

Application ref: 2024/5671/P  
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**Development Management**  
Regeneration and Planning  
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KAS Architects  
2 Lord Cameron  
8 Kidderpore Avenue  
London  
NW3 7SU

Dear Sir/Madam

## **DECISION**

Town and Country Planning Act 1990 (as amended)

### **Householder Application Granted**

Address:  
**49 Courthope Road**  
**London**  
**Camden**  
**NW3 2LE**

Proposal:

Replacement of existing aluminium windows to timber sash windows on the front elevation at ground, first and second floor. Replacement aluminium windows to the rear, enlarged fenestrations to rear ground floor, new glazing to existing side extension. Alterations to existing rear conservatories at 1st and 5th floor fenestration, replacement balustrade on top terrace.

Drawing Nos: Site Location Plan PP-13647426v1, Proposed Basement Plan 161-B1-DR-31 Rev A, Proposed GF Plan 161-00-DR-40 Rev A, Proposed L01 Plan 161-01-DR-41 Rev A, Proposed L02 Plan 161-02-DR-42 Rev A, Proposed L03 Plan 161-03-DR-43 Rev A, Proposed L04 Plan 161-04-DR-44 Rev A, Proposed L05 Plan 161-05-DR-55 Rev A, Proposed L06 Plan 161-06-DR-46 Rev A, Proposed Side Elevation 161-E-DR-51 Rev A, Proposed Front and Rear Elevations 161-E-DR-50 Rev A, Design and Access Statement Jan 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 -

Site Location Plan PP-13647426v1, Proposed Basement Plan 161-B1-DR-31 Rev A, Proposed GF Plan 161-00-DR-40 Rev A, Proposed L01 Plan 161-01-DR-41 Rev A, Proposed L02 Plan 161-02-DR-42 Rev A, Proposed L03 Plan 161-03-DR-43 Rev A, Proposed L04 Plan 161-04-DR-44 Rev A, Proposed L05 Plan 161-05-DR-55 Rev A, Proposed L06 Plan 161-06-DR-46 Rev A, Proposed Side Elevation 161-E-DR-51 Rev A, Proposed Front and Rear Elevations 161-E-DR-50 Rev A, Design and Access Statement Jan 2025

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.

- 4 Prior to the occupation of the relevant part of the building, the north elevation window to the first floor conservatory, shown on drawing no. 161-01-DR-41 Rev A, shall be solid wall/ obscure glazed and fixed shut. The window shall be retained as such for the duration of the development.

Reason: In order to prevent unreasonable overlooking of neighbouring premises in accordance with policy A1 of the Camden Local Plan 2017.

#### Informative(s):

- 1 Reasons for granting permission.-

The application seeks permission for a variety of minor alterations to be made to the 3 storey terraced dwelling, a positive contributor to the Mansfield Conservation Area. The proposals include the replacement of existing aluminium windows to a more materially sympathetic timber sash windows on the front elevation at ground, first and second floor. The existing aluminium windows to the front dormer and on the rear and side of the property are to be replaced for aluminium windows of similar appearance. On the side elevation two aluminium fixed double glazed window are proposed to replace the existing smaller window and door. On the rear, enlarged fenestrations are proposed to the rear ground floor replacing the existing window and patio doors. The proposal includes alterations to the existing ground floor side extension which

will retain its proportions and become a largely frameless glazed addition. At first and fifth floor, the existing conservatories will take on a more contemporary appearance with thin framed glazing. The proportions will remain the same. Whilst conservatories at upper levels are typically resisted, given the presence of the existing structures and the fact the changes are relatively minimal, the proposal is acceptable. An existing railing to the fifth floor terrace, would be upgraded to a safer and traditionally designed black metal baulstrade.

Given the proposed locations and /or minor nature of the proposed alterations, the resulting visual impact would be minimal. As such it is not considered the proposal would cause any detrimental visual impact to the appearance and character of the host building or the wider conservation area, the proposed alterations are considered to be acceptable in appearance, scale, material, style and overall design.

The proposals for the replacement of the existing aluminium windows to timber sash windows on the front elevation are considered to be more materially sympathetic and would return the windows to their original character which would enhance the conservation area.

In regards to amenity, the alterations that relate to replacement windows and proposed alterations to glazed fenestrations including the alterations to the conservatories and baulstrades do not create or facilitate any new instances of overlooking. A condition would be attached to ensure the side elevation of the first floor conservatory is obscure glazed to prevent intrusive overlooking of no.51.. Due to the nature of the alterations proposed, which would not add any additional bulk to the building, there are no concerns in regards to overshadowing or overbearance.

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 by the Enterprise and Regulatory Reform Act 2013.

Given the nature and scope of the proposal, it is not considered to result in any undue harm on amenity impact in terms of loss of light, outlook, privacy or noise disturbance to the neighbouring properties. A condition is attached to ensure the first floor conservatory has a solid / obscured glazed side elevation to prevent an unacceptable loss of privacy to no.51.

The Mansfield CAAC have been consulted and do not raise any objection to the proposal. One comment has been received from neighbour No. 51 Courthope Road (north of the site) in regards to the existing first floor conservatory which overlooks the neighbours property. The comment asks that the re-design of the conservatory rectifies this issue via obscure glazing - a condition has been applied to this decision to prevent any potential overlooking by ensuring the north elevation of the first floor conservatory is obscure glazing or a solid wall. 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 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 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 a Householder Application.

++ 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:

o 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.

o 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 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



Daniel Pope  
Chief Planning Officer