

Application ref: 2023/3937/P  
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**Development Management**  
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Mr David Walker  
43 Croftdown Road  
London  
NW5 1EL  
United Kingdom

Dear Sir/Madam

## **DECISION**

Town and Country Planning Act 1990 (as amended)

### **Householder Application Granted**

Address:  
**43 Croftdown Road**  
**London**  
**NW5 1EL**

#### **Proposal:**

Extension and lowering of existing basement, installation of front lightwell and replace rear window with door.

Drawing Nos: PI(1-)-01; PI(1-)-02; PI(1-)-03; PI(1-)-04; PI(1-)-05; PI(2-)-01 rev B; PI(2-)-02 rev B; PI(2-)-03 rev B; PI(2-)-04; PI(2-)-05; 21525 SK01; 21525 SK02; Location plan and block plan; Arboricultural Report prepared by Frank Parsons Arboriculturalist dated 25 January 2016; Structural Engineer's report and Basement Impact Assessment - Scoping & Screening Study prepared by Price & Myers dated February 2016 and Basement Impact Assessment Report prepared by Geotechnical and Environmental Associates dated December 2017; Tree Survey prepared by Parsons Tree Care dated 25/01/2016; Flood Risk Assessment prepared by Floodplan Ltd dated 07/04/2024.

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:

PI(1-)-01; PI(1-)-02; PI(1-)-03; PI(1-)-04; PI(1-)-05; PI(2-)-01 rev B; PI(2-)-02 rev B; PI(2-)-03 rev B; PI(2-)-04; PI(2-)-05; 21525 SK01; 21525 SK02; Location plan and block plan; Arboricultural Report prepared by Frank Parsons Arboriculturalist dated 25 January 2016; Structural Engineer's report and Basement Impact Assessment - Scoping & Screening Study prepared by Price & Myers dated February 2016 and Basement Impact Assessment Report prepared by Geotechnical and Environmental Associates dated December 2017; Tree Survey prepared by Parsons Tree Care dated 25/01/2016; Flood Risk Assessment prepared by Floodplan Ltd dated 07/04/2024.

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

- 4 Detailed drawings in respect of the following shall be submitted to and approved in writing by the local planning authority before the relevant part of the work is begun:

a) Details of the front light well grill including plan and section at a minimum scale of 1:50.

The relevant part of the works shall be carried out in accordance with the details thus approved.

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 and policies DC2, DC3 and DC4 of the Dartmouth Park Neighbourhood Plan 2020.

- 5 The development hereby approved shall not commence until such time as a suitably qualified chartered engineer with membership of the appropriate professional body has been appointed to inspect, check for compliance with the design (as approved by the local planning authority and building control body) and monitor the critical elements of both permanent and temporary basement construction works throughout their duration. 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 commencement of development. Any subsequent change or reappointment shall be confirmed forthwith for the duration of the construction works.

Reason: To ensure proper consideration of the structural stability of neighbouring buildings and to safeguard the appearance and 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.

- 6 Prior to the commencement of any works on site, details demonstrating how trees to be retained shall be protected during construction work shall be submitted to and approved by the local planning authority in writing. Such details shall follow guidelines and standards set out in BS5837:2012 "Trees in relation to design, demolition and construction". 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 the approved protection details.

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 and policies DC2, DC3 and ES2 of the Dartmouth Park Neighbourhood Plan 2020.

- 7 No development shall take place until full details of hard and soft landscaping including 1 replacement tree in the rear garden and means of enclosure of all un-built, open areas have been submitted to and approved by the local planning authority in writing. The relevant part of the works shall not be carried out otherwise than in accordance with the details thus approved.

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, A5, D1, D2 of the London Borough of Camden Local Plan 2017 and policies DC2, DC3 and ES2 of the Dartmouth Park Neighbourhood Plan 2020.

- 8 All hard and soft landscaping works shall be carried out in accordance with the approved landscape details by not later than the end of the planting season following completion 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 and policies DC2, DC3 and ES2 of the Dartmouth Park Neighbourhood Plan 2020.

- 9 Prior to the commencement of any basement construction work, a method of

works and construction sequence shall be submitted to and approved in writing by the local planning authority.

Reason: To safeguard the structural stability of the public highway in accordance with the requirements of policy T3 of the Camden Local Plan 2017.

Informative(s):

1 Reasons for granting permission.

Planning permission was granted for the proposed works on 17/04/2018 (ref 2016/5697/P) but the permission has now lapsed (expired on 17/04/2021). This application seeks permission for the same works. There have been no material changes in circumstances relating to the site context since this decision. In terms of policy considerations there have been reviews of national and local policy documents and drafting of new policy documents that have been adopted since the 2016 permission was granted in 2018. At national level the NPPF was updated in 2023 and the London Plan was adopted in 2021. Locally, the Dartmouth Park Neighbourhood Plan was adopted in March 2020 and updates to and drafting of new Supplementary Planning Guidance documents that support the 2017 Local Plan were adopted in 2021 including Amenity (2021), Basements (2021), Design (2021), Home Improvements (2021), Transport (2021) and Trees (2019). These have all been taken into consideration in the assessment of the proposal.

Design and heritage:

The Council's design policies are aimed at achieving the highest standard of design in all developments. Policies D1 of the Local Plan and Policy DC3 of the Dartmouth Park Neighbourhood Plan (NP) requires development to be of the highest architectural and urban design quality, which improves the function, appearance and character of the area. Policy D2 of the Local Plan and Policy DC2 of the Dartmouth Park NP seeks to ensure that any development will preserve, and where appropriate, enhance Camden's rich and diverse heritage assets and their settings, including conservation areas and listed buildings. The proposed development would have a relatively minor impact on the overall character and appearance of the host building. A new lightwell would be formed to the front of the property by continuing the existing bay window at ground floor level down to basement level. It would be finished in rendered brick with sash windows to match the design and materials of the floor above. It would not appear as an incongruous addition to the streetscene due to the creation of similar lightwells to the front of neighbouring properties.

Although some of the existing paving within the front garden area would be removed to make way for the lightwell, a sufficient portion would be retained to protect the character of the front garden area. Furthermore the existing hedge, trees and planting would be retained and protected during construction to retain the attractive verdant character of the front garden. A metal security grille would cover the lightwell, details of which shall be secured by condition.

The existing basement features a high level window overlooking the rear garden. The rear garden ground level would be lowered to match the new

internal floor level and a full height glazed door with aluminium frames installed which would be in keeping with the existing property. Steps would lead from this area up to the existing garden level. Due to the lowered garden level, the existing ground floor door in the side elevation of the rear closet wing would be changed to a window within the same aperture. It would be similar in design and appearance and would have minimal impact on the appearance of the building.

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. Overall, the proposals are considered to preserve the character and appearance of the host building and Dartmouth Park conservation area and are considered acceptable in design terms.

## 2 Basement excavation:

In line with Policy A5 (f-m) basement development should not comprise of more than one storey; should not be built under an existing basement; should not exceed 50% of each garden within the property; should be less than 1.5 times the footprint of the host building in area; should extend into the garden no further than 50% of the depth of the host building; and should be set back from neighbouring property boundaries where it extends beyond the footprint of the host building. Policy A5 recognises that exceptions may be made on large comprehensively planned sites.

The building features an existing single storey basement beneath half the footprint of the building to the rear. The proposals include the lateral extension of the existing basement to cover the full footprint of the property (an increase of approximately 24sqm) and the excavation of the existing basement by approximately 400mm, including lightwells to the front and rear. The internal floor to ceiling height of the new basement floor would be approximately 2.4m.

The applicant submitted a Basement Impact Assessment (BIA) as part of the 2016 permission that was subject to independent verification by Campbell Reith in accordance with Policy A5 (n-u) and Basement CPG. Campbell Reith issued their BIA audit report on 03/04/2018 confirming that the submitted BIA and details had been conducted in accordance with the requirements of Policy A5 and CPG4 (now adopted Basements CPG) and would result in negligible impact to neighbours and the highway. There has been no change in circumstances onsite since this review was undertaken in 2018 and the proposal is also in line with the requirements of the Basements CPG. Consequently an updated BIA was not required in this instance. A condition was attached to the 2016 permission requiring the applicant to submit details of a qualified engineer to inspect, approve and monitor the construction works. This condition is still considered necessary and would also be attached to this application.

## Neighbouring amenity:

Due to the location and nature of the proposals, they are not considered to cause harm to neighbouring amenity in terms of privacy, outlook or daylight. The works would not introduce any new windows which would overlook

neighbouring properties, nor would the development block neighbouring light levels.

#### Transport:

Although the proposed works would involve excavation works to lower the basement floor level, the Council's Transport Officer has confirmed that the extent of the works would not warrant the submission of a construction management plan.

Given the proximity of the excavation to the public footway it was originally considered that an Approval in Principle (AIP) would be required to be secured by a section 106 to ensure the development would not impact on the structural stability of the adjacent pavement. Following the submission of revised plans of the lightwell width and depth, the Council's Highways Engineer has confirmed that an AIP is no longer required. However a condition would be required to secure the submission of method of works and construction sequence to understand how the lightwell would be constructed.

#### Trees:

Policy A3 of the Local Plan and Policy ES2 of the Dartmouth Park NP seeks to ensure that healthy trees are protected that contribute to the character of the area. The scheme involves the removal of T3, a category C birch tree from the rear garden in order to facilitate development. The tree is of minimal visibility from the public realm and is not considered to significantly contribute to the character of this part of the conservation area. Any loss of visual amenity and canopy cover that T3 provides could be mitigated against through replacement planting in the rear garden. A condition was attached to secure this as part of the 2016 permission and would also be attached to this application.

- 3 The proposed light well in the front garden is likely to impact upon T1, a category C Sorbus tree also in the front garden. It is considered that as T1 has been previously reduced, provided suitable working practices are adopted when in close proximity to T1, the impacts are likely to be of an acceptable level. Tree protection details, an arboricultural method statement and tree replacement if any trees die were secured as part of the 2016 permission and would be considered necessary to secure as part of this application.

#### Flooding

The site is identified as being located in a local flood risk zone (York Rise) which was flooded in 1972 and in the vicinity of a previously flooded street having flooded in 1975 and is also identified on the government website as being at a high risk of surface water flooding. Consequently a flood risk assessment was submitted during the course of the application. Following discussions with the applicant the plans have been revised to confirm that the basement will not be used as sleeping accommodation to ensure that it is not used for night-time vulnerable uses. Other mitigation measures that have been secured include the installation of 150mm kerb around the front lightwell and the same height increase at the rear lower ground rear elevation. This would ensure that the ability of any water from possible surface water flooding is minimised into the front lightwell and from coming down from the rear garden into the rear of the property.

1 comment was received from a local resident about the recent tree permission to fell one of the trees (himalayan birch). No objections have been received prior to making this decision. The planning history of the site and surrounding terrace has been taken into account when coming to this decision.

As such, the proposal is in general accordance with Policies A1; A3; A4; A5; CC3, D1; D2; T4 of the Camden Local Plan 2017 and Policies DC2, DC3, DC4, ES2 of the Dartmouth Park Neighbourhood Plan 2020. The proposed development also accords with the London Plan 2021 and the National Planning Policy Framework 2024.

- 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 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).
- 6 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.

- 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, 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 the application 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).

#### 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 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 blue rectangular background.

Daniel Pope  
Chief Planning Officer