

Application ref: 2025/0248/P
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Date: 4 March 2025

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

Phone: 020 7974 4444

planning@camden.gov.uk
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Studio Wolsey
59 Sydner Road
London
N16 7UF

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Full Planning Permission Granted

Address:

39 Gayton Road
London
NW3 1TU

Proposal:

Erection of mansard roof extension with rear roof terrace, replacement of windows on all elevations, insertion of a new window on rear elevation, replacement of roof slates, and installation of PV panels to roof.

Drawing Nos: Location Plan; 2411(00)001 Rev P1 (Existing Site Plan); 2411(00)001 Rev P1 (Existing Floor Plans); 2411(00)101 Rev P1; 2411(00)102 Rev P1; 2411(00)201 Rev P1; 2411(02)001 Rev P2; 2411(02)101 Rev P2; 2411(02)102 Rev P2; 2411(02)201 Rev P2; Design and Access Statement - P2, prepared by Studio Wolsey, dated January 2025).

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:

Location Plan; 2411(00)001 Rev P1 (Existing Site Plan); 2411(00)001 Rev P1 (Existing Floor Plans); 2411(00)101 Rev P1; 2411(00)102 Rev P1; 2411(00)201 Rev P1; 2411(02)001 Rev P2; 2411(02)101 Rev P2; 2411(02)102 Rev P2; 2411(02)201 Rev P2; Design and Access Statement - P2, prepared by Studio Wolsey, dated January 2025).

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

- 3 Before the relevant part of the work is begun, detailed drawings, or samples of materials as appropriate, in respect of the following, shall be submitted to and approved in writing by the local planning authority:

- a) Details including sections at 1:10 of all windows (including jambs, head and cill), ventilation grills, external doors and gates;

- b) Manufacturer's specification details of all facing materials.

The relevant part of the works shall be carried out in accordance with the details thus approved and all approved samples shall be retained on site during the course of the works.

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 four-storey end of terrace property located on eastern side of Gayton Road near the junction with Gayton Terrace. The property has been divided into flats and this application relates to the dwelling occupying the upper floors. The property makes a positive contribution Hampstead Conservation Area and is located within the area covered by the Hampstead Neighbourhood Plan.

The proposal is for the erection of a mansard roof extension with a rear roof terrace, replacement of windows on all elevations, insertion of a new window on rear elevation, replacement of roof slates, and installation of PV panels to roof.

The Hampstead Conservation Area Statement notes that on Gayton Road there have been a considerable number of roof extensions and the original roofscape has been impaired to such an extent that further roof extensions would be appropriate in principle. It is however important to ensure that the design details are acceptable in relation to the nature of the roof type involved. In particular, the size and width of dormers and angled setback of a mansard

roof should be appropriate to the design and character of the property. In this instance, mansard roof extensions with front and rear terraces are common within the adjoining terrace and therefore the proposed roof extension and terrace are acceptable in principle.

The proposed roof extension would respect the integrity of the existing roof form by retaining the existing butterfly roof to the rear and parapet height on the front elevation. The scale of the extension, in terms of its height and size of dormer windows, would align with the neighbouring extension at No.40 Gayton Road. The proposed slate cladding and lead clad dormer windows are an appropriate materiality for a roof extension within a conservation area. The submission of samples and details of the proposed materials have been secured via condition. All piping would be restricted to the rear and side elevations to protect the appearance of the front elevation.

In terms of the window replacements, all windows will be replaced like for like with slimline double glazed timber sash units. Details of the proposed windows will be secured via condition. No objection is raised to the replacement of the existing roof slates and the installation of PV panels is supported in line with Policy CC1 of the Camden Local Plan.

Overall, the proposal would not cause harm to the character and appearance of the host property or wider conservation area. Special attention has been paid to the desirability of preserving or enhancing the character or appearance of the conservation area in accordance with the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

In terms of neighbouring amenity, the extension and terrace would be contained within the existing roof footprint and would not impact on the outlook or daylight/sunlight of adjoining properties. The proposed insertion of a new window on the rear elevation at first floor level would not result in any additional overlooking of neighbouring properties compared to views already afforded by the existing rear elevation windows.

The proposed roof terrace would be less than 2m in depth and would adjoin the flank party wall which ranges in height from 1.6m at the end of the terrace increasing to 2.8m back towards the roof extension. Due to the constrained depth of the terrace and the height of the party wall, there would be limited opportunities for overlooking back into the rear elevation windows of the neighbouring property at No.40 Gayton Road. As such, the proposal would not result in acceptably harm to the privacy of this neighbour.

- 2 One comment was received regarding the height of the proposed extension which was reduced during the process of the application. 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, D2, and CC1 of the Camden Local Plan 2017, policies DH1 and DH2 of the Hampstead Neighbourhood Plan, London Plan 2021, and the National Planning Policy Framework 2024.

- 3 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).
- 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 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.

++ 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', is positioned above the typed name and title.

Daniel Pope
Chief Planning Officer