

Application ref: 2023/3629/P  
Contact: Sophie Bowden  
Tel: 020 7974 6896  
Email: [Sophie.Bowden@camden.gov.uk](mailto:Sophie.Bowden@camden.gov.uk)  
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**Development Management**  
Regeneration and Planning  
London Borough of Camden  
Town Hall  
Judd Street  
London  
WC1H 9JE

Phone: 020 7974 4444

[planning@camden.gov.uk](mailto:planning@camden.gov.uk)

[www.camden.gov.uk/planning](http://www.camden.gov.uk/planning)

Wilton Studio Ltd  
1 Pitwell Mews  
Hackney  
London  
E8 1FH

Dear Sir/Madam

## **DECISION**

Town and Country Planning Act 1990 (as amended)

### **Householder Application Granted**

Address:

**9 St Ann's Gardens  
London  
NW5 4ER**

Proposal:

Replacement of window with door on the rear second floor level and installation of metal balustrade and stairs to create a roof terrace at 2nd floor level on the roof of the upper ground floor rear extension, and installation of Juliette balcony at the rear at upper ground floor level.

Drawing Nos: D and A Statement-2023-08-29, 005 Site Location Plan, 020 Existing floor plans, 021 Existing elevations , 025B Proposed floor plans , 026 Proposed elevations

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; D and A Statement-2023-08-29, 005 Site, Location Plan, 020 Existing floor plans, 021 Existing elevations , 025B Proposed floor plans, 026 Proposed elevations

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 of the London Borough of Camden Local Plan 2017.

- 4 The use of the roof as a terrace shall not commence until the timber screen measuring 1.8m in height, as shown on the approved drawings, has been installed. The screen shall be permanently retained thereafter.

Reason: In order to prevent unreasonable overlooking of neighbouring premises in accordance with the requirements of policies A1 and D1 of the London Borough of Camden Local Plan 2017.

- 5 The remainder of the flat roof of the rear extension at second floor level shall not be used as a roof terrace, sitting out area, or other amenity space and shall only be accessed for maintenance purposes.

Reason: To protect the amenity of adjoining occupiers and the area in accordance with policies A1 and D1 of the Camden Local Plan 2017.

#### Informative(s):

- 1 Principle of roof terrace

The proposal involves a roof terrace on the upper ground floor extension roof. The terrace will incorporate a trellis for screening, metal balustrade, replacement of existing window with double doors and metal steps to access the terrace. Amended plans have been received during the course of the application reducing the depth of the roof terrace and making changes to the boundary treatments to include a trellis.

The depth of the roof terrace from the proposed rear doors would be 4.8 metres. It would be enclosed on the eastern side elevation by a trellis measuring 1.8m and the balustrade around the perimeter of the terrace would be 0.7 metres high (above the parapet).

The works are restricted to the rear elevation of the building and thus would have limited visibility from the public realm. It is noted that this property is not located within a conservation area nor is it listed or in close proximity to listed properties. On balance, due to the height of the trellis and boundary railings, as well as the minor changes to the rear elevation of the building, it is considered

that the proposed works would be subordinate to the host building and would not dominate the elevation. The use of black metal railings adjacent to the steps and around the perimeter of the terrace would be appropriate in relation to the existing property and is a traditional material to enclose roof terraces on historic buildings.

By incorporating a trellis this will encourage natural garden screening and will help to soften the appearance of the trellis when viewed from the western elevation. It also allows more sunlight exposure as it is not completely opaque and will reduce the overall bulk at second floor level to prevent the terrace appearing as another storey. On balance, the trellis would be acceptable. The plans have been amended to omit the green roof as its size and location in a north facing orientation would be unlikely to thrive. A condition will be attached to the decision to ensure the occupiers do not use the remainder of the flat roof as a seating area but that it is only accessible for maintenance purposes.

#### Windows/doors

The doors at second floor on the front elevation will be amended from a four pane to a two pane sliding door. The proposed changes to the front and rear windows/doors would be acceptable in terms of design, materiality, size and scale. It is not considered to have any detrimental impact on the characteristics of the existing building.

#### Amenity

##### 8 St Ann's Gardens

Due to the separation distance between the proposed roof terrace and this property it is unlikely to result in loss of daylight/sunlight. There are no windows in the side elevation of this property and the distance to the closest window in the rear elevation of no.8 is 3.7m. There would be no direct views of the terrace from this window. Therefore, given the orientation of the terrace and the distance to the closest rear window, it is unlikely the proposal would result in significant overlooking or loss of privacy to this property.

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The closest window in this property to the proposed roof terrace is located on the rear elevation at 2nd floor level and would serve a habitable room. It is important to assess the impact as a result of the terrace to this room in terms of loss of sunlight/daylight and outlook.

When undertaking a desk-top assessment using the 45 degree line to test daylight, the trellis, breaks this which indicates a potential sunlight/daylight issue. However, given the screening is not completely opaque and will allow some sun exposure and the fact that the window is north facing, it is considered that this window would not be significantly impacted in terms of loss of daylight and sunlight when compared to its existing situation.

In terms of outlook, the trellis would be located 0.6 metres away from the closest window of this property which serves a habitable room. Although outlook from the window may be restricted by the trellis when looking west it would not restrict views over the rear gardens north and east. The neighbouring property is a single family dwelling and the proposal would not

affect the outlook from the remaining windows in the property. Overall the proposal would not have a harmful impact on the outlook from the windows in the neighbouring property. In terms of noise and disturbance, as the terrace will be used solely for residential purposes it is not considered that the proposal would result in a harmful level of noise to neighbouring properties.

No responses were received following statutory consultation. The site's planning history and relevant appeal decisions were taken into account when coming to this decision.

As such, the proposal is in general accordance with Policies A1, A3 and D1 of the Camden Local Plan 2017. The proposed development also accords with the policies of the London Plan 2021 and NPPF 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 Your proposals may be subject to control under the Party Wall etc Act 1996 which covers party wall matters, boundary walls and excavations near neighbouring buildings. You are advised to consult a suitably qualified and experienced Building Engineer.
- 5 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.
- 6 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 written over a light grey rectangular background.

Daniel Pope  
Chief Planning Officer