

Application ref: 2024/4014/P
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Resi Design Ltd
Unit 118
Workspace Kennington Park
Canterbury Court
London
SW9 6DE
United Kingdom

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Householder Application Granted

Address:
5 Ryland Road
London
NW5 3EA

Proposal:
Replacement of the existing rear window with door and installation of metal balustrade on the second floor to enable use of the roof as a roof terrace.

Drawing Nos: Location plan; B255338-02-1100 Rev. A; B255338-02-3100 Rev. A; B255338-02-3000 Rev. A; Planning Fire Safety Strategy dated September 2024 prepared by Resi; Design, Access and Heritage Statement dated September 2024 prepared by Resi.

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; B255338-02-1100 Rev. A; B255338-02-3100 Rev. A; B255338-02-3000 Rev. A; Planning Fire Safety Strategy dated September 2024 prepared by Resi; Design, Access and Heritage Statement dated September 2024 prepared by Resi.

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 policies D1 and D2 of the London Borough of Camden Local Plan 2017.

Informative(s):

- 1 Reasons for granting permission:

The application seeks permission for the replacement of the existing rear window with a door and installation of metal balustrade on the second floor to enable use of the roof as a terrace. The application building is not listed but lies within the Inkerman Conservation Area. The building is identified as a positive contributor to the conservation area.

Whilst the proposed works would take place at second floor level, they would be limited to the rear elevation and would not be widely seen from public vantage points. This row of terraces from No.2-6 have been significantly altered at roof level with mansard roof extensions and the proposed works are not considered to cause detrimental visual impact to the host dwelling or immediate surrounding. The proposed roof terrace would keep the existing pitch roofline at the end of the existing two-storey rear closet wing while hollowing the roof to establish a terrace area. Such works would not completely modify the existing pitched roof and the existing roof form over the rear closet wing would be retained to some extent. It is noted that roof terraces have been seen at 3 and 21 Ryland Road and commonly featured along the opposite Grafton Road. As such, the proposed roof terrace would not appear at odds with the appearance and character of the surrounding area. Overall, the proposal is considered acceptable and would not detract the appearance of character of the host dwelling and the Inkerman Conservation Area.

Special attention has been paid to the desirability of preserving or enhancing the character or appearance of the conservation area, under s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Enterprise and Regulatory Reform Act 2013.

In terms of neighbouring amenity impact, the proposed roof terrace would increase the level of overlooking into neighbouring properties to some extent.

However, this row of terraces benefits from relatively small rear gardens and the existing rear windows on first and second floor would have already enabled the occupants to look into neighbouring rear gardens to a large extent. As such, it is not considered proposed roof terrace would cause any undue increase in loss of privacy compared to the existing situation. The agent clarified in writing that the closest neighbouring window from the top floor of 4 Ryland Road would serve a hallway. Overall, it is considered the proposal would not adversely impact the amenity of the adjacent properties in terms of loss of light, outlook or privacy.

No objections have been received following statutory consultation. 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, D1 and D2 of the London Borough of 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.

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.

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 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 written over a light grey rectangular background.

Daniel Pope
Chief Planning Officer