

Application ref: 2025/1032/P
Contact: Edward Hodgson
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Date: 23 April 2025

Development Management
Regeneration and Planning
London Borough of Camden
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Phone: 020 7974 4444

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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)

Variation or Removal of Condition(s) Granted

Address:

Lower Ground Floor Flat
133 King Henry's Road
London
NW3 3RD

Proposal:

Variation of Condition 2 (approved plans) of planning permission 2023/5117/P dated 22/03/2024 (for: Erection of single storey rear extension at lower ground floor, new windows to front and side elevations and new front door) NAMELY, changes to consented doors and windows on front and side, relocation of rooflight and detailing on rear extension
Drawing Nos: SUPERSEDED:

PA-01 06, PA-02 06, PA-03 04, PA-04 04, PA-05 04, PA-07 05,

PROPOSED:

127/200, 127/201, 127/202, 127/203, 127/204, 127/205

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 the original planning permission ref 2023/5117/P

dated 22/03/2024.

Reason: In order to comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 For the purposes of this decision, condition no. 2 of planning permission 2023/5117/P shall be replaced with the following condition:

REPLACEMENT CONDITION 2:

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

Site Location Plan ST-02 rev 00; LP-01 01, LP-02 01, EX-01 01, EX-02 01, EX-03 01, EX-04 01, EX-05 01, EX-06 02, EX-07 01, EX-08 00, 127/200, 127/201, 127/202, 127/203, 127/204, 127/205, PA-06 04, PA-08 04, PA-09 01, PA-10 00,

Planning Statement, Arboricultural Report (Crown Tree Consultancy 29/11/2023), Arboricultural Method Statement (Crown Tree Consultancy 29/11/2023), CCL 10812 / TCP Rev: 2, Tree Schedule, Green Roof Maintenance Scheme (CCASA Architects 28/02/2024)

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 Prior to the commencement of construction/demolition works on site, tree protection measures shall be installed in accordance with the approved Arboricultural Method Statement Crown Tree Consultancy 29/11/2023), and Tree Protection Plan within the approved Arboricultural Report (Crown Tree Consultancy 29/11/2023),. The protection measures shall remain in place for the duration of works on site and shall be carried out in line with the recommendations made in the method statement, unless otherwise agreed in writing by the local 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

Informative(s):

- 1 Reasons for granting consent:

This application seeks to make various changes to the approved scheme dated 22/03/2024 under ref. 2023/5117/P which granted consent for the erection of a single storey wrap around extension, and new windows and doors to the lower ground floor flat.

The changes proposed under this section 73 application include installing an entrance door on the side elevation in place of a consented window, installing a window in place of a door on the side portion of the consented extension, relocating a consented rooflight on the roof of the extension and new soldier coursing above the glazed section of the rear elevation on the rear extension.

The door would replace an existing door in this location and as such would not significantly alter the appearance of the side elevation. The new window on the side extension would be a timber framed sash window which would be similar in appearance to the prevailing fenestration of the host building and surrounding conservation area and is acceptable. The relocated rooflight would move further away from the front elevation of the side extension and would only be visible in private views and would be of a similar size to the approved. This alteration would not impact on the design intent of the original scheme. On the rear elevation, the soldier coursing would add visual interest and is a common feature found on surrounding properties. The scale and massing of the approved extension would not be altered, and the changes are considered in keeping with the approved scheme.

The proposal is considered to preserve the character and appearance of the conservation area. Special attention has been paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area.

The proposal is not considered to cause any adverse impacts on the amenity of adjoining residential occupiers.

A compliance condition is attached to ensure that trees are suitably protected during construction in line with the approved scheme.

No objections have been received prior to making this decision. The Elsworth CAAC responded with no comment on the application. 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, D1 and D2 of the Camden Local Plan 2017. The proposed development also accords with the London Plan 2021 and the National Planning Policy Framework 2024.

- 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 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 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 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 section 73 application and the original (parent) permission was made or granted before 2 April 2024.

++ 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-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 positioned above the printed name and title of the signatory.

Daniel Pope
Chief Planning Officer