

Application ref: 2023/3355/P  
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Date: 4 November 2024

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

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Speedy Plans LTD  
2 Windmill Street  
Brighton  
BN2 0GN

Dear Sir/Madam

## **DECISION**

Town and Country Planning Act 1990 (as amended)

### **Full Planning Permission Granted**

Address:

**Flat D**  
**117 Malden Road**  
**London**  
**NW5 4HS**

Proposal:

Replacement of the timber roof terrace balustrade with a metal balustrade and replacement of the roof terrace access door.

Drawing Nos: 0126-SA-1000-P1; 0126-SA-2000-P3; 0125-SA-2001-P3; 0126-SA-2002-P3; Advance 70 Residential Doors Technical Sheet.

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:

0126-SA-1000-P1; 0126-SA-2000-P3; 0125-SA-2001-P3; 0126-SA-2002-P3;  
Advance 70 Residential Doors Technical Sheet.

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.

#### Informative(s):

- 1 Reasons for granting permission:

The application site is located on the corner of Malden Road and Grafton Terrace and comprises a three-storey property with a mansard roof extension and a roof terrace. The building is in residential use and has been split into flats; this application relates to the top floor flat. The site is not located within a conservation area, nor is it a listed building or located within close proximity to a listed building or locally listed building.

The proposal originally sought to replace the existing timber balustrade surrounding the roof terrace with a frameless glass balustrade. The application has since been amended to propose a slimline vertical metal balustrade within the existing metal frame. The new balustrade would be of a lower height than the existing balustrade and in the same location, set in from the edges of the terrace. The proposal also seeks to replace the existing timber terrace access door with a fully glazed door with uPVC framing.

Policy D1 seeks to secure high quality design and requires that development respects local context and character and comprises details and materials that are of high quality and complement the local character. The Design CPG states that balconies and terraces should complement the elevation upon which they are located, and materials should be carefully chosen to match the existing elevations. Glazed balustrades around roof terraces are unlikely to be acceptable on traditional buildings because they can appear unduly prominent.

The application property is located on a prominent corner site and therefore the roof terrace, including the balustrade and door, is highly visible from Malden Road and Grafton Terrace. The proposed slimline vertical metal balustrade would be complementary to the appearance of the host building and an improvement on the existing timber balustrade. The height of the balustrade would be reduced, minimising its visual impact, and it would not be located closer to the edge of the terrace. The proposed glazed door would allow more light into the top floor flat and would not be visually harmful to the appearance

of the host building. Overall, the proposal would compliment the character and appearance of the host property, reduce the visual dominance of the roof terrace and incorporate appropriate materials.

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

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, the London Plan 2021 and the National Planning Policy Framework 2023.

- 2 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.
- 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 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.

- 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 the planning application was made before 12 February 2024.

#### ++ 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