

Application ref: 2025/1468/P  
Contact: Connie Marinetto  
Tel: 020 7974 8012  
Email: [connie.marinetto@camden.gov.uk](mailto:connie.marinetto@camden.gov.uk)  
Date: 7 May 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)

Athe Design  
41D Barnsbury Street  
London  
N1 1PW

Dear Sir/Madam

## **DECISION**

Town and Country Planning Act 1990 (as amended)

### **Variation or Removal of Condition(s) Granted**

Address:  
**9 Parsifal Road**  
**London**  
**NW6 1UG**

Proposal:  
Removal of condition 5 (replacement tree planting) of planning permission 2020/5554/P dated 16/06/2021 (for demolition of double garage and two carport structures at rear of garden and erection of single-storey structure comprising a double garage and garden studio room).

Drawing Nos: Letter from Arbtech (dated 31/03/2025)

The Council has considered your application and decided to grant permission subject to the following condition(s):

Condition(s) and Reason(s):

- 1 This condition is intentionally left blank.
- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:

Site location plan; A.02, A.03, A.04, A.05, A.06, A.07, A.08 all drawings dated 15 of May 2021. Wallbarn Green Roof details ref. IMS.S.020.v3; Kemperol 2K-Pur roof waterproofing system dated 2 August 2019; Maintenance Schedule for

Wallbarn M-Tray Green Roof System ref. IMS.S.244v1; Wallbarn Sedum Species, ref. IMS.S.029.v1; Wallbarn Wildflower Species, ref. IMS.S.030.v1.

Reason:

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

- 3 The ancillary accommodation hereby approved shall only be used for purposes incidental to the residential use of 9 Parsifal Road and shall not be used as a separate independent dwelling.

Reason: To ensure that the future occupation of the outbuilding does not adversely affect the amenity of immediate area by reason of noise, traffic congestion and excessive on-street parking, in accordance with policy A1, A4 and T2 of the London Borough of Camden Local Plan 2017.

- 4 Details of the design of building foundations and the layout, with dimensions and levels, of service trenches and other excavations on site in so far as these items may affect trees on or adjoining the site, shall be carried out in accordance with the details approved under 2024/2356/P. The relevant part of the works shall not be carried out otherwise than in accordance with the details approved.

Reason: To ensure that the development will not have an adverse effect on existing trees and in order to maintain the character and amenities of the area in accordance with the requirements of policies A2 and A3 of the London Borough of Camden Local Plan 2017.

- 5 The living roof shall be fully provided in accordance with the details approved in drawing no. A.07; Wallbarn Green Roof details ref. IMS.S.020.v3; Kemperol 2K-Pur roof waterproofing system dated 2 August 2019; Maintenance Schedule for Wallbarn M-Tray Green Roof System ref. IMS.S.244v1; Wallbarn Sedum Species ref. IMS.S.029.v1; Wallbarn Wildflower Species ref. IMS.S.030.v1 prior to first occupation and thereafter retained and maintained in accordance with the approved details.

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

Informative(s):

- 1 Reasons for granting permission:

Planning permission was originally granted under reference 2020/5554/P for the demolition of the double garage and two carport structures at the rear of the garden and erection of a single-storey structure comprising a double garage and garden studio room. This application seeks the removal of condition 5, which required details of replacement tree planting prior to the end of the next available planting season.

As part of the original consent, 5 out of 14 existing trees were proposed to be

removed. A letter has been submitted from Arbtech, confirming that the current site setting out has allowed for the retention of all existing trees. As a result, no trees are to be removed or replaced due to the proposed construction, and as such, no replacement planting will be required..

Details of foundations and excavations in relation to impact on trees required by condition 4 were then granted under ref. 2024/2356/P. The Council's Tree and Landscape Officer confirmed that the design of the building takes into account the trees present to avoid hitting significant roots with the use of trial pits, ground beams and pile foundations that can be adequately moved to avoid roots when inserted.

On this basis, as trees are no longer proposed to be removed as part of the permission, the development has an acceptable impact on existing trees, and foundations will protect tree roots, condition 5 is no longer necessary. In this instance it is considered acceptable to remove this condition.

There are no alterations to the plans/elevations and therefore the removal of this condition will not impact on the character and appearance of the host property, streetscene and Conservation Area nor impact on the amenity of neighbouring properties.

No comments or objections were received during the consultation period. The planning history of the site has been taken into account when coming to this decision. 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.

As such, the proposed development is in general accordance with policies A1, A3, D1 and D2 of the Camden Local Plan 2017 and policies 2 and 18 of the Fortune Green and West Hampstead Neighbourhood Plan 2015. The proposed development also accords with policies of the London Plan 2021 and of 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](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.

- 5 The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted 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 not require the approval of a BGP before development is begun because it is a section 73 application and the parent permission was submitted before 12 February 2024.

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

A handwritten signature in black ink, appearing to read 'DPope', is centered within a light gray rectangular box.

Daniel Pope  
Chief Planning Officer