

2025/2522/P

49 Downshire Hill



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Fig 1. Aerial view of 49 Downshire Hill



Fig 2. Previously removed summerhouse (left) and shed (right). The proposed shed will be on a similar footprint to the shed on the right.

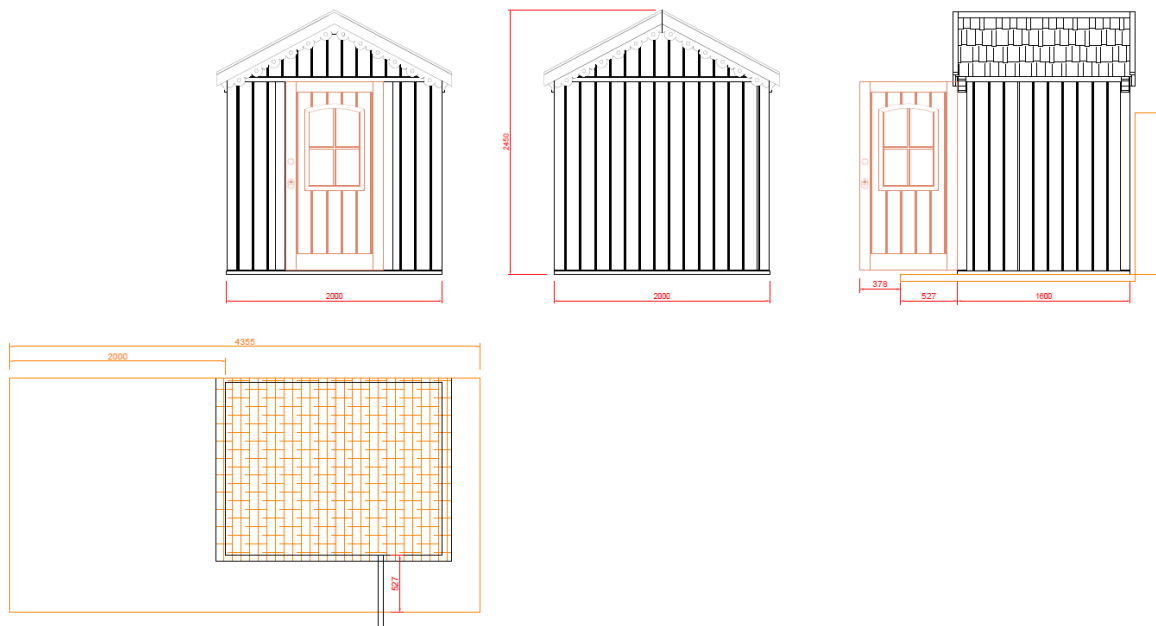


Fig 3. Proposed shed elevations and roof plan.

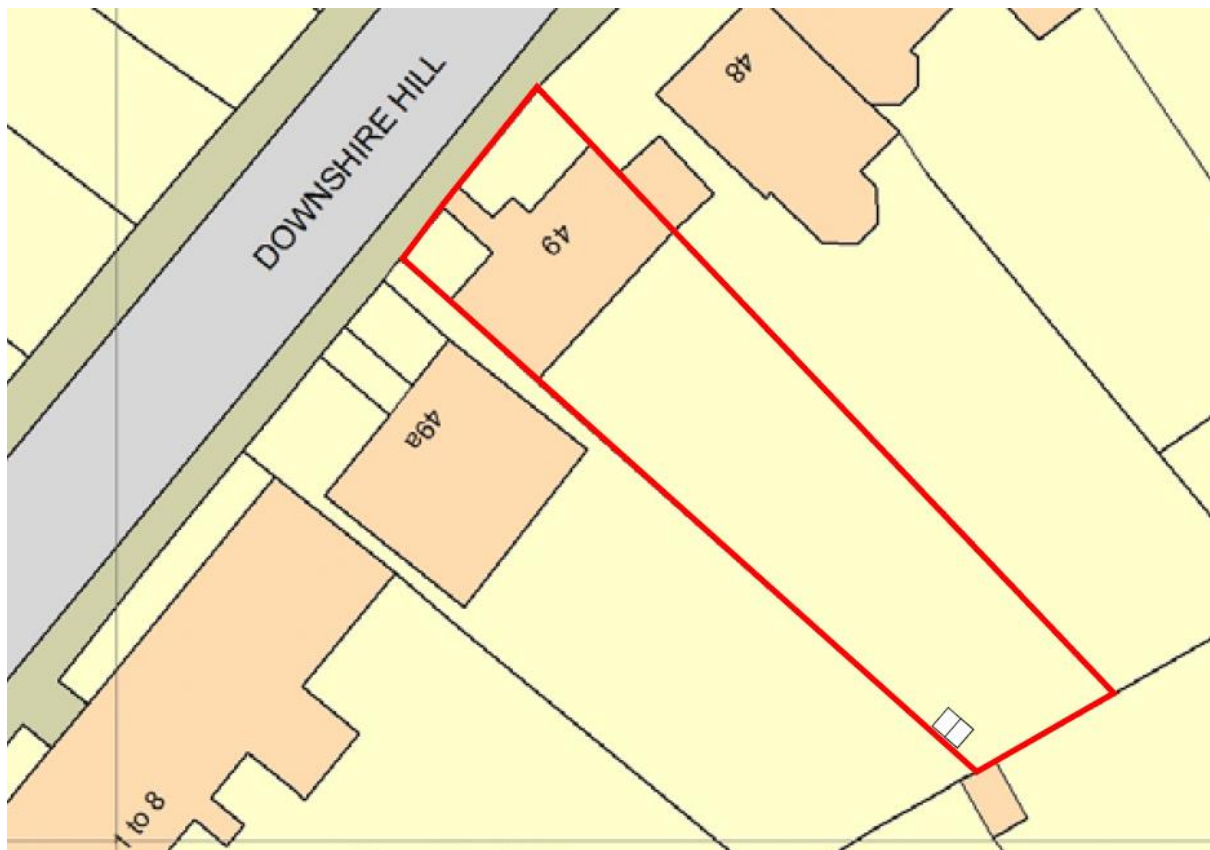


Fig 4. Proposed shed location within rear garden.

2025/2522/P
49 Downshire Hill
Photos & Plans

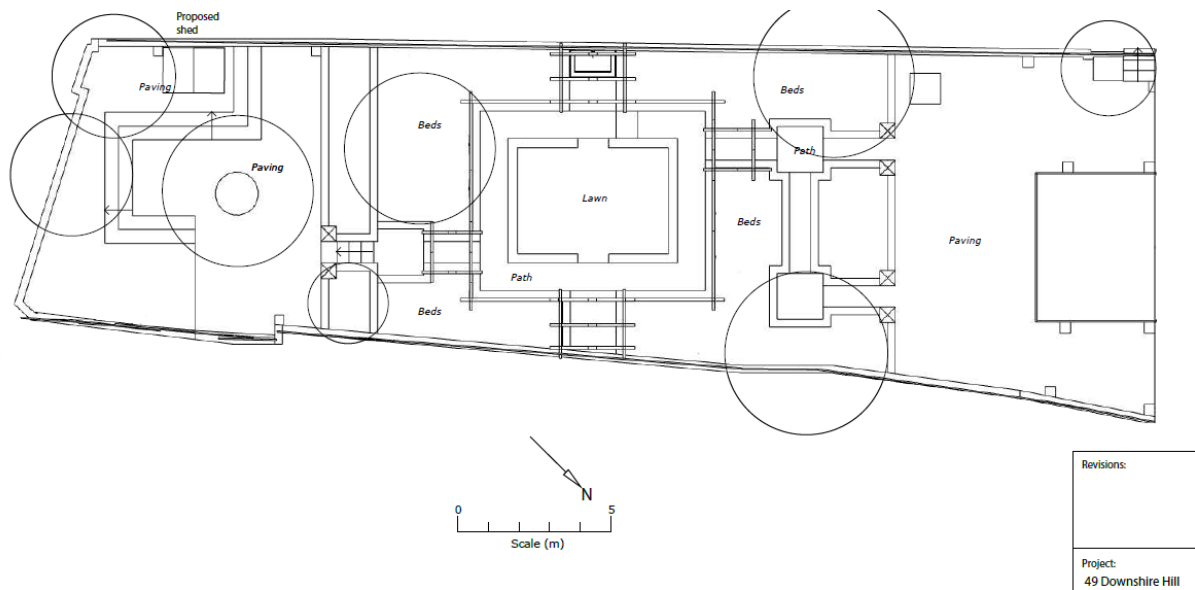


Fig 6. Proposed garden layout, with proposed shed located in top left corner.



Fig 7. Location of unlawfully erected shed (to be removed).

Delegated Report (Members Briefing)		Analysis sheet N/A / attached		Expiry Date: 06/08/2025	
				Consultation Expiry Date: 13/07/2025	
Officer			Application Number(s)		
Matthew Kitchener			2025/2522/P		
Application Address			Drawing Numbers		
49 Downshire Hill London NW3 1NX			See draft decision notice		
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature		
Proposal(s)					
Demolition of summerhouse and garden shed and erection of timber garden shed (retrospective).					
Recommendation(s):		Grant householder planning permission			
Application Type:		Householder Planning Permission			
Conditions or Reasons for Refusal:		Refer to Draft Decision Notice			
Informatives:					
Consultations					
Adjoining Occupiers:		No. notified	00	No. of responses	02
				No. of objections	02
Summary of consultation responses <i>(Officer's responses) in italics</i>		Site Notice: displayed from 18/06/2025 – 12/07/2025 Press Notice: displayed from 19/06/2025 – 13/07/2025 Objections were received from two neighbours: <ul style="list-style-type: none">Concerns over size, extension, and character of the building.Harm is caused to the setting of a listed building in contravention to planning policy. Views from key reception rooms of the building are now interrupted from open green land reducing the quality of the visual as well as the ecological environment. The impact will be worse when the summer is over. <i>These points are addressed in sections 2.1 of the report.</i>			

<p>Local Group Comments:</p> <p><i>(Officer's responses) in italics</i></p>	<p>The Hampstead Hill Gardens Residents' Association objection:</p> <ul style="list-style-type: none"> • The application should be rejected as the structure now in place is obtrusive, overbearing, and significantly more visually and physically intrusive than what was originally approved or what stood there before. <p>The Hampstead Neighbourhood Forum objection:</p> <ul style="list-style-type: none"> • The garden building is located within a biodiversity corridor and should be sited outside of this feature. <p><i>These points are addressed in section 2.1 of the report.</i></p>
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Site Description
<p>The application building is a Grade II listed detached dwellinghouse located within the Hampstead Conservation Area. The property is characteristic of the local area, being defined in the Conservation Area Appraisal (2011) as making a positive contribution to the character of the South Hampstead Conservation Area.</p>
Relevant History
<p>2023/0743/L – Erection of replacement single storey rear extension with roof terrace above, alterations to exterior including replacement front boundary railings and replacement outbuilding to rear garden. – Granted 16/08/2024</p> <p>2023/0038/P - Erection of replacement single storey rear extension with roof terrace above, alterations to exterior including replacement front boundary railings and replacement outbuilding to rear garden. – Granted 16/08/2024</p>
<p>National Planning Policy Framework (2024)</p> <p>The London Plan (2021)</p> <p>Camden Local Plan (2017)</p> <ul style="list-style-type: none"> • D1 Design • D2 Heritage • A1 Amenity • A3 Biodiversity <p>Camden Planning Guidance</p> <ul style="list-style-type: none"> • Amenity (2021) • Design (2021) • Home Improvements (2021)

Hampstead Neighbourhood Plan (2025)

- DH1 Design
- DH2 Conservation Areas and Listed Buildings
- NE1 Supporting Biodiversity
- NE2 Ecological Networks and Biodiversity Corridors

Hampstead Conservation Area Character Appraisal and Management Strategy (2001)

Assessment

1. Proposal

- 1.1. Retrospective planning permission is sought for the demolition of summerhouse and garden shed and erection of a replacement timber garden shed.
- 1.2. The replacement garden shed is to be 2.0m wide, 1.6m deep and 2.45m high with a dual pitch roof, sited on top of an existing paved area.
- 1.3. The existing unlawfully sited garden shed shall be removed from the rear garden within one month of the date of this approval otherwise it will be the subject of enforcement action to obtain its removal.

2. Revisions

- 2.1. The proposed scheme has been revised as follows:
 - The initial proposal was for the retention of a shed that was in situ in the south-east corner of the rear garden. This shed was larger and measured 1.9m wide, 2.9m deep and 2.5m high. The shed was also situated within 2.0m of the rear boundary of the property which is defined in the Hampstead Neighbourhood Plan as a biodiversity corridor.
 - Following concerns raised by objectors, the scheme was amended to reduce the size of the replacement she and site it outside of the 2.0m biodiversity corridor. The shed will be located approximately 2.5m away from the rear garden boundary at the nearest point to the boundary. This is 0.5m outside of the biodiversity corridor.

3. Assessment

- 3.1. The material considerations for this application are as follows:
 - Design and Conservation - The visual impact upon the character and appearance of the host property, streetscene, local area and the Hampstead Conservation Area.
 - Amenity - The impacts of the scheme on any neighbouring occupier.
 - Biodiversity – The impact of the scheme on the Biodiversity Corridor.

4. Design and Conservation

- 4.1. The Council's design policies are aimed at achieving the highest standard of design in all developments, including where alterations and extensions are proposed. Policy D1 of the Local Plan requires development to be of the highest architectural and urban design quality which improves the function, appearance, and character of the area. The Council welcomes high quality contemporary design which responds to its context. Camden's Local Plan Document is supported by Supplementary Planning Guidance CPG (Design).
- 4.2. Local Plan Policy D2 states that the Council will preserve and, where appropriate, enhance Camden's rich and diverse heritage assets and their settings, including conservation areas. To comply with Policy D2, extensions and alterations to historic properties should integrate with and enhance the host building and not be dominant or obtrusive.
- 4.3. The Hampstead Neighbourhood Plan policies DH1 and DH2 relate to design and buildings within a conservation area. Development proposals that fail to respect and enhance the character of the area and the way it functions will not be supported.
- 4.4. The proposed shed is single storey and modest in size, situated on an existing paved area. The design is considered subordinate in terms of scale and positioning towards the foot of a substantial rear garden. In terms of detailed design, it has a dual pitch roof Cedar shingle roof the building is finished in timber horizontal cladding painted green. It has no windows, and only a small window in the door. It is considered that the timber cladding and Cedar shingles are appropriate for the garden location and sensitive to its context, both to the listed host building and the wider Hampstead Conservation Area.
- 4.5. The proposed shed replaces a previous shed and summerhouse that were on the site and were removed.
- 4.6. An informative has been added advising the applicant that the existing unlawfully sited garden shed shall be removed from the rear garden within one month of the date of the approval, otherwise it will be the subject of enforcement action to obtain its removal.
- 4.7. It is considered that given the significant distance from the main house, and the appropriate use of materials and design, the proposed shed will not harm the setting or character of the host Grade II Listed Building.
- 4.8. The council has had special regard to the desirability of preserving the character and appearance of the Conservation Area, and the listed building, its setting, and its special interest.
- 4.9. As such, the proposed development would preserve the character and appearance of the Hampstead Conservation Area, complying with policies D1 and D2 of the Camden Local Plan and policies DH1 and DH2 of the Hampstead Neighbourhood Plan and the Hampstead Conservation Area Appraisal and Management Strategy.

5. Amenity

- 5.1. Policy A1 seeks to protect the quality of life of occupiers and neighbours by only granting planning permission to development that would not harm the amenity of residents. This includes factors such as privacy, outlook, and implications to natural light, artificial light spill, odour and fumes as well as impacts caused from the construction phase of development.
- 5.2. The position of the outbuilding towards the end of a long rear garden, and its distance from the surrounding dwellinghouses, means it would not impose any negative impact in terms of loss of daylight, sunlight or privacy on any of the neighbouring properties. The visual impact of this small structure in terms of scale and materiality is not deemed to be significant in terms of negative outlook to neighbours.
- 5.3. In light of the above, the works would not have any significant impact on the amenity currently enjoyed by neighbouring residents and would therefore comply with Policy A1.

6. Biodiversity Corridors

- 6.1. The Hampstead Neighbourhood Plan policies NE1 and NE2 relate to development within biodiversity corridors. Proposals should include measures to protect and assist in the restoration of Hampstead's tree lines and biodiversity corridors, reducing the incidence of breaks and the length of gaps. The Plan encourages all residential development, including garden buildings, to explore opportunities to provide a 1m gap at the end of the rear (or main) garden to provide space for planting and the movement of wildlife. Where development is occurring within a Biodiversity Corridor, a 2m gap should be left.
- 6.2. As originally submitted the application was for the retention of a shed that was situated within the 2.0m biodiversity corridor at the rear boundary of the garden. The application was subsequently amended to site a smaller shed outside the biodiversity corridor near the other south-west side of the garden. The shed will be located approximately 2.5m away from the rear garden boundary at the nearest point to the boundary. This is 0.5m outside of the biodiversity corridor.
- 6.3. In light of the above the proposed development is now considered to be in accordance with policy A3 of the Local Plan and policies NE1 and NE2 of the Hampstead Neighbourhood Plan.

7. Conclusion and Recommendations

- 7.1. As such, the proposed development is in general accordance with policies A1, A3, D1, and D2 of the Camden Local Plan 2017 and policies DH1, DH2, NE1 and NE2 of the Hampstead Neighbourhood Plan 2025. The proposed development also accords with the Draft Camden Local Plan, the London Plan 2021, and the National Planning Policy Framework 2024.
- 7.2. It is recommended the application be granted 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 18th August 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: 2025/2522/P
Contact: Matthew Kitchener
Tel: 020 7974 2416
Email: Matthew.Kitchener@camden.gov.uk
Date: 6 August 2025

Development Management
Regeneration and Planning
London Borough of Camden
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London
WC1H 9JE
Phone: 020 7974 4444
planning@camden.gov.uk
www.camden.gov.uk

Whiteacre Planning Ltd
The Hollies
Cabbage Lane
Horsington
Templecombe
BA8 0DA

DRAFT
DECISION

Dear Sir/Madam

Town and Country Planning Act 1990 (as amended)

Householder Application Granted

Address:
49 Downshire Hill
London
Camden
NW3 1NX

Proposal:
Demolition of summerhouse and garden shed and erection of timber garden shed (retrospective)

Drawing Nos: Block/Site Plan propose 1:500, 101 Rev G, Planning and Heritage Statement, Masterplan 1:100, Location Plan 1:1250.

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:

Block/Site Plan propose 1:500, 101 Rev G, Planning and Heritage Statement, Masterplan 1:100, Location Plan 1:1250.

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.

Informative(s):

- 1 The existing unlawfully sited garden shed shall be removed from the rear garden within one month of the date of this approval otherwise it will be the subject of enforcement action to obtain its removal.
- 2 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts that cover aspects including fire and emergency escape, access and facilities for people with disabilities and sound insulation between dwellings. You are advised to consult the Council's Building Control Service, Camden Town Hall, Judd St, Kings Cross, London NW1 2QS (tel: 020-7974 6941).
- 3 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.
- 4 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.

5 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 a Householder Application.

6 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).

7 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-householder-planning-decision>.

If you submit an appeal against this decision you are now eligible to use the new [submission form](#) (Before you start - Appeal a planning decision - GOV.UK).

Yours faithfully

Chief Planning Officer