

2025/2161/P – Flat 4, 40 Canfield Gardens



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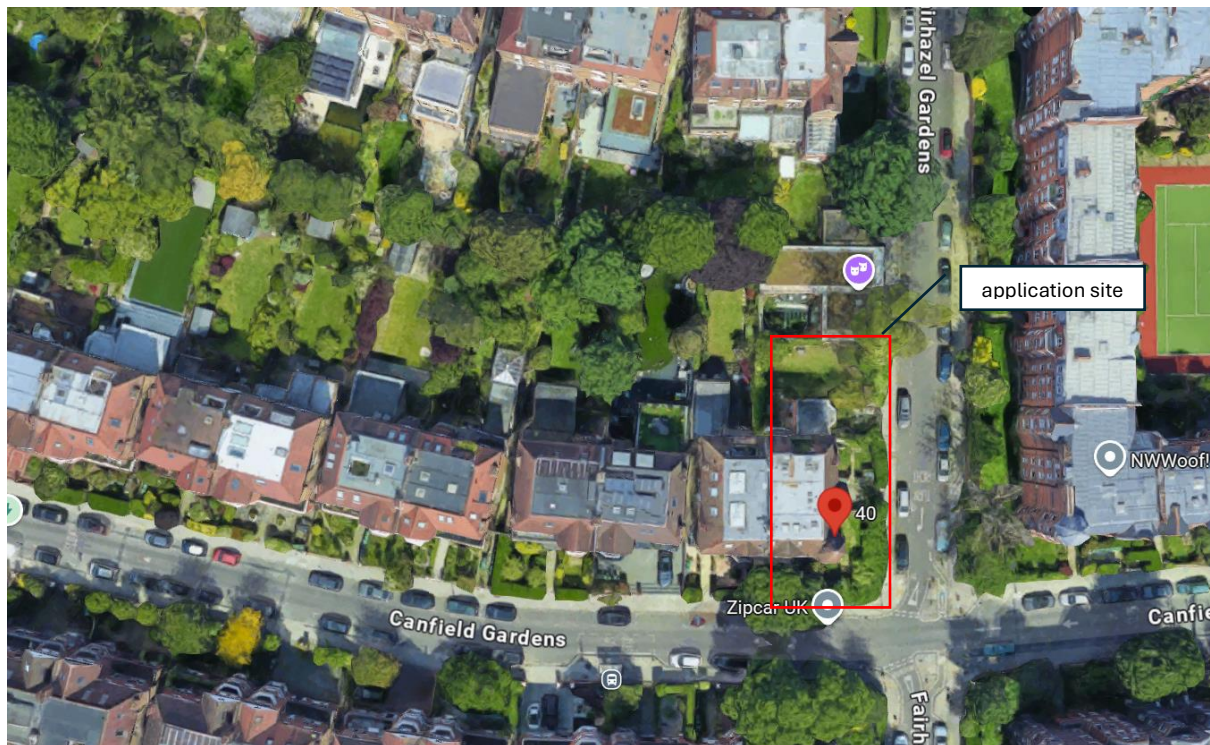


Figure 1: Aerial view of the site

Site photos



Figure 2 Existing flat roof (Source: submitted documents)



Figure 3 View towards No.42 Canfield Gardens (Source: submitted documents)



Figure 4 View from the rearmost of the flat roof (Source: submitted documents)



Figure 5 View towards Fairhazel Gardens (Source: submitted documents)



Figure 6 View towards the rear of the application flat (Source: submitted documents)



Figure 7 View from Fairhazel Gardens towards the proposed roof terrace location (Source: submitted documents)

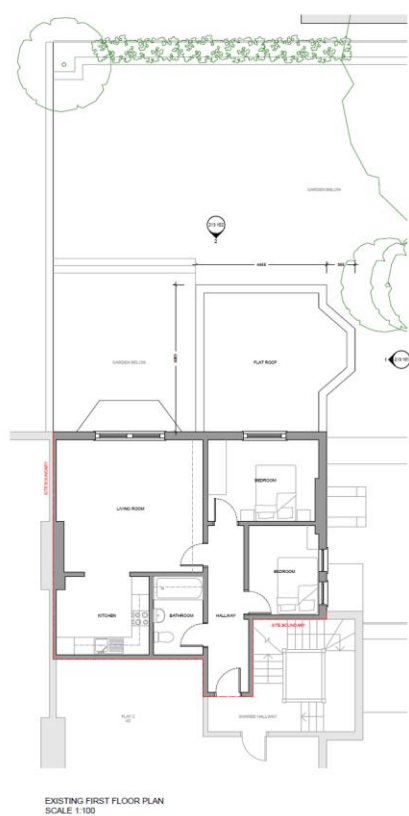


Figure 8 Existing floor plan and elevation (Source: submitted documents)

Delegated Report (Members Briefing)		Analysis sheet	Expiry Date:	16/07/2025
		N/A	Consultation Expiry Date:	22/06/2025
Officer			Application Number(s)	
Gary Wong			2025/2161/P	
Application Address			Drawing Numbers	
Flat 4 40 Canfield Gardens London NW6 3EB			Refer to draft decision notice.	
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature	
Proposal(s)				
Formation of a roof terrace, erection of metal railing balustrade and installation of French doors replacing an existing first floor rear window.				
Recommendation(s):		Grant conditional planning permission		
Application Type:		Full Planning Permission		

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice			
Informatives:				
Consultations				
Summary of consultation:	A site notice was displayed on 28/05/2025 and expired on 21/06/2025. A press notice was published on 29/05/2025 and expired on 22/06/2025.			
Adjoining Occupiers:	No. of responses	02	No. of objections	02
Summary of consultation responses:	<p>Two letters of objections were received from neighbours to the original proposal. Revised proposal was later received, and no further neighbour comments were received on the revised scheme. Their responses can be summarised as follows:</p> <p>Design issues – on original proposal</p> <ul style="list-style-type: none">The roof was not designed to be a terrace.The location of the roof terrace is on a higher level which will be in full view of neighbouring properties, and this will spoil the integrity of the building.Although, at present, the extension is somewhat screened by a garden tree, when that tree is felled (as is all too common in South Hampstead) the roof terrace with its accompanying detritus will be in full view from the public domain. <p>Officer's response:</p> <ul style="list-style-type: none">Please refer to Section 2 for assessment on design and heritage impact. <p>Amenity issues – on original proposal</p> <ul style="list-style-type: none">Potential noise disturbance into neighbouring properties when using the roof as a terrace.Potential overlooking into neighbouring rear gardens. <p>Officer's response:</p> <ul style="list-style-type: none">Please refer to Section 3 for assessment on amenity impact. <p>Other issues – on original proposal</p> <ul style="list-style-type: none">The applicant is a leaseholder and not a freeholder and so there are restrictions in the lease as to what works can be permitted.Potential structural issues if the flat roof is to be used as a terrace.Potential drainage issues and water ingress into neighbouring flats.Affect building insurance of the neighbours. <p>Officer's response:</p> <ul style="list-style-type: none">Issues involving ownership of the property and building insurance would be civil matters which are not planning material considerations.Householder drainage and structural issues will be addressed by other regulations which are not planning matters.			

Combined Residents' Association of South Hampstead (C.R.A.S.H.)

An objection was received from the Combined Residents' Association of South Hampstead (C.R.A.S.H.) to the original and revised scheme and can be summarised as follows:

On original scheme:

- The proposed terrace will be prominently sited and will overlook the public path and road on Fairhazel Gardens and for this reason should be refused.
- The size of the proposed terrace is too large and protrudes too far from the back wall. This means that the proposed terrace will intrude on the privacy of the surrounding gardens and flats.
- The proposed glazed screens are out of keeping with other balconies in this conservation area.

On revised scheme:

- The replacement of the glass screens with metal railings is an improvement.
- The roof terrace revised is still too big and will still intrude on the privacy of the surrounding gardens and flats.

Officer's response:

- *Please refer to Section 2 for assessment on design and heritage impact.*
- *Please refer to Section 3 for assessment on amenity impact.*

Site Description

The application building is situated on a corner site at the junction of Canfield Gardens and Fairhazel Gardens. The host building is a 3-storey semi-detached late Victorian property with habitable roof space.

The host building is not listed but is a positive contributor to the South Hampstead Conservation Area. The proposal relates to a 2-bedroom first floor flat at the rear of the application building.

Relevant History

Application site

2019/5514/P – Use as office (Class B1) on basement and ground floor levels – **Granted Certificate of Lawfulness (Existing) on 18/12/2019**

PE9900561 - Change of use of ground floor and lower ground floor from A1 to residential, and the conversion of the whole property to a single dwelling house, and associated alterations to the elevations, as shown on drawing numbers: 886/10, 886/11 and 886/12 – **Refused planning permission on 28/09/1999**

PE9900304 - Change of use of ground floor and basement from retail to residential and external alterations to rear. As shown on drawing numbers 886.01, 02 and 03. – **Refused planning permission on 22/06/1999 and appeal dismissed on 02/12/1999**

8802009 - Erection of a roof extension at third floor level and a part one/ part two storey rear extension alterations to shopfront and reinstatement of front basement wall in connection with the use of the basement and ground floor as a shop and the upper floors as a 3-bedroom maisonette as shown on drawing no's.590/1A 2A 3C 4C and as revised on 18th April 1988. – **Granted planning permission on 12/05/1988**

Neighbouring sites

46 Canfield Gardens

2021/0380/P - Raising of roof of single storey rear extension, replacement of rear window at first floor level with access door and installation of railing to form a roof terrace to first floor flat. – **Granted planning permission on 20/08/2021**

44 Canfield Gardens

2010/3616/P - Conversion of an existing residential premises (Class C3) from 1 x 2 bedroom and 2 x 3 bedroom flats to 1 x 2 bedroom and 1 x 6 bedroom flats, associated works include basement excavation, **erection of new single storey rear ground floor extension following the demolition of an existing single storey addition, a glass balustrade and privacy screen associated with the use of the roof of the extension as a terrace**, two rear dormers, 4 velux roof lights to the front, 1 to the side and 3 on the main flat roof, alterations to fenestration, including the infill of 2 window openings to the side, a new entrance door to replace existing to the side and front boundary treatment. – **Granted planning permission on 23/11/2010**

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Relevant policies

National Planning Policy Framework (2024)

The London Plan (2021)

Camden Local Plan (2017)

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

Camden Planning Guidance:

- CPG Amenity (Jan 2021)
- CPG Design (Jan 2021)
- CPG Home Improvements (Jan 2021)

South Hampstead Conservation Area Character Appraisal and Management Strategy (2011)

Draft Camden Local Plan (2024)

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 closes 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).

Assessment

1. The proposal

- 1.1. The applicant is seeking permission for the formation of a roof terrace, erection of metal railing balustrade and installation of French doors replacing an existing first floor rear window. The proposed roof terrace will serve for the use of the occupants of the first floor flat (Flat 4).
- 1.2. Original proposal included a roof terrace measuring approximately 14.23sqm in area, with glazed screens around the perimeter of the terrace. A first-floor rear window would be replaced by an access door to the roof.
- 1.3. Revised drawings were received during the course of the application to reduce the size of the roof terrace to approximately 7.9 sqm. The proposed roof terrace would now be set back from the flat roof bay and have metal railings instead of glazed screens.

2. Design and Heritage

- 2.1. The Council's design policies are aimed at achieving the highest standard of design in all developments. The following considerations contained within policy D1 are relevant to the application: development should respect local context and character; comprise details and materials that are of high quality and complement the local character; and respond to natural features. Policy D2 seeks to preserve and, where appropriate, enhance Camden's rich and diverse heritage assets, including conservation areas.
- 2.2. CPG Design states that good design should respond appropriately to the existing context by ensuring the scale of the proposal overall integrates well with the surrounding area and carefully responding to the scale, massing and height of adjoining buildings and the general pattern of heights in the surrounding area. The Council will only permit development within conservation areas and development affecting the setting of conservation areas, that preserves and where possible enhances the character and appearance of the area.
- 2.3. CPG Home Improvements advises terraces should be subordinate to the roof slope being altered and roof form overall. Handrails and balustrades should be set back behind the line of the roof slope or parapet. For traditional buildings, metal railings are preferred as they integrate well with the building's character.
- 2.4. The South Hampstead Conservation Area Appraisal and Management Strategy advises that recessed roof terraces to the front or side slopes are unlikely to be unacceptable. Recessed roof terraces may be allowed to the rear roof slope in line with CPG.
- 2.5. The original scheme included a roof terrace above the flat roof of an existing rear extension which would occupy approximately 14.23sqm. Glass screens were proposed surrounding the roof terrace. In light of objections and

comments received, the applicant has sought to revise the scheme by setting back the terrace from the flat roof bay and reducing its size to approximately 7.9sqm. The glass screens are now replaced with metal railings.

- 2.6. Whilst the application building is on a corner site and the proposed roof terrace would be seen from its side elevation along Fairhazel Gardens, the setting back of the proposed roof terrace and its reduction in size is now considered acceptable in terms of visual impact. Although the roof terrace will still be partly seen from Fairhazel Gardens, it is not considered overly prominent when viewing from Fairhazel Gardens given its distance from the site's side boundary by approximately 8m.
- 2.7. The revision to metal railings is considered an improvement from glass screens. The metal railings and the replacement white timber framed French doors are sympathetic to the age and style of the traditional host building and will preserve the appearance and character of the host building and the conservation area.
- 2.8. Special attention has been paid to the desirability of preserving or enhancing the character or appearance of the conservation area.
- 2.9. Overall, the visual impact from the proposal is considered acceptable and will not be detrimental to the character and appearance of the host property or the conservation area. The proposed development accords with policies D1 and D2 of the London Borough of Camden Local Plan 2017.

3. Amenity

- 3.1. Policy A1 seeks to protect the quality of life of occupiers and neighbours by only granting permission to development that would not harm the amenity of residents. This includes factors such as privacy, outlook, implications to natural light, artificial light spill, odour and fumes as well as impacts caused from the construction phase of development.
- 3.2. Objections were raised regarding potential harm on amenity to the neighbouring properties. These include potential overlooking and noise disturbance from the roof terrace to neighbouring occupiers.
- 3.3. In terms of privacy, given the reduced size of the terrace and its reasonable depth, it is not considered the resulting overlooking into the neighbouring flats will be harmful. As such, the proposed roof terrace would not cause any undue overlooking into neighbouring rear gardens over and above what already exists from the first-floor rear windows of the application flat.
- 3.4. In terms of noise disturbance, the proposed roof terrace is limited in size and will be for the amenity use by the occupiers of the first floor flat only. Therefore, the potential noise level resulting from the terrace use will not be unduly harmful.
- 3.5. Overall, the amenity impact in terms of loss of light, outlook, privacy and noise disturbance is considered acceptable and in accordance with Policy A1 of the London Borough of Camden Local Plan 2017.

4. Biodiversity Net Gain

- 4.1. 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. Based on the information provided, this proposal will not require the approval of a Biodiversity Gain Plan before development is begun because it is below the de minimis threshold.

5. Conclusion

- 5.1. The proposed development is in general accordance with Policies A1, D1 and D2 of the Camden Local Plan 2017, the London Plan 2021, and the National Planning Policy Framework 2024.

6. Recommendation

- 6.1. 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 7th July 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: 2025/2161/P
Contact: Gary Wong
Tel: 020 7974 3742
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Date: 27 June 2025

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DRAFT

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Full Planning Permission Granted

Address:

Flat 4
40 Canfield Gardens
London
NW6 3EB

DECISION

Proposal: Formation of a roof terrace, erection of metal railing balustrade and installation of French doors replacing an existing first floor rear window.

Drawing Nos: Location plan; 212-101 P01; 213-101 P01; 213-102 P01; 412-101 P02; 413-101 P02; 413-102 P02.

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:

Location plan; 212-101 P01; 213-101 P01; 213-102 P01; 412-101 P02; 413-101 P02; 413-102 P02.

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 policy D1 and D2 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 Biodiversity Net Gain (BNG) Informative (1/3):
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).

5 Biodiversity Net Gain (BNG) Informative (2/3):

+ 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 Biodiversity Net Gain (BNG) Informative (3/3):

+ 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 & 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

DECISION