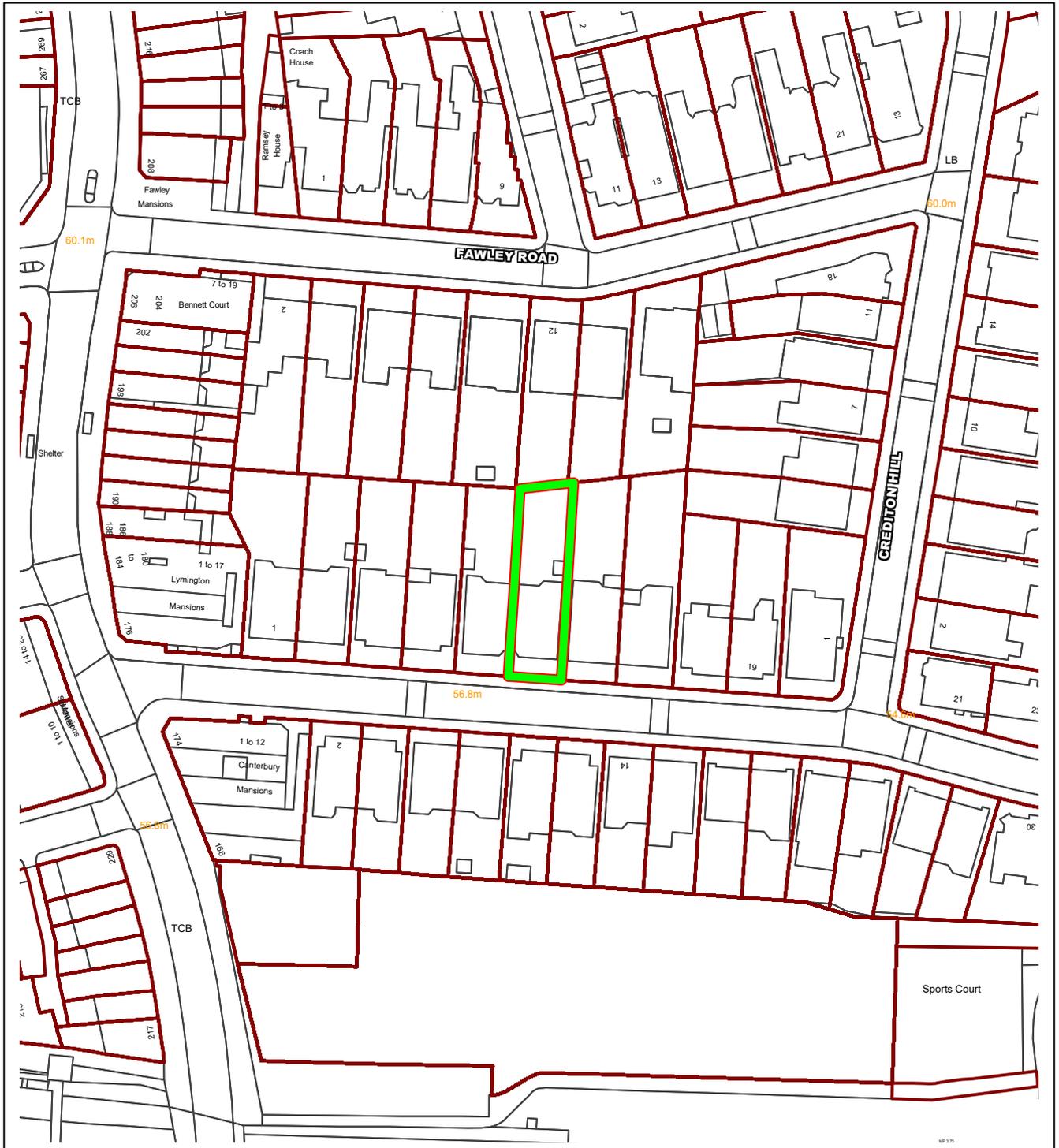


2025/0859/P – 11a Lymington Road



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11a Lymington Road – plans and photos



Aerial 1 – site from the front – Design and Access Statement



Aerial 2 – site from the rear – Design and Access Statement



Photo 1 - Rear view of the property from the garden – DAS



Photo 2 – Existing rear extension and depth of proposed extension out to garden retaining wall – officers own



Photo 3 – View from No. 9 – officers own



Photos 4 – View from within No. 9's living/dining room – officers own



Photo 5 - View from No. 13 – officers own

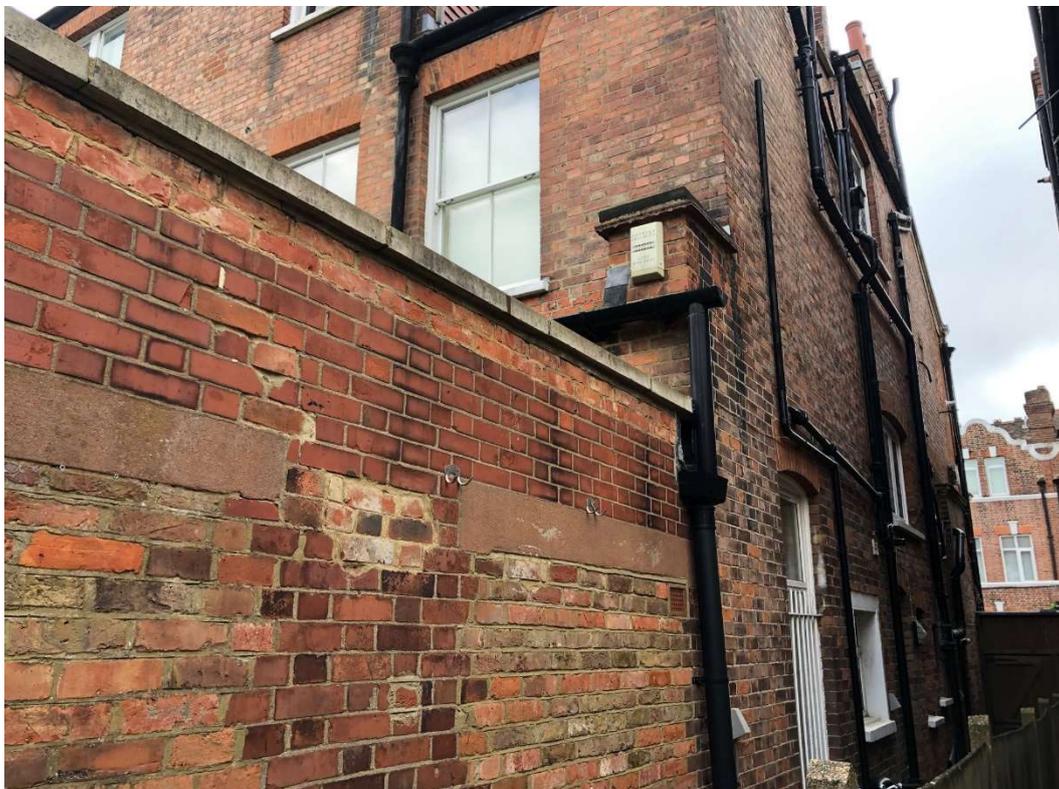


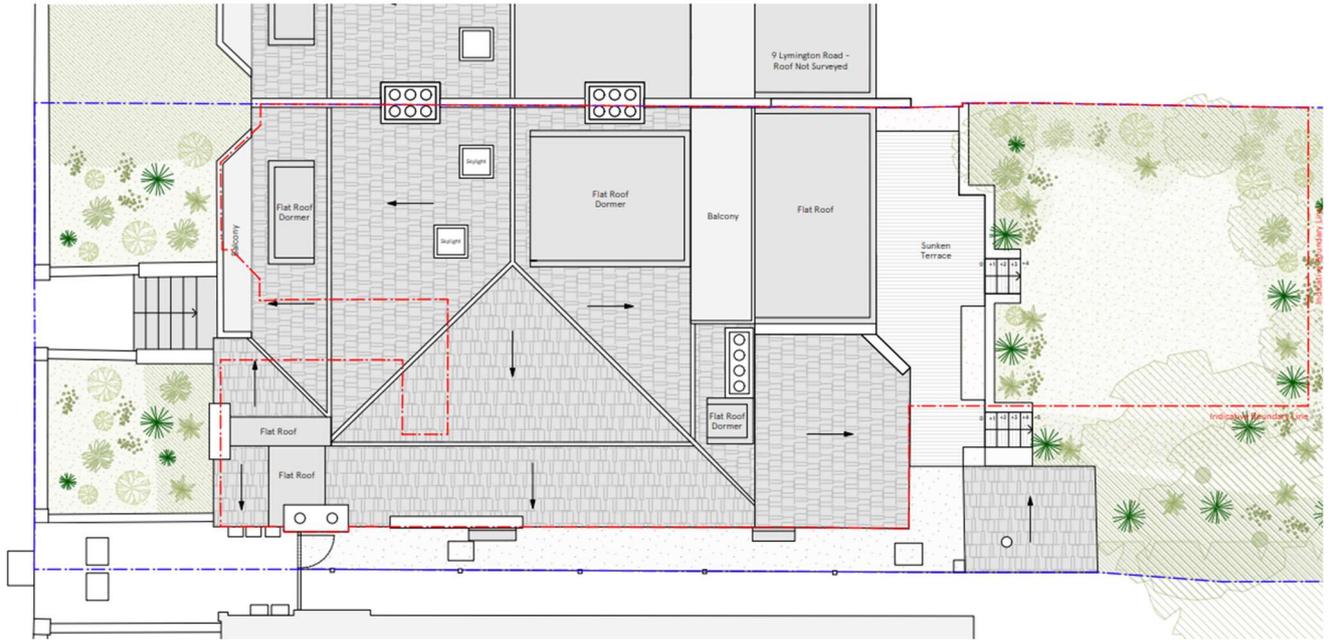
Photo 6 – View along the side of No. 13 – showing bedroom window (with bars) – officers own



Existing ground floor plan



Proposed ground floor plan



Existing roof plan



Proposed roof plan



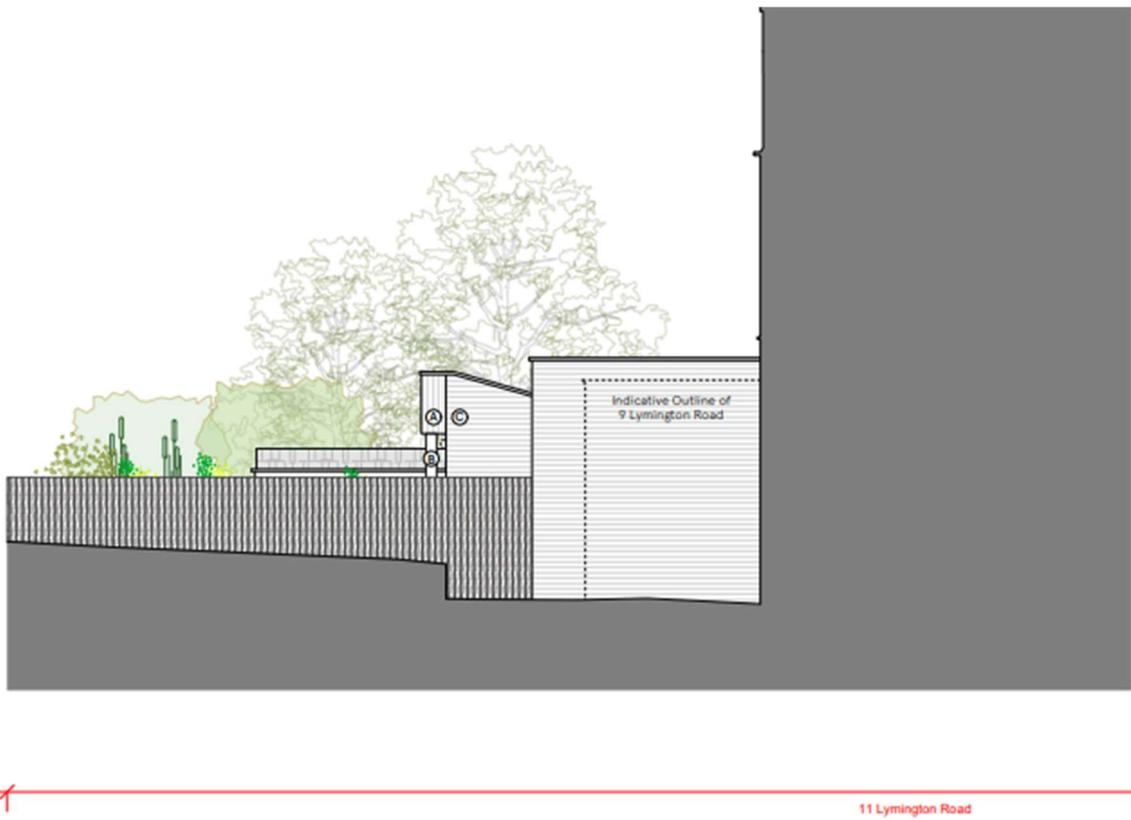
Existing rear elevation



Proposed rear elevation



Proposed side elevation from No. 13



Proposed side elevation from No. 9



Existing section



Proposed section

Delegated Report		Analysis sheet		Expiry Date:		29/04/2025	
(Members Briefing)		N/A / attached		Consultation Expiry Date:		06/04/2025	
Officer				Application Number(s)			
John Nicholls				2025/0859/P			
Application Address				Drawing Numbers			
Flat A 11 Lymington Road London NW6 1HX				<i>See draft decision notice</i>			
PO 3/4		Area Team Signature		C&UD		Authorised Officer Signature	
Proposal(s)							
The construction of a new single storey ground floor rear extension with green roof and rooflights and demolition of the existing rear extension, the addition of an ASHP, the replacement of single glazed windows on the front elevation with double glazed timber windows and the replacement of 1 no. door with a double-glazed timber window to the side.							
Recommendation(s):		Grant conditional planning permission					
Application Type:		Full Planning Permission					

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified 00		No. of responses 03		No. of objections 03	
Summary of consultation responses:	Site Notice: displayed 7 March 2025, expired 31 March 2025 Press Notice: published 13 March 2025, expired 6 April 2025					
Summary of consultation responses:	<p><u>Objections</u></p> <p>Three objections were received following statutory consultation. A summary of responses are as follows:</p> <p>Design/heritage</p> <ul style="list-style-type: none"> • The size of the proposed extension is disproportionately large for the size and character of the existing building and not in keeping with a conservation area. • The size of the proposed extension is justified by reference to No.13 Lymington Road, and not its semi-detached neighbour No. 9. • The introduction of timber as the main form of cladding of the proposed extension is not compatible with the Conservation Area, which is predominately brick. • The visual context of the proposals should have a much wider review including neighbouring gardens. • The saw-tooth projecting canopy to the proposed extension, supported on timber posts, seems entirely inappropriate and an unnecessary architectural whim. • The extensive proposed skylight provision is similarly inappropriate within the conservation area as it will have the effect of an illuminated roof. • The increase in roof height of the proposed extension is excessive and unnecessary and it will damage the architectural relationship of the extension in relation to the host building (and neighbouring buildings) as well as cause general overshadowing issues. • With massing of this magnitude, the proposals go beyond what might normally be described as a small rear extension. <p><i>Officers' response:</i></p> <ul style="list-style-type: none"> • <i>The size of the proposed extension is assessed in Section 3 of the officer report.</i> • <i>Comparison with its neighbouring semi-detached pair and the wider context is assessed in Section 3 of the officer report.</i> • <i>The materials are assessed in Section 3 of the officer report.</i> • <i>The design of the proposed extension is assessed in Section 3 of the officer report.</i> • <i>The rooflights are assessed in both Section 3 and Section 4 of the officer report.</i> • <i>The height scale and massing are assessed in Section 4 of the officer report.</i> <p>Amenity</p> <p><u>Loss of sunlight /daylight due to height and massing</u></p> <ul style="list-style-type: none"> • The added projection of 2.3 metres x 4 metres high beyond the existing rear façade on the party wall line will have a detrimental impact on the daylighting and outlook from No. 9's living room and sunken terrace and garden, which is exacerbated by the projecting saw-tooth fascia. • The proposal will cause an impact on daylight into the neighbouring property which has a deep living / dining room. • There is a concern that the party parapet wall will need to be raised as part of these works. • Concerns raised over possible loss of light to a side bedroom window in the adjoining property (No. 13). <p><i>Officer response:</i></p> <ul style="list-style-type: none"> • <i>Amenity harm by way of the height scale and massing impacting daylight and outlook is assessed in Section 4 of the officer report.</i> 					

Light and noise pollution

- The proposed use of nine openable 'skylights' will have a direct impact on adjacent properties. The rear façade will be washed with light from the extensive proposed rooflights.
- Adding openable skylights to the living room will allow noise pollution to impact neighbours.

Officer's response:

- *Rooflights are normal features found in the urban grain and their use is not uncommon.*
- *Openable rooflights are no different to openable windows in this regard and cause no harm.*

Overlooking and privacy

- The addition of and number of skylights may allow for some overlooking both directions between the ground and upper floor properties.

Officers' response:

- *The proposed skylights will not create an overlooking concern from the application site to upper floors. Although it is acknowledged that some overlooking from the upper floors down onto the site may occur.*

Use/disturbance/Building Regulations

- Changing the use of the living room to a kitchen may impact on the enjoyment of the adjacent living room, as there may be additional noise through the party wall from electrical appliances.
- The extent and position of the proposed skylights are also likely to be in contravention of the Building Regulations Part B relating to the necessary protection from fire spread to adjacent properties.

Officer response:

- *The change of use to a more active space in the form of a kitchen area on the other side of the party wall is not something that planning can assess in existing dwellings. Some of these concerns might be addressed through Building Regulations.*

Biodiversity

- The addition of a green roof to a north facing extension is likely just to become an eyesore as weeds take over the area. Maintenance is often an afterthought and not undertaken leaving the green roof in a poor state. It also fails to compensate for the impact of the development.
- The proposals will reduce the extent of garden and external amenity area of the applicant's property, as well as having an impact on the neighbours, as above.

Officers' response:

- *Green roofs do play a part in ensuring biodiversity in retained and promoted on site. With an ongoing maintenance condition in place, non-compliance can be reported to the Council's Planning Enforcement team, like any other conditions which are imposed to ensure the development is acceptable.*
- *The loss of garden space is assessed in Section 7 of the officer report.*

Other matters

- Both properties (9 and 11) have a history of and ongoing concern with subsidence.

Officers' response:

- *The concern raised about subsidence is noted, but is not an issue for planning to assess.*

**West End Green
Conservation Area
Advisory Committee**

The West End Green CAAC have not commented on the application.

Site Description

The site is the ground floor flat of a large semi-detached red brick property located on the northern side of Lymington Road, close to West End Lane. The property consists of 3 main floors and the roof space, and lies within the West End Green Conservation Area, where it is considered a positive contributor.

The existing property has a full width ground floor extension, which has a sloped roof section and a flat roof section, which can be seen below



Relevant History

None on the site

No. 1

2023/3119/P - Demolition of existing ground floor rear extension and construction of new single storey rear extension with green roof, alterations to side fenestrations, reconfiguration and amalgamation of existing 4 x studio and 1 x 1 bedroom ground floor flats to provide 2 x studio flats and 1 x 2 bedroom flat, erection of timber bike stores with sedum roof and bin store within the front garden and associated works. **Granted 10/01/2024**

No. 7

2007/4901/P - Erection of single-storey full-width rear ground floor level extension (following demolition of existing single-storey rear extensions), as an amendment to planning permission granted 12/6/03 (PWX0302108) for a single storey rear extension. **Granted 21/12/2007**

No. 13

2014/4294/P - Erection of a rear conservatory and single storey extension following demolition of existing conservatory. **Granted 13/08/2014**

No. 15

2016/2597/P - Excavation of single storey basement with lightwells to front and rear and replacement of rear extension. **Granted 12/01/2018**

Relevant policies

National Planning Policy Framework (2024)

The London Plan (2021)

Camden Local Plan (2017)

- A1 Managing the impact of development

- A3 Biodiversity
- D1 Design
- D2 Heritage
- CC1 Climate Change Mitigation
- CC2 Adapting to Climate Change
- CC3 Water and Flooding

Fortune Green and West Hampstead Neighbourhood Plan 2015

- Policy 2 – Design and Character
- Policy 3 – Safeguarding and enhancing Conservation Areas and heritage assets
- Policy 17 – Green/open space

Camden Planning Guidance:

- CPG Amenity (2021)
- CPG Design (2021)

West End Green Conservation Area Appraisal and Management Strategy (2011)

Draft Camden Local Plan

A Submission Draft Camden Local Plan (updated to take account of consultation 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 Submission Draft is a significant material consideration in the determination of planning applications but still has limited weight at this stage.

Assessment

1.0 Proposal

- 1.1 The proposal seeks to demolish the existing ground floor rear extension and construct a new single storey rear extension with green roof and rooflights. The proposal includes an air source heat pump (ASHP), and replacement of single glazed windows on the front elevation with double glazed windows and the replacement of one door on the flank elevation with a double-glazed timber window.
- 1.2 The proposal seeks to use part of the existing footprint for the eastern side (No. 13) of the proposal and projects an additional 1.5m further into the garden from that point on the boundary with No. 9 (its semi-detached pair). The highest part of the proposed ground floor rear extension measures 3.7m at its highest point which happens to be on the western boundary with No. 9.
- 1.3 The proposal will be clad in dark timber on the rear elevation and lighter timber used on its roof. The flank wall on the eastern side will be brick to match the existing property.

2.0 Assessment

2.1 The principal considerations material to the determination of this application are as follows:

- Design / heritage
- Amenity
- Sustainability
- Noise
- Biodiversity
- Biodiversity Net Gain

3.0 Design and Heritage

3.1 The Council's design policies are aimed at achieving the highest standard of design in all developments. The following considerations contained within policies D1 and D2 are relevant to the application: development should respect local context and character; preserve or enhance the historic environment and heritage assets; comprise details and materials that are of high quality and complement the local character; and respond to natural features.

3.2 Policy 2 of the Fortune Green and West Hampstead Neighbourhood Plan also seek high standards of design to maintain the positive contributions of the existing buildings and structures, and that the scale of development has regard for scale, character and proportion within their context and setting. Similarly, policy 3 of the Fortune Green and West Hampstead Neighbourhood Plan also seeks that development enhances or preserves Conservation Areas and

heritage assets.

- 3.3 The proposed full width rear extension replaces an existing full width rear extension, but is slightly deeper and higher on the western end adjacent to No. 9. The roof slopes into a central valley running along the width of the property, using roof lights as the slopes, and then locates a green roof on a flat section of roof in the valley. In terms of overall size, height and design, the proposal is subservient to the building as a whole and as such is not considered to be harmful to the character or appearance of the conservation area. Therefore, it is compliant with policies D1, D2 of the Camden Local Plan and Policy 2 of the Fortune Green and West Hampstead Neighbourhood Plan.
- 3.4 The proposal seeks to construct the replacement rear extension with brick flank walls and clad with a dark timber finish on the rear elevation and a lighter timber finish on the roof. Although the material palette isn't completely that of the host property or other extensions in the local area, it is not considered to be harmful to the character or appearance of the conservation area and is therefore considered acceptable.
- 3.5 One of the objections relates to the need to assess the semi-detached pair as a whole rather than individually. This has not been done for other extensions along this terrace, with proposals for single extensions at No.'s 1, 7, 13 and 15 all considered and approved without the matching pair being considered as an overall composition.
- 3.6 The proposed extension will have timber framed double glazed windows and doors fitted to the rear elevation and in addition replacement front windows and a new window replacing a door on the side elevation. The windows to the rear will be timber finish in keeping with the materials of the proposed extension. Those to the front and side will be white painted timber to match the existing. The proposed works are considered acceptable in the context of the property and wider conservation area.

Loss of garden space

- 3.7 One of the objections raised concerns over loss of garden area. The proposed extension will take up nearly all of the footprint of an existing sunken terrace located at the back of the ground floor existing extensions. The existing garden level is raised up from the sunken terrace, and the outer wall of the proposed extension sits on the line of the existing retaining wall between the terrace and the lawn beyond. In order to gain access to the garden from the proposed extension, a new small area of hardstanding will be created partially under the roof overhang to accommodate some new access steps directly into the garden directly from the extension.
- 3.8 Therefore, the only area of garden actually lost is the area of lawn which is being excavated to create the new set of steps, because most of the rest of the garden area taken up by the proposal is already sunken terrace, rather than green space.

4.0 Amenity

- 4.1 Policy A1 seeks to protect the quality of life of occupiers and neighbours by only granting permission for development that would not harm the amenity of residents. This includes factors such as privacy, outlook, implications to natural light, artificial light spill, as well as impacts caused from the construction phase of development. Furthermore, subparagraph A8 of policy 2 of the Fortune Green and West Hampstead Neighbourhood Plan reinforces and the NPPF and seeks a good standard of amenity for existing and future occupants.

Rooflights – light spill

- 4.2 The proposal contains x9 rooflights along the length of the “valley” of the roof. The objections related to these are largely over potential amenity harm from light spill at night reflecting up the building. Although this can be a consequence from additional rooflights, there are many examples of rooflights on roofs of extensions and conservatories in the local area, and therefore these are not considered to be any more harmful.
- 4.3 An additional concern raised related to the rooflights is how close these are located to the party parapet wall with No. 9. Unfortunately, this is not a material consideration in this planning assessment. Overall, the impacts of the rooflights are not considered excessive and therefore, are considered acceptable in terms of amenity and compliant with Policy A1 of the Camden Local Plan.

Sunlight and daylight

- 4.4 Objections have also been raised in relation to the size and depth of the proposed development causing harm to sunlight and daylight into the neighbouring properties. The case officer visited both of the neighbouring properties at No.'s 9 and 13 in making this assessment.
- 4.5 At No. 9 the concern is that this flat also has a similar deep room at ground floor level, and the proposal will impact on morning sunlight getting to the sunken terrace and impact detrimentally on daylight into the main living room of this flat. No. 9 has a large set of windows across the full width of the ground floor and therefore more has more than sufficient daylight entering this window as a result and the proposal would not decrease the amount of light entering this window.

4.6 At No. 13, the objection related to potential of the raised roofline close to this boundary unduly impacting daylight to a flank bedroom window. The bedroom in question is already partly over-shadowed by the existing building and the proposed extension will not cause further harm and is therefore acceptable.

5.0 Sustainability

- 5.1 Policy CC1 of the Camden Local Plan seeks to promote zero carbon development to reduce carbon emissions and supports energy efficient improvements to existing buildings.
- 5.2 As part of the works, the proposal includes making the property more insulated and also fitting an ASHP. The ASHP is proposed to replace the existing gas boiler and is proposed to be located in a hidden niche created by the step in the proposed rear extension. The proposed unit is for heating only, and the applicants have agreed to a condition (4) to disable the cooling controls before the unit is commissioned. The Council's Sustainability team are happy with the unit being proposed as this meets the requirements of policy CC1 of the Camden Local Plan.

6.0 Noise

- 6.1 In addition to the provisions of policy A1 set out above, policy A4 seeks to ensure that noise and vibration is controlled and managed so as not to have a detrimental impact on neighbouring properties.
- 6.2 The Council's Environmental Health Noise Pollution team have assessed the noise report submitted with the application for the ASHP and are satisfied that the acoustic submission and associated technical details meets Camden's local plan guidelines and therefore acceptable in environmental health terms. Two conditions are proposed to be added to ensure that potential noise and vibration issues are addressed. The proposal is therefore compliant with policies A1 and A4 of Camden's Local Plan and policy 2 of the Fortune Green and West Hampstead Neighbourhood Plan.
- 6.3 In terms of noise from the flat from the proposed openable rooflights, it is unlikely that this will cause a noise pollution issue. The openable rooflights also provide a benefit for a through draft which helps cool the property and reduces the need to mechanical colling to be used.

7.0 Biodiversity

- 7.1 Policy A3 of the Camden Local Plan seeks to protect and enhance sites of nature conservation and biodiversity and assess developments against their ability to realise benefits for biodiversity through the layout, design and materials used and will seek the protection of trees and vegetation and incorporate additional vegetation wherever possible.
- 7.2 Policy CC2 of the Camden Local Plan seeks to adapt to climate change through adaptation measures such as incorporating bio-diverse roofs and protecting existing green spaces where possible. Additionally, Policy 17 of the Fortune Green and West Hampstead neighbourhood plan also promotes the protection of existing green space from development and seeks appropriate provision of new green space (relative to the size of the development).

Green /living roof

- 7.5 The proposal seeks to add 19sqm of biodiverse 'living roof' to the proposed extension, which is welcomed and covers the element of lawn lost to the development. The details of the green roof have not been provided and so these, alongside an ongoing maintenance plan for the roof, will be secured by condition.

8.0 Biodiversity Net Gain

- 8.1 Biodiversity Net Gain (BNG) requirements came into effect for small sites on 02 April 2024, however, there are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. Given the nature of the site, which is limited to the extent of the existing building, there would be no loss of any existing habitat associated with the proposal. The proposal thus falls within the de minimis exemption to the mandatory BNG condition (to deliver at least a 10% increase in biodiversity value). The development will not impact on any onsite priority habitat or any other onsite habitat and as such is exempt.

9.0 Recommendation

- 9.1 Grant conditional planning permission

The decision to refer an application to Planning Committee lies with the Director of Regeneration and Planning. Following the Members Briefing panel on Monday 5th May 2025, 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: 2025/0859/P
Contact: John Nicholls
Tel: 020 7974 2843
Email: John.Nicholls@camden.gov.uk
Date: 1 May 2025

Development Management
Regeneration and Planning
London Borough of Camden
Town Hall
Judd Street
London
WC1H 9JE

Phone: 020 7974 4444

planning@camden.gov.uk
www.camden.gov.uk

Hayhurst and Co
26 Fournier Street
London
E1 6QE

Dear Sir/Madam,

DRAFT
DECISION

Town and Country Planning Act 1990 (as amended)
Full Planning Permission Granted

Address:

Flat A
11 Lymington Road
London
NW6 1HX

Proposal: The construction of a new single storey ground floor rear extension with green roof and rooflights and demolition of the existing rear extension, the addition of an ASHP, the replacement of single glazed windows on the front elevation with double glazed timber windows and the replacement of 1 no. door with a double-glazed timber window to the side.

Drawing Nos: (338) A000; A011; A012; A020; A021; A022; A023; A111; A112; A200; A201; A202; A203; A031; A301 and RBA Acoustics Noise Assessment Ref: 14283.RP01.PNA.0 (dated 24/02/2025)

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: (338) A000; A011; A012; A020; A021; A022; A023; A111; A112; A200; A201; A202; A203; A031; A301 and RBA Acoustics Noise Assessment Ref: 14283.RP01.PNA.0 (dated 24/02/2025)

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

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

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policies D1 and D2 of the London Borough of Camden Local Plan 2017.

- 4 Prior to first use of the air source heat pump hereby approved, the active cooling function shall be disabled on the factory setting and the air source heat pump shall be used for the purposes of heating only.

Reason: To ensure the proposal is energy efficient and sustainable in accordance with policy CC2 of the London Borough of Camden Local Plan 2017.

- 5 Full details in respect of the living roof [in the area indicated on the approved roof plan] including:

- Details of materials, species, planting density and substrate
- A plan showing the area covered by the roof
- A site specific management plan including an initial scheme of maintenance
- A section at scale 1:20 showing that adequate depth is available for long term viability

Shall be submitted to and approved by the local planning authority before the relevant part of the development commences. The buildings shall not be occupied until the approved details have been implemented and these works shall be permanently retained and maintained thereafter.

Reason: In order to ensure the development undertakes reasonable measures to take account of biodiversity and the water environment in accordance with policies G1, CC1, CC2, CC3, D1, D2 and A3 of the London Borough of Camden Local Plan 2017.

- 6 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:

- a) Details including sections at 1:10 of all windows (including jambs, head and cill), ventilation grills, external doors and gates;

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.

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.

- 7 The flat roof of the extension hereby approved shall not be used at any time as roof terrace and any access out onto this area shall be for maintenance purposes of the green roof only.

Reason: To safeguard the amenities of the adjoining neighbours in accordance with the requirements of policy A1 of the London Borough of Camden Local Plan 2017

Informative(s):

- 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 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 Your proposals may 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 consult a suitably qualified and experienced Building Engineer.
- 5 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 has been submitted to the planning authority, and
(b) the planning authority has approved the plan.

The local planning authority (LPA) that would approve any Biodiversity Gain Plan (BGP) (if required) is London Borough of Camden.

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

Based on the information provided, this will not require the approval of a BGP before development is begun because 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).

++ 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 of the Town and Country Planning Act 1990 and the original (parent) planning permission was made or granted before 12 February 2024.
 4. The permission is exempt because 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 25 square metres of onsite habitat with biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat).
 - The application is a Householder Application.
 - It is for development of a “Biodiversity Gain Site”.
 - It is Self and Custom Build Development (for no more than 9 dwellings on a site no larger than 0.5 hectares and consists exclusively of dwellings which are Self-Build or Custom Housebuilding).
 - It forms part of, or is ancillary to, the high-speed railway transport network (High Speed 2).
- 6 + Irreplaceable habitat:

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

++ The effect of section 73(2D) of the Town and Country Planning Act 1990
If planning permission is granted under section 73, and a BGP was approved in relation to the previous planning permission (“the earlier BGP”), the earlier BGP may be regarded as approved for the purpose of discharging the biodiversity gain condition on this permission. It will be regarded as approved if the conditions attached (and so the permission granted) do not affect 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.

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