

Application ref: 2024/2208/P
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Exedra Architects
Rest Harrow
Halliford Road
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TW17 8RU

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Householder Application Granted

Address:
13 Lambolle Road
London
NW3 4HS

Proposal:
Installation of raised balcony to the rear upper ground floor level with associated spiral staircase to lower ground floor level.

Drawing Nos:
Design and Access Statement; 679 PL020; 679 PL200 Rev A; 679 PL800.

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:

Design and Access Statement; 679 PL020; 679 PL200 Rev A; 679 PL800.

Reason: For the avoidance of doubt and in the interest of proper planning.

- 3 The privacy screens shall be finished in timber and all new external work shall be carried out in materials as detailed in the approved drawings and documents.

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.

- 4 The use of the terrace shall not commence until the privacy screen, as shown on the approved drawings, ('679 PL200 Rev A' and '679 PL800') has been constructed. The screen shall be permanently retained thereafter.

Reason: In order to prevent unreasonable overlooking of neighbouring premises in accordance with the requirements of policies A1 and D1 of the London Borough of Camden Local Plan 2017.

Informative(s):

- 1 Reasons for granting permission:

The application site relates to a three-storey detached Victorian house located on the southern side of Lambolle Road. It is not a listed building but is identified as making a positive contribution to the character of the Belsize Park Conservation Area and is subject to an Article 4 direction removing certain permitted development rights.

The rear and western side elevations have had minor alterations carried out in recent years. Planning permission was previously approved in 2018 for the same works as currently proposed, specifically the installation of a raised balcony to the rear and associated spiral staircase. There has been no material change in planning policy or guidance since this time.

The proposed balcony would be accessed from the bay doors of the rear reception room at upper ground floor level and provide access to the garden at the lower ground level by way of the external curved metal staircase. The balcony would have an area of approximately 10sqm and would feature metal balustrades and be supported by two metal posts. The balcony wraps around and reflects the angled form of the bay window. The spacing of the balustrade and minimal supporting posts ensure the double height bay window remains largely unobstructed, and it remains a visible architectural element of the house. Due to the location, size, depth and proportions of the balcony and stair, the proposals are considered subordinate additions to the host building.

The proposed balcony would have limited visibility from the public realm, due to its location to the rear elevation. The traditional material of wrought iron would be sympathetic and discreet in appearance and would not have a significant impact on the character of the house or surrounding conservation area. As a result, the proposal would preserve the character and appearance of the Belsize Conservation Area.

Special attention has been paid to the desirability of preserving or enhancing the character or appearance of the conservation area, under s72 of the Planning (Listed Buildings and Conservation Areas Act) 1990 as amended by the Enterprise and Regulatory Reform Act 2013.

In terms of amenity, the nearest residential property that would be affected by the proposal lies east at a separation distance of approximately 4 metres. Due to concerns raised regarding potential increased overlooking of neighbouring properties, the proposal has been revised and includes timber privacy screens to the eastern side of the balcony closest to the boundary. A condition would secure the retention of the screening, which would mitigate impacts on privacy and avoid unacceptable levels of overlooking. Furthermore, the distance between buildings to the rear and the existing trees and vegetation at the boundary further help to reduce the impact on neighbouring amenity. It is considered that there would not be any significant impact in terms of daylight/sunlight, outlook, or noise.

The proposed structural supports and stair would be located on existing hardstanding of the garden and the proposal would be limited in terms of biodiversity impact.

One objection was received prior to making this decision, from the Belsize CAAC, however this was withdrawn prior to determination. The planning history of the site and relevant appeal decisions have also been fully considered prior to making this decision.

As such, the proposal is in general accordance with policies A1, D1, and D2 of the London Borough of 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 a householder application.

+ 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-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



Daniel Pope
Chief Planning Officer