

Application ref: 2024/3269/P
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Date: 4 November 2024

Development Management
Regeneration and Planning
London Borough of Camden
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Allen Architects Ltd
Top Floor Office
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SE8 3PQ

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Full Planning Permission Granted

Address:

Flat 9
The Mitre
242 Grafton Road
London
NW5 4AU

Proposal:

Installation of 4no new front facing third floor windows. Installation of side facing window and enlargement/widening of side facing window. Formation of a new roof terrace including installation of a glazed access roof window and perimeter railings.

Drawing Nos: Site Location Plan; 049_013; 049_014; 049_020; 049_021; 049_022; 049_023; 049_30; 049_214 Rev B; 049_220 Rev B; 049_221 Rev B; 049_222 Rev B; 049_223 Rev B & 049_230 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:

Site Location Plan; 049_013; 049_014; 049_020; 049_021; 049_022; 049_023; 049_30; 049_214 Rev B; 049_220 Rev B; 049_221 Rev B; 049_222 Rev B; 049_223 Rev B & 049_230 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.

- 4 The new south-east bathroom window hereby approved shall be frosted and only openable above 1.7m above finished floor height and maintained as such.

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

Informative(s):

- 1 Reasons for granting permission:

The property is the top floor flat of the former Mitre Tavern Pub located on Grafton Road, close to the railway line. The property was extended and converted into nine flats in 2003, and the proposal seeks to add four new windows to the front elevation, one to the south-east and widen one to the north-west, and a large deck and roof access housing and associated safety railing proposed on the main roof. The property is not listed, nor does it lie within a conservation area.

The proposed new or widened windows are all considered to be acceptable and will be made in materials to match the existing.

The roof terrace is proposed with a deck and black painted metal railing, with a sliding glazed roof opening covering a new internal access staircase. The design and materials are considered acceptable as the low height of the roof access housing means it is less visible from the street and the upper levels of neighbouring residential windows and doesn't form an incongruous addition on the roof.

The size of the terrace has been reduced at the request of officers, with the

railing now being set in off the roof parapet by 500mm at the front and sides. This is partly because there was one objection over potential amenity harm by way of overlooking onto an existing terrace at first floor level on the north-west side, and partly to move the railings back from the edge so they would be less visible when viewed from the street.

The only residential window that could be overlooked is one to the south-east and is the front side window at 240 Dale Road which is now approximately 18m away from the proposed terrace (the other window at this height on this facing elevation being common parts). In addition, the proposed south-east window is a bathroom window which is proposed to be frosted and openable above 1.7m in height to prevent any overlooking, in order to prevent amenity harm. This will also have a condition requiring this to be maintained as such.

No other objections have been received in relation to the proposed development prior to making this decision. The site's planning history has been taken into account when coming to this decision.

As such, the proposed development is in general accordance with policies D1 and A1 of the Camden Local Plan 2017. 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 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 (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).

- 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

A handwritten signature in black ink, appearing to read 'DPope', is centered on the page.

Daniel Pope
Chief Planning Officer