

Application ref: 2023/5059/P  
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Date: 16 April 2024

**Development Management**  
Regeneration and Planning  
London Borough of Camden  
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Jonathan Tuckey Design  
58 Milson Road  
London  
London  
W14 0LB  
United Kingdom

Dear Sir/Madam

## **DECISION**

Town and Country Planning Act 1990 (as amended)

### **Householder Application Granted**

Address:

**44 Downshire Hill  
London  
NW3 1NU**

Proposal: Demolition of existing single-storey extension and stairs to rear and erection of replacement rear extension with roof terrace and green roof. Replacement of rooflight, replacement of existing door to the front and installation of solar panels to roof.

Drawing Nos: JTD\_0293\_02\_001; JTD\_0293\_02\_100 Rev A; JTD\_0293\_02\_101 Rev A; JTD\_0293\_02\_102 Rev A; JTD\_0293\_02\_103 Rev A; JTD\_0293\_02\_104 Rev A; JTD\_0293\_02\_200; JTD\_0293\_02\_201 Rev A; JTD\_0293\_02\_202 Rev A; JTD\_0293\_02\_210 Rev A; JTD\_0293\_02\_211 Rev A; JTD\_0293\_02\_212; JTD\_0293\_02\_300; JTD\_0293\_02\_301.

Supporting documents: Design and Access Statement (prepared by Jonathan Tuckey Designs, dated November 2023); Heritage Statement (prepared by The Heritage Practice, dated November 2023); Basement Screening Assessment (prepared by Maund Geo-consulting, dated November 2023); Heritage Clarifications - Second Floor Landing and Reduce Extension Depth.

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:

JTD\_0293\_02\_001; JTD\_0293\_02\_100 Rev A; JTD\_0293\_02\_101 Rev A; JTD\_0293\_02\_102 Rev A; JTD\_0293\_02\_103 Rev A; JTD\_0293\_02\_104 Rev A; JTD\_0293\_02\_200; JTD\_0293\_02\_201 Rev A; JTD\_0293\_02\_202 Rev A; JTD\_0293\_02\_210 Rev A; JTD\_0293\_02\_211 Rev A; JTD\_0293\_02\_212; JTD\_0293\_02\_300; JTD\_0293\_02\_301.

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 and Policies DH1 and DH2 of the Hampstead Neighbourhood Plan 2018.

- 4 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;

b) Manufacturer's specification details of all facing materials (to be submitted to the Local Planning Authority) and samples of those materials (to be provided on site).

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 and Policies DH1 and DH2 of the Hampstead Neighbourhood Plan 2018.

- 5 Only the part of the flat roof of the extension on the plan 'JTD\_0293\_02\_101 Rev A' hereby approved that is labelled as 'outdoor terrace' may be used for amenity purposes. The area labelled as 'green 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.

- 6 Before the relevant part of the work is begun, full details in respect of the living roof in the area indicated on the approved plan 'JTD\_0293\_02\_104 Rev A' shall be submitted to and approved by the local planning authority.

The details shall include:

- i. a detailed scheme of maintenance
- ii. sections at a scale of 1:20 with manufacturers details demonstrating the construction and materials used
- iii. full details of planting species and density

The living roof shall be fully provided in accordance with the approved details prior to first occupation and thereafter retained and maintained in accordance with the approved scheme.

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.

- 7 The photovoltaic cells as indicated on the approved plan 'JTD-0293\_02\_104 Rev A' shall be installed on the building in full accordance with the details approved by the Local Planning Authority and permanently retained and maintained thereafter.

Reason: To ensure the development provides adequate on-site renewable energy facilities in accordance with the requirements of Policies G1, CC1, and CC2 of the London Borough of Camden Local Plan 2017.

Informative(s):

- 1 Reasons for granting permission:

The application site is a Grade II listed house located within the Hampstead Conservation Area, dating from the early 19th century. The proposal involves a number of works to the property, primarily involving the demolition and erection of a replacement rear extension and installation of solar panels to the roof. There are also a number of internal works that are dealt with by an associated application for listed building consent, ref. 2024/0216/L.

The proposed single-storey extension is acceptable in principle with a modest scale that would remain subordinate to the host property. The rear elevation of the building has already been partly extended, with a historic closet wing (that no longer exists) and a non-historic single-storey extension, so the proposed replacement would not impair a historically flat-backed building line. The extension would have a depth of just over 3m from the rear elevation, which was amended following officer comments so that it aligns with the adjacent

neighbouring wing at no.43 and ensures that the addition is subservient to the host property and the context of neighbouring properties. The extension would be constructed of light stone with timber framed windows and metal railing above, which would integrate well with the existing building. The location of the proposed extension is such that it has very limited visibility from the public realm due to the building's position, so there is very little visual impact. The flat roof of the extension would be used as a terrace, with the balustrading pulled in from the edge to ensure that the terrace is subservient to the extension and host building. As such, the design, scale, siting, and materiality of the proposed extension would not harm the character and appearance of the subject property, the significance of the listed building, and the wider conservation area.

The proposed works also include the addition of solar panels to the butterfly roof of the building, which would have very limited visibility from the public realm due to their position, the pitch of the roof slopes, and the height and siting of the building. An existing rooflight would also be replaced with two modestly sized rooflights which, especially when combined with the limited public visibility, would have an acceptable impact.

It should be noted that the proposal originally involved the creation of a new window to the side elevation, that was removed following officer comments due to the impact that it would have on the nature and evidential value of the listed building. The proposal also involves the lowering of part of the floor level at lower ground level to ensure a consistent floor to ceiling height, and a basement screening assessment has been submitted to demonstrate that a full basement impact assessment is not required, which is considered acceptable. The works are therefore considered acceptable and would preserve the positive contribution that the building makes to the character and appearance of the conservation area, the setting of the adjacent listed buildings, and the special architectural and historic interest of the host listed building.

Special regard has been attached to the desirability of preserving or enhancing the character or appearance of the conservation area and preserving the listed building, its setting and its features of special architectural or historic interest, under s.66 and s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Enterprise and Regulatory Reform Act 2013.

- 2 The proposed works are not considered to have any negative impact on neighbouring properties. The orientation, scale, and position of the proposed extension would not result in any significant impacts on daylight and sunlight or outlook. Although the proposed terrace would have views into the neighbouring garden, these already exist from the existing roof terrace, and the new terrace would not create any additional views, including into habitable rooms. Therefore, there would be no significant or harmful loss of privacy resulting from the development. The size of the roof terrace is also modest, and would not be considered to result in significant disturbance from noise. To ensure that the impact on amenity is acceptable, a condition would be attached to ensure that only the part of the roof labelled as a roof terrace is used as such, and the green roof area is not used as part of the terrace.

One objection was received from the immediately adjacent neighbouring

resident at no.45, whose concerns largely related to matters such as the impact of the roof terrace on amenity (particularly noise and privacy), the intensification of use, and the impact on the traditional character of the host building. The objector also proposed a condition to require the applicant to provide details of boundary treatment which would prevent harm to neighbouring amenity. As previously noted, the roof terrace is a modest size, is set in from the edges of the extension, and would not create any new opportunities for overlooking that do not already exist, so would be considered to have an acceptable impact on amenity. In line with the criteria set out in regulation 122 of the Community Infrastructure Levy Regulations 2010, this would not be a necessary or justified condition.

The site's planning history has been taken into account when coming to this decision.

As such, the proposal is in general accordance with Policies A1, D1, and D2 of the London Borough of Camden Local Plan 2017 and Policies DH1 and DH2 of the Hampstead Neighbourhood Plan 2018. The proposed development also accords with the London Plan 2021 and the National Planning Policy Framework 2023.

- 3 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).
- 4 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.
- 5 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 paragraph 38 of the National Planning Policy Framework 2021.

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

A handwritten signature in black ink, appearing to read 'DPope', is positioned above the typed name and title.

Daniel Pope  
Chief Planning Officer