

Application ref: 2024/3943/P
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Date: 30 October 2024

Development Management
Regeneration and Planning
London Borough of Camden
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WC1H 9JE

Phone: 020 7974 4444

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Hugh Cullum Architects Ltd
61b Judd Street
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WC1H 9QT

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Full Planning Permission Granted

Address:

Flat 3
72 Burghley Road
London
NW5 1UN

Proposal: Refurbishment of existing roof terrace, including introduction of new black-painted metal railings, new terrace floor and new access rooflight to replace existing access hatch.

Drawing Nos: Location Plan; BR072-E100; BR072-E200; BR072-E300; BR072-P100; BR072-P200; BR072-P100.

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:

Location Plan; BR072-E100; BR072-E200; BR072-E300; BR072-P100; BR072-P200; BR072-P100.

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 new balustrade surrounding the roof terrace shall be painted black.

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.

Informative(s):

- 1 The application site is located approximately halfway along Burghley Road on the eastern side at No. 72. The site comprises a 3-storey over basement mid-terrace property which has been subdivided into flats. Flat 3 is located across the second and third floor levels and has a rear roof terrace above an existing dormer which is accessible through an access hatch. The building is not listed and is not located within a Conservation Area; however, the site is located within the Kentish Town Neighbourhood Plan Area.

The proposal seeks to replace the existing tubular steel balustrades surrounding the roof terrace with vertical steel railings. Alterations to the roof access are also proposed to replace the existing hatch access with a larger roof light access with internal stairs. These changes are required to improve the safety of the existing roof terrace. No other changes are proposed to the size or layout of the terrace.

The existing lawful use of the terrace was established under the previously approved certificate of lawfulness (2022/1651/P). Therefore, this assessment does not relate to the presence of the roof terrace itself but rather the proposed changes to the balustrades and access.

Notwithstanding this, by way of context, it is noted that no other dwellings within the adjoining terrace benefit from rear roof terraces, therefore the roof terrace at the host property is an anomaly in this area. Had a full planning application been submitted for a roof terrace of the same design as the existing, it would not have been approved in this location. It is also noted that the existing balustrade surrounding the terrace is highly visible from the front of the property on Burghley Road.

The proposed balustrade would be in the same location as the existing balustrade and the same height and would be in metal and painted black. As

such, the proposed balustrade would not be any more visually imposing than the existing when viewed from Burghley Road, and the materiality and colour would minimise its visual prominence. The size of the rooflight would be increased from the existing but would not be visible from the public realm. The works would improve the safety of the terrace which is supported. Overall, the proposed changes would not result in further harm to the character and appearance of the host property or the wider terrace.

The proposal would not result in any additional amenity impacts on neighbouring properties as the terrace is not being extended, the proposed balustrade would be the same height as existing, and the use of the terrace would remain unchanged.

One objection was received from an adjoining neighbour which noted that the proposal would be out of character with surrounding properties, the works would increase the use of the terrace and would set a precedent for adjoining properties to build roof terraces and would result in privacy impacts for neighbours. These issues have been addressed above. The objection also raised points relating to property ownership, however this is not a material consideration in this instance.

The site's planning history has been taken into account when coming to this decision. No objections have been received following statutory consultation.

As such, the proposal is in general accordance with policies D1 and A1 of the Camden Local Plan 2017, Policy D3 of the Kentish Town Neighbourhood Plan 2016, 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 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.
- 4 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.

- 5 The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 ("1990 Act") is that planning permission granted in England is subject to the condition ("the biodiversity gain condition") that development may not begin unless:
- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
 - (b) the planning authority has approved the plan.

The local planning authority (LPA) that would approve any Biodiversity Gain Plan (BGP) (if required) is London Borough of Camden.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are summarised below, but you should check the legislation yourself and ensure you meet the statutory requirements.

Based on the information provided, this will not require the approval of a BGP before development is begun because it is below the de minimis threshold.

++ Summary of transitional arrangements and exemptions for biodiversity gain condition

The following are provided for information and may not apply to this permission:

1. The planning application was made before 12 February 2024.
2. The planning permission is retrospective.
3. The planning permission was granted under section 73 of the Town and Country Planning Act 1990 and the original (parent) planning permission was made or granted before 12 February 2024.
4. The permission is exempt because of one or more of the reasons below:
 - It is not "major development" and the application was made or granted before 2 April 2024, or planning permission is granted under section 73 and the original (parent) permission was made or granted before 2 April 2024.
 - It is below the de minimis threshold (because it does not impact an onsite priority habitat AND impacts less than 25 square metres of onsite habitat with biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat).
 - The application is a Householder Application.
 - It is for development of a "Biodiversity Gain Site".
 - It is Self and Custom Build Development (for no more than 9 dwellings on a site no larger than 0.5 hectares and consists exclusively of dwellings which are Self-Build or Custom Housebuilding).
 - It forms part of, or is ancillary to, the high-speed railway transport network (High Speed 2).

6 + Irreplaceable habitat:

If the onsite habitat includes Irreplaceable Habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements. In addition to information about minimising adverse impacts on the habitat, the BGP must include information on compensation for any impact on the biodiversity of the irreplaceable habitat. The LPA can only approve a BGP if satisfied that the impact on the irreplaceable habitat is minimised and appropriate arrangements have been made for compensating for any impact which do not include the use of biodiversity credits.

++ The effect of section 73(2D) of the Town and Country Planning Act 1990
If planning permission is granted under section 73, and a BGP was approved in relation to the previous planning permission ("the earlier BGP"), the earlier BGP may be regarded as approved for the purpose of discharging the biodiversity gain condition on this permission. It will be regarded as approved if the conditions attached (and so the permission granted) do not affect both the post-development value of the onsite habitat and any arrangements made to compensate irreplaceable habitat as specified in the earlier BGP.

++ Phased development

In the case of phased development, the BGP will be required to be submitted to and approved by the LPA before development can begin (the overall plan), and before each phase of development can begin (phase plans). The modifications in respect of the biodiversity gain condition in phased development are set out in Part 2 of the Biodiversity Gain (Town and Country Planning) (Modifications and Amendments) (England) Regulations 2024.

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:

<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