Officer, Sites Team, Camden Town Hall, Argyle Street, WC1H 8EQ.

- 7 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 permission WILL require approval of a BGP before development is begun because none of the statutory exemptions or transitional arrangements summarised below are considered to apply.

++ 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).

- 8 + 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.

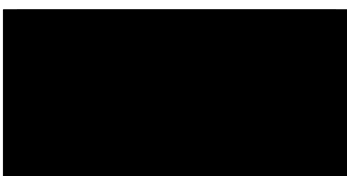
In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with the National Planning Policy Framework. The council publishes its adopted policies online, along with detailed Camden Planning Guidance. It also provides advice on the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