

<b>Address:</b>	41 Rudall Crescent, London, NW3 1RR		<b>3</b>
<b>Application Number(s):</b>	2025/0301/P	<b>Officer:</b> Henry Yeung	
<b>Ward:</b>	Hampstead Town		
<b>Date Received:</b>	05/02/2025		
<b>Proposal:</b>	Remodelling of existing building including façade alterations, rear extension with first floor terrace and enlargement of existing roof extension. Landscaping works to front.		
<b>Background Papers, Supporting Documents and Drawing Numbers:</b>  Existing Drawings: EX-00-100, EX-00-101, EX-00-102, EX-00-103, EX-00-200, EX-00-300, EX-00-301, EX-00-302, location plan  Proposed Drawings: PL-00-100, PL-00-101, PL-00-102, PL-00-103, PL-00-200, PL-00-300, PL-00-301, PL-00-302  Documents: Covering letter-41 Rudall Crescent			
<b>RECOMMENDATION SUMMARY:</b>			
<b>Grant Conditional Permission</b>			
<b>Applicant:</b>		<b>Agent:</b>	
Saul Biber 41 Rudall Crescent London NW3 1RR		SM Planning 80-83 Long Lane London EC1A 9ET	

## ANALYSIS INFORMATION

Land use floorspaces				
Use Class	Description	Existing GIA (sqm)	Proposed GIA (sqm)	Difference GIA (sqm)
Existing	Residential (Class C3)	84	0	-22
Proposed	Residential (Class C3)	0	106	+22
<b>Total</b>	<b>All uses</b>	84	106	+22

## EXECUTIVE SUMMARY

- i) The application site comprises a two-storey terraced residential property located within the Hampstead Conservation Area. It is not a listed building and the property is identified as a neutral contributor in the Hampstead Conservation Area Appraisal and Management Strategy, meaning it does not significantly enhance or detract from the character or appearance of the conservation area.
- ii) Planning permission is sought for façade alterations to the front and rear, the erection of a full-width ground floor rear extension, the rebuilding of the existing roof extension, the introduction of a first-floor rear terrace and landscaping works including a new front boundary wall and planting.
- iii) The objector raises concerns about the proposed roof terrace causing significant overlooking and loss of privacy for neighbouring properties on Rudall Crescent and Gayton Crescent, particularly No. 39 which shares a boundary. The objection states that approving this could set an unwelcome precedent, contrary to Camden. Additionally, concern is raised over the ground floor rear extension reducing the already limited garden space, negatively affecting the property's outdoor amenity.
- iv) The proposed development is considered a sympathetic and balanced intervention that respects the character, scale, and rhythm of the host property and Hampstead Conservation Area. Front façade changes align with the building's style, while contemporary additions are modest and well-integrated. Rear extensions and terraces are discreetly located, and the redesigned roof extension reduces visual bulk. Landscaping enhancements will improve biodiversity and the garden's appearance. The works are modest in scale and positioned to avoid significant amenity impacts on neighbours. A condition is recommended to secure a privacy screen on the first-floor terrace before the use of proposed terrace
- v) As such, the proposed development is considered to comply with the requirements of the Camden Local Plan (2017), the Hampstead Neighbourhood Plan 2018, the London Plan (2021), and the National Planning Policy Framework (2024). It is therefore recommended that planning permission be granted, subject to relevant conditions.

## 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 committee due to the level of interest in this application from residents and community organisations.

## 1. SITE AND BACKGROUND

### *Designations*

- 1.1 The site on the northern side of Rudall Crescent contains a terraced building. The property is situated within the Hampstead Conservation Area, known for its steep topography, historic alleyways, and a varied architectural mix ranging from quaint cottages to grand villas. The site is also located within an area which is subject to an Article 4 Direction, meaning that specified permitted development rights are removed and planning permission from the Council. The site falls within the Hampstead Neighbourhood Plan (HNP) area and policies in the adopted HNP are part of the development plan against which a decision should be made, also relevant to determination are the policies in the revised HNP, which now carry substantial weight.

### *Description*

- 1.2 Rudall Crescent is a curving residential street west of Willoughby Road, characterised by a mix of 19th and 20th century development that collectively contributes to a varied yet coherent townscape. A number of properties are identified as positive contributors to the conservation area due to their architectural detailing and historical significance. On the western side, Nos. 1–13 (odd) form a strong red brick Victorian terrace of three storeys with double-canted bay windows and single dormers, while No. 13a (Penn Studio), a single-storey artist's studio dating from circa 1880–1900, is set back from the street and retains a distinctive character. As the street curves, Nos. 31–39 (odd), built in the late 1950s on former garden land, form a consistent two-storey terrace with white-painted timber cladding, set back behind a low brick wall. Though post-war in date, they contribute positively through their uniformity and scale. At the corner with Pilgrim's Lane, Nos. 43–47 (odd) are notable for their two-tone brickwork, prominent gables, and raised entrances with timber porches and pediments. In contrast, No. 41, a later 20th century infill property, is considered a neutral contributor; it does not detract from the conservation area but lacks the architectural and historic merit of its neighbours.



Figure 1 – Site location outlined in red

- 1.3 The application site has a Public Transport Accessibility Level (PTAL) rating of 3, indicating moderate access to public transport. It is located within walking distance of Hampstead Underground and Hampstead Heath Overground stations, as well as bus services operating along Rosslyn Hill and Haverstock Hill.

## 2. THE PROPOSAL

Planning permission is sought for the following works

- 2.1 The front garden will be reconfigured to include a boundary wall, refuse storage, areas of vegetation, and a replacement parking space positioned to the left-hand side. Additionally, a new small window is proposed adjacent to the main entrance door on the front elevation. The existing front-facing bay window will be extended forward by approximately 0.5 metres to create a more usable internal space. No external works are proposed as part of the proposals.
- 2.2 The proposed rear extension will project 2.5 metres along the boundary with No. 43 Rudall Crescent and 2 metres along the boundary with No. 39. It will span a width of approximately 9 metres across the rear elevation, constructed in brick to match the existing building. The extension will have a flat roof with a maximum height of 3 metres, and the roof is proposed to be

used as a terrace, enclosed by a 0.8m high railing combined with a 0.3m high parapet wall, forming an overall enclosure height of 1.1m.

- 2.3 The existing irregular roof extension will be demolished and replaced with a new trapezoidal-shaped structure. The roof terrace will be retained, and the glazing will be replaced as part of the works.

### 3. RELEVANT HISTORY

#### The site

- 3.1 2013/2370/P “Replacement of all aluminium windows to front and rear elevation (Class C3).” 08-05-2013, **Granted**.
- 3.2 9101399 “Retention of a conservatory at roof level”. 20-12-1991, **Granted**.
- 3.3 TP/29904/NW/13315 “Erection of a two-storey terrace house with ancillary private garage and the formation of a new means of access to the highway.”

#### Neighbouring Properties

- 3.4 **(43 Rudall Crescent)** 2017/7057/P “Alterations to existing rear extension at lower ground floor level and creation of terrace with railings and privacy screen above” **Granted**
- 3.5 **(47 Rudall Crescent)** 2017/6994/P “Erection of a two storey rear extension at lower and ground floor level with new balcony, glass balustrade and access stairs, height increase of existing side boundary timber fences and associated landscaping to dwelling (Class C3).” **Granted**

### 4. CONSULTATION

#### ADJOINING OCCUPIERS

SITE NOTICES WERE DISPLAYED ON THE 12/02/2025 AND EXPIRED ON THE 08/03/2025. A PRESS NOTICE WAS ADVERTISED ON 13/02/2025 AND EXPIRED ON 09/03/2025.

- 4.1 The 4 objections to the planning application for 41 Rudall Crescent (Ref: 2025/0301/P) primarily concern the proposed first-floor rear terrace. The key points raised are:
- 4.2 Overlooking & Privacy Impact – The terrace would overlook neighbouring properties, including houses and gardens on Rudall Crescent and Gayton Crescent, causing significant privacy concerns. Comparisons are drawn to previous applications (Ref: 2016/4897/P) where conditions prohibited roof terraces to prevent overlooking. The terrace would directly affect No. 39, as it is built up to the boundary. Comparisons are made to a lower, existing balcony at No. 43, which does not cause the same level of intrusion.

### Officer response

*The proposed terrace at first floor level has been designed to minimise overlooking and address privacy concerns. While it extends slightly beyond No. 39, the projection is modest at approximately 0.8m and remains set behind No. 43, thereby reducing any direct line of sight. The separation distance to properties on Gayton Crescent is approximately 20 metres, which is considered sufficient to prevent an unacceptable level of overlooking.*

*Reference has been made to application 2016/4897/P, which related to the erection of single-storey rear extensions at Nos. 37 and 39 Rudall Crescent. That application concerned neighbouring properties and included conditions to protect the amenity of No. 41 Rudall Crescent, given that the rear extensions would project beyond its rear elevation. The context and nature of that development differ materially from the current proposal, which involves a modest first-floor terrace.*

*It is also noted that the application site currently benefits from an existing front roof terrace, which would be reduced in size as part of the proposals. Balconies and terraces are a common feature in the surrounding area, and the proposed arrangement would not appear uncharacteristic within this setting.*

- 4.3 Precedent & Planning Policy – Objectors argue that allowing this terrace would set a precedent that contradicts Camden’s planning policies, specifically CS5 (Managing the Impact of Growth and Development) and DP26 (Managing the Impact on Occupiers and Neighbours).

### Officer response

The application has been assessed against Camden’s current planning policies, specifically Policy A1 (Managing the Impact of Development) in the adopted Local Plan. This policy supersedes CS5 and DP26, which were part of the Council’s previous Local Development Framework (LDF) and are no longer in effect. The proposed terrace has been designed to respond appropriately to its context and does not set an undesirable precedent. It is a common principle that each planning application is assessed on its own individual merits, having regard to the specific site circumstances. In this case, the proposal is considered to respect the character of the area and would not result in any unacceptable harm to the amenity of neighbouring occupiers.

- 4.4 Lack of Clarity in Plans – Several concerns are raised about missing or unclear details in the submitted plans, including the absence of labels for the terrace, inadequate descriptions of guardrails, and unspecified materials for boundaries.

#### Officer response

*The submitted plans are considered to provide sufficient details regarding the terrace, its design, and boundary treatments, for an accurate assessment to be made. The proposed guardrails are an integral part of the design and have been included to provide safety while maintaining a discreet visual presence.*

- 4.5 Reduction of Garden Space – The proposed ground floor rear extension would further reduce the already small garden, raising concerns about its impact on outdoor space.

#### Officer response

*The proposed ground-floor extension has been designed to provide additional internal living space while retaining a sufficient amount of outdoor amenity space. The extension would correspond with the rear building line of no.39. The remaining garden area will continue to provide an appropriate level of private outdoor space for the occupants.*

- 4.6 The following concerns were raised by Rudall Crescent Residents' Association:

The Association raises concerns about missing details in the plans, including the lack of labelling for the first-floor roof terrace, inadequate description of the guard rail, unclear ground-floor extension extent, and unspecified materials for the top-floor boundaries. They question whether these omissions are intended to obscure potential objections. The first-floor roof terrace, which would cause overlooking of neighbouring gardens (Nos. 39 & 43) and properties on Gayton Crescent, potentially setting an undesirable precedent. The ground-floor rear extension further reduces an already small garden. The unclear materials and high enclosure for the top-floor front and rear boundaries, which could be overbearing.

#### Officer response

*The submitted plans provide sufficient detail regarding the terrace, its design, and boundary treatments to enable an accurate assessment. The proposed guardrails form an integral part of the design, ensuring safety while maintaining a discreet visual presence. In response to concerns about overlooking, it is noted that the distance between the proposed terrace and the rear-facing property on Gayton Crescent is approximately 20 metres. To mitigate any potential impact on privacy, a condition will be imposed requiring the installation of a privacy screen along the western boundary of the first-floor terrace, which adjoins No. 39. This privacy screen must be installed prior to the terrace's use and permanently retained thereafter to protect the amenity of neighbouring properties. The proposed ground-floor extension*

*has been designed to provide additional internal living space while retaining an adequate amount of outdoor amenity space. The extension will align with the rear building line of No. 39, thereby ensuring the remaining garden continues to offer an appropriate level of private outdoor space for the occupants.*

*Regarding materials and detailing, prior to commencement of the relevant works, detailed drawings or material samples must be submitted to and approved in writing by the local planning authority. These submissions are to include plan, elevation, and section drawings of all new windows and doors at a scale of 1:10, as well as samples and manufacturer's details of the new facing brickwork materials. The samples should also be made available on-site and retained throughout the duration of the works. This process is necessary to safeguard the special architectural and historic interest of the building and its surrounding area.*

## **5. POLICY**

### ***National and regional policy and guidance***

National Planning Policy Framework 2024 (NPPF)

National Planning Practice Guidance (NPPG)

London Plan 2021 (LP)

### **Local policy and guidance**

Camden Local Plan (2017) (CLP)

*Policy A1 Managing the impact of development*

*Policy D1 Design*

*Policy D2 Heritage*

Hampstead Neighbourhood Plan 2025-2040 (2018)

*\*the revised Hampstead Neighbourhood Plan now carries 'substantial weight' in the decision-making process.*



*Policy DH1: Design*

*Policy DH2: Conservation areas and listed buildings*

Supplementary Planning Documents and Guidance

*CPG Design (January 2021)*

*CPG Amenity (January 2021)*

*CPG Home Improvements (January 2021)*

*Hampstead Conservation Area Statement (CAS) (2001)*

Draft Camden Local Plan (DCLP)

The council published a new Draft Camden Local Plan (incorporating Site Allocations) for consultation in January 2024. Responses to the consultation and a [Submission Draft Camden Local Plan](#) (updated to take account of the responses) was reported to Cabinet on 2 April 2025 and the Council on 7 April 2025. The Council resolved to agree the Submission Draft Local Plan for publication and submission to the government for examination following a further period of consultation.

The Council has published the Camden Local Plan Proposed Submission Draft for consultation. The consultation closed on Friday 27 June 2025.

The Submission Draft is a significant material consideration in the determination of planning applications but has limited weight at this stage. The weight that can be given to it will increase as it progresses towards adoption (anticipated 2026).

## **6. ASSESSMENT**

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

<b>7</b>	<b>Design and Conservation</b>
<b>8</b>	<b>Impact on neighbouring amenity</b>
<b>9</b>	<b>Biodiversity Net Gain</b>
<b>10</b>	<b>Conclusion and Recommendations</b>
<b>11</b>	<b>Planning Conditions</b>
<b>12</b>	<b>Planning Informatives</b>

## **7. DESIGN AND CONSERVATION**

Legislative Background and Statutory Framework

- 7.1 Under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, local planning authorities must give special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.
- 7.2 Section 66 of the same Act, as amended by the Enterprise and Regulatory Reform Act 2013, requires that special regard is given to preserving listed buildings, their settings, and any features of special architectural or historic interest.
- 7.3 This legislative framework creates a strong presumption in favour of preserving the character and appearance of conservation areas. Where proposals result in harm, such harm must be justified by public benefits that are sufficiently compelling to outweigh this presumption. The National Planning Policy Framework (NPPF), in particular Chapter 16, provides guidance on assessing harm to heritage assets and the weight to be afforded to such impacts.
- 7.4 These statutory duties operate alongside the requirement under Section 38(6) of the Planning and Compulsory Purchase Act 2004 to determine planning applications in accordance with the development plan unless material considerations indicate otherwise.
- 7.5 The NPPF is a key material consideration. Chapter 16 ("Conserving and enhancing the historic environment") sets out the Government's approach to heritage protection. It requires local planning authorities to identify and assess the particular significance of any heritage asset affected by a proposal. It further directs how harm to designated heritage assets should be evaluated and weighed against any public benefits of the proposal (see NPPF Paragraphs 212–215). Paragraph 215 notes:

*"Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use."*

#### Policy Review

- 7.6 The London Plan (2021) includes Policy D1, which emphasizes the importance of understanding London's form, character, and capacity for growth. It advocates for area assessments to define the characteristics and qualities of different places, ensuring that development responds appropriately to local context. Policy D4 focuses on delivering good design, requiring developments to be of the highest quality, respect local context, and be inclusive and accessible.

- 7.7 The Camden Local Plan (2017) includes Policy D1, which seeks high-quality design that responds to context and local character. Policy D2 aims to preserve and enhance heritage assets and their settings.
- 7.8 The Hampstead Neighbourhood Plan includes Policies DH1 and DH2, which require development to respect the history and character of Hampstead and be consistent with conservation area guidance. These policies collectively guide the assessment of the proposal, ensuring that it aligns with the established character and heritage of the Hampstead Conservation Area.
- 7.9 Policy DH1 supports development that enhances the distinctiveness and heritage of character areas while helping to address climate change through high-quality design and landscaping. Proposals must be sympathetic to existing building lines, garden features, rooflines, and materials. Extensions and dormers must be modest, subservient, and sensitively designed to preserve architectural character. Proposals must also protect neighbouring privacy and amenity, maintain garden views and spaces between buildings, and avoid visual harm. Proposals that fail to respect or enhance the character and function of the area will not be supported.
- 7.10 Policy DH2 requires development within Conservation Areas to follow the guidance in the relevant Conservation Area Appraisals and Management Strategies. Proposals should aim to enhance the character of the area by protecting and, where appropriate, restoring original architectural features such as walls, windows, and doors. Development should also protect or enhance buildings and elements like boundary walls that make a positive contribution to the Conservation Area.

### Designations

- 7.11 The following section discusses the relevant designated heritage assets as far as is relevant to the context of the application, before considering how the significance of these assets would be impacted by the proposals.
- 7.12 The application site is situated on the northern side of Rudall Crescent within the Hampstead Conservation Area. This area is characterized by its steep topography, historic alleyways, and a diverse architectural mix, ranging from modest cottages to grand villas.

## Assessment

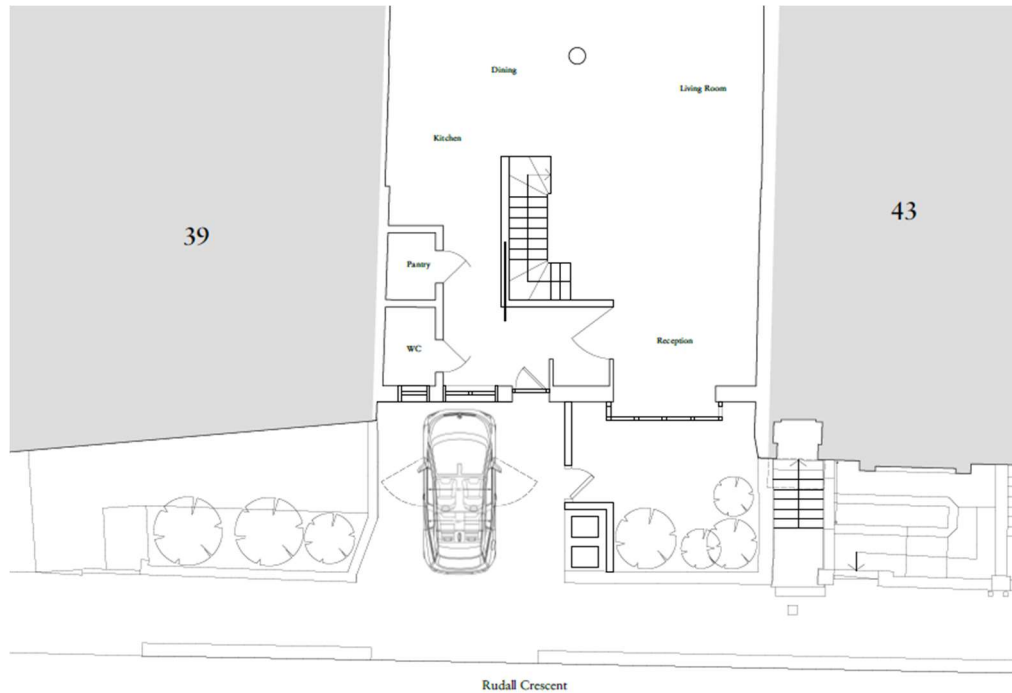


*Figure 2: Propose Front elevation*

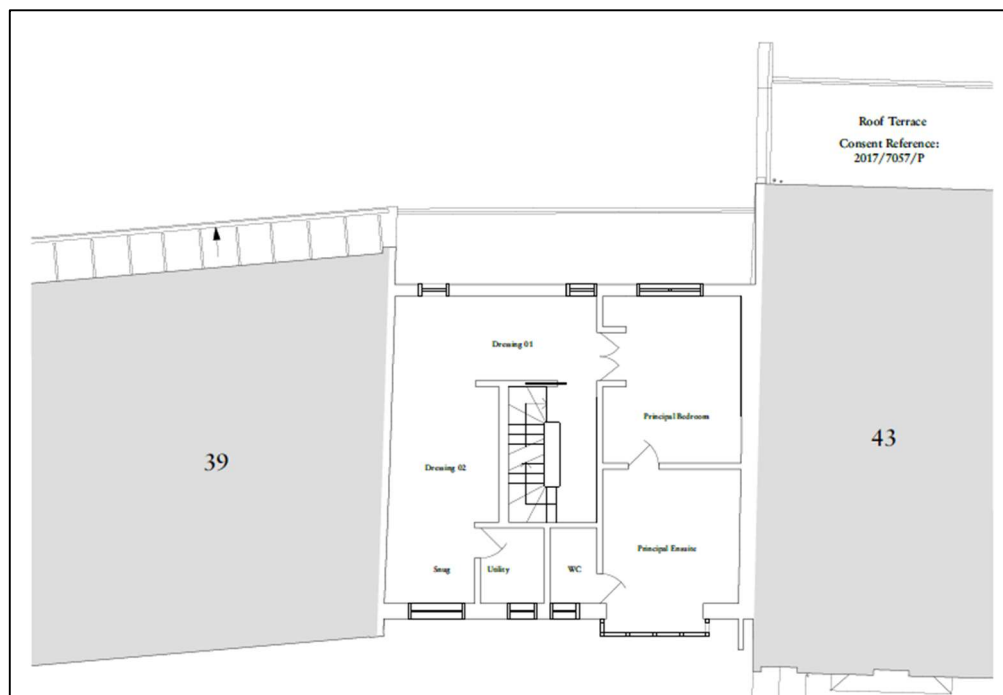
- 7.13 The proposed alterations to the front façade involve modernising the existing frontage of the building while respecting the character of the surrounding conservation area through the use of materials similar to those existing. The introduction of contemporary elements, such as black powder-coated windows and doors, alongside slimmer glazing bars in the full-height glazed window feature, represents a careful balance between tradition and modernity. The replacement of a large and small first-floor window with four windows of consistent scale refines the façade's rhythm. Although these changes will alter the existing appearance, the overall character will remain coherent with the street scene, resulting in a minor visual impact on the conservation area. Notwithstanding this, the application currently lacks detailed specifications for the proposed windows and doors. Given the sensitivity of the conservation area, poor design or inappropriate materials could cause harm to the special architectural and historic interest of the building. Consequently, a condition securing the submission and approval of detailed window and door specifications is necessary to safeguard these heritage assets.

Alterations to the front boundary treatment and landscaping reduce the extent of hardstanding and introduce increased soft landscaping, including planting areas. The reconfigured driveway balances functionality with enhancing the site's appearance, positively contributing to the character of the property and conservation area. The front garden alterations include the

addition of a boundary wall and a designated bin storage area, both designed to complement the property's character. Vegetation and soft landscaping will be introduced to enhance the frontage and provide visual screening. Importantly, the scheme does not create any new off-street parking spaces; it only replaces the existing driveway area, maintaining the current parking provision. The proposed alterations will preserve the character and appearance of the conservation area.



*Figure 3: Proposed Ground Floor Plan*



*Figure 4: Proposed First Floor Plan*

7.14 The proposed rear extension will project 2.5 metres along the boundary with No. 43 Rudall Crescent and 2 metres along the boundary with No. 39. It will span approximately 9 metres across the rear elevation and will be constructed in brick to match the existing building. The proposed single rear extension will have a flat roof with a maximum height of 3 metres, and the roof is proposed to be used as a terrace enclosed by a 0.8-metre-high railing combined with a 0.3-metre-high parapet wall, forming an overall enclosure height of 1.1 metres. The application has been assessed against Camden's policies, including A1 (Managing the Impact of Growth and Development) and DH1, DH2 of the Hampstead Neighbourhood Plan. The proposed terrace has been designed sympathetically to the local context. It is considered that rear extensions are common along Rudall Crescent, and properties at Nos. 43 to 47 already feature rear extensions. Therefore, the proposed rear extension would not be out of keeping. The proposed ground-floor extension has been designed to provide additional internal living space while retaining a sufficient amount of outdoor amenity space for the occupants. The extension corresponds with the rear building line of No. 39. The remaining garden area will continue to provide an appropriate level of private outdoor space for the occupants. This relationship prevents a bulky or overbearing appearance. Constructed in matching brickwork and featuring bi-fold doors, the extension maintains a well-balanced rear elevation. The first-floor rear terrace, enclosed with a balustrade complementing the building's style, provides additional amenity space without adverse visual impact. Due to its discreet rear location and low visibility in public views, the extension and terrace would not harm the streetscape or the wider conservation area.

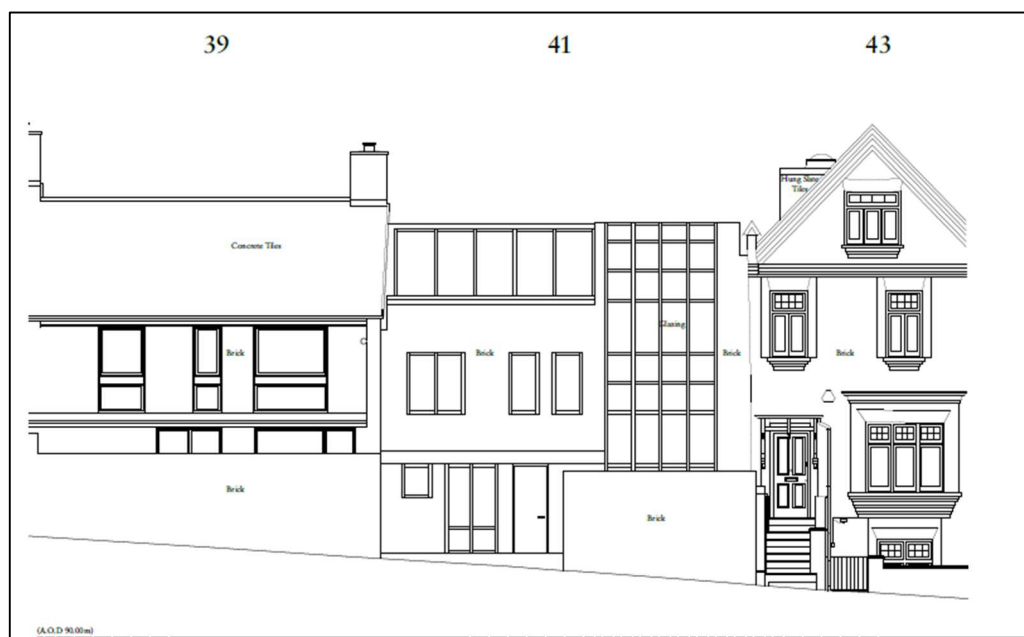


Figure 5: Proposed Front elevation

- 7.15 The existing roof structure at No. 41 Rudall Crescent differs notably from those at Nos. 35–39 and No. 43 Rudall Crescent, featuring an irregular combination of hexagonal and rectangular forms. While the proposed roof extension contrasts with other roof extensions along the road, its larger but coherent design, constructed from modern materials sympathetic to the host building, is expected to enhance the overall appearance of the dwelling, providing a more cohesive and contemporary finish. The proposed extension remains setbacks from the edge, maintaining subordination to the main dwelling and respecting the surrounding character. The retained roof terrace is sensitively integrated within the structure, preserving the building's proportions and avoiding disruption of the existing rhythm. Given its modest size and discreet location, the terrace is not expected to adversely affect the character of the building or the conservation area.
- 7.16 The new roof profile will be visible when looking southeast towards the property. Although slightly higher than the existing roof, the proposed extension remains modest in scale and subordinate to the surrounding buildings, preserving the varied scale characteristic of the area. This modest increase in height will not impact the setting or appreciation of positive contributor buildings within the conservation area. The current roof form does not reflect a strong prevailing character in the area, and its removal will not harm the building's overall character. The detailed design is sympathetic, incorporating traditional elements, respecting proportions, and using materials that complement the host building. This approach aligns with policy DH1 of the Hampstead Neighbourhood Plan, which requires development to respond positively and sympathetically to the existing rhythm, proportions, height, scale, massing, materials, and storey heights of surrounding buildings. The proposed development respects the local scale and design, reinforcing the existing rhythm rather than disrupting it, and providing a traditionally designed and well-proportioned addition.

### Conclusion

- 7.17 The proposals sensitively update the existing building in a manner that preserves the character and appearance of the surrounding conservation area. The design responds appropriately to the local context in terms of scale, materials, and detailing, ensuring the development remains subordinate and visually coherent within the streetscape. Given that the host building is considered a neutral contributor to the conservation area, the alterations would not result in harm and the building would continue to be viewed as a neutral element. The minor front elevation changes, modest rear extension, and integrated roof terrace collectively result in a scheme that preserves the conservation area and aligns with relevant planning policy objectives.

- 7.18 Accordingly, the proposal complies with Camden Local Plan policies D1 and D2, the Hampstead Neighbourhood Plan policies DH1 and DH2, the London Plan 2021, and the NPPF 2024. Approval is recommended, subject to conditions securing detailed specifications for windows, doors, materials, and boundary treatments and landscaping works to ensure the proposed development are appropriate in design terms and protect the character and appearance of the building and the conservation area.

## 8. IMPACT ON NEIGHBOURING AMENITY

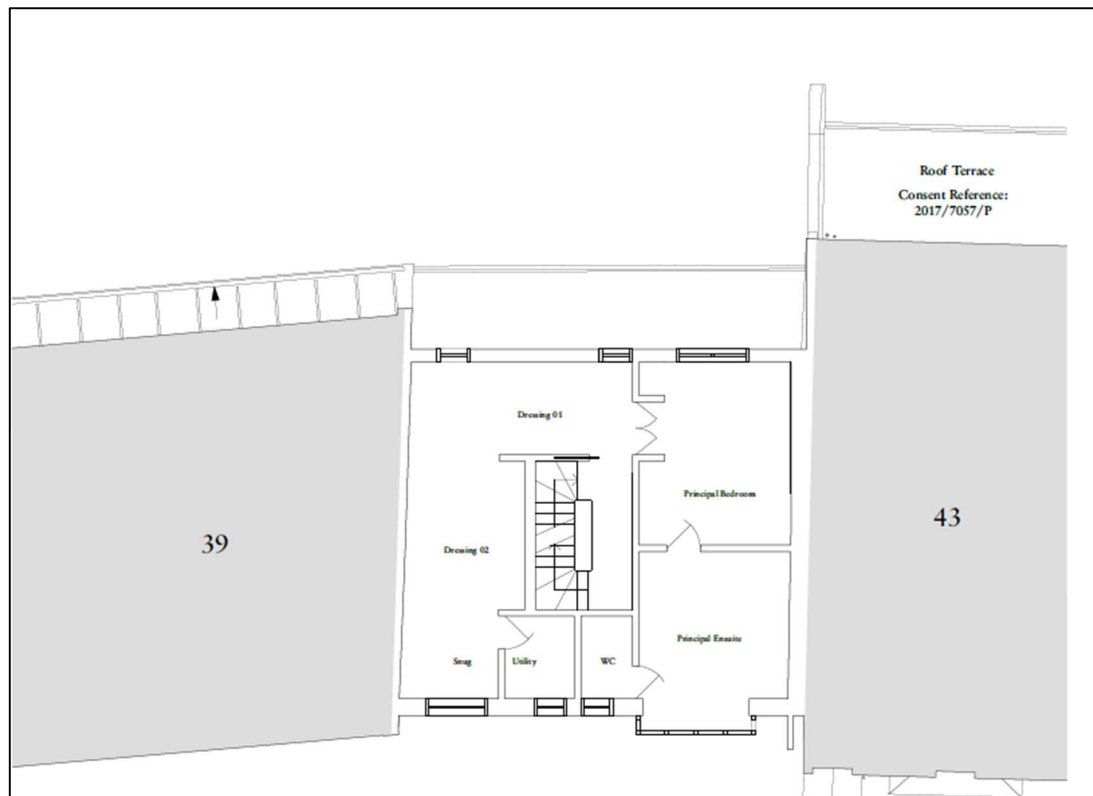
- 8.1 Policy A1 aims to safeguard the quality of life for both occupiers and neighbours by permitting development only where it would not adversely affect neighbouring amenity. This protection covers privacy, outlook, noise, and daylight/sunlight impacts.
- 8.2 The proposed alterations to the front façade include changes to the bay window and the reconfiguration of the ground floor front-facing window. These alterations do not involve significant projections beyond the existing bay window, nor do they introduce any new openings. As such, there is no increased potential for overlooking or loss of outlook to neighbouring properties. This means this part of the development will not cause any material amenity impacts such as overlooking, loss of privacy, or reduction in outlook/light for adjacent residents. In summary, the proposed front alterations and bay window extension have been carefully considered to avoid adverse impacts on neighbouring amenity, ensuring that the development is both respectful and compatible with the surrounding properties.



Figure 6: Proposed Rear Elevation



- 8.3 The proposed first-floor terrace on the ground-floor extension at No. 41 Rudall Crescent has been carefully designed to address mutual privacy concerns and avoid harm to the amenity of neighbouring properties. As shown on the submitted floor plan, the terrace is modest in size and extends only 0.8 metres beyond the rear building line of No. 39, while remaining well behind the rear elevation of No. 43. This positioning ensures the terrace does not project beyond neighbouring properties or enable direct overlooking into windows.



*Figure 7: Proposed First Floor Plan*

- 8.4 The floor plan illustrates that the terrace is sited in a way that offsets any mutual privacy concerns between No. 41 and the adjoining properties. To further safeguard amenity, a condition will be imposed requiring the installation of a privacy screen along the western boundary of the first-floor terrace, adjacent to No. 39. This screen must be installed prior to first use of the terrace and retained in perpetuity, ensuring ongoing protection of neighbouring privacy and preventing overlooking. Moreover, the roof terrace's modest size means it would not result in any harmful loss of outlook to nearby properties. The plan also shows that there is approximately a 20-metre separation between the proposed terrace and the rear-facing elevations of properties on Gayton Crescent, which substantially mitigates any potential overlooking or privacy concerns to the rear.
- 8.5 The proposed ground-floor rear extension also sits comfortably within the existing building lines of Nos. 39 and 43, ensuring that it will not cause any

material loss of daylight or sunlight to neighbouring windows. The replacement of the existing roof extension and the addition of the new rear extension are modest in scale and height, and therefore would not result in undue harm to the amenity of neighbouring properties. The amenity impact from the new roof terrace will be no greater than that of the existing terrace, which already offers views to both the front and rear. As such, there is no increased risk of overlooking, loss of privacy, or reduction in outlook or light for neighbouring residents. The new openings do not introduce any additional opportunities for overlooking. Consequently, the development will not result in any significant amenity impacts for neighbouring properties.

- 8.6 Regarding potential noise and disturbance, all elements of the proposed development, including the roof terrace, are intended for use by the household only. This inherently limits the number of users at any given time. As such, any noise generated would be minimal and consistent with the level of activity typically expected in a residential setting.
- 8.7 In conclusion, the proposals would not cause undue adverse impacts on neighbouring amenity, thereby complying with Policy A1 of the Local Plan and Policy DH1 of the Hampstead Neighbourhood Plan.

## **9. BIODIVERSITY**

- 9.1 Camden Local Plan Policies CC1 and CC2 set out the Council's approach to sustainable development, aiming to address climate change through mitigation and adaptation measures. Policy CC1, titled 'Climate Change Mitigation,' focuses on reducing carbon emissions associated with new developments. It encourages the use of energy-efficient building designs, renewable energy sources, and low-carbon technologies. The policy also promotes the reuse of existing buildings and materials to minimize embodied carbon and supports the implementation of sustainable construction practices. Policy CC2, 'Adapting to Climate Change,' addresses the need for developments to be resilient to the impacts of climate change. It advocates for measures such as sustainable drainage systems, water efficiency, and the integration of green infrastructure to manage surface water flooding and enhance biodiversity. The policy also encourages the design of buildings and public spaces that can adapt to changing climatic conditions, ensuring long-term sustainability.
- 9.2 The development is not expected to negatively impact biodiversity, as the existing rear garden is already paved. However, the proposals include improvement to the front garden landscaping, which will positively contribute to biodiversity. The scheme introduces increased soft landscaping through planting beds and vegetation and reduces the extent of hard surfacing. A designated bin storage area is proposed, and a low boundary wall will be reinstated to improve enclosure and visual quality. Importantly, no new parking space is proposed, only a reconfiguration of the existing

arrangement. These changes will improve the overall appearance of the site, enhance biodiversity, and contribute positively to the character of the conservation area.

9.3 Biodiversity net gain (BNG) is an approach to development that requires new developments to result in a measurable increase in biodiversity compared to the pre-development baseline. However, there are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply.

9.4 Although the statutory requirement for Biodiversity Net Gain (BNG) came into effect for small sites on 2 April 2024, there are specific exemptions and transitional provisions that apply. This proposal is a householder application and therefore falls under one of the exemptions. In particular, the development is below the de minimis threshold, as it does not affect any onsite priority habitat, impacts less than 25 square metres of habitat with measurable biodiversity value, and affects less than 5 metres of linear habitat. As such, the BNG requirement is not triggered in this case. An informative will be attached to the decision to confirm this to the applicant.

## 10. CONCLUSION AND RECOMMENDATION

### Planning Permission is recommended subject to conditions

In conclusion, the proposed works are modest in scale and respond to the character of the building and local context and are considered to be acceptable. They will improve the appearance of this building which makes a neutral contribution to the conservation area and would preserve the character and appearance of the Hampstead Conservation Area. By virtue of the relationship of the extensions and terrace to neighbouring properties there would be no harm to their amenity. As such, the proposals are considered to comply with the requirements of Policies A1 (Managing the Impact of Development), D1 (Design), and D2 (Heritage) of the Camden Local Plan 2017. The proposal also aligns with the revised Hampstead Neighbourhood Plan 2025-2040, the London Plan 2021, and the National Planning Policy Framework 2024. It is therefore recommended that planning permission be granted, subject to relevant conditions.

## 11. CONDITIONS

### ***Standard conditions***

#### **1 Time limit**

The development hereby permitted must be begun not later than three years from the date of this permission.

Reason: In order to comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

## **2 Approved drawings**

The development hereby permitted shall be carried out in accordance with the following approved plans:

EX-00-100, EX-00-101, EX-00-102, EX-00-103, EX-00-200, EX-00-300, EX-00-301, EX-00-302, PL-00-100, PL-00-101, PL-00-102, PL-00-103, PL-00-200, PL-00-300, PL-00-301, PL-00-302. Covering Letter; Location Plan

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

## **3 Design: Materials to match existing**

All new external work shall be carried out in materials that resemble, as closely as possible, in colour and texture those of the existing building, unless otherwise specified in the approved application

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policies D1 and D2 of the London Borough of Camden Local Plan 2017 and Policy DH1, Policy DH2 of the Hampstead Neighbourhood Plan 2018.

## **4 Design: Details to be approved**

Before the relevant part of the work is begun, detailed drawings or material samples, as appropriate, shall be submitted to and approved in writing by the local planning authority. These shall include:

a) Plan, elevation, and section drawings of all new windows and doors at a scale of 1:10.

b) Samples and/or manufacturer's details (as agreed with the LPA) of the new facing materials including brickwork and window frames

Reason: To safeguard the special architectural and historic interest of the building and surrounding area, in accordance with policies D1 and D2 of the Camden Local Plan 2017, Policy DH1 and DH2 of the Hampstead Neighbourhood Plan (2018).

## **5 Design: Roof terrace not to be used until screen has been constructed**

Prior to use of the terrace, a privacy screen shall be installed along the western boundary of the first-floor terrace with (on the boundary with no.39 Rudall Crescent). The privacy screen shall be permanently maintained and retained thereafter.

Reason: In order to prevent unreasonable overlooking of neighbouring premises in accordance with the requirements of policy A1 of the London Borough of Camden Local Plan 2017.

## 6 Landscape: to be carried out in accordance with approved details

All hard and soft landscaping works shall be carried out in accordance with the approved drawings [by not later than the end of the planting season following completion of the development or any phase of the development] [, prior to the occupation for the permitted use of the development or any phase of the development], whichever is the sooner. Any trees or areas of planting (including trees existing at the outset of the development other than those indicated to be removed) which, within a period of 5 years from the completion of the development, die, are removed or become seriously damaged or diseased, shall be replaced as soon as is reasonably possible and, in any case, by not later than the end of the following planting season, with others of similar size and species, unless the local planning authority gives written consent to any variation.

Reason: To ensure that the landscaping is carried out within a reasonable period and to maintain a high quality of visual amenity in the scheme in accordance with the requirements of policies A2, A3, D1 and D2 of the London Borough of Camden Local Plan 2017.

## 12. INFORMATIVES

1	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.
2	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).
3	<p>All works should be conducted in accordance with the Camden Minimum Requirements - a copy is available on the Council's website at <a href="https://beta.camden.gov.uk/documents/20142/1269042/Camden+Minimum+Requirements+%281%29.pdf/bb2cd0a2-88b1-aa6d-61f9-525ca0f71319">https://beta.camden.gov.uk/documents/20142/1269042/Camden+Minimum+Requirements+%281%29.pdf/bb2cd0a2-88b1-aa6d-61f9-525ca0f71319</a></p> <p>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>

	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.
4	This approval does not authorise the use of the public highway. Any requirement to use the public highway, such as for hoardings, temporary road closures and suspension of parking bays, will be subject to approval of relevant licence from the Council's Streetworks Authorisations & Compliance Team London Borough of Camden 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No 020 7974 4444). Licences and authorisations need to be sought in advance of proposed works. Where development is subject to a Construction Management Plan (through a requirement in a S106 agreement), no licence or authorisation will be granted until the Construction Management Plan is approved by the Council.
5	<p>Biodiversity Net Gain (BNG) Informative (1/3):</p> <p>The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 ("1990 Act") is that planning permission granted in England is subject to the condition ("the biodiversity gain condition") that development may not begin unless:</p> <p>(a) a Biodiversity Gain Plan has been submitted to the planning authority;, and</p> <p>(b) the planning authority has approved the plan.</p> <p>The local planning authority (LPA) that would approve any Biodiversity Gain Plan (BGP) (if required) is London Borough of Camden.</p> <p>There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are summarised below, but you should check the legislation yourself and ensure you meet the statutory requirements.</p> <p><b>Based on the information provided, this will not require the approval of a BGP before development is begun because it is a Householder Application.</b></p>
6	<p>Biodiversity Net Gain (BNG) Informative (2/3):</p> <p>+ Summary of transitional arrangements and exemptions for biodiversity gain condition</p>

	<p>The following are provided for information and may not apply to this permission:</p> <ol style="list-style-type: none"> <li>1. The planning application was made before 12 February 2024.</li> <li>2. The planning permission is retrospective.</li> <li>3. The planning permission was granted under section 73 of the Town and Country Planning Act 1990 and the original (parent) planning permission was made or granted before 12 February 2024.</li> <li>4. The permission is exempt because of one or more of the reasons below:</li> </ol> <ul style="list-style-type: none"> <li>- It is not "major development" and the application was made or granted before 2 April 2024, or planning permission is granted under section 73 and the original (parent) permission was made or granted before 2 April 2024.</li> <li>- It is below the de minimis threshold (because it does not impact an onsite priority habitat AND impacts less than 25 square metres of onsite habitat with biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat).</li> <li>- The application is a Householder Application.</li> <li>- It is for development of a "Biodiversity Gain Site".</li> <li>- It is Self and Custom Build Development (for no more than 9 dwellings on a site no larger than 0.5 hectares and consists exclusively of dwellings which are Self-Build or Custom Housebuilding).</li> <li>- It forms part of, or is ancillary to, the high-speed railway transport network (High Speed 2).</li> </ul>
7	<p>Biodiversity Net Gain (BNG) Informative (3/3):</p> <p>+ Irreplaceable habitat:</p> <p>If the onsite habitat includes Irreplaceable Habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements. In addition to information about minimising adverse impacts on the habitat, the BGP must include information on compensation for any impact on the biodiversity of the irreplaceable habitat. The LPA can only approve a BGP if satisfied that the impact on the irreplaceable habitat is minimised and appropriate arrangements have been made for compensating for any impact which do not include the use of biodiversity credits.</p>

+ The effect of section 73(2D) of the Town & Country Planning Act 1990

If planning permission is granted under section 73, and a BGP was approved in relation to the previous planning permission ("the earlier BGP"), the earlier BGP may be regarded as approved for the purpose of discharging the biodiversity gain condition on this permission. It will be regarded as approved if the conditions attached (and so the permission granted) do not affect both the post-development value of the onsite habitat and any arrangements made to compensate irreplaceable habitat as specified in the earlier BGP.

+ Phased development

In the case of phased development, the BGP will be required to be submitted to and approved by the LPA before development can begin (the overall plan), and before each phase of development can begin (phase plans). The modifications in respect of the biodiversity gain condition in phased development are set out in Part 2 of the Biodiversity Gain (Town and Country Planning) (Modifications and Amendments) (England) Regulations 2024.



# Planning Committee

3<sup>rd</sup> July 2025

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## 2025/0301/P

Remodelling of existing building including  
façade alterations, rear extension with first floor  
terrace and enlargement of existing roof  
extension. Landscaping works to front.

41 Rudall Crescent  
London  
NW3 1RR

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Site location plan

3. 2025/0301/P



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Aerial view of site looking south (Front Elevation)

4. 2025/0301/P

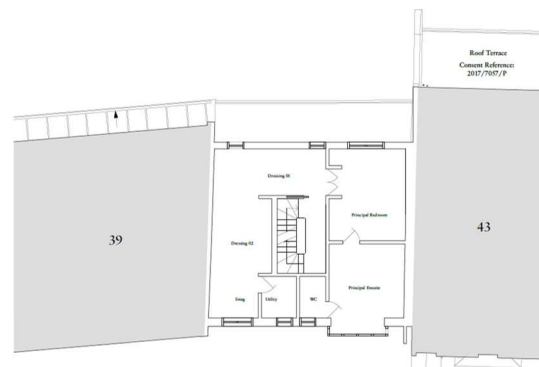
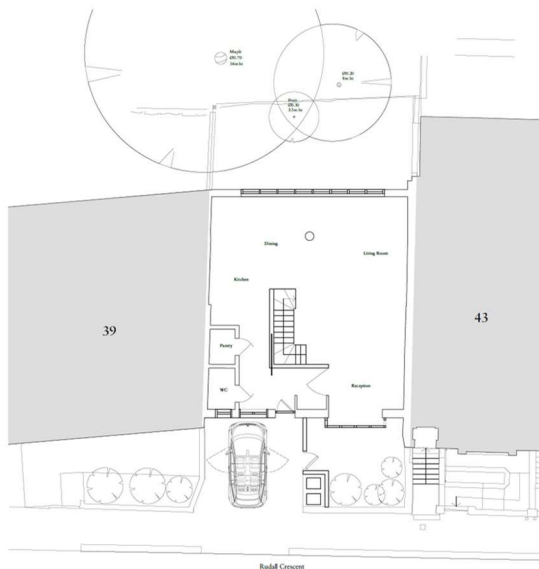




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Aerial view of site looking north (Rear Elevation)

5. 2025/0301/P

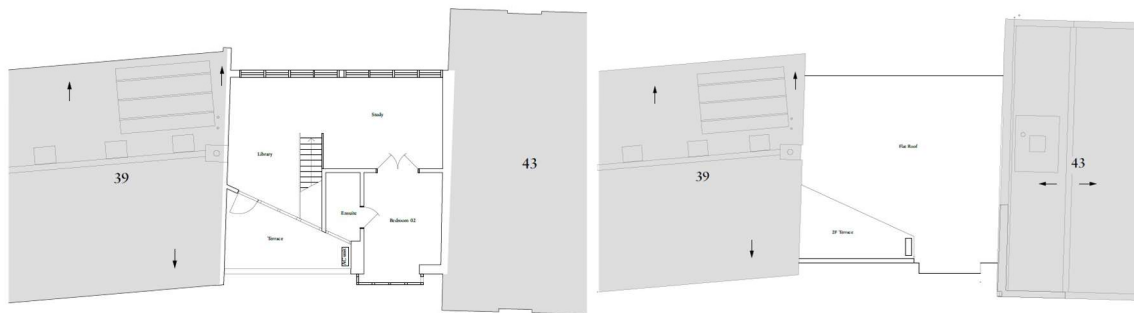


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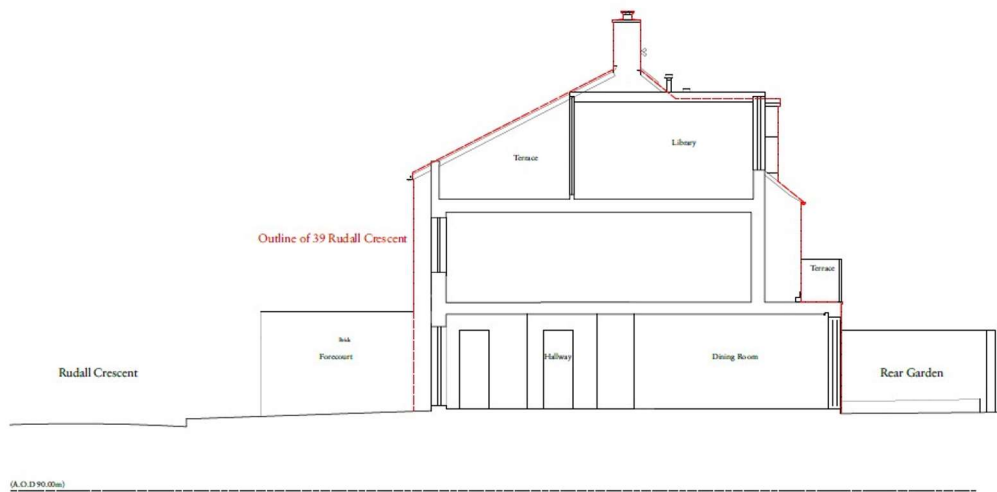
Proposed Ground Floor and First Floor Plan

6. 2025/0301/P









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Proposed Sections

9. 2025/0301/P



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Existing site photos of rear elevation

10. 2025/0301/P



