

39 Twisden Road
2023/4661/P



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Site Photos:



1. Photo of front elevation



2. Aerial photo of the rear elevation



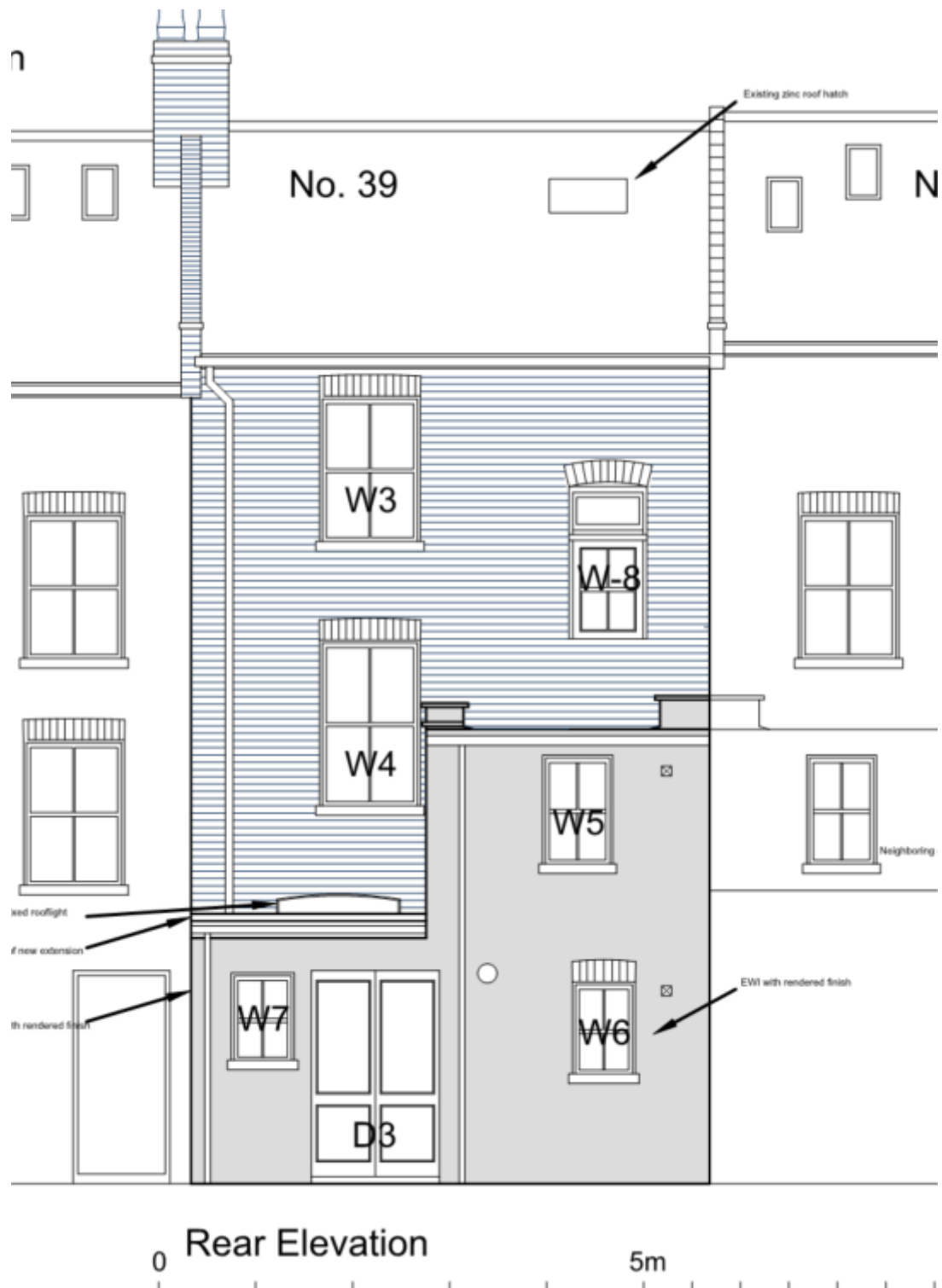
3. Aerial photo showing neighbouring rear elevations



4. Aerial photo of front elevations



5. Existing rear elevation



6. Proposed rear elevation

Delegated Report (Members Briefing)		Analysis sheet		Expiry Date:		26/12/2023	
		N/A / attached		Consultation Expiry Date:		17/12/2023	
Officer				Application Number(s)			
Edward Hodgson				2023/4661/P			
Application Address				Drawing Numbers			
39 Twisden Road London NW5 1DL				See draft decision notice			
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature				
Proposal(s)							
Erection of single storey ground floor rear infill extension and alterations to fenestration							
Recommendation(s):		Grant conditional planning permission					
Application Type:		Householder Application					
Conditions or Reasons for Refusal:		Refer to Draft Decision Notice					
Informatives:							
Consultations							
Adjoining Occupiers:		No. of responses		06		No. of objections	
						06	
Summary of consultation responses:		<p>Site Notices displayed from 22/11/2023 – 16/12/2023 Press Notice displayed from 23/11/2023 – 17/12/2023</p> <p>Five letters of objections were received from occupiers along Twisden Road and Chetwynd Road. Their objections can be summarised as below:</p> <ul style="list-style-type: none"> • Overlooking from new kitchen at ground floor to neighbouring occupier to the rear • Formalising of terrace would cause overlooking into windows and gardens of neighbouring occupiers • Over occupation of the building of the property leading to noise disturbance 					

	<ul style="list-style-type: none"> • Unsustainable development due to the lack of information regarding the thermal performance of the windows and doors • Windows and doors may be UPVC which would harm the conservation area • Wrong application form submitted <p><u>Officer Response:</u></p> <ul style="list-style-type: none"> • <i>Amenity is a material planning consideration and is discussed in section 5 of the report</i> • <i>Occupation levels of the building are covered by other legislation and are not considered to be material planning considerations in this case. Overcrowding is covered by Section 325 of the Housing Act (1985)</i> • <i>Design and heritage are material planning considerations and are discussed in section 4 of the report.</i> • <i>The property is in use as a single family dwelling house and as such, a householder application form is considered to be appropriate in this instance.</i>
<p>Dartmouth Park CAAC</p>	<p>The Dartmouth Park Conservation Area Advisory Committee were consulted during the application and raised an objection that can be summarised as below:</p> <ul style="list-style-type: none"> • Insufficient detail about the new windows and doors to assess their thermal performance • Overlooking into the glazed extension to the rear of the site from the new kitchen extension • The existing rear terrace at second floor is unlawful and the formalisation of this terrace would cause overlooking concerns and contrary to the conservation area guidance. • Sound insulation should be sought for the inadequate party walls to mitigate against noise <p><u>Officer Response:</u></p> <ul style="list-style-type: none"> • <i>The level of detail provided is considered sufficient to assess the application. Design and heritage are discussed in section 4 of the report.</i> • <i>Amenity is a material planning consideration and are discussed in section 5 of the report</i> • <i>Noise insulation would involve internal alterations that don't require planning permission and are therefore not part of this application</i>

Site Description

The application site is a mid-terraced period property in use as a single dwellinghouse. It is constructed with brick with timber windows and there is a two-storey projection to the rear, which has a flat roof with railings which were installed without planning permission, which has created a terrace in this location.

The application site is located within the Dartmouth Park Conservation Area and is noted as making a positive contribution. The site is also covered by the Dartmouth Park Neighbourhood Plan.

Relevant History

Application Site:

No relevant planning history

Neighbouring Properties:

44 Twisden Road:

2022/3270/P - Erection of ground floor single storey side infill extension and two rear dormer windows. **Granted - 23/01/2023**

22 Twisden Road:

2020/5061/P - The erection of a single storey extension to the rear and side elevations at ground floor level. **Granted - 19/04/2021**

23 Twisden Road:

2019/0582/P - Erection of side infill extension and replacement of doors at ground floor level of the two storey rear return, installation of two rooflights to the rear slope, all to single family dwellinghouse (Class C3). **Granted - 22/10/2019**

National Planning Policy Framework (2023)

The London Plan (2021)

Camden Local Plan (2017)

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

Dartmouth Park Neighbourhood Plan (2020)

- DC2 Heritage Assets
- DC3 Requirements for good design
- DC4 Small residential extensions

Camden Planning Guidance

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

Dartmouth Park Conservation Area Appraisal and Management Strategy (2009)

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. Proposal

1.1. The proposal includes:

- Erection of single storey ground floor rear extension, infilling the space between the existing two storey rear projection and the boundary wall with no. 41. New timber doors, a window are proposed on the rear and a roof light is also proposed. The extension would measure approx. 2.8m high, 2.5m wide and 2.4m deep, to align with the depth of the existing two-storey rear projection.
- It is also proposed to replace the existing timber single glazed sash windows on the front and rear elevations with double glazed timber sashes. In addition, an existing door at second floor level would be removed and replaced with a new timber window and brick infill. The existing metal railings would be removed. A small window on the rear projection would be removed.

2. Revisions

2.1. Following planning officer advice, the railings on the first-floor flat roof have been removed and the existing door accessing this roof would be replaced by a timber sash window in order to prevent access on to the flat roof.

3. Assessment

3.1. The material considerations for this application are as follows:

- Design and Heritage
- Amenity

3.2. It should be noted that the property is in lawful use as a single dwellinghouse and will be used in this way following the proposed development. No change of use, nor additional residential units are proposed. As such, concerns around occupation levels and room sizes are not considered to be material planning considerations in this instance. Occupation levels are covered by separate housing legislation.

4. Design and Heritage

Policy Background

- 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 to historic properties should integrate with and enhance the host building and not be dominant or obtrusive. Policy DC2 of the Dartmouth Park Neighbourhood Plan states that alterations and extensions to existing buildings must preserve or enhance the character and appearance of the conservation area, and with development that affects positive contributors, ensure the development is designed to a high standard. Policy DC3 requires high quality design in terms of scale, massing and character of existing and surrounding buildings, and that any extensions are subordinate to the existing development and in keeping with the relationship to any adjoining properties. Policy DC4 relates specifically to small residential extensions, and states that development must be subordinate in scale and situation to the original dwelling, does not harm neighbouring amenity, is sensitive to the appearance of the street scene, and does not occupy an excessive part of the garden.
- 4.3. The Dartmouth Park Conservation Area Appraisal and Management Strategy states that rear extensions will not be acceptable where they would diverge significantly from the historic pattern of rear elevations within a street or group of buildings as these are an integral part of the character of the area.
- 4.4. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 ("the Listed Buildings Act") provide a statutory presumption in favour of the preservation of the character and appearance of conservation areas. Considerable importance and weight should be attached to their preservation. A proposal which would cause harm should only be permitted where there are strong countervailing planning considerations which are sufficiently powerful to outweigh the presumption.

Infill Rear Extension:

- 4.5. The proposed rear extension at ground floor would infill the space between the existing rear projection and the boundary wall with neighbouring no. 41. It would be a single storey and finished in render and it would not project beyond the depth of the two-storey rear projection. As such, it would read as a subordinate addition that would not dominate the rear elevation. It would be in keeping with the pattern of rear development along the terrace and an acceptable amount of usable rear garden amenity space would be retained. Its scale, massing and siting is thus considered acceptable.
- 4.6. The rendered finish and the timber windows and double doors on the rear are considered acceptable and would be appropriate to the host building and the wider conservation area and

there would be an appropriate ratio between glazing and solid. A condition is attached ensuring that all new and replacement joinery is in timber.

Alterations to fenestration:

- 4.7. The existing timber single glazed windows at the front and rear would be replaced with double glazed timber sash windows which are considered acceptable as they would be sympathetic to the host building and wider conservation area. The removal of a small window at ground floor on the rear projection is acceptable as this is a minor alteration that wouldn't impact on the overall appearance of the property.
- 4.8. A new timber sash window is proposed at second floor window to replace an existing door. The window is considered to be more appropriate than a door at this higher level, and the loss of the door would remove access to the flat roof which is welcomed. The existing railings would be removed which would reduce visual clutter at this level which is also welcomed. To the front, the temporary metal door would be removed with the historic front door retained which would improve the appearance of the house when viewed from the street.
- 4.9. Special attention has been paid to the desirability of preserving or enhancing the character or appearance of the conservation area under s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The size, scale, design and location of the proposed alterations are not considered to cause harm to the special character and appearance of the surrounding Dartmouth Park Conservation Area.
- 4.10. As such, the proposed development would preserve the character and appearance of the Dartmouth Park Conservation Area, meeting the statutory tests set out in the NPPF and complying with Policies D1 and D2 of the Camden Local Plan and DC2, DC3, and DC4 of the Dartmouth Park Neighbourhood Plan 2020.

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. Policy DC4 of the Dartmouth Park Neighbourhood Plan states that residential development should not harm the amenity of neighbouring occupiers.
- 5.2. The rear infill extension would be approx. 2.8m high and although it would be adjacent to the boundary wall with no. 41, the ground floor door at this property is already overshadowed by the existing two-storey rear projection. In addition, the rear elevations are north-west facing and do not currently benefit from much sunlight.
- 5.3. The existing railings and door at second floor level are to be removed, thereby limiting access to the flat roof to prevent it from being used as a terrace given the proximity to the second-floor window at no. 39. A condition is attached to ensure that the flat roof is used only for maintenance purposes when required.
- 5.4. The new window and door on the rear extension at ground floor would be located approx. 4.1m from the boundary with no. 42 Chetwynd Road and given there is established mutual

overlooking between the two gardens given the low boundary wall, the proposed development would not significantly worsen this situation. In addition, this boundary wall could quite easily be increased in height to up to 2m without planning consent.

5.5. Overall, the works would not significantly impact on the amenity currently enjoyed by neighbouring residents and would therefore comply with Policy A1 of the Camden Local Plan 2017 and Policy DC4 of the Dartmouth Park Neighbourhood Plan 2020.

6. Conclusion and Recommendation

6.1. In conclusion, the proposals are considered to preserve the character and appearance of the Dartmouth Park Conservation Area and would not impact adversely on the amenity of any neighbouring occupiers.

6.2. **Recommendation:**

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 12th February 2024, 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: 2023/4661/P
Contact: Edward Hodgson
Tel: 020 7974 8186
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Date: 1 February 2024

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Baily Garner LLP
146-148 Eltham Hill
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SE9 5DY

DRAFT

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Householder Application Granted

Address:
39 Twisden Road
London
NW5 1DL

Proposal: Erection of single storey ground floor rear infill extension and alterations to fenestration

Drawing Nos: Site Location Plan 34973 P-08, 34973 P-01, 34973 P-02, 34973 P-03, 34973 P-07 C, 34973 P-04 C, 34973 P-05 D

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:

Site Location Plan 34973 P-08, 34973 P-01, 34973 P-02, 34973 P-03, 34973 P-07 C, 34973 P-04 C, 34973 P-05 D

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 and policies DC2, DC3 and DC4 of the Dartmouth Park Neighbourhood Plan 2020.

- 4 The flat roof of the ground floor rear extension hereby approved and the existing second floor flat roof shall not be used at any time as amenity space, and any access out onto this area shall be for maintenance purposes 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 and policy DC4 of the Dartmouth Park Neighbourhood Plan 2020.

- 5 All new and replacement windows and doors shall be timber.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of Policies D1 and D2 of the London Borough of Camden Local Plan 2017 and Policies DC2 and DC3 of the Dartmouth Park Neighbourhood Plan 2020.

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.

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 2023.

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

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DECISION