

Application ref: 2024/2414/P  
Contact: Jaspreet Chana  
Tel: 020 7974 1544  
Email: [Jaspreet.Chana@camden.gov.uk](mailto:Jaspreet.Chana@camden.gov.uk)  
Date: 20 December 2024

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

Phone: 020 7974 4444

[planning@camden.gov.uk](mailto:planning@camden.gov.uk)  
[www.camden.gov.uk/planning](http://www.camden.gov.uk/planning)

Emrys Architects  
CAP House  
9-12 Long Lane  
London  
EC1A 9HA  
United Kingdom

Dear Sir/Madam

## **DECISION**

Town and Country Planning Act 1990 (as amended)

### **Full Planning Permission Granted**

Address:

**135 Arlington Road**  
**London**  
**NW1 7ET**

Proposal:

External alterations to involve: replacement of non original window; replacement of roof tiles, and replacement of a roof hatch for a rooflight.

Drawing Nos:

Location Plan, 2 Existing Roof Plan, 3 Proposed Roof Plan, 4 Existing Second Floor, 5 Proposed Second Floor, 6A Existing Section A-A, 6B Proposed Section A-A, 7A Existing Rear Elevation, 7B Proposed Rear Elevation, Heritage Sash Window Non Doc L, Design and Access Statement Rev A (prepared by Emrys, dated 31/05/2024).

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:

1 Location Plan, 2 Existing Roof Plan, 3 Proposed Roof Plan, 4 Existing Second Floor, 5 Proposed Second Floor, 6A Existing Section A-A, 6B Proposed Section A-A, 7A Existing Rear Elevation, 7B Proposed Rear Elevation, Heritage Sash Window Non Doc L, Design and Access Statement Rev A (prepared by Emrys, dated 31/05/2024).

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:

This application follows on from the previously refused applications 2023/0803/P & 2023/1183/L (which were refused due to the design, size, form, location, and appearance), which were then appealed and dismissed under references APP/X5210/W/23/3336019 & APP/X5210/Y/23/3336012. This application now proposes a more in-keeping scheme to replace roof tiles and install a rooflight, and has omitted the demountable roof terrace and the large openable rooflight from the proposal.

It is proposed to replace a single glazed sprung sash to the rear part of the mansard with a double glazed (integral timber glazing bars) unit hung on lead weights. While the replacement of single glazing with double glazing alters the historic character of the glazing itself, the replacement of the sprung system with a lead weight system replaces a modern mechanism with a traditional mechanism and the effect of the proposals is therefore on balance acceptable. While this runs contrary to the decision recently issued by PINs on this, it is considered that the Local Authority is able to exercise a degree of discretion in this instance in light of recent Historic England Guidance (July 2024) which provides more specific criteria and degrees of distinction regarding instances where slimline double glazing might be considered acceptable in terms of listed buildings. It is considered that the window covered under this application meets the most recent criteria for acceptability under the recent HE guidance.

The modern hatch on the roof is to be replaced with a conservation rooflight, this would be appropriately placed and be of an acceptable size and scale. The opening would become slightly larger, but it would also be flush with the roof and be of more sympathetic appearance, therefore it would be acceptable.

The proposals better reveal and enhance the significance of the listed building

and enhance its positive contribution to the character and appearance of the conservation area.

It is also proposed that the vertical hanging slate tile to the rear second floor garden elevation are replaced with natural slate tiles. It is noted that the existing slates are artificial and not original, so its replacement with natural slates would be welcomed. A condition is attached to the associated listed building consent (2024/2549/L) to secure further details of the Welsh slate tiles proposed.

Given the location of the proposal at roof level, it is not expected to result in any undue amenity impacts to neighbouring residential properties by way of loss of sunlight/daylight, outlook or privacy.

Special regard has been attached to the desirability of preserving or enhancing the listed building, its setting and its features of special architectural or historic interest, and the conservation area under s.66 and s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Enterprise and Regulatory Reform Act 2013.

No objections have been received prior to making this decision. 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. The proposed development also accords with the London Plan 2021 and the National Planning Policy Framework 2024.

- 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](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 it is below the de minimis threshold.

#### + 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