

# 2024/5666/P & 2025/1114/L - 45 Flask Walk, NW3 1HH



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Image 1 (above): Aerial view of the property looking towards the rear elevation where changes are proposed (Source: Google)



Image 2 (above): Photo taken from rear of garden towards rear elevation (Source: Officer site visit photo)



Image 3 (above): Interior photo of the first-floor window (Source: Officer site visit photo)



Image 4 (above): Photo of bathroom window restrictor (Source: Officer site visit photo)



APPROVED REAR ELEVATION



AMENDED REAR ELEVATION

Image 5 (above): Comparison of approved and proposed (existing) rear bathroom window- highlighted in red bubbles (Source: Application drawings)

<b>Delegated Report</b>		<b>Analysis sheet</b>	<b>Expiry Date:</b>	i) 12/02/2025 ii) 07/05/2025
<b>(Members Briefing)</b>		N/A / attached	<b>Consultation Expiry Date:</b>	i) 26/01/2025 ii) 13/04/2025
<b>Officer</b>		<b>Application Number(s)</b>		
Miriam Baptist		i) 2024/5666/P ii) 2025/1114/L		
<b>Application Address</b>		<b>Drawing Numbers</b>		
45 Flask Walk London NW3 1HH		See Draft Decision Notice		
<b>PO 3/4</b>	<b>Area Team Signature</b>	<b>C&amp;UD</b>	<b>Authorised Officer Signature</b>	
<b>Proposal(s)</b>				
i) Amendment to planning permission ref 2016/3900/P dated 10/04/2017 (for: Demolition of an existing two storey rear extension, erection of a replacement three storey rear extension and basement excavation), NAMELY, alterations to the rear window first floor and omission of rear rooflight. ii) Alteration to rear window approved on 10/04/2017 (ref 2016/3901/L) at first-floor level (retrospective).				
<b>Recommendation(s):</b>		i) <b>Grant Non-Material Amendment</b> ii) <b>Grant Listed Building Consent</b>		
<b>Application Type:</b>		i) <b>Non-Material Amendments</b> ii) <b>Listed Building Consent</b>		

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
<b>Consultations</b>						
Adjoining Occupiers:	No. notified	00	No. of responses	06	No. of objections	06
Summary of consultation responses:	<p><u>Non-material amendment</u> A site notice was displayed near to the site on 24/12/2024 (consultation end date 17/01/2025). A press notice was advertised in the local paper on 26/12/2024 (consultation end date 17/01/2025).</p> <p><u>Listed Building Consent</u> A site notice was displayed near to the site on 19/03/2025 (consultation end date 12/04/2025). A press notice was advertised in the local paper on 20/03/2025 (consultation end date 13/04/2025).</p> <p>Six objections from local residents were received following statutory consultation. A summary of these responses is as follows:</p> <p>The approved design featured a window with a fixed lower section above two opening sections with a central closure line. But in 2023 workers fitted a totally different structure into the window opening- a full-length door. The door is hinged down one side only and had no fixed section. They also omitted to fit a skylight into the flat roof. Without any coherent reasonable explanation, we believe the unauthorised alterations are to enable the flat roof to be used as a potential roof terrace. A roof terrace would result in direct overlooking to No43 (garden, conservatory, main bedroom).</p> <p><i>Officer response: It is noted that the approved roof plan under 2016/3900/P did not include a rooflight on the flat roof of the ground floor extension, so there is not change in this respect. Please see sections 3.0 and 4.0 of the report below for concerns relating to design, and images 2 and 3 of the accompanying pictures.</i></p> <p>It is noted that Cllr Chung has also objected to the rear window installed in light of potential ease of access to the flat roof beyond. She also raised issue generally in regard to the longevity of the works/failure to complete and the bulge/crack on the front garden boundary wall on the pavement that is of concern.</p> <p><i>Officer response: Please see sections 3.0 and 4.0 of the report below and images 2 and 3 of the accompanying pictures. While the other concerns are noted they are not material to the assessment of this application.</i></p>					
CAAC/Local groups comments:	The Hampstead Neighbourhood Forum and Hampstead CAAC were consulted but neither group submitted a consultation response.					

## Site Description

The application site is located on the north-west side of Flask Walk and is a Grade II Listed three-storey terraced property with basement. The cottage is part of a group of 7 listed cottages (Nos. 35 to 47), built in the 19th Century as workers' cottages.

The property is located within the Hampstead Conservation Area (sub area 2: Christ Church/Well Walk) and the terrace is described in the Hampstead Conservation Area as being a terrace of workers' cottages set back behind small front gardens.

The surrounding area is predominantly residential and characterised by a variety of building types, ages, and styles, including several listed buildings and positive contributors.

## Relevant History

**CTP/E6/11/7/2779** - Erection of a two-storey addition at the rear of 45 Flask Walk. Granted 30/01/1967.

**8770025 & 8700111** - Erection of a single-storey conservatory at the rear. PP & LBC granted 10/06/1987.

**2008/5326/P & 2008/5438/L** - Removal of 2nd floor uPVC windows in the front elevation and replacement with a timber framed window to match the original. PP & LBC granted 16/02/2009.

**2016/3900/P & 2016/3901/L** - Demolition of an existing two storey rear extension, erection of a replacement three storey rear extension and basement excavation. & Demolition of an existing two storey rear extension, erection of a replacement three storey rear extension, single storey basement excavation and Internal alterations.

## Relevant policies

### National Planning Policy Framework 2024

### London Plan 2021

### Camden Local Plan 2017

Policy A1 – Managing the impact of development

Policy D1 – Design

Policy D2 – Heritage

### Hampstead Neighbourhood Plan 2018

Policy DH1 - Design

Policy DH2 - Heritage

### Camden Planning Guidance

Design (2021)

Amenity (2021)

Home improvements (2021)

### Hampstead Conservation Area appraisal and management strategy 2001

### Draft Camden Local Plan

The council has published a new [Draft Camden Local Plan](#) (incorporating Site Allocations) for consultation (DCLP). The DCLP is a material consideration and can be taken into account 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

## 1.0. Proposal

- 1.1 The application seeks retrospective permission for an alteration to the rear, first-floor level window and omission of a rooflight on the building's main rear roofslope. The installed window is slightly smaller than the originally approved window and opens differently.

## 2.0. Assessment

- 2.1 A non-material amendment has been submitted under Section 96a of the Town and Country Planning Act. There is no statutory definition of 'non-material'. This is because it will be dependent on the context of the overall scheme – an amendment that is non-material in one context may be material in another. The local planning authority must be satisfied that the amendment sought is non-material in order to grant an application under section 96A of the Town and Country Planning Act 1990. Given the building is Grade II listed, an associated listed building consent application has been submitted. The Listed Building Consent application relates only to the changes outlined in the non-material amendment application.
- 2.2 The changes proposed under this application include alterations to the consented window at first floor level to the rear, and the omission of the approved rooflight on the rear roofslope as demonstrated below.



- 2.3 In terms of design, it is noted that the window installed is very visually similar in relation to the fenestration originally approved. Below, a computer-generated image shows the intended near-identical appearance of the rear façade.



- 2.4 Officers have visited the site and note that the changes are minor in nature and are not visible from the public realm but are restricted to the rear of the property. The previous scheme consented an openable window in this location which allows access onto the flat roof of the extension below, which raised concerns over potential harmful overlooking into neighbouring occupiers. As such, a condition was attached to the permission to restrict the use of the flat roof of the ground floor rear extension so that it could not be used as amenity space. This condition remains valid and carries across, and the flat roof could still not be used for amenity purposes. An informative is attached to the decision notice stating that all conditions on the original permission remain valid. Overall, the Council considers the change to this window as non-material, particularly as it is of a similar size and will still be bound to the previous condition. The changes are considered to have minimal impact and are not considered to cause material harm.
- 2.5 In relation to the Listed Building Consent, the replacement window has been assessed in line with Local Plan Policy D2, and Policy DH2 of the Hampstead Neighbourhood Plan, and is considered to have a neutral impact on the listed building.
- 2.6 The proposal would preserve the character and appearance of the conservation area overall. It would also preserve the special architectural/historic interest of the listed building. 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 features of special architectural or historic interest.

### 3 Conclusion

- 3.1 The full impact of the scheme has already been assessed by virtue of the previous approvals. In the context of the permitted scheme, it is considered that the amendment would not have any material effect on the approved development in terms of appearance and neighbour impact. It is considered that the changes are relatively minor in the context of the approved scheme and can therefore be regarded as a non-material variation of the approved scheme.

### 4 Recommendation

- i) Grant Non-Material Amendment
- ii) Grant Listed Building Consent

***The decision to refer an application to Planning Committee lies with the Director of Regeneration and Planning. Following the Members Briefing panel on Monday 21<sup>st</sup> April 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](http://www.camden.gov.uk) and search for 'Members Briefing'***

Application ref: 2024/5666/P  
Contact: Miriam Baptist  
Tel: 020 7974 8147  
Email: [Miriam.Baptist@camden.gov.uk](mailto:Miriam.Baptist@camden.gov.uk)  
Date: 9 April 2025

**Development Management**  
Regeneration and Planning  
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# DRAFT

Dear Sir/Madam

## DECISION

Town and Country Planning Act 1990 (as amended)

### Grant of Non-Material Amendments to planning permission

Address:  
**45 Flask Walk**  
**London**  
**NW3 1HH**

# DECISION

Proposal: Amendment to planning permission ref 2016/3900/P dated 10/04/2017 (for: Demolition of an existing two storey rear extension, erection of a replacement three storey rear extension and basement excavation), NAMELY, alterations to the rear window first floor and omission of rear rooflight.

Drawing Nos:

Superseded drawings: 1050 APL 006 Rev. D

Approved drawings: 651 NMA 002

The Council has considered your application and confirms that the proposals are acceptable as non-material amendments to the planning permission set out above.

The Council has considered your application and confirms that the proposals are acceptable as non-material amendments to the planning permission set out above.

For the purpose of this decision, condition 3 (approved drawings) of permission ref 2016/3900/P dated 10/04/2017 shall be replaced with the following condition:

The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing Nos: 1050 APL 001 Rev. D, 1050 APL 002 Rev. D, 1050 APL 003 Rev. E, 1050 APL 004 Rev. C, 1050 APL 005 Rev. D, 651 NMA 002, 1050 APL 007 Rev. E, 1050 APL 008 Rev. B, 1050 ASU 001 Rev.A, 1050 ASU 002 Rev.A, 1050 ASU 003 Rev.A, 1050 ASU 004 Rev.A, 1050 ASU 005 Rev.A, 1050 ASU 006 Rev.A, 1050 ASU 007 Rev.A, Basement structural drawings numbered 01 rev P8, 02 rev P2, 03 rev P1, 04 rev P7, 05 rev P6, 06 rev P4, 07 rev P1, 09 rev P1; Planning, Heritage, Design and Access Statement dated June 2016; Basement Impact Assessment ref: J16035 dated May 2016 and Supplementary BIA information received 07/12/2016; Arboricultural Survey (BS5837:2012) & Impact Assessment Report dated 14th July 2015 and Addendum Arboricultural Note dated 4th August 2015.

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

**DRAFT**

Informative(s):

1

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraph 38 of the National Planning Policy Framework 2021.

Yours faithfully

Chief Planning Officer

**DECISION**

It's easy to make, pay for, track and comment on planning applications on line. Just go to [www.camden.gov.uk/planning](http://www.camden.gov.uk/planning).

Application ref: 2025/1114/L  
Contact: Miriam Baptist  
Tel: 020 7974 8147  
Email: [Miriam.Baptist@camden.gov.uk](mailto:Miriam.Baptist@camden.gov.uk)  
Date: 15 April 2025

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# DRAFT

Dear Sir/Madam

## DECISION

Planning (Listed Building and Conservation Areas) Act 1990

### Listed Building Consent Granted

Address:  
**45 Flask Walk**  
**London**  
**NW3 1HH**

# DECISION

Proposal:

Alteration to rear window approved on 10/04/2017 (ref 2016/3901/L) at first-floor level (retrospective).

Drawing Nos: 1050 APL 001 Rev. D, 1050 APL 002 Rev. D, 1050 APL 003 Rev. E, 1050 APL 004 Rev. C, 1050 APL 005 Rev. D, 651 NMA 002, 1050 APL 007 Rev. E, 1050 APL 008 Rev. B, 1050 ASU 001 Rev.A, 1050 ASU 002 Rev.A, 1050 ASU 003 Rev.A, 1050 ASU 004 Rev.A, 1050 ASU 005 Rev.A, 1050 ASU 006 Rev.A, 1050 ASU 007 Rev.A, Basement structural drawings numbered 01 rev P8, 02 rev P2, 03 rev P1, 04 rev P7, 05 rev P6, 06 rev P4, 07 rev P1, 09 rev P1; Planning, Heritage, Design and Access Statement dated June 2016; Basement Impact Assessment ref: J16035 dated May 2016 and Supplementary BIA information received 07/12/2016; Arboricultural Survey (BS5837:2012) & Impact Assessment Report dated 14th July 2015 and Addendum Arboricultural Note dated 4th August 2015.

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

Conditions And Reasons:

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: 1050 APL 001 Rev. D, 1050 APL 002 Rev. D, 1050 APL 003 Rev. E, 1050 APL 004 Rev. C, 1050 APL 005 Rev. D, 651 NMA 002, 1050 APL 007 Rev. E, 1050 APL 008 Rev. B, 1050 ASU 001 Rev.A, 1050 ASU 002 Rev.A, 1050 ASU 003 Rev.A, 1050 ASU 004 Rev.A, 1050 ASU 005 Rev.A, 1050 ASU 006 Rev.A, 1050 ASU 007 Rev.A, Basement structural drawings numbered 01 rev P8, 02 rev P2, 03 rev P1, 04 rev P7, 05 rev P6, 06 rev P4, 07 rev P1, 09 rev P1; Planning, Heritage, Design and Access Statement dated June 2016; Basement Impact Assessment ref: J16035 dated May 2016 and Supplementary BIA information received 07/12/2016; Arboricultural Survey (BS5837:2012) & Impact Assessment Report dated 14th July 2015 and Addendum Arboricultural Note dated 4th August 2015.

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

Informative(s):

- 1 You are advised that any works of alterations or upgrading not included on the approved drawings which are required to satisfy Building Regulations or Fire Certification may require a further application for listed building consent.
- 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](http://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.

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:

Yours faithfully

Chief Planning Officer

**DRAFT**

**DECISION**