

Application ref: 2023/5431/P
Contact: Leela Muthoora
Tel: 020 7974 2506
Email: Leela.Muthoora@camden.gov.uk
Date: 25 September 2024

Development Management
Regeneration and Planning
London Borough of Camden
Town Hall
Judd Street
London
WC1H 9JE

Phone: 020 7974 4444

planning@camden.gov.uk

www.camden.gov.uk/planning

Cox Associates
Convenience House 224a
High Street
BARNET
EN5 5SZ

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Full Planning Permission Granted

Address:

**139 Fortress Road
London
NW5 2HR**

Proposal:

Erection of single storey rear extension to ground floor commercial unit (Class E).

Drawing Nos: - David Clarke Arboricultural Report dated May 2024;

- Tree Protection Plan TPP_139FRC_010 A;

- Site location plan

- (527523) 002 Rev A, 003 Rev A, 004 Rev B, 006 Rev A, 010 Rev B.

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-
 - David Clarke Arboricultural Report dated May 2024;

- Tree Protection Plan TPP_139FRC_010 A;
- Site location plan;
- (527523) 002 Rev A, 003 Rev A, 004 Rev B, 006 Rev A, 010 Rev B.

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 and policy D3 of the Kentish Town Neighbourhood Plan 2016.

- 4 The flat roof of the ground floor extension shall not be used as an outdoor amenity space or roof terrace, and shall only be accessed for emergencies or maintenance.

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

- 5 The works hereby approved shall be carried out in accordance with the tree protection methods outlined in the David Clarke Arboricultural Report dated May 2024 and Tree Protection Plan TPP_139FRC_010 A, hereby approved.

Reason: To ensure the retention of, and avoid damage to, the existing trees and maintain the character and amenity of the area in accordance with policy A3 of the Camden Local Plan 2017.

Informative(s):

- 1 Reasons for granting permission-

The site is a three-storey mid-terrace building on the western side of Fortess Road, within the Kentish Town Neighbourhood Plan Area. The ground floor unit is currently in use as a dental surgery and the upper floors are sub-divided into two flats. The site is not subject to any heritage designations but forms a mid-20th century post war infill to the Victorian terrace fronting the neighbourhood centre. There is a tree protected by Tree Preservation Order within the site.

The proposed extension would partially infill between neighbouring two and three-storey extensions. It would be subordinate in scale and location to the host building, and would respect the character and setting of neighbouring buildings in terms of height and scale. This part of the terrace includes rear extensions with a variety of depth and height, while it would match the depth of the neighbouring extension to the south, it would not be visible from surrounding streets and would allow for the retention of a rear amenity area. The materials and detailed design are sympathetic in appearance. As such, the proposals are considered to preserve the character and appearance of the host

building and would respect the existing pattern of development within the surrounding area.

The nearest residential properties that would be affected are located in the residential units above and to the west to the rear elevations of Oakford Road. The extension would have some impact on the neighbouring rear amenity area; however, given this is west facing and there is existing overshadowing from the extensions to the south, at number 137 Fortess Road, the proposal is unlikely to result in loss of light that would warrant a refusal on these grounds alone. It is however considered expedient to condition that the use of the flat roof is not used as a terrace given this would potentially lead to overlooking and loss of privacy. To the west, the proposal would have no detrimental impact in terms of loss of privacy or overlooking due to the generous separation distances. Overall, the proposals would not harm neighbouring residential amenity in terms of loss of privacy, daylight, or outlook.

Due to the existing condition of rear garden and location of the protected tree, the proposal is unlikely to negatively affect the tree. However, given the proposal includes the removal of outbuildings, a tree protection method is proposed during demolition and construction. A condition is included in this decision to ensure tree protection methods are carried out in accordance these measures.

The extension will occupy a small proportion of garden space; however, the existing area is limited in terms of amenity and biodiversity impact due to its location on hardstanding. Accordingly, based on the information available, this permission will not require the approval of a Biodiversity Gain Plan before development is begun because it is below the de minimis threshold, meaning it does not impact an onsite priority habitat, impacts less than 25sqm of onsite habitat with biodiversity value greater than zero, and impacts less than 5 metres in length of linear habitat. As such, the proposal accords with the Biodiversity Net Gain requirements and Local Plan policy A3.

No objections have been received prior to making this decision, which the council has taken into account. The Council also considered the area's planning history and relevant appeal decisions when making this decision.

As such, the proposal is in general accordance with policies A1, A3 and D1 of the Camden Local Plan 2017 and Policy D3 of the Kentish Town Neighbourhood Plan 2016. The proposed development also accords with the London Plan 2021 and the National Planning Policy Framework 2023.

- 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 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.

- 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 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.

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-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



Daniel Pope
Chief Planning Officer