

Address:	Ames House 26 Netherhall Gardens London NW3 5TL		3
Application Number(s):	2023/0207/P	Officer: Charlotte Meynell	
Ward:	Belsize		
Date Received:	16/01/2023		
Proposal:	Erection of 3 storey side extension to provide 3 self-contained flats with front cycle and refuse stores, following demolition of existing 2 storey side garage extension and 1-bed flat.		
Background Papers, Supporting Documents and Drawing Numbers: <p>Existing Drawings: P-100 Rev. 1; P-110 Rev. 1; P-200 Rev. 1; P-201; P-202 Rev. 1; P-210 Rev. 1; P-211 Rev. 1; P-212 Rev. 1; P-213 Rev. 1.</p> <p>Proposed Drawings: P-300 Rev. 3; P-301 Rev. 3; P-302 Rev. 1; P-303 Rev. 2; P-340 Rev. 1; P-341 Rev. 3; P-342 Rev. 2; P-343 Rev. 2; P-344 Re. 1; P-351 Rev. 3; P-500 Rev. 1.</p> <p>Documents: Arboricultural Report (prepared by Crown Tree Consultancy, dated 11/10/2022); Bat Emergence and Re-entry Surveys (prepared by Arbtech, dated 23/06/2023); Daylight and Sunlight Report (Neighbouring Properties) (prepared by Right of Light Consulting, dated 09/08/2023); Daylight and Sunlight Report (Within Development) (prepared by Right of Light Consulting, dated 15/11/2022); Design and Access Statement (prepared by TG Studio, dated 19/12/2022); Email received from Savills dated 30/08/2023; Energy Statement (prepared by The Design Collective, dated December 2022); Environmental Noise Assessment ref. 104461A.ad.Issue1 (prepared by Acoustics Plus, dated 27/03/2023); Nesting Bird Scoping Note (prepared by Greengage); Planning Statement (prepared by Savills); Preliminary Roost Assessment (prepared by Arbtech, dated 14/12/2022); Structural Report (prepared by SR Brunswick, dated October 2022).</p>			
RECOMMENDATION SUMMARY: Grant conditional planning permission subject to a Section 106 Legal Agreement			
Applicant:		Agent:	
Laubenjas Investment Ltd c/o Savills 33 Margaret Street London W1G 0JD		Savills 33 Margaret Street London W1G 0JD	

ANALYSIS INFORMATION

Land use details				
Use Class	Description	Existing GIA (sqm)	Proposed GIA (sqm)	Difference GIA (sqm)
C3	Dwellings (flats)	585	770	+ 185

Proposed residential use details							
	Tenure	Residential Type	No. of Bedrooms per Unit				
			1	2	3	4	Total
Existing	Market	Flats	1				1
Proposed	Market	Flats	1	2			3
Uplift	Market	Flats		2			2

Parking details			
Type	Existing spaces	Proposed spaces	Difference
Car	1	0	-1
Cycle	0	6	+6

EXECUTIVE SUMMARY

- i) The site is located on the east-side of Netherhall Gardens and comprises a three storey Victorian building with a post-war two storey side extension. The site is located within the Fitzjohns/Netherhall Conservation Area and is identified as a positive contributor. The existing extension is considered to detract from the conservation area.
- ii) There is an extant planning permission (Ref: 2019/1515/P granted 12/10/2021) for the demolition of the existing post-war two storey side extension and the erection of a three storey plus basement building in its place to provide 4 new residential units (2 x 1-bed and 2 x 2-bed), which has established the principle of the replacement side extension in this location and remains the realistic fallback position. The current application proposes a replacement three storey side extension to provide 3 new residential units (1 x 1-bed and 2 x 2-bed). Planning permission has previously been refused for the residential redevelopment of the entire site involving the demolition of all of the existing buildings (Refs: 2015/3314/P and 2017/0579/P). Both appeals against these refusals were dismissed but important principles regarding the extent of development on the site were established by the Planning Inspectors.

- iii) The proposal would result in the loss of an existing 1-bed dwelling, however, this would be replaced alongside 2 additional dwellings. The Council regards self-contained housing as the priority land-use of the Local Plan and the additional dwellings would help the borough to meet its housing requirement as set out in the Housing Delivery Test Action Plan. The scheme would also make a contribution towards the delivery of affordable housing in the borough by making a policy compliant payment-in-lieu.
- iv) The proposed three storey extension would have the same overall form and contemporary detailed design as the extant planning permission, which established that such an extension would be high-quality and would enhance the contribution the host building makes to the streetscape with very little visual impact on neighbouring properties and would enhance the character and appearance of the conservation area.
- v) The previously approved basement level would be omitted which would reduce the impact of the proposals on neighbouring residents in terms of construction and the overall capacity of the site. The proposed residential units would provide a good quality of accommodation with each unit being dual aspect on a single storey with access to its own private amenity space. This is an improvement on the layout within the extant permission, which included two single aspect flats, one of which did not benefit from any private outdoor amenity space.
- vi) The current application incorporates Air Source Heat Pumps instead of gas boilers for the new units and thus greatly improves on the extant permission in terms of energy and sustainability, achieving an 85% CO2 reduction below the old Part L 2013 Building Regulations compared with a 19% reduction for the extant planning permission.
- vii) The width of the building has been increased from the extant planning permission by 0.5m adjacent to the main building of No. 26, which has reduced the separation distance between the flank elevations of Nos. 26 and 24A Netherhall Gardens at ground and first floor levels from between 1.7m to the rear and 1.9m to the front for the extant permission, to between 1.2m to the rear and 1.4m to the front. The existing separation distance between the southern flank elevation of the extension and No.24A measures between 1.2m and 1.3m at ground and first floor levels. Concern has been raised by neighbouring occupiers in relation to the reduction in width of the gap between No. 26 and No. 24 compared with the extant permission. The loss of the existing gap at upper floors was previously accepted by the Council in relation to the previous applications (Refs: 2015/3314/P & 2017/0579/P), and the Planning Inspector for application ref. 2015/3314/P agreed that the proposed gap of approximately 1.2m would preserve the character and appearance of the Fitzjohns/Netherhall Conservation Area.
- viii) The proposed reduction in the gap would result in an increased loss of light to three ground floor flank windows of No. 24A Netherhall Gardens, one of which serves a habitable room. However, the loss of light would only be marginal compared with the extant planning permission, which has previously accepted that the replacement extension would have a major adverse impact on the light levels to the window for the habitable room, but concluded that these were acceptable given the overall well-lit nature of this room which is served by multiple windows.

As the extant planning permission is a realistic fallback, the marginal increased loss of light from the proposals is considered acceptable. There would be no harm to the outlook of No. 24A Netherhall Gardens.

- ix) The removal of five Category C trees and one Category U tree to facilitate development has been established by the extant planning permission and was previously supported by the Council in planning application ref. 2017/0579/P. Replacement tree planting and a landscaping scheme for the front and rear gardens would again be secured by condition.
- x) Overall, the scheme would provide 3 new high-quality and sustainable residential units, which would aid the Council's supply of housing, and would make a policy compliant contribution to affordable housing through a payment-in-lieu. The proposed extension is of a similar design to the extant planning permission, which has established the principle of the development and reduction in the gap between Nos. 26 and 24A Netherhall Gardens. The slight further reduction in this gap compared to the extant permission is acceptable in both design terms and impact on neighbouring amenity. The omission of the basement would likely have a notable positive impact for neighbours, reducing construction impact and intensity of use. The scheme therefore complies with the development plan as a whole.

OFFICER REPORT

Reason for Referral to Committee: The Director of Economy, Regeneration and Investment has referred the application for consideration after briefing members [Clause 3(vii)]. The panel considered it should be heard by Planning Committee due to the complex and contentious history of the site.

1. SITE AND BACKGROUND

Location

- 1.1 The site is located on the east-side of Netherhall Gardens and comprises a three storey building, with additional accommodation within the roof space. This includes a lower ground floor level of accommodation which originally would have been concealed by the sloping front garden, however during the 20th Century, this has been excavated and associated hard-standing created at the front of the building. There is currently a single storey garage, with a single storey extension housing a 1-bed flat erected above the garage located to the side of the main building.
- 1.2 The site is not listed but is located within the Fitzjohns/Netherhall Conservation Area and is identified as making a positive contribution to its character and appearance

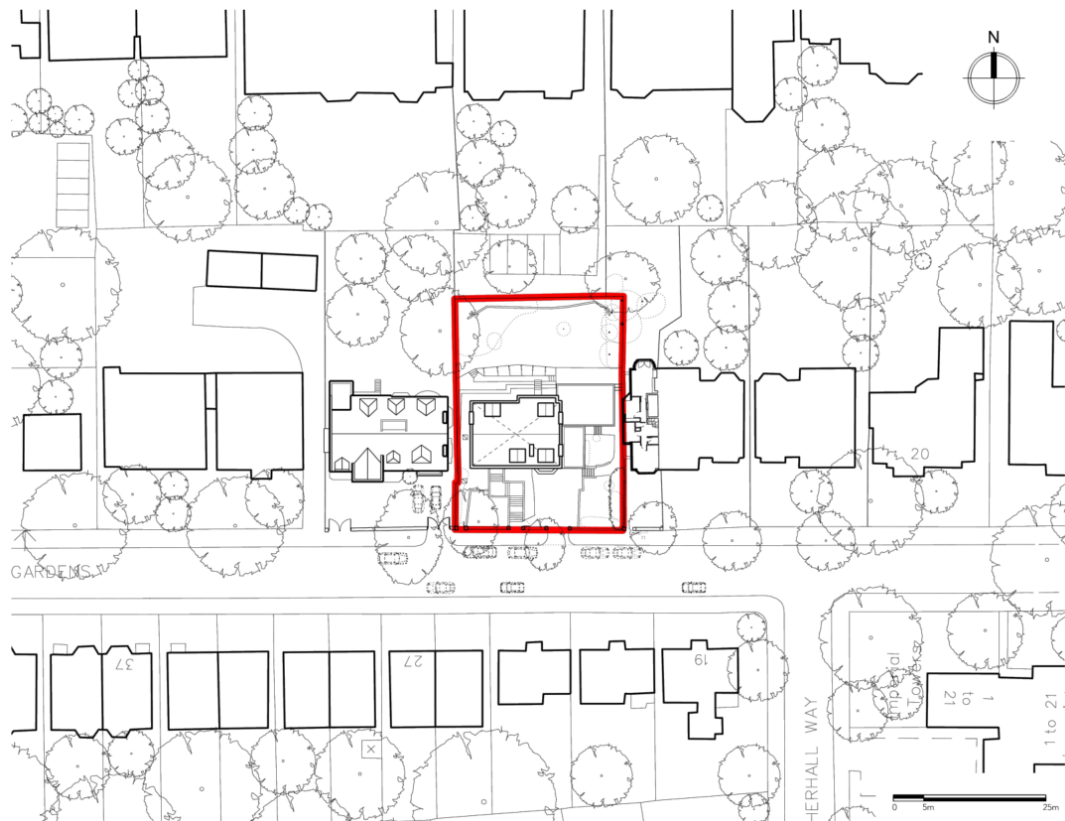


Figure 1 – The existing site (outlined in red)

- 1.3 The site has a Public Transport Accessibility Level (PTAL) rating of 6a (Excellent). The site is located close to Finchley Road and Frognal Rail Station and Finchley Road Underground Station.

2. THE PROPOSAL

- 2.1 The proposal is for the demolition of the existing two-storey late 1950s/early 1960s side extension comprising a garage at ground floor level and a 1-bed flat at first floor level above, and the erection of a replacement three-storey side extension to create 3 new flats; a 2-bed flat at ground floor level, a 2-bed flat at first floor level, and a 1-bed flat at second floor level. The new flats would have rear roof terraces, a new bin and cycle store in the front garden. The flat roof of the extension would accommodate solar PV panels and 3 Air Source Heat Pumps (ASHPs) to serve the new flats.
- 2.2 Revisions were made during the course of the application, to include: the submission of an acoustic report for the ASHPs, and the relocation and reconfiguration of the bin and cycle stores to a central position within the front garden to increase the separation distance between the stores and the proposed front building line by 3m and provide adequate storage space for waste and recycling.

Background

- 2.3 Planning permission 2019/1515/P was granted on 12/10/2021 for the demolition of the existing post-war two storey side extension and the erection of a three storey plus basement building in its place to provide 4 new residential units (2 x 1-bed and 2 x 2-bed). This planning permission established the principle of the replacement side extension in this location and remains extant and the realistic fallback position.
- 2.4 Planning permission has previously been refused for the residential redevelopment of the entire site involving the demolition of all of the existing buildings (Refs. 2015/3314/P and 2017/0579/P). Both previous refusals involved the demolition of the host property. Both refusals were appealed and dismissed.
- 2.5 While the first appeal was dismissed (2015/3314/P), the Planning Inspector did not accept that the loss of the positive contributor and the replacement building would be harmful to the conservation area. The Inspector concluded the following:

“I have found that the proposed development would enhance the character of the Fitzjohns / Netherhall Conservation Area and would not be contrary to biodiversity objectives or landscape character. In addition I have found that future occupiers of the proposed development would be likely to experience acceptable living conditions. However, these benefits are not outweighed by the harm which I have identified to the

living conditions of occupiers of 24a Netherhall Gardens in respect of the loss of daylight and to habitable rooms and no. 28 in respect of loss of daylight and sunlight. In addition that lack of justification for the removal of trees between nos. 26 and 24a also weighs against the scheme.”

- 2.6 The subsequent application (2017/0579/P) sought to respond to the issues raised by the Inspector in terms of loss of daylight and sunlight to neighbouring occupiers and lack of information in relation to trees. At the time this application (2017/0579/P) was submitted the Camden Local Plan was being adopted (replacing the Local Development Framework). This application was refused as the size of the basement would have been contrary to Policy A5 and the inclusion of on-site car parking spaces would have been contrary to Policy T2. The application was also refused as the applicant had failed to demonstrate that it would not be possible to retain and improve the existing building (in terms of optimisation of resources) contrary to Policy CC1. The Inspector at the subsequent appeal supported the Council's refusal in terms of car parking and basement size but found that the demolition and replacement of the dwelling had been justified in terms of carbon emissions and Policy CC1.
- 2.7 Planning permission 2019/1515/P differed from the planning applications and appeals set out above in that it proposed the demolition of only the existing post-war garage with 1 bed flat and the erection of a replacement extension to provide 4 new residential units. It was accepted that the proposal overcame the remaining issues with basement size and a Section 106 Legal Agreement secured the development as car-free. The design of the proposed extension was considered to enhance the character and appearance of the Fitzjohns/Netherhall Conservation Area and the reduction in daylight to two rooms (including one non-habitable room) at No. 24A was found on balance to be acceptable.
- 2.8 The current application proposes a replacement three storey side extension to provide 3 new residential units (1 x 1-bed and 2 x 2-bed). The proposed extension would have the same overall form and contemporary detailed design as the extant planning permission but would be 0.5m wider at ground floor level. This would reduce the separation distance between No. 26 and No. 24A Netherhall Gardens from between 1.7m to 1.9m to between 1.2m and 1.4m at ground and first floor levels. The separation distance at second floor level would be reduced from between 3.5m and 4.9m in the extant planning permission to between 3.0m and 4.6m in the current proposal. However, a separation distance of approximately 1.2m between Nos. 26 and 24A was previously accepted by the Planning Inspector for application ref. 2015/3314/P as acceptable in design terms.

- 2.9 While the site plan includes the whole of 26 Netherhall Gardens and the site is all in one ownership, no changes would be made to the main building. There would be no internal links from the proposed development to the main building and the development would have a separate front door, provision for refuse and recycling and cycle storage. The new flats would have their own private amenity space and would also have access to the existing rear communal garden.

3. RELEVANT HISTORY

The site

- 3.1 **2022/4886/P** - Various alterations including replacement front entrance staircase with bike and bin stores below; new front gates; extension of rear lightwell and installation of upper ground floor rear balcony and staircase; installation of new and replacement windows and doors to front, rear and northern side elevations; and insertion of front and rear rooflights. **Planning permission granted 19/07/2023**
- 3.2 **2019/1515/P** - Erection of 3 storey extension plus basement to existing property to provide 4 flats (2x 1-bed and 2x 2-bed) (Class C3) with rear roof terraces and refuse and cycle store at the front, following demolition of 2 storey garage extension and 1-bed flat. **Planning permission granted subject to a Section 106 Legal Agreement 12/10/2021 (Expires 12/10/2024)**
- 3.3 **2017/0579/P** - Erection of a four storey (plus basement) detached property to provide 5 flats (4 x 2 bedroom and 1 x 3 bedroom), including front and rear roof terraces, hard and soft landscaping, boundary treatment and 3 car parking spaces, following demolition of the existing building (Class C3). **Planning permission refused 11/04/2018; Appeal dismissed 26/04/2019**

Reasons for refusal:

1. *The proposed development, by reason of the size of the ground floor excavation, would not be subordinate to the proposed host building, and would harm neighbouring amenity and the established character of the surrounding area contrary to Policy A5 (Basements) of the London Borough of Camden Local Plan 2017.*
2. *The proposal fails to demonstrate that it is not possible to retain and improve the existing building and therefore has not demonstrated the optimisation of resources and energy use contrary to Policy CC1 (Climate change mitigation) of the London Borough of Camden Local Plan 2017.*
3. *The proposed development, by reason of the inclusion of on-site car parking spaces, would be likely to promote the use of non-*

sustainable modes of transport resulting in air pollution and congestion, contrary to Policy T2 (Parking and car-free development) of the London Borough of Camden Local Plan 2017.

- 3.4 There were a further 5 reasons for refusal related to the lack of legal agreement securing various necessary requirements: Basement Construction Plan; highways contribution; Construction Management Plan; Affordable housing contribution; and car-free housing.
- 3.5 The appeal was dismissed and the inspector supported the Council's refusal in terms of car parking and basement size but found that the demolition and replacement of the dwelling had been justified in terms of carbon emissions and Policy CC1.
- 3.6 **2015/3314/P** - Erection of 4 storey plus basement detached building to provide 5 flats (4 x 2-bed and 1 x 3-bed) including front and rear roof terraces, hard and soft landscaping, boundary treatment and 3 car parking spaces, following demolition of the existing building (Class C3). **Non-determination would have refused 06/05/2016; Appeal dismissed 07/10/2016**

The Council put forward four substantive reasons for refusal:

1. *The proposed demolition would result in the loss of a building which makes a positive contribution to the Fitzjohns Netherhall Conservation Area to the detriment of the character and appearance of this part of the Fitzjohns Netherhall Conservation Area, contrary to policy CS14 (Promoting high quality places and conserving our heritage) of the London Borough of Camden Local Development Framework Core Strategy and policies DP24 (Securing high quality design) and DP25 (Conserving Camden's heritage) of the London Borough of Camden Local Development Framework Development Policies.*
2. *The proposed basement, by reason of its site coverage and proximity to the boundaries of adjacent sites/buildings would undermine the ability of the rear garden to contribute to the biodiversity function and landscape character of the site, harming the wider conservation area, contrary to policies CS14 (Promoting High Quality Places and Conserving Our Heritage) and CS15 (Protecting and improving our parks and open spaces and encouraging biodiversity) of the London Borough of Camden Local Development Framework Core Strategy and policies DP24 (Securing High Quality Design) and DP25 (Conserving Camden's heritage) of the London Borough of Camden Local Development Framework Development Policies.*
3. *The proposed residential unit '1', by reason of the overhanging ground floor bay obstructing the lightwell, would provide poor outlook*

and reduced natural light resulting in sub-standard accommodation that would fail to provide an acceptable level of residential amenity to future occupants, contrary to policies CS5 (Managing the impact of growth and development) of the London Borough of Camden Local Development Framework Core Strategy and policy DP26 (Managing the impact of development on occupiers and neighbours) of the London Borough of Camden Local Development Framework Development Policies.

4. In the absence of sufficient information, the applicant has not demonstrated that trees along the side boundary at 24A Netherhall Gardens would not be harmed by the development contrary to policy CS15 (Protecting and improving our parks and open spaces and encouraging biodiversity) of the London Borough of Camden Local Development Framework Core Strategy and policies DP24 (Securing High Quality Design) and DP25 (Conserving Camden's heritage) of the London Borough of Camden Local Development Framework Development Policies.

- 3.7 Although the appeal was dismissed, the Inspector did not support the Council's main reasons for refusal. The Inspector concluded:

"I have found that the proposed development would enhance the character of the Fitzjohns / Netherhall Conservation Area and would not be contrary to biodiversity objectives or landscape character. In addition I have found that future occupiers of the proposed development would be likely to experience acceptable living conditions. However, these benefits are not outweighed by the harm which I have identified to the living conditions of occupiers of 24a Netherhall Gardens in respect of the loss of daylight and to habitable rooms and no. 28 in respect of loss of daylight and sunlight. In addition that lack of justification for the removal of trees between nos. 26 and 24a also weighs against the scheme."

4. CONSULTATION

Statutory consultees

Thames Water

- 4.1 Thames Water offered the following comments on the proposals:

Waste

- The proposed development is located within 15 metres of Thames Water's underground wastewater assets. Recommend that informative 9 is added.

Surface Water Drainage

- Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection.

Management of surface water from new developments should follow Policy SI 13 Sustainable drainage of the London Plan 2021. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website.

<https://www.thameswater.co.uk/developers/larger-scale-developments/planning-your-development/working-near-our-pipes>

- We would expect the developer to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. Recommend that informative 10 is added.

Waste Water Network and Sewage Treatment Works infrastructure capacity

- We would not have any objection to the above planning application, based on the information provided. There are public sewers crossing or close to your development. If you're planning significant work near our sewers, it's important that you minimize the risk of damage. We'll need to check that your development doesn't limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes. <https://www.thameswater.co.uk/developers/larger-scale-developments/planning-your-development/working-near-our-pipes>

Water

- If you are planning on using mains water for construction purposes, it's important you let Thames Water know before you start using it, to avoid potential fines for improper usage. More information and how to apply can be found online at [thameswater.co.uk/buildingwater](https://www.thameswater.co.uk/buildingwater).
- On the basis of information provided, Thames Water would advise that with regard to water network and water treatment infrastructure capacity, we would not have any objection to the above planning application. Thames Water recommends informative 11 be added.

Local groups

Netherhall Neighbourhood Association

4.2 Objection covering the following issues:

- The proposal fails on many counts, and detailed and compelling cases against it have been made by others. The overbearing and incongruous

design would neither 'endorse nor enhance' the conservation area, nor would it make a positive addition to the original house.

- It would result in a sense of enclosure within the extension and loss of amenity for neighbouring properties in terms of daylight, sunlight and privacy.
- It would propose a reduction of the two-metre gap between 26 and 24a Netherhall Gardens, which must be resisted.
- Heat pumps on the flat roof which would create unacceptable noise levels for neighbours.
- The felling of a number of trees, an integral part of our conservation area and totally indefensible at this time of ecological emergency.
- The development would also extend further than permitted into the rear garden, and the construction works would put at risk the structural stability of the ground with damaging consequences for the foundations of the properties at 24a and 24. Indeed, that already appears to be happening as a result of works recently undertaken without permission.

Officer response:

There is a public interest in making similar and consistent planning decisions. Many of the issues raised have been considered in previous decisions and planning permissions.

Please refer to section 11 of the report for discussion of the overall and detailed design of the proposal, reduction of the gap and the impact on the conservation area.

The air source heat pumps would be permanently housed within an acoustic enclosure. Please refer to the sections 10 and 12 of the report for discussion of the quality of the accommodation and impact on neighbouring amenity. Please refer to section 15 of the report for discussion of tree removal and replacement.

No increase in depth is proposed compared with the extant planning permission. A structural report including details of the proposed new retaining wall to the rear lightwell was submitted with the application. The Party Wall Act would cover the proposed excavation required to construct the proposed extension. Condition 7 secure details of hard and soft landscaping, including details of the proposed earthworks, prior to commencement of development. See section 12 of the report for further discussion of structural impacts.

Heath and Hampstead Society

4.3 Objection covering the following issues:

- It is unfortunate that the chance to improve the design quality of the proposed attached side extension to an existing house - which contributes

to the Conservation Area – has not been taken. This new application is uninspired, does not relate well to the existing building and detracts from the Conservation Area.

- The valuable gap between nos. 24 and 26, an important quality of the Conservation Area allowing views between the houses of the area, has been reduced from 2 metres (2019 application) to 1.1 metre. It is essential that the gap of 2 metres between 24 & 26 be reinstated.
- The air-sourced heat pumps on the flat roof will create noise which will reverberate between the blank walls of the existing buildings causing noise nuisance to all adjacent windows.
- The proposed 3-storey side extension extends an uncharacteristically long way into the rising ground of the garden. It is noticeable that the applicants have not submitted the main cross-section from street to garden which would reveal how deep the excavation would be in dangerous sub-soil conditions and how unpleasantly deep and gloomy the 'light-well' will be.

Officer response:

There is a public interest in making similar and consistent planning decisions. Many of the issues raised have been considered in previous decisions and planning permissions.

Please refer to section 11 of the report for discussion of the overall and detailed design of the proposal, reduction of the gap and the impact on the conservation area.

The air source heat pumps would be permanently housed within an acoustic enclosure. Please refer to the section 12 of the report for further discussion of noise impacts.

No increase in depth is proposed compared with the extant planning permission. The proposed ground floor rear windows would all receive adequate light. See section 10 of the report for discussion of quality of the proposed residential accommodation and section 12 of the report for discussion of structural impacts.

Adjoining occupiers

- 4.4 Two sites notice were displayed, one on Netherhall Gardens to the front of the property and one to the rear of the site on Maresfield Gardens. The notices were displayed on 22/02/2023 until 18/03/2023 and the application was advertised in the local paper on 23/02/2023 (expiring 19/03/2023).
- 4.5 Objections were received from at least 15 local households. The objections received by the Council are on the Council's website. The key issues raised are.

Design

- Gap between Nos. 26 and 24A Netherhall Gardens should not be reduced from the extant planning permission.

Officer response:

Please refer to section 11 of the report for discussion regarding the reduction of the gap.

Impact on neighbouring amenity

- Structural concerns to neighbouring properties. Increase in width and depth of proposals compared to extant planning permission will impact on stability of Nos. 24 and 24A Netherhall Gardens. No details of proposed foundations or a construction method plan have been submitted.
- Loss of light to flank windows of No. 24A Netherhall Gardens. Unacceptable that the proposals fail to meet BRE thresholds. Inconsistencies between before VSC values for extant planning permission and proposed scheme.
- Loss of privacy through overlooking to No. 24A Netherhall Gardens.
- Increased sense of enclosure to entrance and first floor rear/side bedroom window of No. 24A Netherhall Gardens.
- Noise concerns from proposed Air Source Heat Pumps. A noise impact assessment has not been submitted.

Officer response:

There is a public interest in making similar and consistent planning decisions. Many of the issues raised have been considered in previous decisions and planning permissions.

No increase in depth is proposed compared with the extant planning permission. A structural report, including details of the proposed new retaining wall to the rear lightwell, was submitted with the application. As basement development is not proposed, a Basement Impact Assessment and a Basement Construction Plan are not required to be submitted or secured if planning permission is granted for the scheme. The Party Wall Act would cover the proposed excavation required to construct the proposed extension. Condition 7 would also secure details of hard and soft landscaping, including details of the proposed earthworks, prior to commencement of development.

A revised Daylight and Sunlight report and further clarification regarding base line data was received during the course of the application.

A Noise Impact Assessment was submitted during the course of the application and has been reviewed and accepted by the Council's

Environmental Health Noise Pollution Officer. The air source heat pumps would be permanently housed within an acoustic enclosure.

Please refer to the section 12 of the report for further discussion of impacts on neighbouring amenity.

Basement

- The proposal involves the creation of a basement and so a Basement Impact Assessment and a hydrogeological assessment are required to be submitted.

Officer response:

The previous proposal involved a basement, but the new proposal involves excavation at ground floor level only and does not involve the creation of a basement, as per policy A5 and CPG Basements. A Basement Impact Assessment and a hydrogeological assessment are not required to be submitted.

Trees and landscaping

- Objection to removal of trees – in good condition, aid carbon capture, tree size and canopy cover is larger than when removal was previously granted in extant planning permission; removal of T8 will harm the character, appearance and visual amenity of the conservation area.
- A condition for the replacement of at least 5 mature or semi-mature native trees should be secured.
- Proposed landscape strategy boundary treatment with No. 24A Netherhall Gardens is unacceptable.

Officer response:

Please refer to section 15 of the report for discussion of tree removal and replacement. Details of the proposed boundary treatment with No. 24A Netherhall Gardens have not been submitted as part of this application. Details of the landscaping strategy would be secured by condition 7. See section 15 of the report for further discussion on landscaping.

Transport

- Loss of car parking and intensification of car parking need is unacceptable. Parking restrictions must be enforced.
- A Construction Management Plan has not been submitted.
- No controls on construction noise or vibration are proposed.

Officer response:

The loss of on site car parking through the removal of the existing garage is supported by policy T2. All new units would be secured as car-free via a Section 106 Legal Agreement. A Construction Management Plan (CMP)

would be secured via a Section 106 Legal Agreement. Construction works are subject to control under the Control of Pollution Act 1974. An informative would be added to the decision to ensure that the applicant is aware of the times that building works can be undertaken. Please refer to section 14 of the report for further discussion of transport impacts.

Planning enforcement issues

- A decision should not be made until the current planning enforcement investigation has been undertaken into breach of Section 106 planning obligations for the extant planning permission 2019/1515/P.

Officer response:

A planning enforcement investigation into a potential planning breach found that works already undertaken at the site were internal refurbishment works that do not require planning permission.

5. POLICY

National and regional policy and guidance

[National Planning Policy Framework 2023 \(NPPF\)](#)

[National Planning Practice Guidance \(NPPG\)](#)

[Written Ministerial Statement on First Homes \(May 2021\)](#)

[London Plan 2021 \(LP\)](#)

[London Plan Guidance](#)

Local policy and guidance

[Camden Local Plan \(2017\) \(CLP\)](#)

[Policy G1 Delivery and location of growth](#)

[Policy H1 Maximising housing supply](#)

[Policy H3 Protecting existing homes](#)

[Policy H4 Maximising the supply of affordable housing](#)

[Policy H6 Housing choice and mix](#)

[Policy H7 Large and small homes](#)

[Policy C5 Safety and security](#)

[Policy C6 Access for all](#)

[Policy A1 Managing the impact of development](#)

[Policy A2 Open space](#)

[Policy A3 Biodiversity](#)

[Policy A4 Noise and vibration](#)

[Policy A5 Basements](#)

[Policy D1 Design](#)

[Policy D2 Heritage](#)

[Policy CC1 Climate change mitigation](#)

[Policy CC2 Adapting to climate change](#)

[Policy CC3 Water and flooding](#)

[Policy CC4 Air quality](#)

[Policy CC5 Waste](#)

[Policy T1 Prioritising walking, cycling and public transport](#)
[Policy T2 Parking and car-free development](#)
[Policy T4 Sustainable movement of goods and materials](#)
[Policy DM1 Delivery and monitoring](#)

Supplementary Planning Documents and Guidance

Most relevant Camden Planning Guidance (CPGs):

[Access for All CPG - March 2019](#)
[Air Quality - January 2021](#)
[Amenity - January 2021](#)
[Basements - January 2021](#)
[Biodiversity CPG - March 2018](#)
[Design - January 2021](#)
[Developer Contribution CPG - March 2019](#)
[Energy efficiency and adaptation - January 2021](#)
[Housing - January 2021](#)
[Transport - January 2021](#)
[Trees CPG - March 2019](#)
[Water and flooding CPG - March 2019](#)

Other guidance:

[Planning Statement - Intermediate Housing Strategy and First Homes \(2022\)](#)
[Fitzjohns/Netherhall Conservation Area Character Appraisal and Management Plan \(2022\)](#)

6. ASSESSMENT

- 6.1 The principal considerations material to the determination of this application are considered in the following sections of this report:

7	Land use
8	Affordable housing
9	Residential mix
10	Quality of proposed housing
11	Design and heritage
12	Impact on neighbouring amenity
13	Sustainability and energy
14	Transport
15	Trees and landscaping
16	Nature conservation
17	Community Infrastructure Levy (CIL)
18	Conclusion

7. LAND USE

- 7.1 The proposed development involves the demolition of the existing two storey garage structure on the southern boundary of the site and the erection of a replacement three storey extension to create three new residential units. The reduction in on-site car-parking through the loss of the existing garage is acceptable in line with policy T2. The proposal would result in the loss of one existing one bedroom dwelling; however, this would be replaced as part of the new proposals. The Council regards self-contained housing as the priority land-use of the Local Plan. The proposal would provide 3 self-contained flats (2 net additional flats and the re-provision of a 1-bed flat), which would accord with Policy H1.
- 7.2 The Housing Delivery Test (HDT) is an annual measurement of housing introduced by the government. It measures whether planned requirements (or, in some cases, local housing need) have been met over the last 3 years. The government's most recently published figure is for 2021, when the measurement for Camden was 76% - which means that Camden has to produce an action plan and apply a 20% buffer to our 5-year housing land supply. The borough falls substantially short of what is needed for a 5-year supply at the moment. Consequently, the presumption in favour of sustainable development in paragraph 11(d) of the NPPF is engaged, and there is a need to place great weight on the provision of housing in decision making. The NPPF indicates that applications should be granted unless their adverse impacts would significantly and demonstrably outweigh their benefits when assessed against NPPF policies as a whole.
- 7.3 The proposed dwellings would contribute towards the strategic objectives of the Local Plan and contribute to the borough's housing, which must be given significant weight.
- 7.4 The demolition of the existing side extension and its replacement with a three storey plus basement extension to provide four new residential units were previously established by the extant planning permission 2019/1515/P (see 'relevant history' section above). This is a realistic fallback position. Although the proposal reduces the overall unit numbers compared to the extant fallback position, it also has lesser impacts through the removal of the basement from the proposal and has significantly better energy and sustainability credentials.

8. AFFORDABLE HOUSING

Affordable housing requirements

- 8.1 Camden Local Plan policy H4 and the Housing CPG seek provision of affordable housing. Where the uplift in residential floorspace has the capacity for 10 or more new homes (assuming 100sqm per home on average), the council expects affordable housing to be provided on site, subject to viability. Where the capacity is for fewer than 10 homes (less than 950sqm when rounded) then the policy accepts a payment instead of on-site affordable housing.
- 8.2 As the proposed development would provide 185sqm of residential uplift (capacity for two homes) the Council will accept a payment-in-lieu towards affordable housing. Given the proposed residential uplift of 185sqm, the sliding scale in Policy H4 (d) applies, starting at 2% for one home and increasing by 2% for each home added to capacity. The additional residential area would have a home capacity of two homes which equates to a target of 4% affordable housing on the sliding scale.
- 8.3 Applying the payment in lieu of £5,000 per sqm set out in Housing CPG, the total payment under the policy target would be:

Additional residential floorspace (GIA sqm)	Capacity (rounded floorspace addition/100sqm)	Additional housing % target	Affordable housing floorspace target	Payment in lieu required
185sqm	2 new homes	4%	$4\% \times 185 = 7.4$	$7.4 \times £5,000 = £37,000$

- 8.4 The affordable housing payment-in-lieu of £37,000 would be secured via a Section 106 Legal Agreement.

9. RESIDENTIAL MIX

- 9.1 The proposed development would provide 3 flats (a 2-bed unit at ground floor level, a 2-bed unit at first floor level, and a 1-bed unit at second-floor level). The Council's Dwelling Size Priority table states that 1-bedroom dwellings are a lower priority, and 2-bedroom dwellings are a high priority for market housing. The Council acknowledges that there is a need and/or demand for dwellings of every size shown in Table 1. The Council expect most developments to include some homes given a medium or lower priority level. The proposed development would provide a suitable mix of large and small homes in accordance with policy H7.

10. QUALITY OF PROPOSED HOUSING

- 10.1 CLP policy H6 is about housing choice and mix, and it aims to minimise social polarisation and create mixed, inclusive, and sustainable communities, by seeking high quality accessible homes and a variety of housing suitable for Camden's existing and future households.
- 10.2 In line with LP policy D6 and CLP policies H6 and D1, housing should be high quality and provide adequately sized homes and rooms, and maximise the provision of dual aspect dwellings. CLP policy A2 encourages opportunities to provide private amenity space which is reflected in a requirement to provide amenity space in LP policy D6. CLP policy A1 seeks to protect the amenity of occupiers in relation to a number of factors, including privacy, outlook, light, and noise. CLP policy A4 says suitable noise and vibration measures should be incorporated in new noise sensitive development.
- 10.3 LP policy D5 says development should provide the highest standard of accessible and inclusive design, which allows them to be to be used safely, easily and with dignity by all, also reflected in CLP policies D1, H6, and C6.

Design and layout

- 10.4 CLP policy H6 confirms that new residential development should conform to the Nationally Described Space Standards, and this is reflected in LP policy D6 which sets the same minimum space standards in Table 3.1 of the London Plan 2021. The relevant excerpt from the table is reproduced below.

Type of dwelling		Minimum gross internal floor areas* and storage (square metres)			
Number of bedrooms (b)	Number of bed spaces (persons(p))	1 storey dwellings	2 storey dwellings	3 storey dwellings	Built-in storage
1b	1p	39 (37) *	N/A	N/A	1
	2p	50	58	N/A	1.5
2b	3p	61	70	N/A	2
	4p	70	79	N/A	2

Table 1 - Minimum internal space standards (London Plan Table 3.1, Policy D6)

- 10.5 The proposed building is considered to provide a good level of residential amenity in terms of its overall floorspace and room sizes, and all units would exceed the Nationally Described minimum space standards. All units would be dual aspect which would allow for sufficient light, outlook and air flow, and the first and second floor flats also benefit from roof lights. All rooms meet or surpass the BRE Average Daylight Factor targets. The ADF targets have now been superseded by the newer BRE guidance, however the units would

still provide an acceptable level of light. The proposed layout of the flats is an improvement on the layout of the flats of the extant planning permission, which granted permission for two single-aspect flats at the ground floor and basement level.

- 10.6 Each unit would benefit from private outdoor amenity space in the form of a terrace within a rear lightwell for the ground floor flat and a rear roof terrace for each of the first and second floor flats. All flats would also have access to the existing communal rear raised garden (at the proposed first floor level/upper ground floor level to the existing main building), which can be accessed directly from steps leading up from the rear lightwell of the ground floor flat or through the passageway along the southern boundary of the site for the first and second floor flats.
- 10.7 The drawings have been revised to relocate the proposed bin and cycle stores to a central position within the front garden to increase the separation distance between the stores and the proposed front building line from 1m to 3m. This is considered acceptable to ensure sufficient light and outlook to the front living room/kitchen of the proposed ground floor flat.
- 10.8 The proposal provides facilities for the storage and collection of waste within the front forecourt of the property in line with Policy CC5 point d. The drawings show the waste/recycling store would have a capacity for 5 x 240L bins, 2 x 140L bins and 3 x 23L food waste caddies. This provision is in accordance with Camden Planning Guidance (CPG) and the associated Environment Service Technical Guidance for Recycling and Waste. Condition 23 will secure the provision of the bin store before occupation of the flats.

Noise and vibration

- 10.9 As the layout of the proposed flats includes bedrooms above and below living spaces, a condition (condition 16) would be attached to secure the floor/ceiling structures separating different types of rooms in adjoining dwellings are constructed with an enhanced noise insulation of at least 10dB above Building Regulations, in order to protect the residential amenities of future occupants from noise and vibration from the other units.

Accessible units

- 10.10 Local Plan Policy H6 require 90% of new-build self-contained homes in each development to be accessible and adaptable (in accordance with Building Regulation M4(2)) and 10% to be suitable for occupation by a wheelchair user or easily adapted for occupation by a wheelchair user (in accordance with Building Regulation M4(3)).

- 10.11 The supporting text to Policy H6 states the Council will not require M4(3) wheelchair user dwellings as part of developments that provide five additional dwellings or fewer.
- 10.12 The supporting text to Policy H6 also states: planning conditions can also only be used where all elements of the relevant Regulation can be achieved. They cannot be applied to a dwelling where step-free access cannot be achieved. Circumstances where a planning condition may be inappropriate include flats above or below the entry level in a building where incorporation of a lift would not be viable. The supporting text directs readers to the Mayor's Housing SPG for information about the provision of lifts.
- 10.13 The Mayor's SPG acknowledges that there are certain types of scheme where the requirement for M4(2) would be particularly difficult to apply and specifically identifies 'small-scale infill developments, where the depth and width of a plot and height restrictions may inhibit the overall floorplate and massing of a building and the number of units which can be provided on a particular site/grouped around the same core (e.g. gap sites adjacent to existing residential dwellings or in a conservation area)'.
- 10.14 The current site is a gap site adjacent to an existing residential dwelling in a conservation area. No lift is proposed in the development and therefore M4(2) cannot be achieved for Flat 2 on the first floor and Flat 3 on the second floor. This is considered acceptable given the guidance in the Mayor's Housing SPG and the supporting text in the Local Plan. Flat 1 on the ground floor would be secured M4(2) by condition (condition 24).

Conclusion

- 10.15 The proposed homes are considered acceptable in terms of aspect, outlook, noise, light, and amenity space and would provide an acceptable level of amenity.

11. DESIGN AND HERITAGE

Reduction of gap between No. 24A Netherhall Gardens

- 11.1 The demolition of the existing 1950s side extension has been established in principle through the extant planning permission 2019/1515/P. The existing extension is considered to be low quality, employing materials and details that detract from the 19th century architecture of the host building, which makes a positive contribution to the Fitzjohn's Netherhall Conservation Area.
- 11.2 The current application is similar to the scheme approved under planning permission 2019/1515/P. The main difference is the configuration of proposed residential units, with the current scheme omitting a basement excavation and proposing an accessible unit at ground floor level. The width of the proposed building has also been increased from the extant permission by 0.5m adjacent to the main building of No. 26 and by 1.0m to the rear of

the main building so that the extension can be built into the existing 0.5m stepped gap on the south-eastern end of the rear building line. The increase in width has reduced the separation distance between the proposed building's southern flank elevation and the existing northern flank elevation of No. 24A Netherhall Gardens at ground and first floor levels from between 1.7m to the rear and 1.9m to the front to between 1.2m to the rear and 1.4m to the front. The existing separation distance between the southern flank elevation of the extension and No.24A measures between 1.2m and 1.3m at ground and first floor levels. The separation distance between the proposed southern flank elevation and the northern flank elevation of No. 24A at second floor level would be between 3.0m and 4.6m, compared with the extant permission's separation distance of between 3.5m and 4.9m.

- 11.3 Concern has been raised by neighbouring occupiers in relation to the reduction in width of the gap between Nos. 26 and 24A compared with the extant planning permission. The Committee report for the extant planning permission 2019/1515/P noted that the loss of the existing gap was previously accepted by the Council in relation to the previous applications (2015/3314/P & 2017/0579/P), and that the Planning Inspector for application ref. 2015/3314/P agreed that the proposed gap of approximately 1.2m would preserve the character and appearance of the Fitzjohns/Netherhall Conservation Area. In the appeal decision for application ref. 2015/3314/P, the Inspector highlighted that "A further benefit would be the closure of the gap at upper levels between nos. 26 and 24a and which would reduce the prominence of the flank wall".
- 11.4 The separation distance of approximately 1.2m at ground, first and second floor levels accepted by the Council and the Planning Inspector in application ref. 2015/3314/P is similar to the separation distance proposed in the current scheme, which would result in a gap of a minimum of 1.2m at ground and first floor levels between Nos. 26 and 24A. The separation distances between Nos. 26 and 24A for the proposals within application 2015/3314/P, the extant planning permission 2019/1515/P and the current proposal are illustrated in Figures 2-4 below.



Figure 2 – The scheme proposed in application ref. 2015/3314/P and the gap between Nos. 26 and 24A Netherhall Gardens accepted by the Planning Inspector



Figure 3 – The replacement extension proposed in the extant planning permission 2019/1515/P with an enlarged gap between Nos. 26 and 24A Netherhall Gardens



Figure 4 – The current proposed extension with a reduced gap between Nos. 26 and 24A Netherhall Gardens compared with the extant planning permission 2019/1515/P but an enlarged gap at second floor level compared with planning application ref. 2015/3314/P

- 11.5 The extant planning permission 2019/1515/P concluded that the proposed 3 storey extension with the same stepped design would be a subservient addition which would respect the existing building line along the frontage of Netherhall Gardens by allowing views through to the rear. The proportions of the proposed extension were considered to be well-considered in the context of the host building, as was the articulation of the front elevation with a projecting bay, which was considered to reflect the informal and varied character of neighbouring houses in the Fitzjohns/Netherhall Conservation Area. The proposed height just below the eaves height of the main building and just below the height of the parapet of the neighbouring property No. 24A was considered acceptable. Furthermore, it was noted that the partial infilling of the existing gap in the streetscape would allow the overall volume of No. 26 (host property plus extension) to be read as a symmetrical pair with No. 24 and 24A in terms of volume.
- 11.6 Although the new Fitzjohns/Netherhall Conservation Area Character Appraisal and Management Plan (CAAMP) was adopted in 2022, this adoption is not considered to materially change the assessment of the acceptability of the principle of the proposed building. Furthermore, the new CAAMP refers to gaps between properties allowing glimpses through to rear garden areas, including mature trees, and this would be retained in the proposed scheme.
- 11.7 The principle of the proposed reduction in the gap between the buildings compared with the extant planning permission is therefore considered acceptable.

Detailed design

- 11.8 The proposed design ethos is contemporary, but it seeks to take cues from the existing environment and vernacular. This is exemplified in the case of the windows, where the traditional vernacular of stone mullions and transoms with timber casements has been translated into a more contemporary style. A high-quality palette of materials, such as hand-made and special bricks, timber doors and natural stone would be employed. The materials would be sensitive to the character of the conservation area and the host property. Conditions 4 and 6 would secure the submission and approval of details of the materials including brickwork.
- 11.9 At the rear, the proposed extension would have a stepped profile. Part of the proposed ground floor would project beyond the rear elevation of the existing building by 6.8m. The remainder of the ground floor would step back and would project 4.3m from the rear elevation of the existing building. Given the

sloping nature of the site, the proposed ground floor would face towards a lightwell and would not be prominent when viewed from the garden. The existing ground floor of the host property is also below ground level at the rear and likewise faces towards a lightwell.

- 11.10 At first floor level, the rear elevation would project beyond the rear elevation of the existing building by 4.3m and would be in line with the main elevation of the neighbouring property. At second floor level the rear elevation of the extension would project beyond the rear elevation of the existing building by 2.7m. The stepped profile would break up the massing and would ensure that the proposed development would have a subservient appearance to the host property. The total size of the proposed rear garden at the rear of the site would be approximately 258sqm which is 78% of the size of the original rear garden. This is considered acceptable. As the proposed 3 storey extension would respect the existing building line along the frontage to Netherhall Gardens, there would be no significant reduction in the size of the front garden. The second floor level rear roof terrace would have a sympathetic appearance and would not appear out of keeping.
- 11.11 3 Air Source Heat Pumps (ASHPs) would be installed on the main roof of the extension, within an acoustic enclosure. The enclosure would be located adjacent to the rear chimney breast on the southern flank elevation of the main building and set back 5.4m from the front building line of the second floor of the extension. The enclosure would measure 1m in height, 1m in depth and 3.75m in width. The limited height and position of the enclosure on the roof would ensure it would not be prominent in longer views of the site from the street. Condition 5 would secure the submission and approval of full details of the materials and finish of the acoustic enclosure.
- 11.12 The proposed bin and cycle stores were relocated during the application to move it to a central position in the front garden to allow a separation distance of 3m between the eastern elevation of the stores and the front (western) elevation of the proposed ground floor. A green roof would be provided above the cycle store, which would help to reduce its visual impact from the street whilst also increasing the quantum of landscaping. Details of the cycle store and details of the green roof and its retention and maintenance would be secured by conditions 11 and 10. The bin and cycle stores would be visible from the street above the front boundary wall, and so a landscaping condition (condition 7) is recommended to ensure the stores are well-screened and to ensure the quality of the landscaping enhances the conservation area.
- 11.13 Overall, the proposed extension would enhance the contribution the host building makes to the streetscape with very little visual impact on neighbouring properties. The development would enhance the character and appearance of the Fitzjohns/Netherhall Conservation Area.

- 11.14 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.

12. IMPACT ON NEIGHBOURING AMENITY

- 12.1 CLP policies A1 and A4 and the Amenity CPG are all relevant with regards to the impact on the amenity of residential properties in the area, requiring careful consideration of the impacts of development on light, outlook, privacy and noise. Impact from construction works is also relevant but dealt with in the 'Transport' section. The thrust of the policies is that the quality of life of current and future occupiers should be protected and development which causes an unacceptable level of harm to amenity should be refused.

Daylight and sunlight

- 12.2 The planning application is accompanied by a sunlight and daylight assessment. This has assessed the impact of the proposed development on the daylight and sunlight received to neighbouring windows at Nos. 24A and 26 Netherhall Gardens. The report was revised during the course of the application to more accurately portray the proposed massing of the development (as it was previously shown as larger than is actually proposed) and to include a comparison of the daylight and sunlight results for the extant scheme with the proposed scheme.
- 12.3 The leading industry guidelines on daylight and sunlight are published by the Building Research Establishment in BR209 'Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice' (third edition, 2022) (BRE). The development plan supports the use of the BRE guidance for assessment purposes, however, it should not be applied rigidly and should be used to quantify and understand impact when making a balanced judgement.
- 12.4 Paragraph 125 of the NPPF supports making efficient use of land and says that authorities should take a flexible approach in applying policies or guidance relating to daylight/sunlight where they would otherwise inhibit making efficient use of a site, as long as the resulting scheme would provide acceptable living standards.

Methodology

- 12.5 The methodology and criteria used for the assessment is based on the approach set out by BRE guidance. The report makes use of several standards in its assessment of surrounding buildings which are described in the BRE guidance:
- **Vertical Sky Component (VSC)** – This relates to daylight on the surface of a window. A measure of the amount of sky visible at the centre of a window.

- *The BRE considers that daylight may be adversely affected if, after development, the VSC is both less than 27% and less than 0.8 times (a reduction of more than 20%) its former value.*
- **No Sky Line (NSL)**, also known as Daylight Distribution (DD) – This relates to daylight penetration into a room. The area at desk level (“a working plane”) inside a room that will have a direct view of the sky.
- *The NSL figure can be reduced to 0.8 times its existing value (a reduction of more than 20%) before the daylight loss is noticeable.*
- **Annual Probable Sunlight Hours (APSH)** - A measure of the amount of sunlight that windows of main living spaces within 90 degrees of due south receive and a measure of the number of hours that direct sunlight reaches unobstructed ground across the whole year and also as a measure over the winter period. The main focus is on living rooms.
- *The BRE considers 25% to be acceptable APSH, including at least 5% during the winter months. Impacts are noticeable if less than these targets, and sunlight hours are reduced by more than 4 percentage points, to less than 0.8 times their former value. It recommends testing living rooms and conservatories.*
- The **overshadowing** of open spaces is assessed by considering any changes to surrounding outdoor amenity spaces. A Sun Hours on Ground assessment has been undertaken which uses the BRE methodology.
- *The BRE recommends at least half (50%) of the area should receive at least two hours (120 mins) of sunlight on the 21st March, and the area which can receive some sun on the 21st March is less than 0.8 times its former value.*

Assessment

- 12.6 The daylight and sunlight assessment for the extant planning permission 2019/1515/P identified that all of the windows of neighbouring properties tested apart from two windows at No. 24A Netherhall Gardens passed the BRE recommendations with respect to VSC. The windows that failed were ground floor windows 77 and 78, on the northern flank elevation of the property. Window 79 complied under the old scheme, but with the new proposal, this would only marginally be below the 0.8 ratio at 0.79 so is almost compliant and any impact would still be minor.
- 12.7 Of the two windows with the bigger impacts, Window 77 is fitted with frosted glass and serves a bathroom which is a non-habitable room. Window 78 serves a hall which normally is considered non-habitable, but this one also functions as a habitable space containing a desk and chair as well as an armchair. The daylight and sunlight assessment for the extant planning permission noted that the VSC of this room would be reduced from 18.6% to 10.1%, a reduction of 46%. This space also had a notably lower daylight distribution test (No Sky Line - NSL), with the NSL being 0.14 times its former value. BRE guidance states daylight may be adversely affected if after the

development the area of the working plane in a room which can receive direct skylight is reduced to less than 0.8 times its former value. The numerical values from the daylight tests therefore indicated that there would have been an appreciable loss of daylight to window 78 and the space it serves.

12.8 However, the Committee report for the extant planning permission noted that officers had visited the room served by window 78 and had seen that it was well lit despite window 78 being partly obscured by a blind and a picture standing in front of the window, due to light from adjoining rooms, the part glazed front door, and a skylight and side window above the stairs. Given the additional light sources to this room, a reduction in light to window 78 was considered acceptable and would not warrant a reason for refusal. The Committee report further noted that window 78 of 24A Netherhall Gardens is directly on the boundary with the application site and takes more than its fair share of light, and can therefore not be considered to be a 'good neighbour' in terms of the BRE guidelines. Finally, the Committee report highlighted that the existing 2 storey side extension at the application site is set well away from the window 78 at No. 24A, with the existing ground floor garage being 5.73m from the side boundary and the first floor 1-bed flat set back towards the garden. A redevelopment of the existing 2 storey structure which made the most efficient use of the site would therefore inevitably result in a loss of daylight to the habitable room which window 78 served. As the BRE guidance states the guidelines need to be applied sensible and flexibly, it was concluded that in this context, the loss of light to this window was considered acceptable, echoing the guidance in the NPPF.

12.9 The proposed scheme is 0.5m closer to the boundary with No. 24A than the extant planning permission. The revised daylight and sunlight assessment confirms that the proposed scheme would still lead to a failure of the normal BRE targets in the VSC test for windows 77 and 78 (renumbered windows 4 and 3 respectively in this application). The revised daylight and sunlight assessment includes updated VSC before values for both the extant scheme and the proposed scheme, which means that the before values for the extant scheme are different to those included in the Committee report for the extant permission. This is due to an updated laser survey being undertaken on site which provided more accurate base data for the neighbouring windows compared with the previous daylight and sunlight assessment approved as part of the extant planning permission. The findings of the new daylight and sunlight assessment and comparison with the previous daylight and sunlight assessment from 2019 are shown in Table 2 below:

Window	Room Use	VSC Before Value	VSC After Value	Loss	Ratio	Adverse impact
3 / 78 – Extant scheme 2019 report	Hall (semi-habitable)	18.6%	10.1%	8.5%	0.54	Major adverse

3 / 78 – Extant scheme 2023 report	Hall (semi-habitable)	16.3%	6.4%	9.9%	0.39	Major adverse
3 / 78 – Proposed scheme 2019 report	Hall (semi-habitable)	16.3%	6.2%	10.1%	0.38	Major adverse
4 / 77 – Extant scheme 2019 report	Bathroom (non-habitable)	19.0%	12.3%	6.7%	0.65	Moderate adverse
4 / 77 – Extant scheme 2023 report	Bathroom (non-habitable)	14.8%	7.7%	7.1%	0.52	Major adverse
4 / 77 – Proposed scheme 2023 report	Bathroom (non-habitable)	14.8%	7.5%	7.3%	0.51	Major adverse

Table 2 – Comparison of VSC values for windows failing BRE test between extant scheme (with 2019 and 2023 before values) and proposed scheme

- 12.10 As Table 2 demonstrates, the new base data from the laser survey has led to a reduction in the VSC before values for windows 3 and 4. This has resulted in an increase in the percentage of light lost to windows 3 and 4 by the extant scheme when comparing the results of the 2019 daylight assessment with the results of the 2023 daylight assessment. However, both the 2019 and 2023 assessments found that the extant scheme would have a major adverse impact on window 3 (which serves a semi-habitable room), and whilst the impact of the extant scheme on window 4 has increased from moderate adverse in the 2019 assessment to major adverse in the 2023 assessment (as the scheme is now shown to result in over a 40% reduction in daylight), because window 4 serves a non-habitable room (bathroom) there is no requirement for daylight, and the greater reduction is therefore acceptable.
- 12.11 The proposed scheme would result in only marginal reductions above the 2023 VSC results for the extant scheme. As the extant scheme remains a realistic fallback position, it is considered in this instance that the further marginal reductions caused by the proposed scheme would be acceptable and the impacts are not dissimilar.
- 12.12 The revised 2023 daylight and sunlight assessment also demonstrated that the extant and proposed schemes would result in VSC impacts in excess of BRE guidance for the lower ground floor window 21 and the upper ground floor window 29, which are the closest windows to the extension to the rear of the main building at No. 26 Netherhall Gardens. Both windows serve domestic rooms, but they are secondary windows and the other windows serving those rooms would comply. With the proposed scheme, window 21

would have a VSC of 0.69 times its former value compared with 0.73 times its former value for the extant scheme, and window 29 would have a VSC of 0.68 times its former value compared with 0.74 times its former value for the extant scheme. Given the secondary nature of these windows and the realistic fallback position of the extant planning permission, the moderate adverse impact to the light received to these windows by the proposed scheme is considered to be acceptable.

- 12.13 Overall the impact is similar to the extant scheme. The additional and more notable impacts are felt in small side windows that light non-habitable spaces or spaces that are otherwise well lit. They are also positioned directly on a boundary, taking light from the neighbour at 26. The setback proposed is a proportionate response.

Privacy

- 12.14 Roof terraces are proposed at first and second floor levels. Due to the sloping nature of the site, the rear first floor level terrace would be just above ground level. The second floor terrace would be approximately 4.6m away from the boundary with No. 24A Netherhall Gardens. Condition 20 would secure the installation of privacy screen to the southern boundary of the second floor roof terrace to prevent overlooking from this terrace to the garden of No. 24A.
- 12.15 Privacy screens would also be installed to the northern side boundaries of the first and second floor roof terraces to prevent overlooking to habitable rooms of the flats within the main building at No. 26. Condition 20 would also secure the installation of these screens prior to use of the roof terraces.

Outlook

- 12.16 Concern has been raised in relation to the impact of the proposed development on the outlook from a first floor bedroom window at No. 24A Netherhall Gardens. This window is directly adjacent to the boundary with 26 Netherhall Gardens and, as noted above, is angled towards the garden of this property. The first floor window at No. 24A would be above the proposed 'first floor level' of the development. This is because even though it is referred to as 'first floor' level on the submitted drawings, due to the slope of the site this floor would be just above ground floor level at the rear of the site. The proposed second floor of the development would be set back from the side boundary by approximately 4.6m. Given this 4.6m set back, there would be no harm to the outlook from the first floor bedroom window at No. 24A.
- 12.17 Concern has also been raised in relation to the proposed extension creating a sense of enclosure to the front entrance of No. 24A due to the proposed widening of the extension compared with the extant planning permission. The principle of the proposed extension with a separation distance of 1.2m between the boundary with No. 24A has been fully discussed and established in section 7 (Design and Heritage) above. Although the front door

to No. 24A is set back from the main front elevation of the building, it is raised above ground level, between the ground floor and first floor level of the proposed extension, which would lessen the perceived sense of enclosure to the entrance.

Noise impacts

- 12.18 The proposal includes the installation of 3 Air Source Heat Pumps (ASHPs), one for each new flat, on the main flat roof of the extension. The ASHPs would be permanently housed within an acoustic enclosure. The Council's Environmental Health Noise Pollution Officer has reviewed the submitted Plant Noise Assessment for the proposed Air Source Heat Pumps (ASHPs) on the roof and has confirmed that the proposals are considered acceptable in their impact with regards to noise and vibration, subject to compliance with condition 13 to install anti-vibration measures and a condition 12 requiring the submission and approval of the external noise level emitted from equipment prior to use. This is required given the sensitive location of the proposed ASHPs. It is considered that these conditions would ensure that the amenity of neighbouring residents is protected in terms of noise and vibration.

Structural impacts

- 12.19 Concern has been raised in relation to the structural impact of the proposed development on the neighbouring properties Nos. 24 and 24A Netherhall Gardens. The ground floor level at the front of the site is level with the pavement and the site slopes up to the rear, so that the first floor of the existing side extension is at the same level as the raised rear communal garden. The proposed development involves earthworks to extend the proposed ground floor and rear lightwell a further 7.4m into the rear garden from the rear building line of the existing ground floor of the extension. The southern flank elevation of the proposed ground floor extension would be located approximately 1.3m from the northern flank elevation of No. 24A Netherhall Gardens.
- 12.20 The proposed earthworks within the rear garden to extend the existing ground floor would not be considered basement development in line with policy A5 and CPG Basements guidance. A submission of a Basement Impact Assessment (BIA) is therefore not required for the proposed earthworks under policy A5. A structural report that includes details of the proposed new rear retaining wall and foundations has been submitted and is considered to be sufficient information in this instance. Condition 7 would secure the submission and approval of all hard and soft landscaping details prior to commencement of development, to include details of the proposed earthworks including grading, mounding and other changes in ground levels.

13. SUSTAINABILITY AND ENERGY

- 13.1 In November 2019, Camden Council formally declared a Climate and Ecological Emergency. The Council adopted the Camden Climate Action Plan 2020-2025 which aims to achieve a net zero carbon Camden by 2030.
- 13.2 In line with London Plan (LP) policies, SI1, SI2, SI3, SI4, SI5 and SI7 and Camden Local Plan (CLP) policies CC1, CC2, CC3, and CC4, development should follow the core principles of sustainable development and circular economy, make the fullest contribution to the mitigation of and adaptation to climate change, to minimise carbon dioxide emissions and contribute to water conservation and sustainable urban drainage.
- 13.3 Policy CC1 requires all development to reduce carbon dioxide emissions through following the steps in the energy hierarchy and to optimise resource efficiency. The submitted details demonstrate that an 85% CO₂ reduction below the old Part L 2013 Building Regulations would be achieved. Whilst the Council would prefer the calculations to have been undertaken using the new Part L 2021 requirements, it is not a requirement for an application of this size to submit an energy and sustainability statement, as per Camden's Local Area Requirements. It is also highly likely that the proposals would meet the new Part L 2021 thresholds given the high percentage reduction achieved below the old Part L 2013 thresholds. Condition 21 would ensure that the 85% reduction in CO₂ was achieved.
- 13.4 The following passive and active energy efficiency features would be utilised:
- High performance building fabric of low U-values that meet Part L minimum standards;
 - High performance glazing to all flats;
 - All junctions would conform to Accredited Construction Details thus eliminating thermal bridging;
 - 3 Air Source Heat Pumps (ASHPs) to be installed on the roof to serve the proposed flats (one for each flat);
 - Mechanical Ventilation with Heat Recovery (MVHR) to make use of wasted heat of the exhaust air by preheating the incoming air, along with openable windows;
 - Low energy light fittings to all dwellings; and
 - 9 solar photovoltaic (PV) panels would be installed to generate renewable energy on site.
- 13.5 Condition 22 will secure water efficiency measures, ensuring a maximum internal water use of 105 litres per day (plus an additional 5 litres for external water use) for each home.
- 13.6 The following measures to eliminate the risk of overheating would be integrated in the design of the new flats:

- Well insulated fabric elements and high airtightness to prevent heat transfer from the external environment;
 - Openable windows to allow for natural cross ventilation. Windows will be of low g-value to avoid heat transmittance during summer but allow for passive heating in the winter; and
 - When required, additional flow rates can be provided through whole house mechanical ventilation, bypassing heat recovery.
- 13.7 The proposed installation of 3 ASHPs for heating purposes for the proposed flats is considered renewable and is supported and welcomed. The extant planning permission 2019/1515/P included the use of gas boilers, and so this would represent an improvement in terms of energy and sustainability. However, ASHPs are not considered renewable in cooling mode, as this is pumping unwanted heat out which uses energy, and Policy CC2 discourages active cooling. The use of the ASHPs for active cooling has not been justified in line with the cooling hierarchy as required by policy CC2 of the Camden Local Plan. A condition (condition 14) would therefore be added to ensure that the cooling function of the ASHPs is disabled on the factory setting, to prevent the units from providing active cooling.
- 13.8 Conditions 12 and 15 would secure the submission and approval of specification details and a site-specific lifetime maintenance strategy for the proposed ASHPs and solar PV panels and to ensure compliance with the maintenance strategy. Condition 15 would also secure the submission and approval of an overshadowing assessment for the PV panels to ensure that they are well-positioned on the roof to avoid overshadowing.
- 14. TRANSPORT**
- Car free***
- 14.1 The proposed development would reduce the amount of on-site parking by 1 space as the existing garage would be demolished. The proposed residential units would be car free (no on-site parking spaces allocated and no parking permits issued) in accordance with Policy T2. This would be secured by a s106 legal agreement.
- Cycle parking***
- 14.2 The proposal would provide 3 flats (1x 1-bed and 2x 2-beds). The London Plan minimum requirement would be 5.5 long stay cycle parking spaces. The proposals include the provision of a cycle store with a green roof within the front garden capable of accommodating 6 cycles, which would meet the requirements of the London Plan and policy T1. The provision of the cycle parking would be secured by condition 11.

Highways works

- 14.3 The footway directly adjacent to the site is likely to sustain damage because of the proposed construction works. The Council would need to undertake remedial works to repair any such damage following completion of the proposed development.
- 14.4 A highways contribution of £3,998.39 would be secured as a s106 planning obligation if planning permission is granted, to repave the existing crossover to the site and remedy any damage caused during the construction process. The highway works would be implemented by the Council's highways contractor on completion of the development.

Managing and mitigating the impacts of construction

- 14.5 The Council needs to ensure that the development can be implemented by mitigating impact on amenity and ensuring the safe and efficient operation of the highway network in the local area. A detailed CMP would therefore be secured via a s106 planning obligation if planning permission is granted. A CMP implementation support contribution of £4,194.00 would be secured via a s106 planning obligation if planning permission were granted. A construction impact bond (£8,000) would also be required. The bond is fully refundable on completion of works, with a charge only being taken where contractors fail take reasonable actions to remediate issues upon notice by the Council.

15. TREES AND LANDSCAPING

- 15.1 The scheme involves the removal of T7, T8 and G9 from the rear garden and T12, T13 and T14 from the front garden in order to facilitate development. These trees are located within, or close to, the footprint of the proposed development. 5 of these trees are Category C trees and T12 (a young holly oak) is a Category U tree.
- 15.2 The same trees were approved for removal via the extant planning permission 2019/1515/P, except for T6, a Category C semi-mature lime tree in the south-eastern corner of the rear garden, which was proposed to be removed in the extant permission and would be retained in the current scheme. While the Arboricultural Impact Assessment (AIA) plans for each scheme differ, the Council considers the proposals to be the same in terms of trees to be removed. In accordance with BS5837:2012 "Trees in relation to design, demolition and construction – Recommendations", trees under 75mm in diameter at 1.5m above ground level are too small/insignificant to be recorded on a tree survey. By comparing the two tree surveys and AIAs, it appears that a minor increase in stem girth, due to the time elapsed between surveys, has resulted in some small, young trees in the front garden now becoming just large enough to be included on the tree survey. This misleadingly, although correctly, shows additional trees proposed for

removal. It is in fact the same trees proposed for removal as previously approved, just recorded in a different way. The inclusion of these trees on the tree survey does not materially change the contribution those trees make.

- 15.3 The officer's Committee report for 2019/1515/P noted that whilst it was acknowledged that the trees proposed to be removed in the rear garden collectively provide some degree of screening, this is not considered to justify objecting to the removal of the trees. The report noted that if a section 211 conservation area trees works notification were to be submitted to removal these trees, it is highly unlikely the Council would serve a TPO in order to object. The loss of canopy cover and visual amenity that would result from the proposed tree removal could be mitigated against through replacement planting at the front and rear of the site. Furthermore, the most significant trees on site and on neighbouring sites would continue to provide visual amenity from the public realm following the removal of trees T7, T8 and G9 in the rear garden. Concern has been raised in particular about the loss of visual amenity and harm to the character and appearance of the conservation area which would be caused by the removal of T8, a semi-mature Category C+ lime tree. The Council's Tree Officer agrees with the assessment in the Arboricultural Report that T8 has a low amenity value and that its removal would not have a significant impact on the visual amenity of the area. Following removal of T7, T8 and G9, the larger, more significant trees beyond would become more visible from Netherhall Gardens and as such, the removal of the rear garden trees would not create a negative view lacking greenery from the public realm. The contribution that these trees make to carbon capture is not considered to justify objecting to the removal of the trees, and such an objection would not be supported by policy A3.
- 15.4 Concern has been raised that the trees proposed for removal are now larger in size than they were when their removal was previously granted by the extant planning permission. Trees are dynamic living organisms, and as such the trees are likely to be slightly larger in size now than at the time of approval. However, it is considered recent enough for there to be no material change in the size or significance of the trees for the Council to now object to their removal.
- 15.5 The Council's Tree Officer has reviewed the submitted landscaping information and has concerns about the level of detail provided. A singular species appears to be proposed for the proposed rear boundary planting, which would not be acceptable in terms of biodiversity enhancement and to mitigate the loss of the canopy cover or amenity provided by the trees to be removed. As such, the submission and approval of a revised landscaping and replacement tree planting strategy and its implementation would be secured by condition (conditions 7 and 8).

- 15.6 A pre-commencement condition (condition 9) would secure the submission and approval of a tree protection plan and schedule of arboricultural monitoring throughout the duration of development, to ensure that there is no negative impact on retained trees due to construction activity.

16. NATURE CONSERVATION

- 16.1 A bat survey and follow-up bat emergence and re-entry survey in June 2023 found the presence of one low conservation value common pipistrelle bat roost within the roof structure of the main building, presumably under a roof or ridge tile, west of the south-eastern most chimney on the southern elevation. It also noted that one low conservation value common pipistrelle roost within the lifted lead flashing of the south-eastern most chimney on the southern elevation was identified during previous surveys in 2017 and 2019.
- 16.2 The report concluded that the proposed works together with the proposed works approved in planning permission 2022/4886/P, would result in damage and modification of the functionally-linked roost within the roof structure, and would generate noise and vibrations which would disturb bats, if they are present during the works. It is also concluded that the proposed development would include the use of lighting which could spill on to the at roosting, foraging or commuting habitat and deter bats from using these areas. The report recommends due to the number of roost and species present; the site is eligible for a Bat Mitigation Class Licence (BMCL) which will need to be obtained from Natural England to legally permit the proposed works. It also recommends that a low-impact lighting strategy be adopted for the site during and post-development.
- 16.3 The Council's Nature Conservation Officer has reviewed the submitted bat surveys and is satisfied with the proposals with regards to the protection of bats on site, subject to a condition (condition 18) to secure compliance with methodologies, recommendations and requirements of the June 2023 bat report. A further condition (condition 19) would require the submission and approval of an updated bat survey if works have not commenced within 2 years of the previous bat survey.
- 16.4 A nesting bird scoping note was submitted to support the application. Despite the absence of nesting behaviour or active nests observed at the time of the assessment, the site has high potential to support nesting birds associated with the dense scrub vegetation and trees within the garden. The recommendations of the bird survey in relation to vegetation clearance would be secured by condition 18.
- 16.5 It is also recommended that bird boxes are included in the final development to attract house sparrows and swifts which are Species of Principal Importance and Biodiversity Action Plan species. The bird boxes would be secured by condition 17.

17. COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 17.1 The proposal would be liable for both the Mayor of London's CIL and Camden's CIL as the additional floorspace exceeds 100sqm GIA or one unit of residential accommodation. The Mayoral CIL rate in Camden is £80 per sqm and Camden's CIL is £644 per sqm for residential. The CIL would be calculated on the uplift in floorspace (185sqm).

18. CONCLUSION

- 18.1 Overall, the scheme would provide 3 new high-quality and sustainable residential units, which would contribute towards the strategic objectives of the Local Plan and contribute to the borough's housing, and should thus be given significant weight.

- 18.2 The proposed extension is of a similar design to the extant planning permission, which has established the principle of the development and reduction in the gap between Nos. 26 and 24A Netherhall Gardens. There is a public interest in making similar and consistent planning decisions, and so significant weight has been given to the extant permission. The slight further reduction in this gap compared to the extant permission is minor and acceptable in both design terms and impact on neighbouring amenity, especially when considered in context of the development as a whole. The scheme therefore complies with the development plan as a whole.

Public benefits

- 18.3 No harm has been identified to heritage assets but if the committee decides there is harm, there are a number of public benefits that could weigh against that harm.
- Delivery of 3 self-contained flats (2 net additional flats and the re-provision of a 1-bed flat), which accords with Policy H1.
 - Sustainability and energy improvements of 85% CO2 reduction below the old Part L 2013 Building Regulations.
 - Affordable housing payment-in-lieu of £37,000, which complies with Policy H4.

19. RECOMMENDATION

- 19.1 Grant conditional Planning Permission subject to a Section 106 Legal Agreement with the following heads of terms:
- Car-free development
 - Construction Management Plan (CMP)
 - CMP implementation support contribution of £4,194.00
 - CMP Impact Bond of £8,000
 - Highways contribution of £3,998.39

- Affordable housing payment-in-lieu contribution of £37,000

20. LEGAL COMMENTS

- 20.1 Members are referred to the note from the Legal Division at the start of the Agenda.

21. CONDITIONS

1	<p>Three years from the date of this permission This development must be begun not later than three years from the date of this permission.</p> <p>Reason: In order to comply with the provisions of Section 92 of the Town and Country Planning Act 1990 (as amended).</p>
2	<p>Approved drawings The development hereby permitted shall be carried out in accordance with the following approved plans and documents:</p> <p>Existing Drawings: P-100 Rev. 1; P-110 Rev. 1; P-200 Rev. 1; P-201; P-202 Rev. 1; P-210 Rev. 1; P-211 Rev. 1; P-212 Rev. 1; P-213 Rev. 1.</p> <p>Proposed Drawings: P-300 Rev. 3; P-301 Rev. 3; P-302 Rev. 1; P-303 Rev. 2; P-340 Rev. 1; P-341 Rev. 3; P-342 Rev. 2; P-343 Rev. 2; P-344 Re. 1; P-351 Rev. 3; P-500 Rev. 1.</p> <p>Documents: Arboricultural Report (prepared by Crown Tree Consultancy, dated 11/10/2022); Bat Emergence and Re-entry Surveys (prepared by Arbtech, dated 23/06/2023); Daylight and Sunlight Report (Neighbouring Properties) (prepared by Right of Light Consulting, dated 09/08/2023); Daylight and Sunlight Report (Within Development) (prepared by Right of Light Consulting, dated 15/11/2022); Design and Access Statement (prepared by TG Studio, dated 19/12/2022); Email received from Savills dated 30/08/2023; Energy Statement (prepared by The Design Collective, dated December 2022); Environmental Noise Assessment ref. 104461A.ad.Issue1 (prepared by Acoustics Plus, dated 27/03/2023); Nesting Bird Scoping Note (prepared by Greengage); Planning Statement (prepared by Savills); Preliminary Roost Assessment (prepared by Arbtech, dated 14/12/2022); Structural Report (prepared by SR Brunswick, dated October 2022).</p> <p>Reason: For the avoidance of doubt and in the interest of proper planning.</p>
3	<p>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.</p> <p>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.</p>
4	<p>Detailed drawings / samples of materials</p> <p>Before the relevant part of the work is begun, detailed drawings, or samples of materials as appropriate, in respect of the following, shall be submitted to and approved in writing by the local planning authority:</p>

	<p>a) Details including sections at 1:10 of all windows (including jambs, head and cill), ventilation grills, external doors and gates;</p> <p>b) Manufacturer's specification details of all facing materials including windows and door frames and roof tiles (to be submitted to the Local Planning Authority) and samples of those materials (to be provided on site) with a sample panel of not less than 1m by 1m demonstrating, the proposed colour, texture, face-bond and pointing of brickwork.</p> <p>c) Typical details of new railings at a scale of 1:10 including materials and finish.</p> <p>The relevant part of the works shall be carried out in accordance with the details thus approved and all approved samples shall be retained on site during the course of the works.</p> <p>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.</p>
5	<p>Prior to first use of the air source heat pumps hereby approved, detailed drawings of the acoustic enclosure, including materials, colour and finish, shall be submitted to and approved in writing by the local planning authority. The development hereby permitted shall be thereafter built in accordance with the approved details.</p> <p>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.</p>
6	<p>Brickwork</p> <p>Before the brickwork is commenced, a sample panel (1m by 1m) of the facing brickwork demonstrating the proposed colour, texture, face-bond and pointing shall be provided on site and approved in writing by the local planning authority. The development shall be carried out in accordance with the approval given. The approved panel shall be retained on site until the work has been completed.</p> <p>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.</p>
7	<p>No development except for demolition shall take place until full details of hard and soft landscaping and means of enclosure of all un-built, open areas have been submitted to and approved by the local planning authority in writing. Such details shall include details of replacement tree planting and any proposed earthworks including grading, mounding and other changes in ground levels. The relevant part of the works shall not be carried out otherwise than in accordance with the details thus approved.</p> <p>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, D1 and D2 of the London Borough of Camden Local Plan 2017.</p>

8	<p>All hard and soft landscaping works shall be carried out in accordance with the approved landscape details prior to the occupation for the permitted use of the development or any phase 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.</p> <p>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.</p>
9	<p>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" and shall include a schedule of arboricultural monitoring throughout the duration of development. 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.</p> <p>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.</p>
10	<p>Green roof</p> <p>Prior to commencement of the relevant part, full details in respect of the living roof above the cycle store shall be submitted to and approved by the local planning authority. The details shall include</p> <ul style="list-style-type: none"> i. a detailed scheme of maintenance ii. sections at a scale of 1:20 with manufacturers details demonstrating the construction and materials used iii. full details of planting species and density <p>The living roofs shall be fully provided in accordance with the approved details prior to first occupation and thereafter retained and maintained in accordance with the approved scheme.</p> <p>Reason: In order to ensure the development undertakes reasonable measures to take account of biodiversity and the water environment in accordance with policies CC2, CC3, D1, D2 and A3 of the London Borough of Camden Local Plan 2017.</p>
11	<p>Cycle store</p> <p>Prior to occupation of the development hereby approved, details of secure and covered cycle storage area for 6 cycles shall be submitted to and approved by the</p>

	<p>local planning authority. The approved facility shall thereafter be provided in its entirety prior to the first occupation of any of the new units, and permanently retained thereafter.</p> <p>Reason: To ensure the development provides adequate cycle parking facilities in accordance with the requirements of policy T1 of the London Borough of Camden Local Plan 2017.</p>
12	<p>Prior to use of the installation, details of the external noise level emitted from the hereby approved air source heat pumps, a site specific lifetime maintenance strategy, and mitigation measures as specified in acoustic report submission ref: 104461A.ad.Issue1, shall be submitted to and approved by the local planning authority. The measures shall ensure that the external noise level emitted from the installation will be lower than the typical background noise level by at least 10dBA, by 15dBA where the source is tonal, as assessed according to BS 4142:2014 "Methods for rating and assessing industrial and commercial sound" at the nearest and/or most affected noise sensitive premises, with all machinery operating together at maximum capacity. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.</p> <p>Reason: To ensure that the amenity of occupiers of the development site/ surrounding premises is not adversely affected by noise from mechanical installations/ equipment in accordance with the requirements of policies A1 and A4 of the London Borough of Camden Local Plan 2017.</p>
13	<p>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.</p> <p>Reason: To ensure that the amenity of occupiers of the development site and surrounding premises is not adversely affected by vibration in accordance with the requirements of policies A1 and A4 of the London Borough of Camden Local Plan 2017.</p>
14	<p>Prior to first use of the air source heat pumps hereby approved, the active cooling function shall be disabled on the factory setting and the air source heat pumps shall be used for the purposes of heating only.</p> <p>Reason: To ensure the proposal is energy efficient and sustainable in accordance with policy CC2 of the London Borough of Camden Local Plan 2017.</p>
15	<p>Prior to first occupation of the buildings, detailed plans showing the location and extent of photovoltaic cells to be installed on the building, including an overshadowing assessment, shall have been submitted to and approved by the Local Planning Authority in writing. The measures shall include the installation of a meter to monitor the energy output from the approved renewable energy systems and a site specific lifetime maintenance strategy. The cells shall be installed in full accordance with the details approved by the Local Planning Authority and permanently retained and maintained thereafter.</p>

	<p>Reason: To ensure the development provides adequate on-site renewable energy facilities in accordance with the requirements of policies G1, CC1 and CC2 of the London Borough of Camden Local Plan 2017.</p>
16	<p>Noise insulation</p> <p>The development shall be constructed with an enhanced sound insulation value $D_{nT,w}$ and $L'_{nT,w}$ of at least 10dB above the Building Regulations value, for all floor/ceiling structures separating different types of rooms in adjoining dwellings, namely the bedrooms of Flat 2 above the living room of Flat 1, and the living rooms of Flats 2 and 3 above bedrooms of Flats 1 and 2.</p> <p>The sound insulation measures shall be installed prior to first occupation of the residential units and shall be permanently retained thereafter.</p> <p>Reason: To ensure that the amenity of occupiers of the development is not adversely affected by noise from elsewhere within the development, in accordance with policies A1 and A4 of the London Borough of Camden Local Plan 2017.</p>
17	<p>Before the relevant part of the work is begun, details of the elevation, height, and species to be supported for two integrated bird boxes shall be submitted to and approved in writing by the local planning authority. The boxes shall be installed in accordance with the approved plans prior to the occupation of the development and thereafter retained.</p> <p>Reason: In order to secure appropriate features to conserve and enhance wildlife habitats and biodiversity measures within the development, in accordance with the requirements of the London Plan 2021 and Policies A3 and CC2 of the London Borough of Camden Local Plan 2017.</p>
18	<p>Bat / Bird report compliance</p> <p>The development shall not be carried out other than in accordance with the methodologies, recommendations and requirements of the Bat Emergence and Re-entry Surveys report prepared by arbtech dated 23/06/2023, the Preliminary Roost Assessment prepared by arbtech dated 14/12/2022, and the Bird Scoping Note prepared by Greengage.</p> <p>Reason: In order to safeguard protected and priority species, in accordance with the requirements of the London Plan (2016) and policy A3 of the London Borough of Camden Local Plan 2017.</p>
19	<p>Bat survey</p> <p>If more than 2 years elapse between the previous bat survey and the due commencement date of works, an updated bat survey shall be carried out by a suitably qualified ecologist. A report confirming the results and implications of the assessment, including any revised mitigation measures, shall be submitted and approved in writing by the Local Planning Authority before construction works commence on site. The mitigation measures shall be implemented in full in accordance with the agreed time scales.</p>

	<p>Reason: In order to protect wildlife habitats and biodiversity, in accordance with the requirements of policy A3 of the London Borough of Camden Local Plan 2017.</p>
20	<p>The first and second floor roof terraces hereby approved shall not be used or accessed, other than for emergency egress, until the privacy screens shown on drawings P-341 Rev. 3, P-342 Rev. 2, and P-343 Rev. 2 have been fully installed. The approved privacy screens shall thereafter be retained for the duration of the development.</p> <p>Reason: In order to prevent unreasonable overlooking of neighbouring premises in accordance with policy A1 of the Camden Local Plan 2017.</p>
21	<p>The development hereby approved shall be constructed in accordance with the approved energy statement (Energy Statement prepared by The Design Collective, dated December 2022) to achieve an 85% reduction in carbon dioxide emissions beyond Part L 2013 Building Regulations in line with the energy hierarchy. Prior to occupation, evidence demonstrating that the approved measures have been implemented shall be submitted to and approved in writing by the Local Planning Authority and shall be retained and maintained thereafter.</p> <p>Reason: To ensure the development contributes to minimising the effects of, and can adapt to, a changing climate in accordance with policies CC1 and CC2 of the London Borough of Camden Local Plan 2017.</p>
22	<p>Water efficiency</p> <p>The development hereby approved shall achieve a maximum internal water use of 105 litres/person/day, and 5 litres/person/day for external water use. The dwelling/s shall not be occupied until the Building Regulation optional requirement has been complied with.</p> <p>Reason: To ensure the development contributes to minimising the need for further water infrastructure in an area of water stress in accordance with policies CC1, CC2 and CC3 of the London Borough of Camden Local Plan.</p>
23	<p>The waste / recycling store hereby approved shall be provided prior to the first occupation of any of the new units and permanently retained thereafter.</p> <p>Reason: To ensure that sufficient provision for the storage and collection of waste has been made in accordance with the requirements of policies CC5 and A1 of the London Borough of Camden Local Plan 2017.</p>
24	<p>Part M4(2) compliance</p> <p>Flat 1, as indicated on plan numbers hereby approved, shall be designed and constructed in accordance with Building Regulations Part M4 (2), evidence demonstrating compliance should be submitted to and approved by the Local Planning Authority prior to occupation.</p>

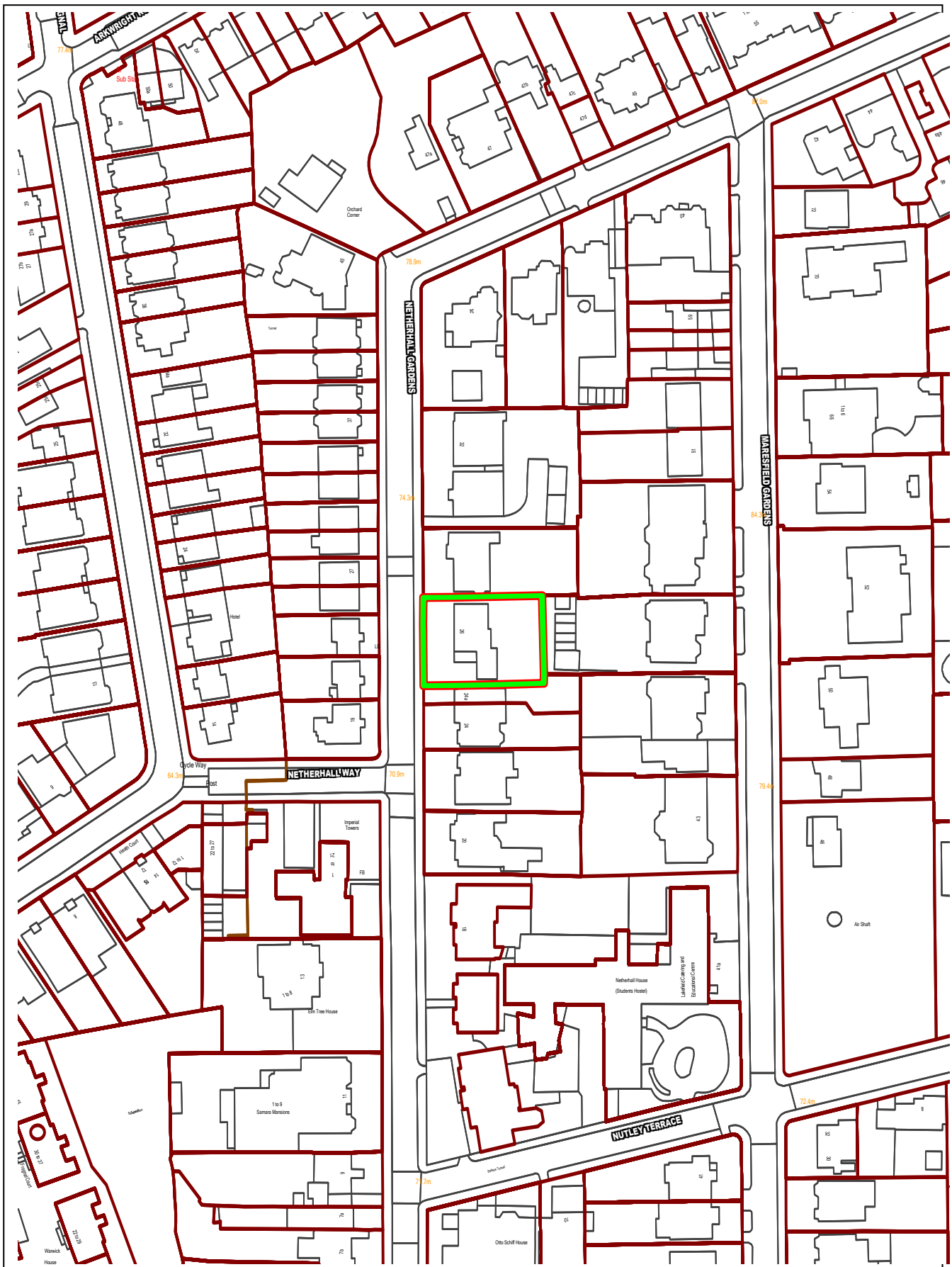
	Reason: To ensure that the internal layout of the building provides flexibility for the accessibility of future occupiers and their changing needs over time, in accordance with the requirements of policy H6 of the London Borough of Camden Local Plan.
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22. INFORMATIVES

1	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).
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	<p>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)</p> <p>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.</p>
4	Your attention is drawn to the fact that there is a separate legal agreement with the Council which relates to the development for which this permission is granted. Information/drawings relating to the discharge of matters covered by the Heads of Terms of the legal agreement should be marked for the attention of the Planning Obligations Officer, Sites Team, Camden Town Hall, Argyle Street, WC1H 8EQ.
5	This proposal may be liable for the Mayor of London's Community Infrastructure Levy (CIL) and the Camden CIL. Both CILs are collected by Camden Council after a liable scheme has started, and could be subject to surcharges for failure to assume liability or submit a commencement notice PRIOR to commencement. We issue formal CIL liability notices setting out how much you may have to pay once a liable party has been established. CIL payments will be subject to indexation in line with construction costs index. You can visit our planning website at

	<p>www.camden.gov.uk/cil for more information, including guidance on your liability, charges, how to pay and who to contact for more advice. Camden adopted new CIL rates in October 2020 which can be viewed at the above link.</p>
6	<p>If a revision to the postal address becomes necessary as a result of this development, application under Part 2 of the London Building Acts (Amendment) Act 1939 should be made to the Camden Contact Centre on Tel: 020 7974 4444 or Environment Department (Street Naming & Numbering) Camden Town Hall, Argyle Street, WC1H 8EQ.</p>
7	<p>You are reminded that this decision only grants permission for permanent residential accommodation (Class C3). Any alternative use of the residential units for temporary accommodation, i.e. for periods of less than 90 days for tourist or short term lets etc, would constitute a material change of use and would require a further grant of planning permission.</p>
8	<p>The development hereby approved involves construction of foundations close to neighbouring boundary walls. Structural impacts are a civil matter and the development will be subject to control under the Party Wall etc Act 1996 which covers party wall matters, boundary walls and excavations near neighbouring buildings. You are advised to contact the neighbouring property owners as soon as possible and consult a suitably qualified and experienced Building Engineer.</p>
9	<p>Thames Water - Waste</p> <p>The proposed development is located within 15 metres of Thames Waters underground assets and as such, the development could cause the assets to fail if appropriate measures are not taken. Please read our guide 'working near our assets' to ensure your workings are in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures. https://www.thameswater.co.uk/developers/larger-scale-developments/planning-your-development/working-near-our-pipes</p> <p>Should you require further information please contact Thames Water. Email: developer.services@thameswater.co.uk Phone: 0800 009 3921 (Monday to Friday, 8am to 5pm) Write to: Thames Water Developer Services, Clearwater Court, Vastern Road, Reading, Berkshire RG1 8DB</p>
10	<p>Thames Water - Surface Water Drainage</p> <p>A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing trade.effluent@thameswater.co.uk . Application forms should be completed on line via www.thameswater.co.uk. Please refer to the Wholesale; Business customers; Groundwater discharges section.</p>
11	<p>Thames Water - Water</p>

	<p>Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.</p>
12	<p>Tree and vegetation felling should be undertaken outside of the main bird nesting season (March-August). If this is not possible, an Ecological Clerk of Works should check areas to be cleared to determine if nesting birds are present. Any area containing nesting birds will need to be retained until an ECoW confirms nesting has ended.</p>



Application No: 2023/0207/P

**Ames House
26 Netherhall Gardens
London
NW3 5TL**

**Scale:
1:1527
Date:
2-Oct-23**



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2023/0207/P

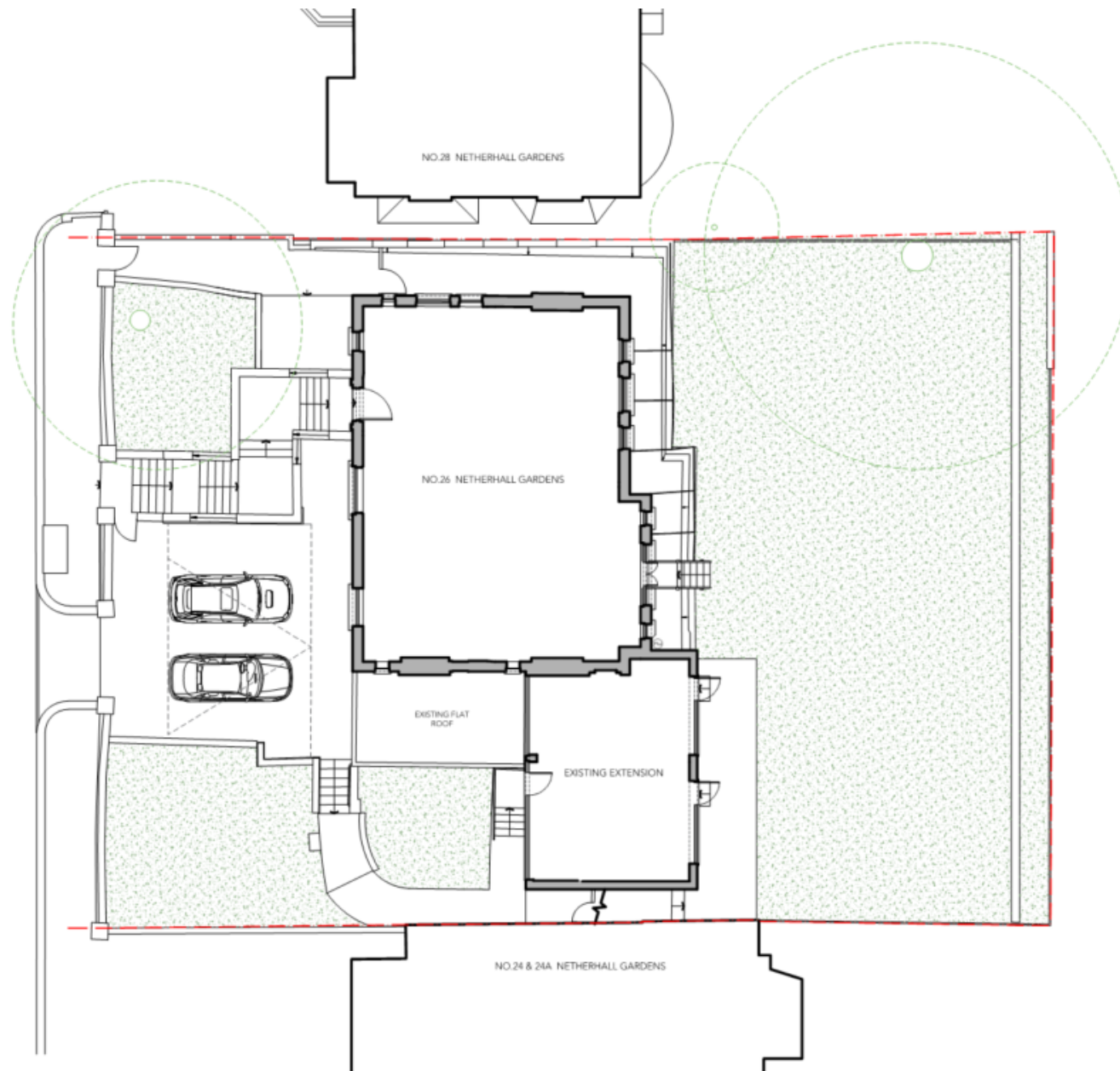
Ames House
26 Netherhall Gardens
London
NW3 5TL

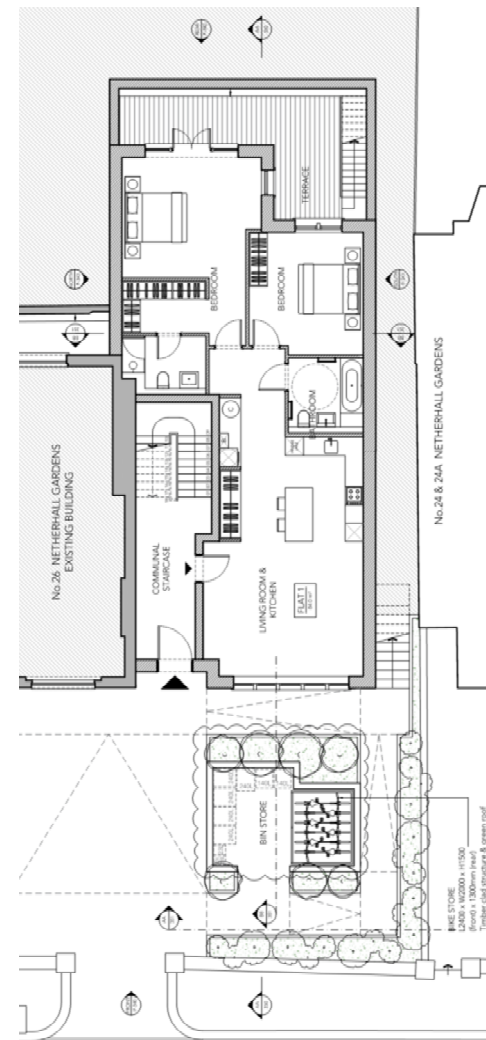
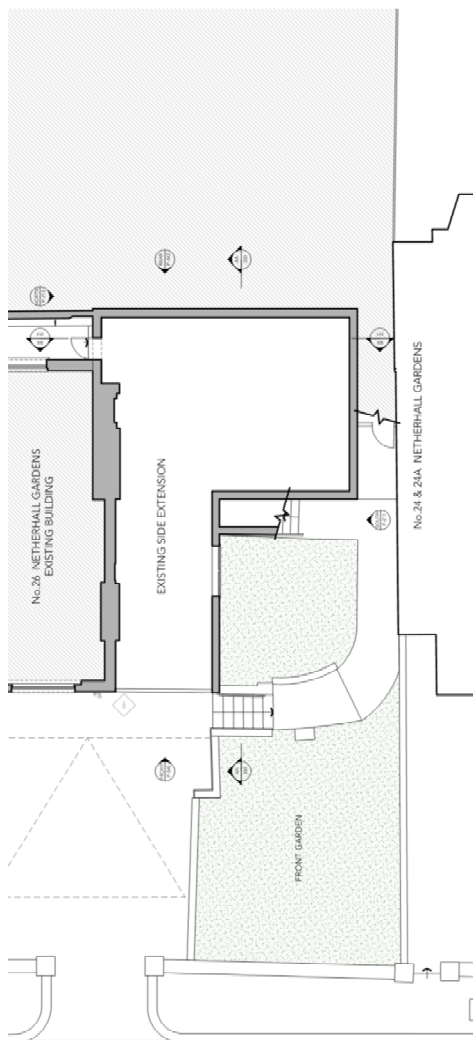


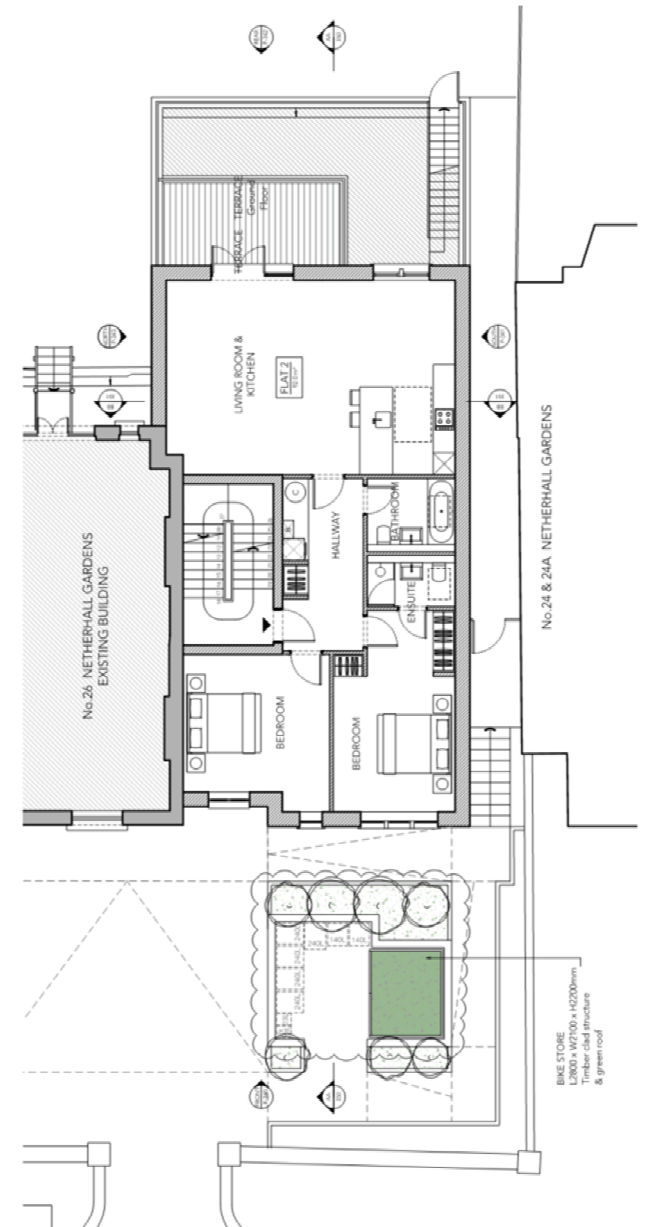
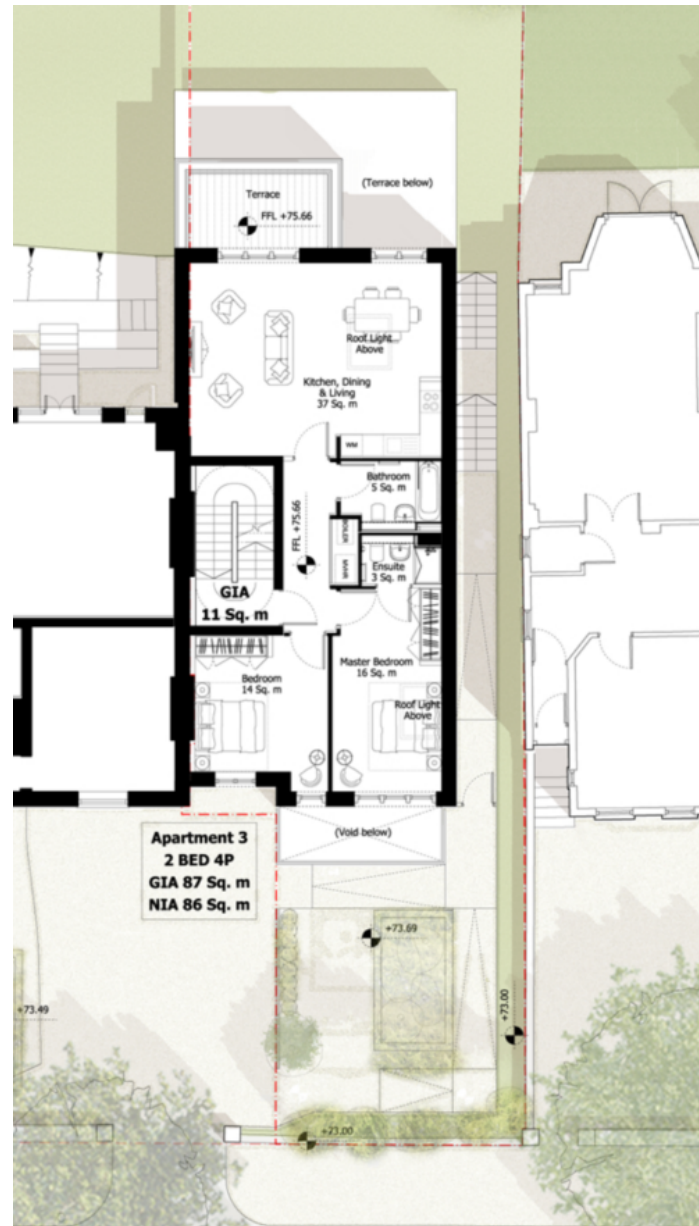
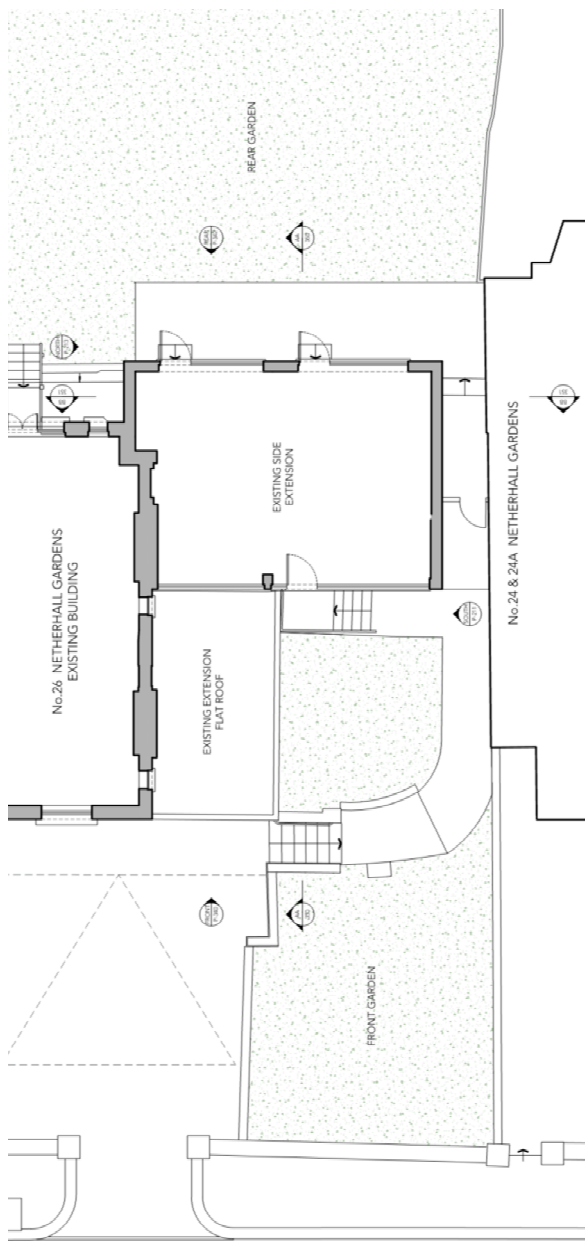


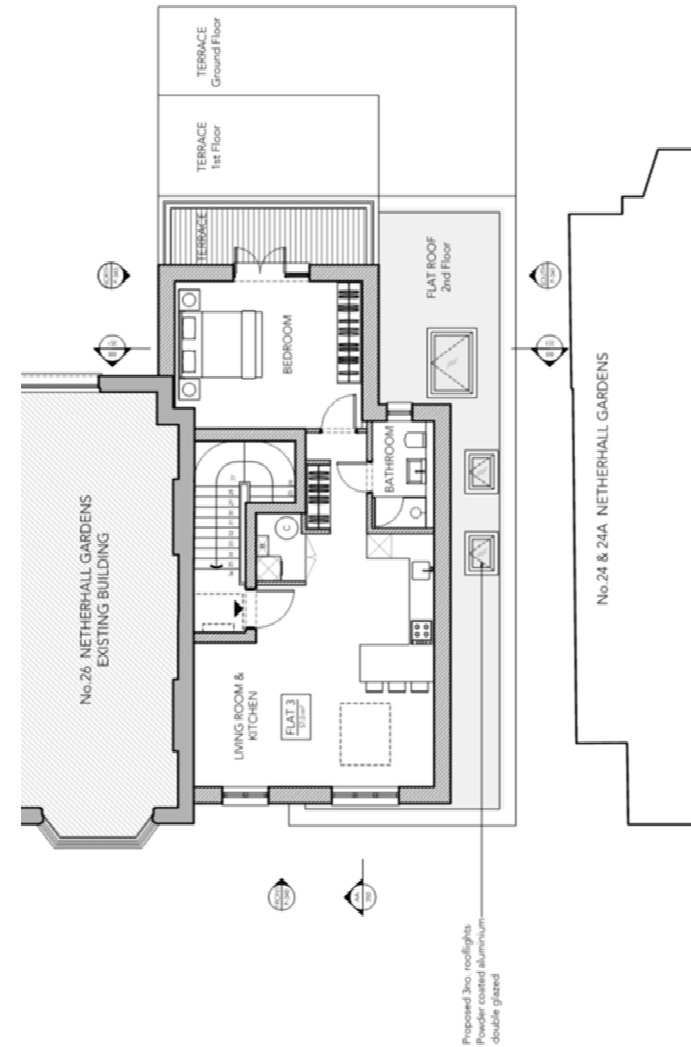
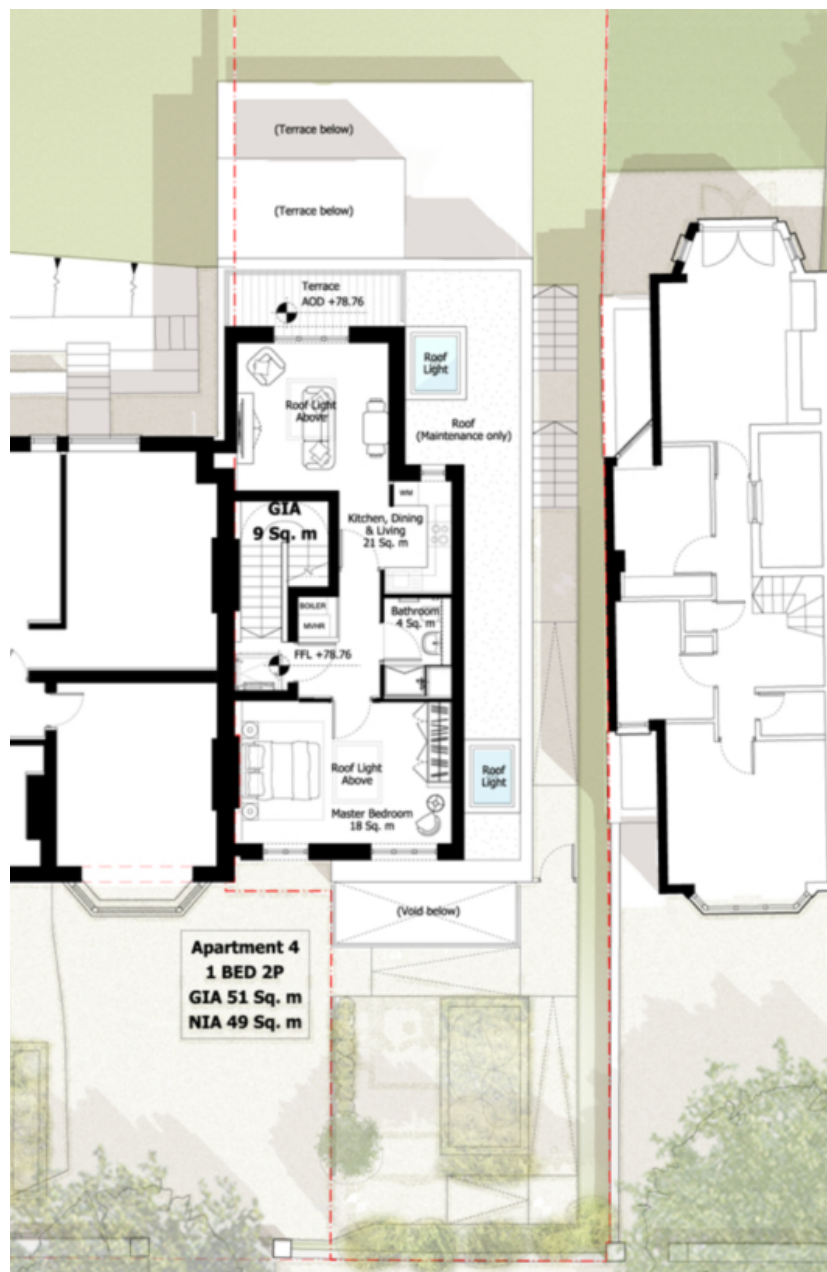


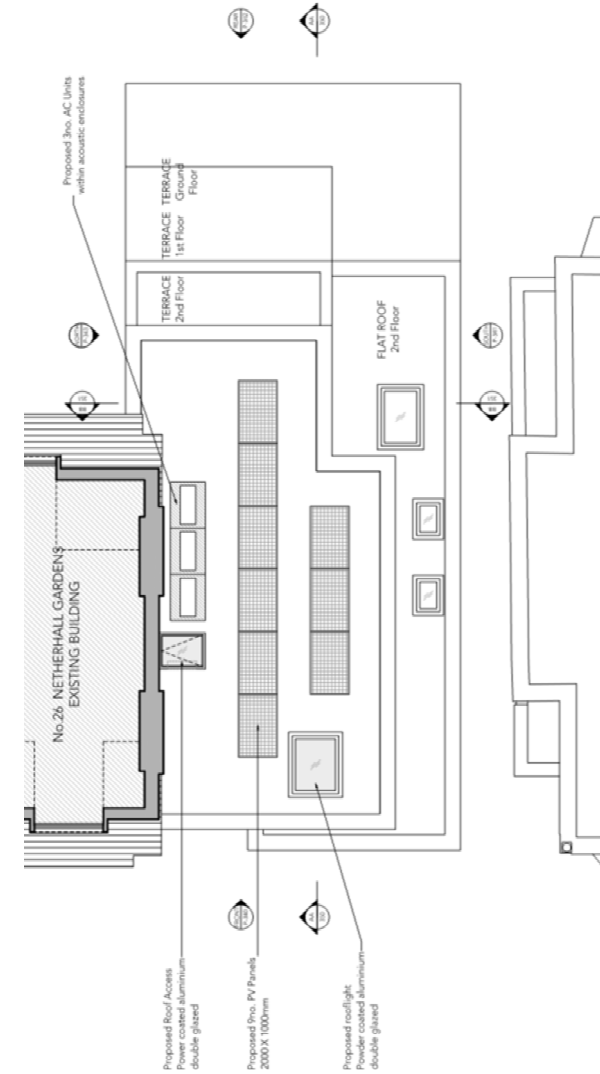
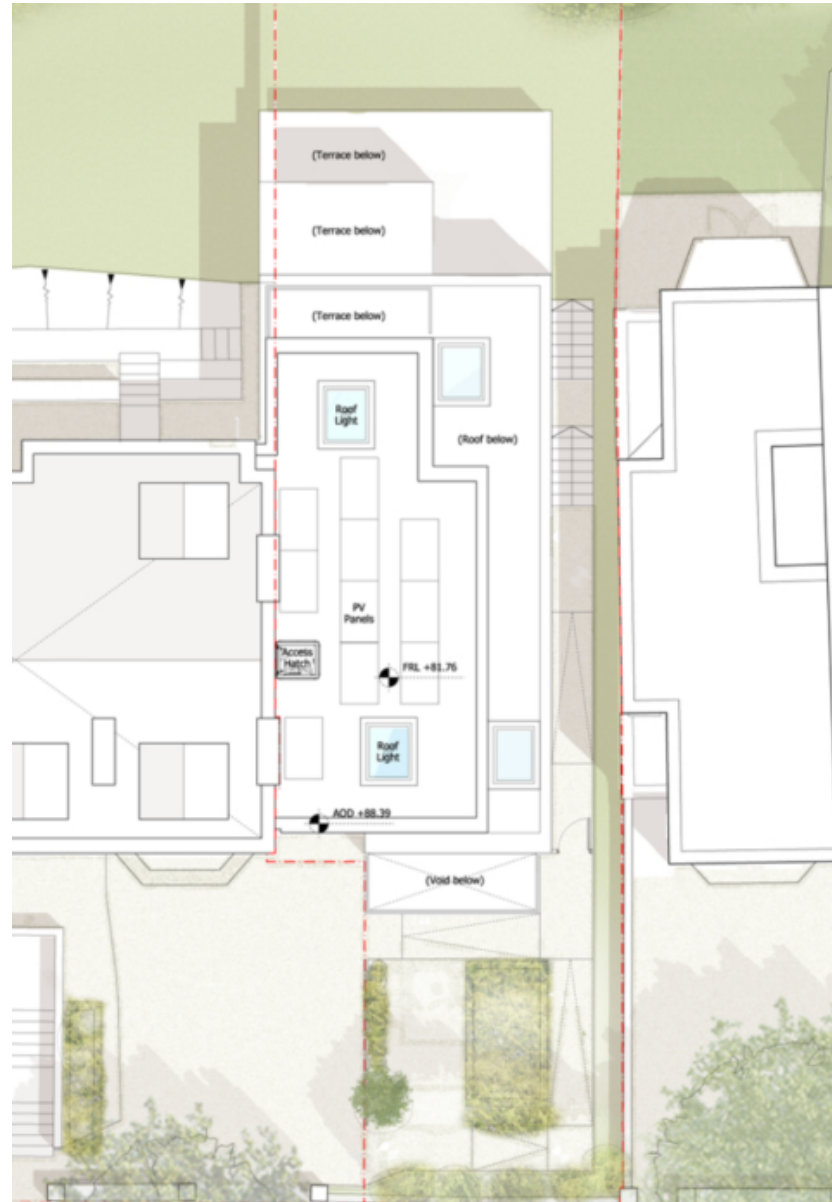
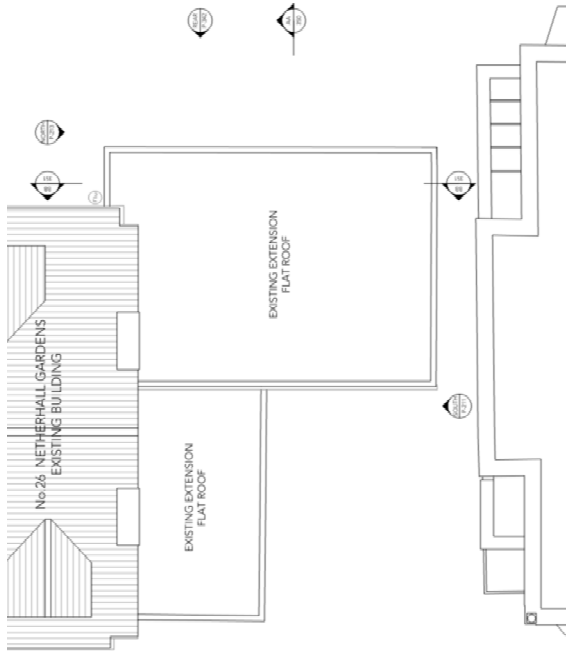
















Existing Front Elevation



Approved Front Elevation



Proposed Front Elevation



Existing Rear Elevation

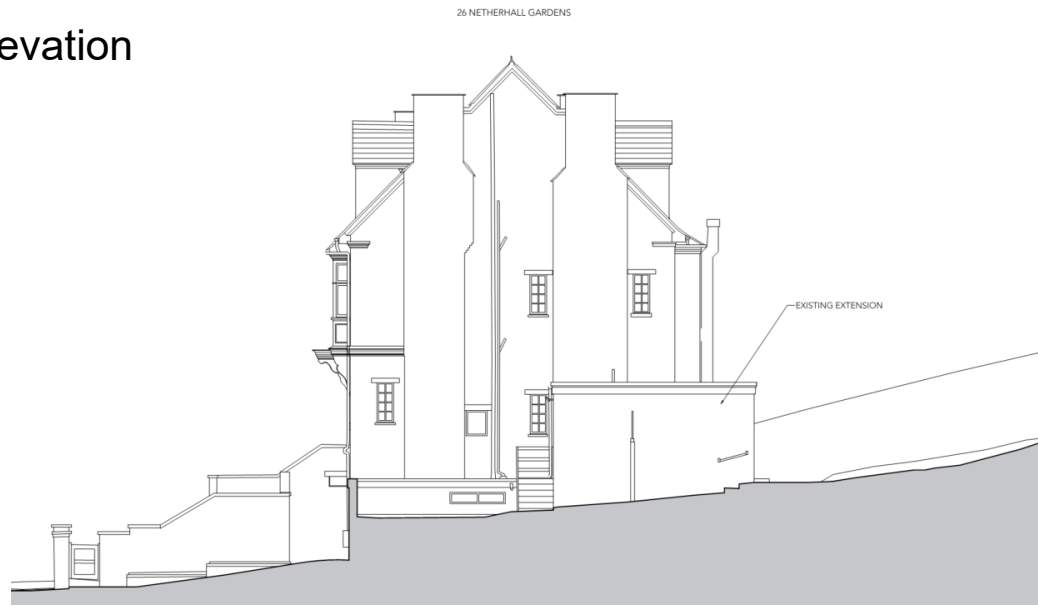


Approved Rear Elevation



Proposed Rear Elevation

Existing Side Elevation



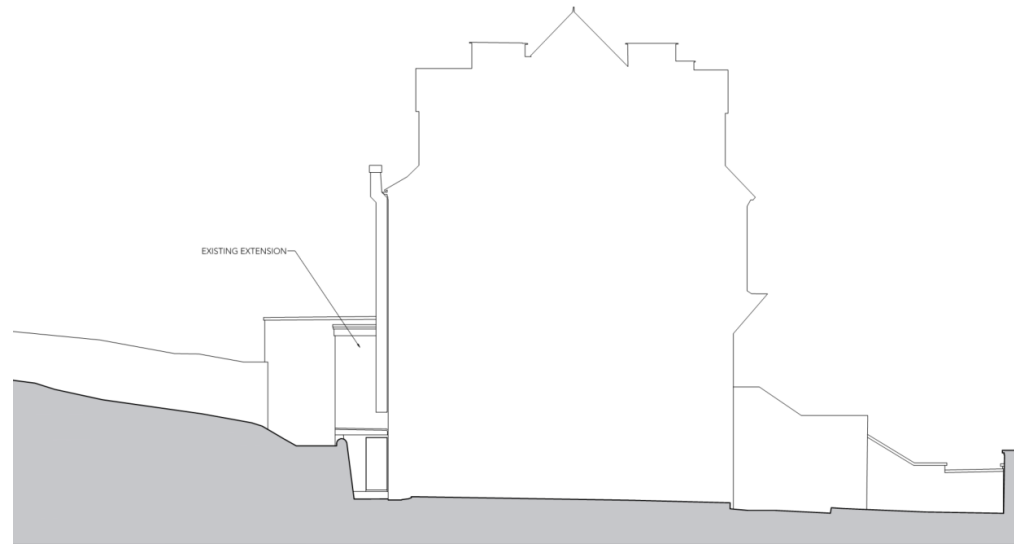
Approved Side Elevation



Proposed Side Elevation



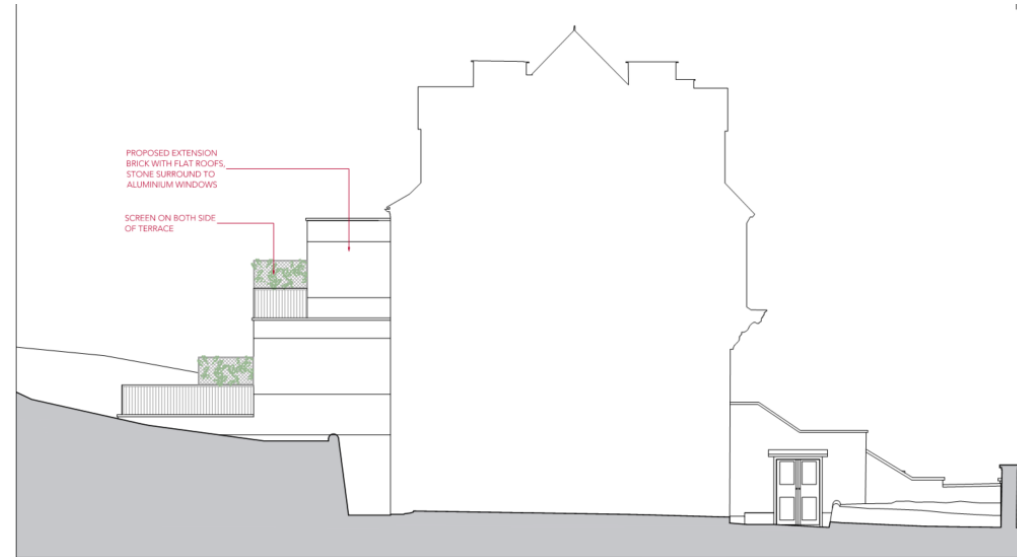
Existing Side Elevation



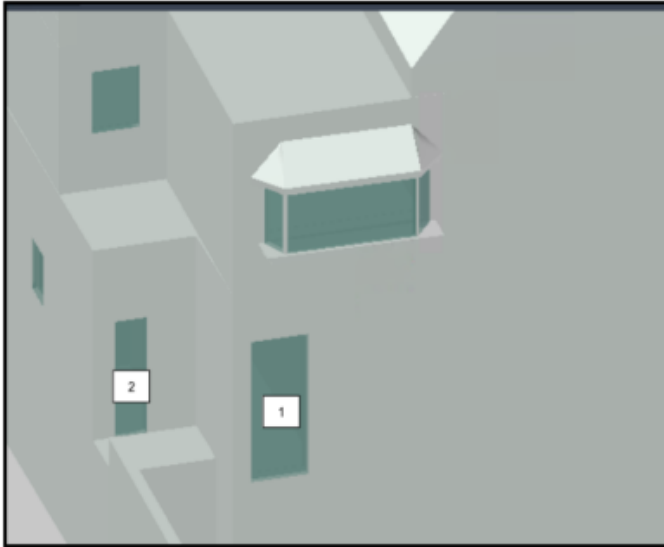
Approved Side Elevation



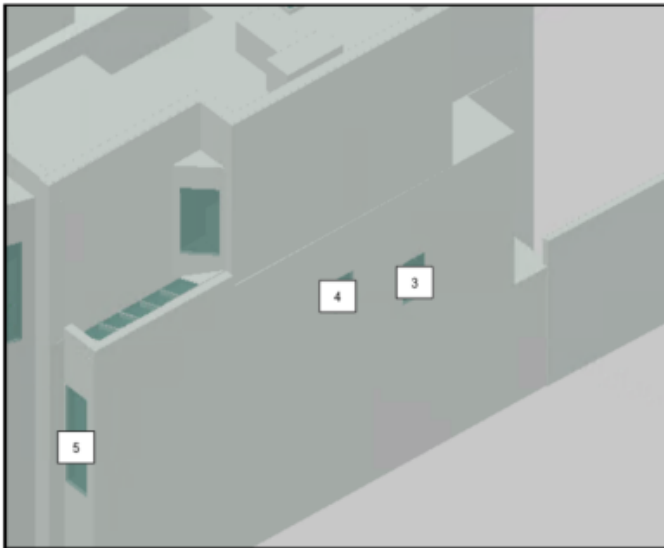
Proposed Side Elevation



Neighbouring Windows



24a Netherhall Gardens



24A Netherhall Gardens

