

Flat Ground Floor, 27 Nassington Road (2026/0726/P)



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2026/0726/P - Flat Ground Floor, 27 Nassington Road

Photo 1 – view from balcony (as-built) at application site looking west



Photo 2 – view from balcony (as-built) at application site looking east



Photos 3 & 4 – views of existing rear balconies and terraces (nos.25 & 27)



Photos 5 & 6 – view of other existing rear balcony (no.35) & towards rear private gardens/allotments from balcony



Delegated Report (Members Briefing)		Analysis sheet		Expiry Date:	21/04/2026
		n/a		Consultation Expiry Date:	29/03/2026
Officer			Application Number		
Tony Young			2026/0726/P		
Application Address			Drawing Numbers		
Flat Ground Floor 27 Nassington Road London NW3 2TX			Refer to the draft decision notice		
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature		
Proposal					
Enlargement of rear black metal balcony and associated alteration to spiral staircase (retrospective).					
Recommendation	Grant Planning Permission				
Application Type	Full Planning Permission				

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining occupiers & local amenity groups:	No. notified	0	No. of responses	3	No. of objections	3
					No. of supports	0
					No. of comments	0
<p>A <u>site notice</u> was displayed from 04/03/2026 to 28/03/2026</p> <p>A <u>press notice</u> was published from 05/03/2025 to 29/03/2026</p>						

3 x neighbours in Nassington Road responded and objected to the original proposals, summarised as follows:

Design

- Incongruous modern design is harmful to the character and appearance of the conservation area
- balcony too large (it is 68 sqm, which is 19.6 times bigger than the pre-existing balcony).
- rear elevation of application site is visible to the public

Amenity

- privacy, outlook & noise concerns – from installation and use
- proposed privacy screen - obstructs view, while not helping with privacy (no.29). No screen proposed to mitigate against loss of privacy and amenity (no.25)

Application process and submission

- The retrospective nature of planning application should not be allowed
- failure to consult neighbours
- The application is misleading and based on a factual error - there was never an existing balcony at the application site, but rather a landing step at the entrance from the spiral staircase into the flat.

Officer response:

Please also see Sections 3 (Design and appearance) and 4 (Amenity) below for further details.

Design

- *The proposed balcony and railing design is in keeping with the architectural integrity of the host building wider rear terrace generally, and preserves the character and appearance of the conservation area*
- *the proposed balcony is significantly smaller than as stated in the consultation response (approx. 2.1m deep by 3.2m wide, resulting in an increase of approx. 0.6m deep and 0.9m wide relative to the dimensions of the pre-existing landing)*
- *The proposed balcony is not widely visible from any limited public views that might exist at the rear and is only apparent in distant private views, given the rear of the application site faces a large area of private allotments and a main line railway line, are a significant distance away from these, and benefit from a large degree of natural screening provided by mature trees and bushes.*

Amenity

- *There are no significant amenity concerns to residential properties resulting from the proposals, given the nature and scale of the alterations in context with the immediate neighbouring environment at the rear of the application site (see Section 4 'Amenity' below for further details).*
- *Given there are no significant amenity impacts to neighbouring properties as a result of the proposal, as well as concerns in design terms from the addition of a privacy screen, there is no necessity for privacy screens and the screen originally proposed was subsequently omitted entirely from the application proposals.*

Application process and submission

Local amenity group response

- *retrospective applications are expressly provided for within the planning system. As such, the development has been assessed on its own planning merits.*
- *consultation has been carried out in accordance with statutory requirements and the Council's agreed 'Statement of Community Involvement' 2014. As such, a site notice and press notice were published with a requisite period provided to allow comments to be made by our local residents and interested parties. The application documents were also made available to view online on the Council's website with the opportunity to submit online comments.*
- *the Council has assessed the application on its own individual merits, taking into account the particular site context, including all relevant planning history, policies and guidance, as well as all responses received during the statutory consultation period. As such, rather than relying solely on the application submission, the assessment has included a site visit and consideration of pre-application history which details the pre-existing situation.*

Site Description

The application site forms a semi-detached residential building located on the south side of the Nassington Road. The property has been subdivided into flats, and the application proposals relate to the rear of Flat B, which is situated at the raised ground floor level of the property (see Images 1 and 2 below).



Images 1 & 2 – site location plan showing application site (outlined in red) & front elevation

The building is not listed and is located within the South Hill Park Conservation and Hampstead Neighbourhood Areas. The host building is identified as part of a wider terrace (nos. 1-57 (odd)) as making a positive contribution to the conservation area (*South Hill Park Estate Conservation Area appraisal and management strategy, adopted 2001*).

Relevant History

Application Site:

2018/2873/P - Extension to the landing of existing rear spiral staircase. Planning permission granted 23/10/2018

2006/2944/P - Erection of balcony with privacy screen and installation of two sets of french doors at rear upper ground floor level (following demolition of existing conservatory at lower ground floor level) in connection with existing upper ground floor level flat. Planning permission granted 19/10/2009

31492 - Change of use including works of conversion to provide four self-contained flats and the erection of a rear bay on the first floor and rear balcony on the second floor. Planning permission granted 21/01/1981

Neighbouring properties:

2024/4862/P (Flats 2 & 3, 21 Nassington Road) - Bricking up of two windows on side elevation and forming of new window opening and removal of decayed timber pergola, trellis screens and balustrade to rear roof terrace and replacement with metal balustrade with 1500mm high Western red Cedar privacy screens to sides of terrace. Planning permission granted 16/12/2024

2019/6324/P (Garden Flat, 19 Nassington Road) - Replacement of timber doors and steps at rear ground floor level with aluminium sliding doors and new steps. Planning permission granted 13/03/2020

2016/1295/P (17A Nassington Road) - Construction of a single storey rear extension with terrace (including screening) above and installation of windows to side of property at lower ground floor level. Planning permission granted 03/05/2016

2007/1827/P (Garden Flat 21A Nassington Road) - The erection of a single storey rear extension to lower ground floor flat, the replacement of an upper ground floor rear window with a door and the erection of railings on the flat roof to enable its use as a roof terrace for the upper ground floor flat. Planning permission granted 25/06/2007

PWX0302305/P (25 Nassington Road) - The enlargement of the existing projecting balcony at rear first floor level. Planning permission granted 16/09/2003

9200098 (35 Nassington Road) - The erection of a single storey side extension alterations to the openings of the side and rear elevations and a metal rear ground floor balcony and staircase to basement level as part of the conversion of the separate flats on ground floor and basement levels into a single maisonette. Planning permission granted 04/06/1992

10796 (25 Nassington Road) - The installation of new windows, erection of a balcony and staircase addition at ground floor rear. Planning permission granted 12/05/1971

10236 (25 Nassington Road) - The erection of a bay Window, balcony and staircase addition at ground floor rear. Planning permission granted 17/02/1971

Relevant enforcement history:

EN25/0994 (no. 27) - Works being carried out to remove rear spiral stair and platform above. Case file open and awaiting determination of this current application.

Relevant policies

National Planning Policy Framework 2024

London Plan 2021

Camden Local Plan 2017

- A1 Managing the impact of development
- A3 Biodiversity
- D1 Design
- D2 Heritage

Draft Camden Local Plan

The Council has published a new Draft Camden Local Plan (incorporating Site Allocations) for consultation (DCLP). The Proposed Submission Draft Camden Local Plan was submitted to the Secretary of State for Housing, Communities and Local Government on the 3 October 2025 for independent examination, in accordance with Regulation 22 of the Town and Country Planning (Local

Planning) (England) Regulations 2012 (as amended). The Examination in Public by a Planning Inspector concluded on 11 June 2026.

The Proposed Submission Draft Local Plan 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 an emerging plan increases as it progresses towards adoption. In line with paragraph 49 of the National Planning Policy Framework (NPPF), the degree of weight to be given is a matter for the decision-maker, having regard to the stage of preparation, the extent of unresolved objections, and the consistency of the draft policies with the NPPF.

Camden Planning Guidance

- CPG Design (January 2021) - chapters 1 (Introduction), 2 (Design excellence) and 3 (Heritage)
- CPG Home Improvements (January 2021) - chapter's 'Key principles' (pages 16-32), 'Materials' (pages 36-37), 'Balconies & terraces' (page 55)
- CPG Amenity (January 2021) – chapters 1 (Introduction), 2 (Overlooking, privacy and outlook) and 3 (Daylight & sunlight)
- CPG Biodiversity (March 2018) – chapters 1-4 (and related tables, boxes and appendices)

South Hill Park Estate Conservation Area appraisal and management strategy (adopted 2001)

Hampstead Neighbourhood Area Plan (adopted July 2025)

- DH1 - Design
- DH2 - Conservation areas and listed buildings

Assessment

1. Proposal

1.1 Following recently completed unauthorised refurbishment works, a pre-existing landing of a rear spiral staircase at the raised ground floor level was enlarged without planning permission. The current application therefore seeks permission retrospectively for the enlargement of a rear black metal balcony and associated alteration to a spiral staircase.

Revision

1.2 During the application, the applicant revised the proposal on the advice of the Council to omit the installation of a 1700mm high timber privacy screen, originally proposed to be positioned on the right-hand side of the enlarged balcony, adjacent to a neighbouring property at no.29 Nassington Road. This followed design concerns, as well as the lack of necessity for the screen on amenity grounds (see paragraph 3.18 below and Section 4 (Amenity) for further details).

1.3 The following assessment has therefore been made based on the final submission of drawings/information relating to the revised proposal, giving consideration to its own individual merits, and taking into account the particular site context, including all relevant planning history, policies and guidance, as well as all responses received during the statutory consultation period.

2. Assessment

2.1 The principal considerations in the determination of the application are:

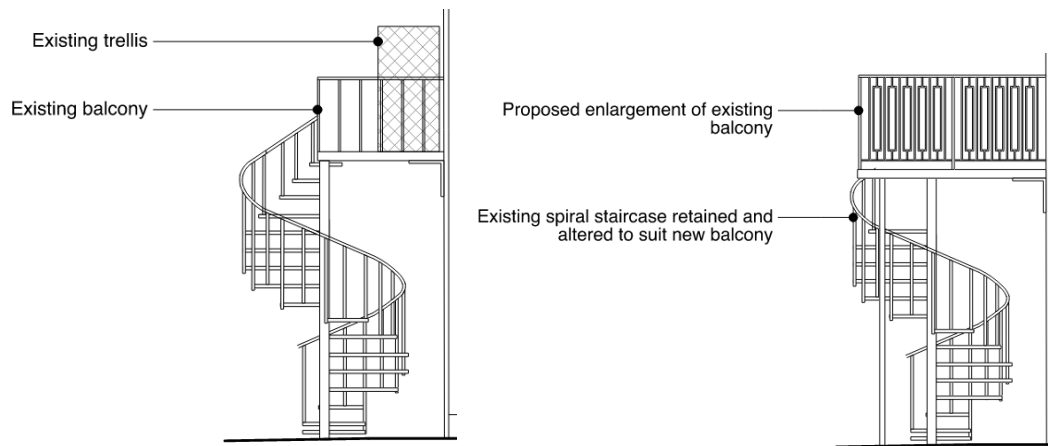
- the design and impact of the proposal on the character and appearance of the host property, rear environment and South Hill Park Conservation and Hampstead Neighbourhood Areas,
- the impact of the proposal on neighbouring amenity, and
- the impact of the proposal on biodiversity.

3. Design and appearance

- 3.1 Local Plan Policy D1 (Design) establishes that careful consideration of the characteristics of a site, features of local distinctiveness and the wider context is needed in order to achieve high quality development in Camden which integrates into the surrounding streets and townscape.
- 3.2 Policy DH1 (Design) of the Hampstead Neighbourhood Area Plan recognises that good design is a key aspect in the creation of high quality, beautiful and sustainable development, and should be sympathetic to its setting, creating places that are safe, inclusive and accessible.
- 3.3 Local Plan Policy D2 (Heritage) states that the Council will only permit development within conservation areas that preserve or enhance the character and appearance of the area.
- 3.4 Local Plan Policies D1 and D2 align with Policy DH2 (Conservation areas and listed buildings) of the Hampstead Neighbourhood Area Plan and the South Hill Park Estate Conservation Area appraisal and management strategy, which through its designation as a conservation area and its policies, is designed to preserve or enhance the special interest of such an area.
- 3.5 More specifically regarding the current proposals, Camden Planning Guidance (CPG) Design and Home Improvements recognise that balconies and terraces can provide valuable amenity space, especially for flats that would otherwise have little or no private exterior space. The guidance advises that balconies and terraces should complement the elevation upon which they are to be located and include detailed design which reduces the impact on the existing elevation and wider area.
- 3.6 Section 16 (Conserving and enhancing the historic environment) of the National Planning Policy Framework (NPPF) advises that the impact of a proposal should be taken into account to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.
- 3.7 Assessment
- 3.8 Regarding the application proposals, it is first noted that the rear garden at the application site is only accessible at lower ground floor or basement level, and that while the spiral staircase leads from upper ground floor to the garden level, the applicant (occupier) of the upper ground floor flat (Flat B) does not have the right to access or use the rear garden. The applicant, therefore, does not have the benefit of any form of outdoor amenity space at the rear, apart from the pre-existing area above the spiral staircase at upper floor level.
- 3.9 As such, a modest increase in this space to provide an enlarged balcony provides valuable additional amenity space to the applicant. This accords with guidance as set-out by CPG Design and CPG Home Improvements which recognise the benefit that a balcony of this kind can provide to occupiers/tenants where amenity space is restricted or absent.
- 3.10 In this particular case, the proposals involve alterations which have already taken place to enlarge a rear landing above a spiral staircase at raised ground floor level, install replacement black metal railings around the new balcony space and associated minor alterations to part of the existing spiral staircase (see Images 3-6 below).

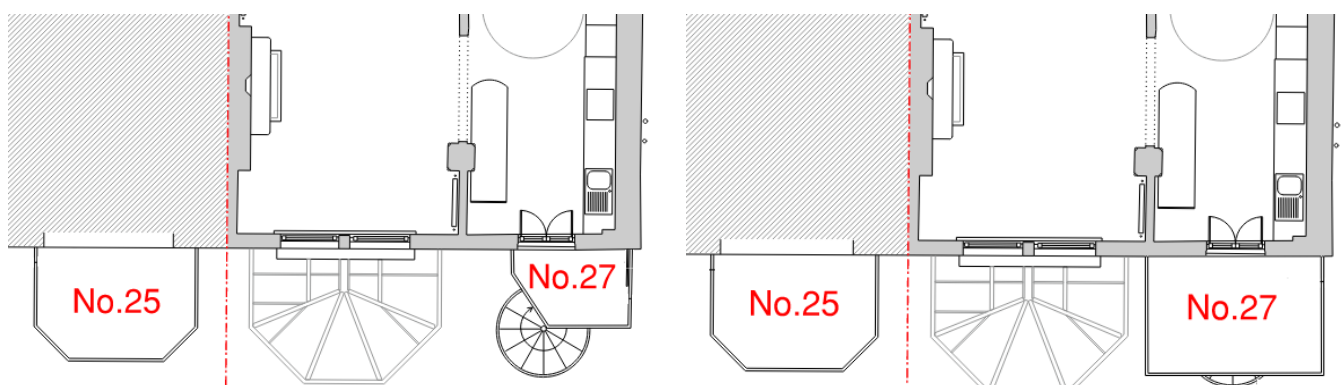


Images 3 & 4 – existing & proposed rear elevations showing nos.25 & 27 (drawing extracts)



Images 5 & 6 – existing & proposed side elevations (drawing extracts)

- 3.11 As a result of the proposal, the new balcony area measures approximately 2.1 metres in depth by 3.2 metres in width, resulting in an increase of approximately 0.6 metres in depth and 0.9 metres in width relative to the dimensions of the pre-existing landing space.
- 3.12 An enlargement of this kind is considered to constitute a modest increase to the pre-existing amenity space in context with the surrounding rear environment and is comparable in size and scale with several other balconies located along the rear terrace of houses, not least with the adjoining neighbouring property at no.25 (see Images 3 & 4 and 7 & 8 below for comparison).



Images 7 & 8 – existing & proposed upper ground floor plans showing nos.25 & 27 (drawing extracts)

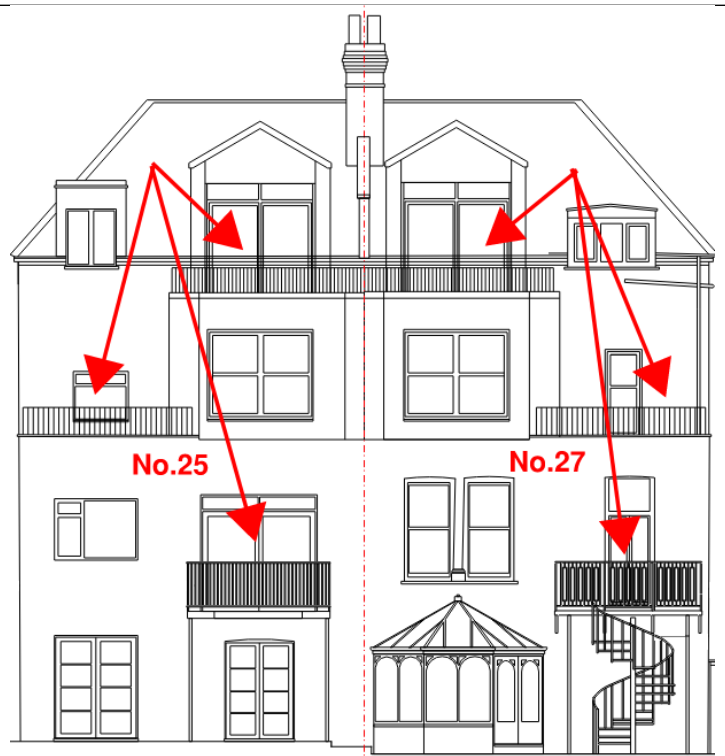
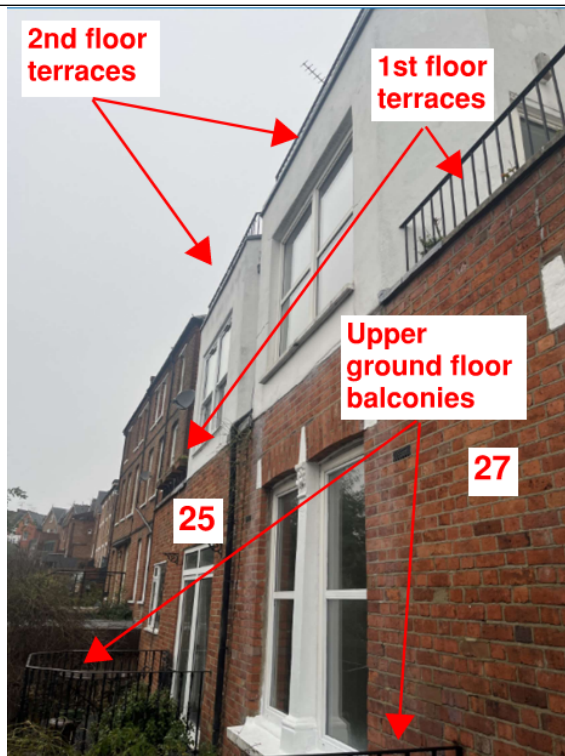
- 3.13 As such, the proportions of the proposed enlarged balcony largely replicate that which exists at the neighbouring property. The only difference being the general shape of the balcony platforms; this being more rectangular as proposed at the host property, while tapering off at the outermost edges at no. 25. However, while it is accepted that it is not necessary that the proposed balcony platform should match that at no. 25, it is nevertheless noted that this marginal difference in design is only recognisable in plan form, and that when viewed from the rear, it is not particularly evident.
- 3.14 Additionally, it is noted that any increase in the width of the pre-existing platform involves an extension along the rear elevation of the host property in a westward direction, and does not involve any extension towards the eastern part of the building's edge or corner, which might otherwise make an extended platform more visible from within public views from the street when looking along the available gap provided at the side of the semi-detached host property.
- 3.15 Furthermore, the rear of the application site and wider terrace face a large area of private allotments and a main line railway line. The proposed works to the rear elevation, therefore, do not appear in public views (save for fleeting views from passing trains), are a significant distance away from any private views from allotments and benefit from a large degree of natural screening

provided by mature trees and bushes. As such, the proposed balcony is not widely visible from any limited public views that might exist at the rear and only apparent in distant private views.

- 3.16 Notwithstanding this, the overall design of the proposed balcony corresponds sympathetically with both the architectural integrity of the host building, as well as with the character and appearance of the wider rear terrace more generally. This extends to the choice of materials and colour for the proposed black painted metalwork for railings which are also considered to be appropriate within the existing rear context.
- 3.17 Additional evidence of similar proposals for rear balconies within the wider context of Nassington Road has been provided by the applicant by way of precedent, as well as to highlight the variety of different designs and approaches present at the rear of the property. These include nearby properties at nos. 17, 19, 21, 25, and 35 Nassington Road which have all received planning approval for rear balconies and/or terraces (please see 'Relevant history' section above for further details).
- 3.18 While it is acknowledged that some existing examples appear more sympathetic to the wider rear terrace and gardens than others, it is considered that the current proposals are in keeping with the generally established character and appearance of balconies and terraces within the existing rear site context.
- 3.19 Finally, the application also originally included proposals to install a 1700mm high timber privacy screen on the eastern side of the balcony, adjacent to a neighbouring property at no.29 Nassington Road. However, this was subsequently omitted from the proposal by the applicant following concern expressed by the Council, given that the screen would likely appear in design terms as bulky, visual clutter, and introduce an incongruous addition that would be harmful to the character and appearance of the host building and Conservation/Neighbourhood areas (see also Section 4 'Amenity' below).
- 3.20 Overall, therefore, the proposed alterations preserve the character and appearance of the host building, rear environment and South Hill Park Conservation and Hampstead Neighbourhood Areas. As such, the proposed development is acceptable in design terms, in general accordance with Camden Local Plan Policies D1 (Design) and D2 (Heritage), DH1 (Design) and DH2 (Conservation areas and listed buildings) of the Hampstead Neighbourhood Area Plan, and all relevant guidance.
- 3.21 In considering whether to grant planning permission, special attention has been paid to the desirability of preserving or enhancing the character and appearance of the South Hill Park Conservation Area.

4. Amenity

- 4.1 Local Plan Policy A1 (Managing the impact of development), supported by Camden Planning Guidance (Amenity), seeks to protect the amenity of Camden's residents by ensuring the impact of development is fully considered and by only granting permission to development that would not harm the amenity of communities, occupiers and neighbouring residents.
- 4.2 There are no significant amenity concerns to residential properties resulting from the proposals given the nature and scale of the alterations in context with the immediate neighbouring environment at the rear of the application site.
- 4.3 It is firstly noted that there are already several existing balconies and terraces in situ at the application site, on neighbouring properties adjacent to the site and along the wider rear terrace. These form part of the established character of the rear environment.
- 4.4 In the most immediate context, these include existing balconies and terraces at nos. 25 and 27 Nassington Road at upper ground floor, 1st and 2nd floor levels which currently overlook the rear garden space beneath (see Images 9 and 10 below).



Images 9 & 10 – existing balconies & terraces at nos. 25 and 27 (host property)

- 4.5 The proposal, therefore, does not unduly worsen the current situation or introduce any additional overlooking or loss of privacy by virtue of the characteristics of this setting. This is particularly the case given that the outdoor amenity space that has been marginally enlarged by the proposal already existed at the host property at upper ground floor level in the form of a smaller landing platform above the spiral staircase (prior to the unauthorised works taking place which are the subject of this application).
- 4.6 Additionally, there are no new additional impacts in terms of overlooking or loss of privacy to the adjacent properties on either side of the application site (nos. 25 or 29) arising from the marginal increase in balcony size (an approximate increase in depth of 0.6 metres and width of 0.9 metres). This is particularly the case by virtue of the significant distances that exist between the nearest neighbouring windows (at nos. 25 and 29) and the proposed enlarged balcony itself (no.27), as well as the acute angles relative to each other, which in combination significantly restrict any views into the nearest windows of these neighbouring properties from the proposed enlarged balcony.
- 4.7 This is evident regarding the relationship between no.25 and the host property when viewing Images 4 and 8 above which show the nearest upper ground floor and 1st floor windows in context with possible vantage points from the proposed enlarged balcony at the application site.
- 4.8 It is also evident from Images 11 and 12 below regarding the relationship between no.29 and the host property where views within neighbouring fenestration are equally limited from both the rear and side.



Images 11 & 12 – nearest neighbouring windows at rear and side respectively towards no. 29 (viewed from balcony of host property at no. 27)

- 4.9 While it is the Council's view, as expressed above, that there are no undue amenity concerns to the neighbouring property at no.29 as a result of the proposals, the original application proposals also included the installation of a 1700mm high timber privacy screen, positioned on the right-hand side of the enlarged balcony, adjacent to this neighbouring property.
- 4.10 The applicant has confirmed the screen was introduced specifically in response to concerns raised with them prior to the application being submitted from an occupant at no. 29 regarding the potential for overlooking into their bathroom window arising from the proposed enlarged balcony. It is subsequently noted, however, that during the statutory consultation period for the application, the occupant has since taken the opposite view and objected to the screen, stating that it would obstruct their view and questioning whether it would help with privacy at all.
- 4.11 Given the Council's view that there are no significant amenity impacts to the neighbouring property at no.29 as a result of the proposal, as well as the concern in design terms from the addition of such a screen as expressed above (see also Section 3, 'Design and appearance'), the screen was subsequently omitted entirely from the application proposals.
- 4.12 For completeness, it is confirmed that as there is similarly no undue amenity concerns in relation to the neighbouring property on the other side of the application site at no.25, where the relationship between this and the host property is no worse than the pre-existing situation, screening is also not considered to be necessary.
- 4.13 Finally, regarding any possible loss of light to the lower ground floor flat at the host property as a result of the existing platform of the balcony above being extended, it is noted that the depth has only increased marginally by approximately 0.6 metres. It is also noted that the platform is constructed of perforated metal, which allows some light to penetrate downwards and through it. Therefore, under these circumstances, as well as given the fact that a spiral staircase and smaller platform have been in situ in a similar form for many years previously, the impact of the proposal on lower ground floor flat in terms of any potential loss of light is minimal and not considered sufficiently harmful to justify refusal of the application.

4.14 Overall, therefore, the proposal accords with Camden Local Plan Policy A1 (Managing the Impact of Development) and with Camden Planning Guidance in amenity terms.

5. Biodiversity

5.1 Local Plan Policy A3 (Biodiversity), in support the London Biodiversity Strategy and the Camden Biodiversity Action Plan (BAP), seeks to ensure that the Council maximises opportunities for biodiversity in and around developments in order to deliver a net gain in biodiversity and a range of wider environmental benefits. It is noted that the Biodiversity Net Gain (BNG) requirement came into effect for major applications on 12/02/2024 and for small sites on 02/04/2024.

5.2 However, there are several statutory exemptions and transitional arrangements which mean that the BNG condition does not always apply. These are summarised by way of an informative attached to this decision.

5.3 In this particular case, based on the information provided, there is no requirement for the approval of a Biodiversity Gain Plan as the development falls below the de minimis threshold given it would not impact an onsite priority habitat and it would impact less than 25sqm of onsite habitat with biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat.

6. Recommendation

6.1 It is therefore recommended that planning permission be granted

DISCLAIMER

The decision to refer an application to Planning Committee lies with the Director of Regeneration and Planning. Following the Members Briefing panel on Monday 22nd June 2026, nominated members will advise whether they consider this application should be reported to the Planning Committee. For further information, please go to www.camden.gov.uk and search for 'Members Briefing'.

Application ref: 2026/0726/P
Contact: Tony Young
Tel: 020 7974 2687
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Date: 12 May 2026

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Patalab Architects
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DRAFT

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Full Planning Permission Granted

Address:

Flat Ground Floor
27 Nassington Road
London
NW3 2TX

DECISION

Proposal:

Enlargement of rear black metal balcony and associated alteration to spiral staircase (retrospective).

Drawing Nos: A1000 Rev 02, A1010 Rev 01, A1110 Rev 01, A1120 Rev 00, PA3010 Rev 02, PA3110 Rev 02, PA3120 Rev 01; Design & Access Statement (Rev 0) from Patalab Architects Ltd. dated February 2026; Email from Patalab Architects Ltd. dated 10/04/2026.

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

Condition(s) and Reason(s):

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

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

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans: A1000 Rev 02, A1010 Rev 01, A1110 Rev 01, A1120 Rev 00, PA3010 Rev 02, PA3110 Rev 02, PA3120 Rev 01; Design & Access Statement (Rev 0) from Patalab Architects Ltd. dated February 2026; Email from Patalab Architects Ltd. dated 10/04/2026.

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

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

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policies D1 and D2 of the London Borough of Camden Local Plan 2017, and DH1 and DH2 of the Hampstead Neighbourhood Area Plan 2025.

Informative(s):

- 1 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts that cover aspects including (but not limited to) 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, Building.Control@camden.gov.uk (tel: 020-7974 4444).
- 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 All works should be conducted in accordance with the Camden Minimum Requirements - a copy is available on the Council's website (search for 'Camden Minimum Requirements' at www.camden.gov.uk) or contact the Council's Noise and Licensing Enforcement Team, 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No. 020 7974 4444)

Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You must secure the approval of the Council's Noise and Licensing Enforcement Team prior to undertaking such activities outside these hours.

- 4 Biodiversity Net Gain (BNG) Informative:

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 ("1990 Act") is that planning permission granted in England is subject to the condition ("the biodiversity gain condition") that development may not begin unless:

(a) a Biodiversity Gain Plan (BGP) has been submitted to the local planning authority (LPA), and

(b) the LPA has approved the plan.

The LPA that would approve any BGP (if required) is London Borough of Camden.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are summarised below, but you should check the legislation yourself and ensure you meet the statutory requirements.

This application will not require the approval of a BGP before development is begun because it is below the de minimis threshold AND impacts less than 25sqm of onsite habitat (with biodiversity value greater than zero and less than 5m in length of onsite linear habitat).

++ Summary of transitional arrangements and exemptions for biodiversity gain condition

The following are provided for information and may not apply to this permission:

1. The planning application was made before 12 February 2024.
2. The planning permission is retrospective.
3. The planning permission was granted under section 73 ("1990 Act") and the original (parent) planning permission was made or granted before 12 February 2024.
4. The permission is exempt because of one or more of the reasons below:
 - It is not "major development" and the application was made or granted before 2 April 2024, or planning permission is granted under section 73 and the original (parent) permission was made or granted before 2 April 2024.
 - It is below the de minimis threshold (because it does not impact an onsite priority habitat AND impacts less than 25sqm of onsite habitat with biodiversity value greater than zero and less than 5m in length of onsite linear habitat).
 - The application is a Householder Application.
 - It is for development of a "Biodiversity Gain Site".
 - It is Self and Custom Build Development (for no more than 9 dwellings on a site no larger than 0.5 hectares and consists exclusively of dwellings which are Self-Build or Custom Housebuilding).

- It forms part of, or is ancillary to, the high-speed railway transport network (High Speed 2).

+ Irreplaceable habitat:

If the onsite habitat includes Irreplaceable Habitat (within the meaning of the BGR (Irreplaceable Habitat) Regulations 2024) there are additional requirements. In addition, the BGP must include information on compensation for any impact on the biodiversity of the irreplaceable habitat. The LPA can only approve a BGP if satisfied that the impact on the irreplaceable habitat is minimised and appropriate arrangements have been made for compensating for any impact which do not include the use of biodiversity credits.

++ The effect of section 73(2D) ("1990 Act")

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

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 are set out in Part 2 of the Biodiversity Gain (Town and Country Planning) (Modifications and Amendments) (England) Regulations 2024.

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with the National Planning Policy Framework. The council publishes its adopted policies online, along with detailed Camden Planning Guidance. It also provides advice on the website for submitting applications and offers a pre-application advice service.

You can find advice about your rights of appeal at:

<https://www.gov.uk/appeal-planning-decision>.

Yours faithfully

Chief Planning Officer