

Application ref: 2021/4580/P  
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Date: 17 February 2023

**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)

Wolff Architects  
16 Lambton Place  
London  
W11 2SH

Dear Sir/Madam

## **DECISION**

Town and Country Planning Act 1990 (as amended)

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

Address:

**9 Wadham Gardens  
London  
NW3 3DN**

Proposal:

Creation of a new basement floor under the footprint of the existing property with new front lightwell, installation of an air source heat pump with acoustic enclosure in rear garden, and associated modifications to the property.

Drawing Nos: Site Survey 26520A-1-R1, 1951-PL-001, 1951-PL-002, Existing Floor Plans & Elevations (1951: - PL-010-0, PL-011-0, PL-012-0, PL-013-0, PL-030-0, PL-032-0, PL-034-0, PL-036-0)

Proposed Basement Plans, Elevations & Sections 1951: - PL-202-A, PL-209-C, PL-210-B, PL-211-A, PL-212-0, PL-213-0, PL-220-A, PL-230-0, PL-232-B, PL-234-A, PL236-B

Proposed Engineering Plans, Elevations & Sections: P4634: 101 P5, 102 P5, 110 P5, 111 P5,

Design & Access Statement, Arboricultural Impact Assessment (Landmark Trees - June 2021), Ground Investigation and Basement Impact Assessment Report (GEA - June 2022), Environmental Noise Survey & Plant Noise Assessment (Hann Tucker Associates - May 2021), Daikin Plant Specifications, Daikin Plant Drawing RXYCSQ-TV1, Energy Statement (E & S Bristol Ltd - June 2021)

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 drawings and documents:  
Site Survey 26520A-1-R1, 1951-PL-001, 1951-PL-002, Existing Floor Plans & Elevations (1951: - PL-010-0, PL-011-0, PL-012-0, PL-013-0, PL-030-0, PL-032-0, PL-034-0, PL-036-0)  
Proposed Basement Plans, Elevations & Sections 1951: - PL-202-A, PL-209-C, PL-210-B, PL-211-A, PL-212-0, PL-213-0, PL-220-A, PL-230-0, PL-232-B, PL-234-A, PL236-B  
Proposed Engineering Plans, Elevations & Sections: P4634: 101 P5, 102 P5, 110 P5, 111 P5  
Design & Access Statement, Arboricultural Impact Assessment (Landmark Trees - June 2021), Ground Investigation and Basement Impact Assessment Report (GEA - June 2022), Environmental Noise Survey & Plant Noise Assessment (Hann Tucker Associates - May 2021), Daikin Plant Specifications, Daikin Plant Drawing RXYCSQ-TV1, Energy Statement (E & S Bristol Ltd - June 2021)

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 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, 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. 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 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.

- 5 The basement development shall be constructed in accordance with the methodology and recommendations set out in approved documents, including the Ground Investigation and Basement Impact Assessment Report Rev 3 (GEA - June 2022)

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.

- 6 The basement hereby approved shall only be used for purposes ancillary to the use of the site as a single dwelling and not as a separate dwelling or commercial unit.

Reason: In order to protect the character, amenity and highway conditions of the area in accordance with policies A1, D1, D2 and T3 of the Camden Local Plan 2017.

- 7 Prior to the commencement of any works below ground level, detailed design and construction method statements for all of the ground floor and basement level structures and foundations, including piling (temporary and permanent), shall have been submitted to and approved in writing by the Local Planning Authority which:

- Accommodate the location of the Network Rail tunnel;
- Accommodate ground movement and associated effects arising from the construction thereof; and
- Mitigate the effects of noise and vibration arising from the operation of the railway within the tunnel and associated below and above ground structures.

The development shall be carried out in all respects in accordance with the approved details, and all structures and works comprised within the development hereby permitted which are required by the approved details shall be completed in their entirety before any part of the building hereby permitted is occupied.

Reason: To manage the structural impact of the development upon the Network Rail tunnel, in accordance with policy T3 of the Camden Local Plan 2017.

- 8 Noise levels at a point 1 metre external to sensitive facades shall be at least 10dB(A) less than the existing background measurement (LA90), expressed in dB(A) when all plant/equipment (or any part of it) is in operation unless the plant/equipment hereby permitted will have a noise that has a distinguishable, discrete continuous note (whine, hiss, screech, hum) and/or if there are distinct impulses (bangs, clicks, clatters, thumps), then the noise levels from that piece of plant/equipment at any sensitive façade shall be at least 15dB(A) below the LA90, expressed in dB(A).

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies A1 and A4 of the London Borough of Camden Local Plan 2017.

- 9 Prior to use, machinery, plant or equipment at the development shall be mounted with proprietary anti-vibration isolators and fan motors shall be vibration-isolated from the casing and adequately silenced and maintained as such.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies A1 and A4 of the London Borough of Camden Local Plan 2017.

- 10 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 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.

#### Informative(s):

- 1 Reasons for granting permission:

The application site comprises a three storey detached house, situated on the north side of Wadham Gardens in the Elsworthy Conservation Area.

The proposal would include a small (1.9m x 1.1m) lightwell with grille immediately in front of the house in the planted bed on its left side (as seen from the street). Serving a plant room in the basement, this would not be visible from the street, it would not result in external illumination and it would not have any material effect on the appearance of the building or the site. Consequently, it is not considered to harm the character or appearance of the Conservation Area.

An acoustic enclosure (1.2m x 1.75m x 1.5m) around an air source heat pump located in the rear garden would sit below the boundary fence with 11 Wadham Gardens. It would not result in the uprooting of any trees or any significant loss of garden space or planting. There would be no significant impact on the heritage or townscape value of the site.

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 would be under the entire house footprint to provide ancillary non-habitable accommodation. It is considered to comply with the

various location and dimension criteria of policy A5 of the Local Plan. It would be single storey, it would not extend beyond 50% of any garden at the site, it would not be more than 1.5 times the footprint of the building, it would be set back 1m from the boundaries with both immediately neighbouring properties, and it would not result in the loss of any garden space or trees. Apart from the small front lightwell, it will not have any external manifestation and thus will have no impact on the appearance of the property or street.

The Ground Investigation and Basement Impact Assessment (BIA) Report has been audited by the Council's basement consultants. They conclude that the proposal would not have any significant impact on slope stability or surface water and groundwater flows in the area.

The Basement Impact Assessment includes ground modelling and damage assessments to demonstrate that ground movements and consequential damage are acceptable, notably that a maximum of Category 1 (Very Slight) damage in accordance with the Burland Scale will occur to neighbouring properties and the railway tunnel underneath which is acceptable.

The BIA Audit confirms that the BIA complies with the requirements of CPG: Basements, but recommends a Basement Construction Plan is provided to include a detailed temporary works and monitoring scheme, including appropriate contingency actions. This will need to be secured by a S.106 agreement to accompany the planning permission.

The basement is proposed to provide ancillary residential spaces (swimming pool, gym, bar, media/games room) within the house. A condition to prevent a separate use of the basement as a dwelling or for commercial purposes is recommended in the interests of the character, amenity and highway conditions of the area.

The proposal would not harm the amenity or living conditions of any neighbouring occupiers. No above-ground extensions are proposed and so there would be no impact on the light, privacy or outlook at any neighbouring sites. The proposal includes a low height VRV (variable refrigerant flow) system in the garden, which is proposed to use the air source heat pump technology to supply efficient cooling to the basement. There would also be a plant room for the swimming pool in the basement.

- 2 A Plant Noise Assessment has been submitted. The Council's Environmental Health Officer confirms the plant noise criteria have been adequately predicted and that proposed noise levels will be below existing background noise levels in compliance with Council noise standards.

Conditions are recommended to ensure that the swimming pool plant operates at below ambient noise levels and that anti-vibration measures are put in place.

It is concluded that the proposal would not result in any significant levels of loss of amenity for the occupiers of any neighbouring properties.

A condition is also attached to ensure the structural stability of the Network Rail tunnel and to mitigate against the effects of noise and vibration on it. Also a

condition is attached to protect the nearby trees in the rear garden from any damage by the proposed significant excavation and construction.

Two objections were received following statutory consultation, both relating to potential damage to neighbouring properties as a result of the building works, particularly excavation and the change to the foundations to facilitate the deep basement. These and the site's planning history have been taken into account in the assessment of the application.

As such, the proposed development is in general accordance with policies A1, A4, A5, 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 2021.

- 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.

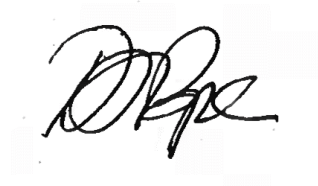
In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraph 38 of the National Planning Policy Framework 2021.

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.

Daniel Pope  
Chief Planning Officer