

Application ref: 2024/4001/P
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Date: 8 November 2024

Development Management
Regeneration and Planning
London Borough of Camden
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Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Householder Application Granted

Address:
Lilac House
2 Modbury Gardens
London
NW5 3QE

Proposal:

Erection of a mansard roof extension, erection of an infill rear extension at upper ground floor, alteration to upper ground floor roof at rear elevation, replacement of existing upper ground floor window and creation of new glazed door at first floor to rear elevation.

Drawing Nos: Location plan; block plan; PL100; Planning Fire Safety Strategy prepared by T3 Design Studio Ltd; PL101A; Design and Access Statement Revision A prepared by T3 Design Studio Ltd.

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; block plan; PL100; Planning Fire Safety Strategy prepared by T3 Design Studio Ltd; PL101A; Design and Access Statement Revision A prepared by T3 Design Studio Ltd.

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 flat roof of the rear infill extension at upper ground floor level hereby approved shall not be used at any time as amenity space, and any access out onto this area shall be for maintenance purposes only.

Reason: To safeguard the amenities of the adjoining neighbours 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 application seeks permission for erection of a mansard roof extension, erection of an infill rear extension at upper ground floor, as well as alterations to the existing rear extension's roof form, and alterations to existing and creation of new fenestration at the rear elevation.

The application property is not listed nor within any Conservation Area.

The proposed mansard roof extension would be in keeping with other existing mansards, including as the mansards at Nos.1, 3 and 5, which are part of the same terrace and adjoin or are directly adjacent to the host building. The proposed mansard, dormers and the dormer windows would respect the existing hierarchy of fenestration with a similar design, scale, alignment and materials and would complement the overall appearance of this group of terrace buildings.

The proposed rear infill extension at upper ground floor level would infill an existing terrace area between the dining on upper ground floor and the staircase leading to the rear garden. The extension is minor in scale and would not project beyond the existing building profile, ensuring the rear extension remains subordinate to the host building. . The butterfly roof on rear upper ground floor would be altered and raised to become a flat roof, which is also a minor change and not out of keeping with the mix of roof forms to existing rear

extensions on other buildings in the terrace. The brickwork of the proposed infill extension would be painted to match the existing rear façade of the host property to have a consistent appearance.

Other proposed works include repainting the existing rear staircase in grey and fenestration alteration to rear façade including a new sliding glazed doors to the infill extension, a smaller window opening to the upper ground floor kitchen and a new glazed maintenance door on first floor. The new colour staircase would match the grey colour of the existing boundary fence. These alterations would be limited to the rear façade and would not be widely seen from vantage points in the public realm. As such the resulting visual impacts are considered limited and would not detract the character and appearance of the host building and the surrounding area. As such, the proposed works are considered acceptable and would not be harmful to the character and appearance of the host dwelling and the wider area.

In terms of amenity, the proposed mansard roof extension with rear dormer windows would not result in any undue overlooking over and above what already exists from the upper ground and first floor rear windows. The proposed infill extension would not extend beyond the existing rear building line of the upper ground floor structure of the host dwelling and the adjoining neighbours and therefore its impact on outlook and light would be limited. The balcony area on the existing rear staircase is limited in size and is considerably smaller than the existing first floor terrace which the host property currently enjoys. The depth of this balcony is minimal and would not extend beyond the rear wall of the adjacent property at No.3. Given its limited area, this balcony is not considered to result in any harmful increase in loss of privacy or noise disturbance to the neighbouring properties.

The raising of the roof is considered minor in scale and the resulting roof height would be similar to the adjoining neighbours' rear additions. Therefore, the proposed roof alteration would not cause any adverse amenity impact in terms of loss of light or outlook. Whilst the altered roof would become a flat roof and have the potential to be used as a roof terrace, roof would only be used for maintenance purposes only. A condition is attached to the permission to restrict the use of this flat roof for maintenance purpose only. Overall, the proposed works are considered acceptable on amenity terms.

- 2 Based on the information available this permission will not require the approval of a Biodiversity Gain Plan before development is begun because it is a Householder application.

One objection was received from a local resident. The objection raises concerns in relation to overlooking and noise disturbance from the balcony area of the staircase, materiality/design of the replacement staircase and potential use of the proposed flat roof as a terrace causing security, and privacy and safety. The objection's comments in relation to design and amenity assessment have been duly considered and addressed in the above sections of this report. The design of the staircase was revised during the course of application. The existing staircase will be retained with re-painting in grey only and the repainting works do not require planning permission. Therefore, the objection to the design and materials of the staircase is no longer relevant to the assessment. A site visit was conducted by the planning officer and the

planning history of the site has been taken into account when coming to this decision.

As such, the proposed development is in general accordance with Policies A1 and D1 of the London Borough of Camden Local Plan 2017, the London Plan 2021 and the National Planning Policy Framework 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 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 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.

- 6 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.

Based on the information available, this will not require the approval of a BGP before development is begun because the application is a Householder Application.

7 + 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 the post-development value of the onsite habitat, or 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-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 positioned above the printed name.

Daniel Pope
Chief Planning Officer