

Application ref: 2023/0637/P
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DUO - Design + Architecture
Unit 10
63 Jeddo Road
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Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Householder Application Granted

Address:
3 Colville Place
London
W1T 2BH

Proposal:
Erection of a single storey extension to the rear ground floor (retrospective)
Drawing Nos: 184/PL01 Rev A; 184/PL02 Rev A; 184/PL03 Rev A; 184/PL04 Rev A;
184/PL05 Rev A; 184/PL06 Rev A; 184/PL07 Rev A.

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 shall be retained in accordance with the following approved plans:

184/PL01 Rev A; 184/PL02 Rev A; 184/PL03 Rev A; 184/PL04 Rev A;
184/PL05 Rev A; 184/PL06 Rev A; 184/PL07 Rev A.

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

Informative(s):

1 Reasons for granting permission:

The application site is located on the northwestern side of Colville Place at No. 3 and comprises a 3-storey mid-terrace property. The site is located within the Charlotte Street Conservation Area and makes a positive contribution. The building is not listed; however, it is located in close proximity to No. 1 Colville Place which is Grade II listed.

The application seeks retrospective permission for the erection of a single storey ground floor rear extension. The extension is full width, with a depth of approximately 1.75m and a height of 2.3m. The extension infills the space to the rear of the property and sits directly adjacent to the rear extensions at Nos. 23 and 25 Goodge Street. The extension has glass block walls facing the internal lightwell, with a solid exterior wall and a glass block clerestory above the existing boundary wall adjacent to No.2 Colville Place, a translucent sheet wall adjacent to No.4 Colville Place, and a flat translucent sheet roof.

The extension is minor in scale, maintains subordination to the host property and is not visible from the public realm. Whilst the materials are not typical of an extension within a conservation area, given that the extension is located to the rear, at ground floor level in a confined space, and with no visibility from the public realm, in this instance the materiality can be accepted. As such, the proposal would not result in harm to the character and appearance of the conservation area.

Special attention has been paid to the desirability of preserving or enhancing the character or appearance of the Charlotte Street Conservation Area, under s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

The extension is setback from the adjoining windows at No.4 Colville Place due to the brick chimney flue and therefore would not result in an unacceptable level of loss of light or outlook or an increased sense of enclosure for this neighbour. The translucent sheet wall would not provide additional views into this neighbouring property, thus no impacts on privacy would occur. To the other side, adjacent to No.2 Colville Place, the extension is built right up to the shared boundary, with the extension being approximately 1m higher than the existing shared boundary wall. The rear of No. 2 Colville Place would already experience limited light due to the narrow depth of the rear space and height of the surrounding buildings. Any additional impacts from the extension would be minimal and would be partially mitigated by the glass blocks at the top of the extension which would allow some light through. Officers do not consider the height on the boundary to be excessive and the extension would not result in unacceptable impacts to the amenity of this neighbour. The extension sits below the height of the adjoining extensions to the rear and would not adversely impact their amenities.

Two objections were received from an adjoining neighbour relating to the scale of the extension, overlooking and impacts on neighbouring light, which have been addressed above. Other issues relating to party walls, rainwater gutters, space restrictions for construction works on adjoining sites, and property values were also raised, however these are not material planning considerations.

The site's planning and enforcement history has been taken into account when coming to this decision.

As such, the proposal is in general accordance with policies D1, D2 and A1 of the Camden Local Plan 2017, Principle 9 of the Fitzrovia Area Action Plan, the London Plan 2021 and the National Planning Policy Framework 2023.

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 the planning application was made before 12 February 2024.

++ 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.

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 positioned in the upper left quadrant of the page.

Daniel Pope
Chief Planning Officer