

Application ref: 2024/5385/P
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Brod Wight Architects
8a Baynes Mews
Belsize Park
NW3 5BH
United Kingdom

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Full Planning Permission Granted

Address:

Flat A
47 Howitt Road
London
NW3 4LU

Proposal: Creation of a rear roof terrace at first floor level, together with the replacement of a window with a door, and the installation of a balustrade and privacy screen.

Drawing Nos: 1139-S01A; 1139-S02A; 1139-S03A; 1139-S04A; 1139-S05A; 1139-S06A; 1139-S07A; 1139-S08A; 1139-AP2-01; 1139-AP2-02; 1139-AP2-03A; 1139-AP2-04; 1139-AP2-05B; 1139-AP2-06A; C1946 - Door Details; Design and Access Statement (Brod Wight Architects, 12 November 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:

1139-S01A; 1139-S02A; 1139-S03A; 1139-S04A; 1139-S05A; 1139-S06A; 1139-S07A; 1139-S08A; 1139-AP2-01; 1139-AP2-02; 1139-AP2-03A; 1139-AP2-04; 1139-AP2-05B; 1139-AP2-06A; C1946 - Door Details; Design and Access Statement (Brod Wight Architects, 12 November 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 policy D1 and D2 of the London Borough of Camden Local Plan 2017.

Informative(s):

- 1 Reasons for granting permission-

The application site comprises a three-storey plus lower ground floor, mid-terrace property located on eastern side of Howitt Road at No. 47, which has been split into three flats. The site is located within the Belsize Conservation Area and the property is a positive contributor to the conservation area.

The application seeks permission for the creation of a rear roof terrace at first floor level, together with the replacement of a window with a door, and the installation of a balustrade and privacy screen.

A number of properties along the adjoining terrace benefit from first floor rear roof terraces, and as such the creation of a terrace at the application property does not raise an in-principle objection.

The terrace would be approximately 15sqm in area, with the proposed balustrade set in from the eaves. The privacy screen would be located adjacent to No.45 and would be 1.7m high and set in from the eaves. The terrace would appear subservient to the host dwelling, and similar to other terraces on surrounding properties. The proposed door would be in the same location as the existing window and would have a similar width and recess. In terms of materiality, the proposed French doors would be white timber, and the balustrade would be black metal, both of which are in keeping with the host building and complementary to the conservation area setting. The privacy screen would comprise a timber hit and miss fence and would be limited to half the depth of the terrace. The limited height and depth of the screen would soften the visual impact of the structure on the host property.

Overall, the proposal would preserve character and appearance of the Belsize Conservation Area and host property. 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).

In terms of amenity impacts, the terrace would be setback from the adjoining property at No.49 and would have limited and acceptable overlooking impacts on this neighbour. A privacy screen would be erected adjacent to No.45 to prevent direct overlooking impacts into the neighbouring window. The privacy screen would only be half the depth of the terrace and therefore would allow a degree of overlooking into the neighbouring rear garden. Within the adjoining terrace, this relationship between raised terraces and neighbouring gardens has been established, and given the urban context of the site, some degree of overlooking is expected. The application property is already afforded views of the neighbouring rear garden from the existing rear elevation window, and the additional views provided by the terrace are not anticipated to result in a significant level of overlooking or loss of privacy to this adjoining garden. The privacy screen would be limited to 1.7m high and therefore would not appear overbearing or enclosing for these neighbouring occupants. Overall, the proposal would not result in unacceptable harm to neighbouring amenity.

No objections have been received following statutory consultation. The site's planning history has been taken into account when coming to this decision.

As such, the proposal is in general accordance with policies A1, D1 and D2 of the Camden Local Plan 2017, the London Plan 2021, and the National Planning Policy Framework 2024.

2 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.

++ 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).

3 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.

- 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 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).
- 6 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.

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