

Application ref: 2024/5037/P
Contact: Miriam Baptist
Tel: 020 7974 8147
Email: Miriam.Baptist@camden.gov.uk
Date: 7 January 2025

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

Phone: 020 7974 4444

planning@camden.gov.uk
www.camden.gov.uk/planning

Simon Miller Architects Ltd
11 Portsdown Mews
London
NW11 7HD

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Full Planning Permission Granted

Address:

**23 Boscastle Road
London
NW5 1EE**

Proposal:

Conversion of two flats into a single family dwelling house. Erection of a single storey ground floor rear infill extension with associated rooflights, 3 rooflights on each of the existing front and rear roof slopes, creation of a roof terrace at second floor level, replacement of all existing windows to the front elevation; first and second floor windows to the rear elevation and side elevation windows with double glazed windows to match the existing, new door to replace an existing window at second floor level to provide access to terrace and associated alterations including rebuilding of the front boundary wall. Demolition of existing rear first-floor outrigger with like-for-like replacement.

Drawing Nos:

Site Location Plan 567 EX-COU-OS Revision A, 567 EX-COU-01 Revision A, 567 EX-COU-02 Revision A, 567 EX-COU-03 Revision A, 567 EX-COU-04 Revision A, 567 EX-COU-05 Revision A, 567 EX-COU-06 Revision A, 567 EX-COU-07 Revision A, 567 EX-COU-08 Revision A, 567 EX-COU-09 Revision A, 567 EX11 Revision A, 567 2PH01 Revision A, 567 2PL02 Revision A, 567 2PL03 Revision A, 567 2PL04 Revision A, 567 2PL06 Revision A, 567 2PL07 Revision A, 567 2PL08 Revision A, 567 2PL09 Revision A, 567 2PL10 Revision A, H&M Structural Engineer's Statement 15 November 2024, Design and Access Statement 22nd November 2024, Daylight and Sunlight Assessment February 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:

Site Location Plan 567 EX-COU-OS Revision A, 567 EX-COU-01 Revision A, 567 EX-COU-02 Revision A, 567 EX-COU-03 Revision A, 567 EX-COU-04 Revision A, 567 EX-COU-05 Revision A, 567 EX-COU-06 Revision A, 567 EX-COU-07 Revision A, 567 EX-COU-08 Revision A, 567 EX-COU-09 Revision A, 567 EX11 Revision A, 567 2PH01 Revision A, 567 2PL02 Revision A, 567 2PL03 Revision A, 567 2PL04 Revision A, 567 2PL06 Revision A, 567 2PL07 Revision A, 567 2PL08 Revision A, 567 2PL09 Revision A, 567 2PL10 Revision A, H&M Structural Engineer's Statement 15 November 2024, Design and Access Statement 22nd November 2024, Daylight and Sunlight Assessment February 2024.

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

- 3 The rooflights hereby approved shall be conservation style, flush to the roofslope.

Reason: To safeguard the appearance of the Dartmouth Park Conservation Area in accordance with the requirements of policies D1 and D2 of the London Borough of Camden Local Plan 2017 and policies DC1, DC2, DC3 and DC4 of the Dartmouth Park Neighbourhood Plan 2020.

- 4 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 and Policies DC1, DC2, DC3 and DC4 of the Dartmouth Park Neighbourhood Plan 2020.

- 5 Notwithstanding the details shown on the approved plans, the privacy screens at second floor level shall be a total of 1.8m in height and shall be erected on the southeastern elevation and on the north western elevation (between the chimney breast and rear elevation of the main building) prior to the use of the roof terrace and shall be permanently retained and maintained thereafter.

Reason: To safeguard the appearance of the building and the character of the

area and to prevent unreasonable overlooking of neighbouring premises in accordance with policies A1, D1 and D2 of the Camden Local Plan 2017 and policies DC1, DC2, DC3 and DC4 of the Dartmouth Park Neighbourhood Plan 2020.

Informative(s):

1 Reasons for granting permission:

The majority of the works hereby proposed are those recently granted under 2024/0306/P dated 11 July 2024, and 2023/3828/P dated 7 November 2023. It is noted that there have been no relevant policy changes since then that would change the Council's position and prevent approving them again. In addition to the works previously approved, permission is sought to rebuild the property's rear first floor rear projection in a like-for-like manner.

The proposal involves the amalgamation of the two existing flats in order to create one single dwellinghouse. This would lead to the loss of one home which is considered acceptable and in accordance with Policy H3 of the Camden Local Plan 2017, which resists the loss of two or more homes.

Along the terrace Nos 19 and 23 are the only properties which do not have rear infill extensions creating full width rear extensions. These extensions now form part of the terrace's character, and the proposal would be in keeping with this. The material palette would match the existing building and is sympathetic to the wider Conservation Area. In the context of existing rear extensions nearby, the size and design of the extension is considered appropriate in design and heritage terms. Sufficient garden space would also be retained. The like-for-like rebuilding of the first floor rear projection is also considered acceptable in design terms.

Replacement windows are sought and would be timber framed, matching the existing. The new door to the terrace is also considered appropriate. Three rooflights are proposed on the front roofslope. These are acceptable given their size, positioning and the fact that they would be minimally visible from the street. Three rooflights are also proposed to the rear. A condition has been attached requiring the rooflights to be conservation style. The rooflights would be subordinate to the host building and would not harm the character and appearance of the Conservation Area.

The creation of the roof terrace would involve the erection of a metal balustrade, new brickwork parapet and timber panelling (privacy screen) of 1.5m in height (in total). The presence of other rear terraces at second floor level within the vicinity is noted, such as at Nos 19 and 21. The terrace would have limited visibility from the public realm and is acceptable in design and heritage terms.

The re-built front boundary wall would be of the same height and form as the existing, and the brickwork and pointing profile would match that of the front elevation of the house. The design of the railings and gate are appropriate to their context and acceptable.

In terms of neighbouring amenity, the extension would not result in materially harmful loss of privacy or overlooking and would not result in an unacceptable sense of enclosure with respect to 21 Boscastle Road given its height, scale and in the context of existing extensions at 21 Boscastle Road. Privacy screens are proposed on the south-eastern and north-western elevations which are to be 1.8m in height (notwithstanding the height shown on the proposed drawings). The screens would ensure no unacceptable overlooking or privacy effects to 21 Boscastle Road or to the second-floor window of 25 Boscastle Road. Conditions are attached with regard to the privacy screens. As the terrace would be fairly modest in size, it is not considered likely to present any material harm to neighbours in terms of noise disturbance.

The re-built first floor rear projection would be identical in terms of brickwork and window size and positioning and therefore no new amenity concerns would be raised.

A daylight and sunlight assessment has been provided which demonstrates that there would be no change to the daylight levels received to the windows in the neighbouring properties as a result of the proposed extension. Therefore, the proposal would not impact upon the natural light levels for neighbouring properties, notably 21 Boscastle Road.

Overall, it is not considered that there would be any harm to residential amenity in terms of daylight, sunlight, privacy, loss of light, sense of enclosure, noise or outlook. The scheme is thus considered to be in accordance with Local Plan Policy A1.

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 Listed Buildings and Conservation Areas Act 1990 as amended by the Enterprise and Regulatory Reform Act 2013.

Overall, the proposal would not harm the character or appearance of the host building, street scene or the Dartmouth Park Conservation Area and is thus in accordance with Policies A1, D1, D2 and H3 of the Camden Local Plan 2017 and Policies DC1, DC2, DC3, DC4 and H1 of the Dartmouth Park Neighbourhood Plan 2020. 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 Your proposals may be subject to control under the Party Wall etc Act 1996 which covers party wall matters, boundary walls and excavations near neighbouring buildings. You are advised to consult a suitably qualified and experienced Building Engineer.
- 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 Biodiversity Net Gain (BNG) Informative (1/2):

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 (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).

++ 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).

7 Biodiversity Net Gain (BNG) Informative (2/2):

+ 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

A handwritten signature in black ink, appearing to read 'DPope', written in a cursive style.

Daniel Pope
Chief Planning Officer