

Application ref: 2025/0732/P
Contact: Jaspreet Chana
Tel: 020 7974 1544
Email: Jaspreet.Chana@camden.gov.uk
Date: 25 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
www.camden.gov.uk/planning

Brod Wight Architects
8a Baynes Mews
Belsize Park
NW3 5BH
United Kingdom

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Full Planning Permission Granted

Address:

Garden Flat
99 King Henry's Road
London
NW3 3QX

Proposal:

Erection of single storey side and rear extension, replacement windows and erection of single storey rear outbuilding

Drawing Nos: 1133-S01, 1133-S02, 1133-S03, 1133-S04, 1133-S05, 1133-S06, 1133-AP3-01, 1133-AP3-02, 1133-AP3-03, 1133-AP3-04, 1133-AP3-05, 1133-AP3-D+A+H, Sedum Blanket System, Tree Report by John Cromar S1113-J1-R-1, KHR99A-SE01A.

The Council has considered your application and decided to grant permission subject to the following conditions:

Conditions and Reasons:

- 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: 1133-S01, 1133-S02, 1133-S03, 1133-S04, 1133-S05, 1133-S06, 1133-AP3-01, 1133-AP3-02, 1133-AP3-03, 1133-AP3-04, 1133-AP3-05, 1133-AP3-D+A+H, Sedum Blanket System, Tree Report by John Cromar S1113-J1-R-1, KHR99A-SE01A.

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 Prior to the commencement of works on site, tree protection measures shall be installed and working practices adopted in accordance with the Arboricultural Method Statement and Tree Protection Plan by John Cromar's Arboricultural Company dated 13/06/2023 ref. S1113-J1-R-1. 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 Camden Local Plan 2017.

- 5 Before the relevant part of the work is begun, details and elevations in respect of the new trellis to be added to the rear side fences, shall be submitted to and approved in writing by the local planning authority:

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.

- 6 The green living roofs hereby approved shall be fully provided prior to the use of the development and thereafter retained and maintained in accordance with the approved scheme.

Reason: In order to ensure the development undertakes reasonable measures to take account of biodiversity and the water environment in accordance with policies G1, CC1, CC2, CC3, D1, D2 and A3 of the London Borough of Camden Local Plan 2017.

- 7 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

(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.

- 8 Details of the layout and construction of the extension and the outbuilding in so far as these items may affect the integrity of the railway and its boundary, have been secured. The relevant part of the works shall be carried out in accordance with the details thus approved.

Reason: To ensure that the development does not impact on existing strategic transport infrastructure in accordance with the requirements of policies A1 and T1 of the Camden Local Plan 2017.

- 9 The outbuilding hereby approved shall only be used for purposes incidental to the use of the main property (Garden flat, 99 King Henry's Road) and shall not be used as a separate residential dwelling or a business premises.

Reason: In order to protect the residential amenities of neighbouring occupiers and prevent substandard living accommodation and excessive on-street parking pressure in accordance with policies A1 and T2 of the London Borough of Camden Local Plan 2017.

Informative(s):

- 1 Reasons for granting permission:
This application follows the previous recent approval ref. 2023/2649/P dated 29.5.24 which was for 'Erection of single storey side and rear extension, replacement windows and erection of single storey rear outbuilding'. The amended changes in this application are: the extension of the side glazed roof to the rear and removal of side rooflight, line of front wall of the side extension to be extended forward 0.7m, the side party wall to be increased, enlargement of the rear extension rooflight and a trellis to be added to the rear fences on either side rear boundary.

The principle of the development has been accepted under the previous approval and therefore, only the amended alterations will be assessed as part of this application, the rest of the proposed works (rear extension with a green roof, replacement windows, rear outbuilding) is as the previously approved application; as there has been no planning policy change since the 2024 decision, the same considerations and policy would still apply and therefore the previous proposed works would still be acceptable.

The proposal involves a modest side extension to the existing lower ground

floor adjacent to the hallway. The side entrance door would be altered and set within a side extension, it would be replaced with a larger door and another new door would be added to the new extended side extension at the front which would be the new side entrance. A glass opaque roof would be added over the top of the extension enlarging back over the proposed rear kitchen extension (partially). The side party wall would also be increased (by 600mm), it would match the existing party wall. These alterations would be set back from the street (over 10m) and set down at lower ground and ground floor level and therefore would not be visible from the public realm and due to their modest nature would not be considered harmful alterations.

The extension is considered subordinate in form, scale and design. The mix of materials combined with the extension projection would complement the existing building and would have a contemporary appearance, which is like other examples of rear/side extensions along this terrace and is therefore acceptable.

The approved rear opaque rooflight over the rear extension is to be enlarged slightly, this appears to be a modest increase and therefore would not be a harmful alteration. New trellis is to be added above the existing rear side fences taking the existing brick walls from 1.6m to 2.05m (450mm increase), no elevations of this have been provided so further details of this would be secured by condition. The green living roofs (proposed on the rear extension) are to be implemented in line with the approved details.

The proposed side and rear extension would project at length on the side boundary with No.97 King Henry's Road. The extension's height is 2.9m but the side party wall is to be re-built at the height of 3.4m with a separation distance of 1.4m to the sidewall of No.97. The side and rear extension is not considered to cause any significant impact to the adjoining properties in terms of loss of light, outlook and would not have an overbearing appearance. An additional condition has been added for the rear outbuilding to only be used for incidental purposes to the main dwelling and no other use, in order to protect the amenities of neighbouring properties.

- 2 A compliance condition in relation to tree protection measures shall be added to this decision so that the proposed works would be in accordance with the Arboricultural Method Statement and Tree Protection Plan submitted. A condition to secure details of the layout of the extension and the outbuilding which may impact the integrity of the railway and its boundary would be applied to this decision.

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 Listed Buildings and Conservation Areas Act 1990.

Therefore, it is considered that the proposed development would not significantly detract from the character and appearance of the subject dwelling or the surrounding conservation area. The proposal would be in general accordance with policies A1, A2, A3, D1, D2, CC1, CC2, CC3, and T1 of the London Borough of Camden Local Plan and is in general accordance with the

- 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) 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 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 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).

++ 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).

7 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.

- 8 Please note the proposed works will need monitoring by Network Rail, an agreement would need to be put into place to facilitate this. Please contact

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