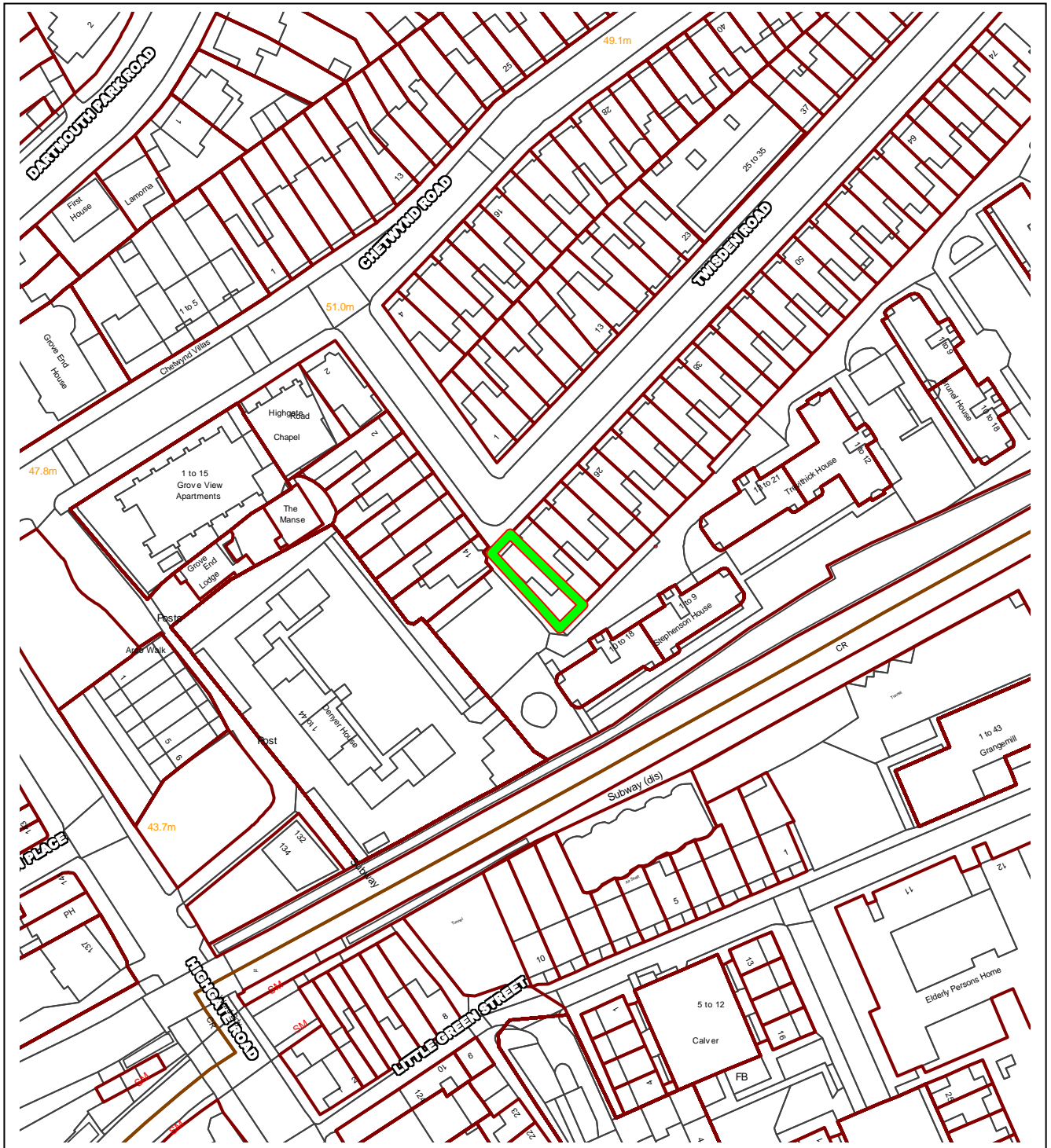
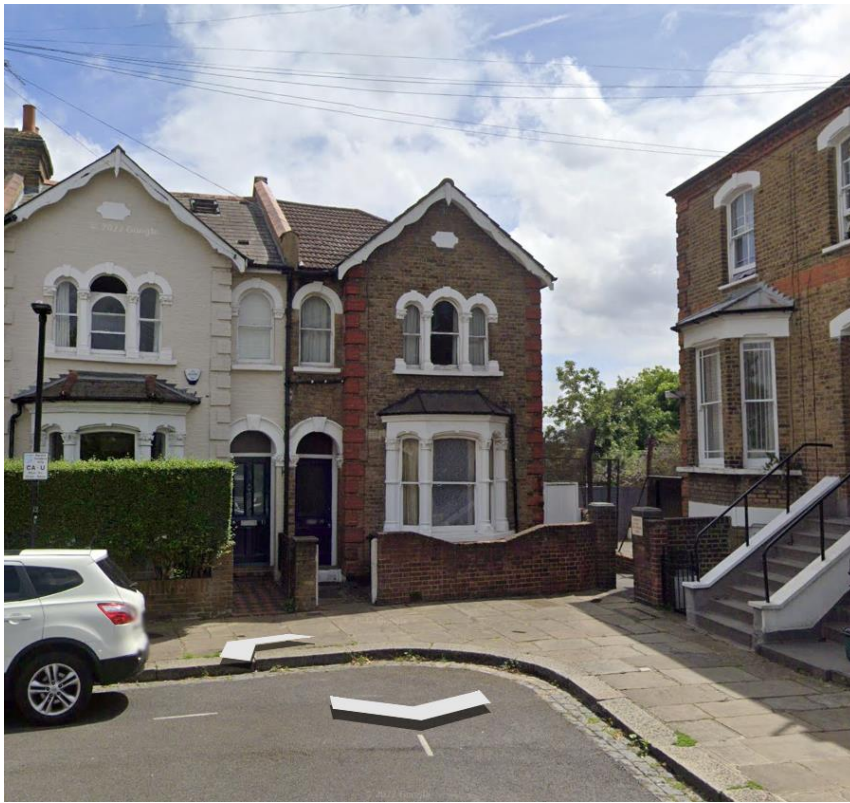


2024/4596/P - 16 Twisden Road



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16 Twisden Road Site photographs

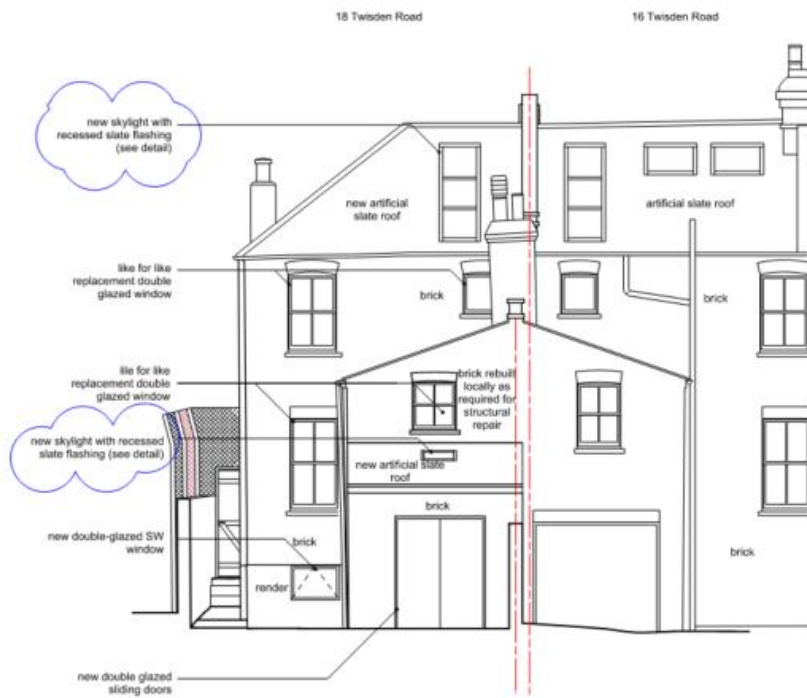




Existing rear elevation:



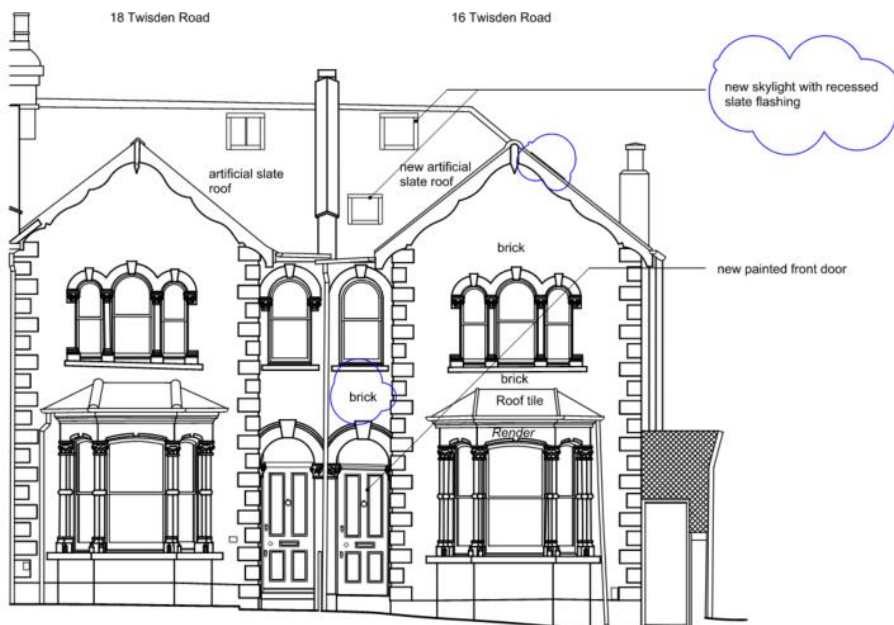
Proposed rear elevation:



Existing front elevation



Proposed front elevation:



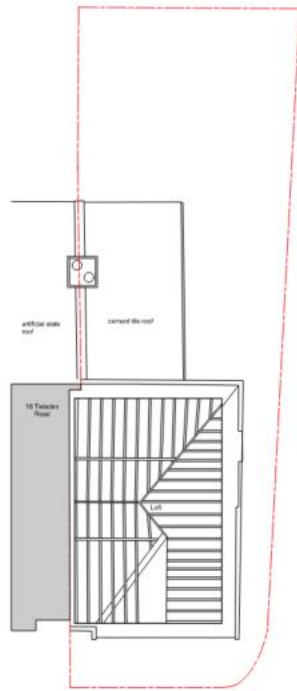
Existing west elevation



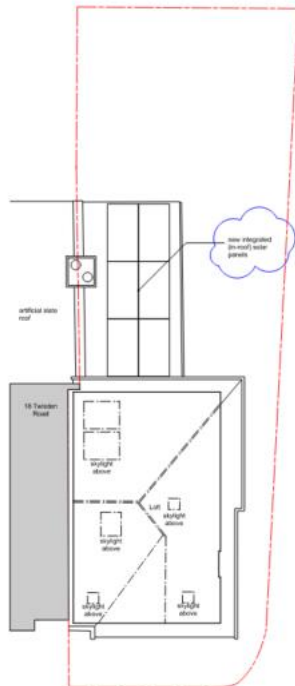
Proposed west elevation:



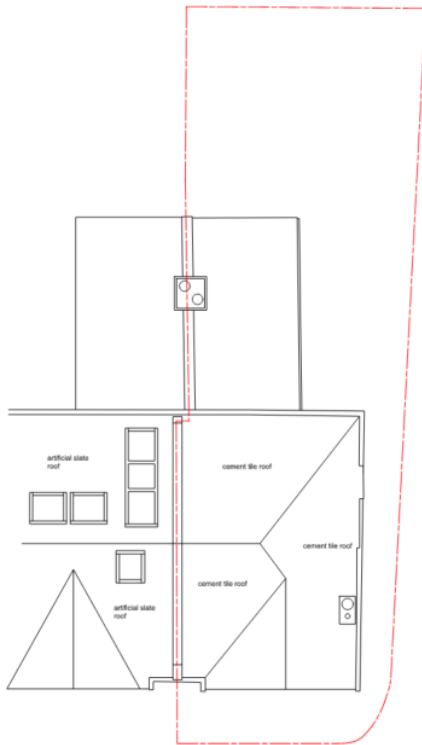
Existing loft plan:



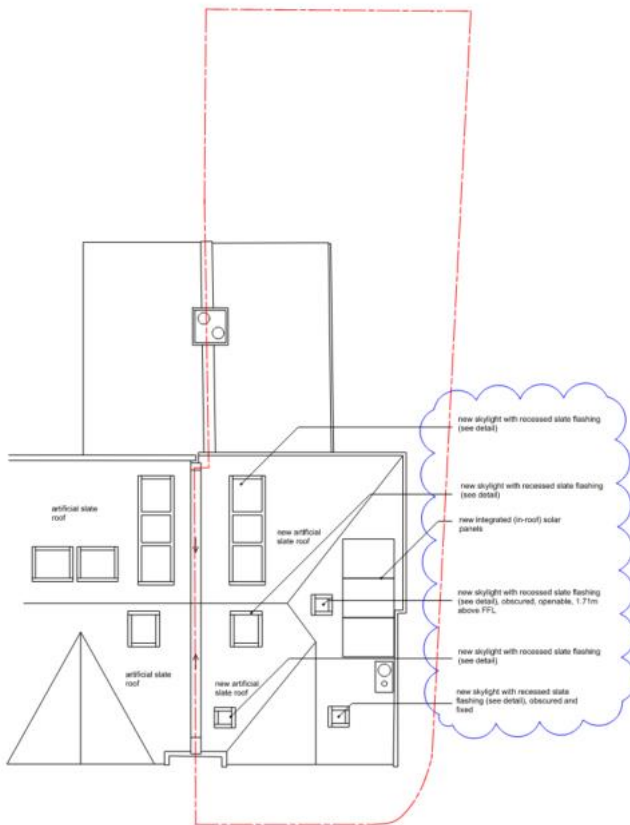
Proposed loft plan:



Existing roof plan:



Proposed roof plan:



| | | | | | |
|---|----------------------------|---|-------------------------------------|--------------------------------------|-----------|
| Delegated Report (Members Briefing) | | Analysis sheet | | Expiry Date: 17/12/2024 | |
| | | N/A | | Consultation Expiry Date: N/A | |
| Officer | | | Application Number(s) | | |
| Connie Marinetto | | | 2024/4596/P | | |
| Application Address | | | Drawing Numbers | | |
| 16 Twisden Road London NW5 1DN | | | See decision notice | | |
| PO 3/4 | Area Team Signature | C&UD | Authorised Officer Signature | | |
| | | | | | |
| Proposal(s) | | | | | |
| Erection of single storey rear extension, replacement of cement tile roof with artificial slate roof, replacement and addition of windows and doors, installation of skylights and solar panels to roof slopes. | | | | | |
| Recommendation(s): | | Grant Planning Permission | | | |
| Application Type: | | Certificate of Lawfulness (Proposed) | | | |
| Conditions or Reasons for Refusal: | | Refer to Draft Decision Notice | | | |
| Informatives: | | | | | |
| Consultations | | | | | |
| | | No. of responses | 02 | No. of objections | 01 |
| Summary of consultation responses | | <p>Given the nature of certificate of lawfulness applications, and in particular that purely matters of legal fact are involved in their determination, the Council does not have a statutory duty to engage in a formal consultation process.</p> <p>Notwithstanding this, it is Council practice to allow a short period of time for our local residents and amenity groups to comment should they choose to do so. As such, the details of the application were made available online.</p> <p>One comment was received in support of the application by the resident of the neighbouring dwelling at 18 Twisden Road.</p> <p>Comments were received from the Dartmouth Park CAAC and are outlined below:</p> <ul style="list-style-type: none"> - Removal of cement roof tiles welcomed - Rear extension discouraged as there is a separate application for proposed side infill extension | | | |

- Reinstatement of door welcomed
- Top front rooflight should have central divide
- Front rooflights detract from appearance of roof slope

Site Description

The subject site is an end-of-terrace dwelling on the southern side of Twisden Road. It is comprised of two storeys plus a basement and has a hipped roof. The property faces onto Twisden Road to the front, a footpath to the west side, and an access road to the rear.

The property is not listed but is located within the Dartmouth Park Conservation Area.

Relevant History

16 Twisden Road (application site):

2024/4796/P - The erection of a side-return extension, the conversion of ancillary loft space into habitable space providing one additional bedroom, the replacement of cement tile roofs with artificial slate roofs, replacement of sash windows and doors, insertion of new windows to flank and rear walls, insertion of new skylights and solar panels to roofs – **Not yet determined**

2024/4744/P — Installation of a rear dormer window and two rooflights to front elevation and one rooflight and solar panels to side elevations. **Approved 30/12/2024**

Twisden Road (wider sites):

2022/3270/P - 44 Twisden Road, Erection of ground floor single storey side infill extension and two rear dormer windows – **Approved 23/01/2023**

2022/4483/P – 2 Twisden Road, Erection of a rear dormer and 1 no. rooflight, and replacement of existing timber windows with matching double glazed fittings – **Approved 15/08/2023**

2020/4939/P – 58 Twisden Road, Erection of rear dormer and installation of two rooflights on rear roof slope and two rooflights on front roof slope – **Approved 16/03/2021**

Relevant Policies

The scheme can only be assessed against the following relevant planning legislation:

- **Town and Country Planning Act 1990 (as amended)**
- **Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)**

Assessment

1. Proposal

- 1.1.A Lawful Development Certificate application has been submitted to the Council for the proposed erection of a single storey rear extension, replacement of cement tile roof with artificial slate roof, replacement and addition of windows and doors, installation of skylights and solar panels to roof slopes, to the residential dwellinghouse (Class C3) at the application site.

1.2. The application seeks to confirm that the proposed works would be permitted development and lawful, such that, they can be carried out without the specific grant of planning permission from the local planning authority.

2. Assessment

2.1. The determination of the application can only be made after an assessment based on the following:

2.2. Whether the proposal constitutes “development” as defined under Part III, Section 55 of the Town and Country Planning Act 1990 (TCPA) which sets out the meaning of “development” and

2.3. Whether the proposal is lawful and constitutes permitted development as defined by the criteria set out under Schedule 2, Part 1, Class B of Town and Country Planning (General Permitted Development) (England) Order 2015.

2.4. It is emphasised that this is purely a legal determination. No account can be taken of policy or guidance within the Council’s Local Plan. An assessment of the planning merits of the proposal as to its acceptability under current policies and guidance is therefore not relevant or possible. Additionally, no account can be taken by any other concurrent applications currently under determination.

Definition of “Development”

2.5. Under Part III, Section 55 of the TCPA 1990, ‘Meaning of “development” and “new development”’ is defined as ‘the carrying out of building, engineering, mining or other operations, in, on, or under land or the making of any material change in the use of any buildings or other land’.

For the purposes of this Act “building operations” includes—

a) demolition of buildings;

b) rebuilding;

c) structural alterations of or additions to buildings; and

d) other operations normally undertaken by a person carrying on business as a builder.

Section 55(2) of the TCPA states that the following operations or uses of land shall not be

taken for the purposes of this Act to involve development of the land—

a) the carrying out for the maintenance, improvement or other alteration of any building of works which—

(i) affect only the interior of the building, or

(ii) do not materially affect the external appearance of the building

2.6. The application drawings indicate that the proposed works would involve structural alterations and additions to the main dwelling house which would materially affect the external appearance of the building, and as such, the works would fall within the ‘meaning of development’ as defined by Section 55 of the TCPA. It is considered therefore that parts 55(1)(c) and 55(2)(ii) apply in this instance.

2.7. Accordingly, the matter now turns to consideration of whether permitted development rights would apply as defined by criteria set out under Class A (Schedule 2 Part 1), Class C (Schedule 2 Part 1) and Class A (Schedule 2, Part 14) of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Class A (Schedule 2 Part 1) – The enlargement, improvement or other alteration of a dwellinghouse

In relation to the application, Class A (Schedule 2 Part 1) covers the proposed erection of a single storey rear extension and the replacement of windows and doors.

For context, the single storey extension is to be located at the rear ground floor to the existing outrigger and will feature a slanted roof, double glazed sliding doors and a conservation skylight.

In terms of the replacement of windows and doors, this relates to 4 x windows on the rear elevation and 3 x windows on the side elevation which are to be replaced like for like and double glazed. 1 x door on the front elevation and 1 x door on the side elevation are to be replaced. 2 x double glazed windows on the side elevation are proposed.

| Conditions. If yes to any of the questions below the proposal is not permitted development | | Yes/no |
|---|---|--------------|
| A.1 (a) | Permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P, PA or Q of Part 3 of this Schedule (changes of use). | No |
| A.1 (b) | As a result of the works, will the total area of ground covered by buildings within the curtilage of the dwellinghouse (other than the original dwellinghouse) exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse)? | No |
| A.1 (c) | Will the height of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the highest part of the roof of the existing dwellinghouse? | No |
| A.1 (d) | Will the height of the eaves of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the eaves of the existing dwellinghouse? | No |
| A.1 (e) | Will the enlarged part of the dwellinghouse extend beyond a wall which (i) forms the principal elevation of the original dwellinghouse; or fronts a highway and forms a side elevation of the original dwellinghouse; | No No |
| A.1 (f) (subject to A.1(g)) | subject to paragraph A.1(g), will the enlarged part of the dwellinghouse have a single storey and (i) extend beyond the rear wall of the original dwellinghouse by more than 4 metres in the case of a detached dwellinghouse, or 3 metres in the case of any other dwellinghouse, or (ii) exceed 4 metres in height? | No No |

| | | |
|---|---|--------------------|
| A.1 (g) | For a dwellinghouse not on article 2(3) land* nor on a site of special scientific interest, will the enlarged part of the dwellinghouse have a single storey and— (i) extend beyond the rear wall of the original dwellinghouse by more than 8 metres in the case of a detached dwellinghouse, or 6 metres in the case of any other dwellinghouse; or (ii) exceed 4 metres in height? | No No |
| A.1 (h) | Will the enlarged part of the dwellinghouse would have more than a single storey and— (i) extend beyond the rear wall of the original dwellinghouse by more than 3 metres, or be within 7 metres of any boundary of the curtilage of the dwellinghouse opposite the rear wall of the dwelling house | N/A N/A |
| A.1(i) | Will the enlarged part of the dwellinghouse be within 2 metres of the boundary of the curtilage of the dwellinghouse, and the height of the eaves of the enlarged part exceed 3 metres? | No |
| A.1 (j) | Will the enlarged part of the dwellinghouse extend beyond a wall forming a side elevation of the original dwellinghouse, and either (i) exceed 4 metres in height, (ii) have more than one storey, or have a width greater than half the width of the original dwellinghouse? | N/A N/A N/A |
| A.1(ja) | Will any total enlargement (being the enlarged part together with any existing enlargement of the original dwellinghouse to which it will be joined) exceed the limits set out in A.1(e) to A.1(j)? | No |
| A.1(k) | Would it consist of or include either: (i) the construction or provision of a veranda, balcony or raised platform, (ii) the installation, alteration or replacement of a microwave antenna, (iii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or an alteration to any part of the roof of the dwellinghouse? | No No No |
| Is the property in a conservation area (article 2(3) land)? If yes to any of the questions below then the proposal is not permitted development | | |
| A.2(a) | Would it consist of or include the cladding of any part of the exterior of the dwellinghouse with stone, artificial stone, pebble dash, render, timber, plastic or tiles? | No |
| A.2(b) | Would the enlarged part of the dwellinghouse extend beyond a wall forming a side elevation of the original dwellinghouse? | No |

| | | |
|--|--|------------|
| A.2(c) | Would the enlarged part of the dwellinghouse have more than one storey and extend beyond the rear wall of the original dwellinghouse? | No |
| A.2(d) | Would any total enlargement (being the enlarged part together with any existing enlargement of the original dwellinghouse to which it will be joined) exceed the limits set out in sub-paragraphs A.2(b) and A.2(c)? | No |
| Conditions. If no to any of the below then the proposal is not permitted development | | |
| A.3(a) | Would the materials used in any exterior work (other than materials used in the construction of a conservatory) be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse? | Yes |
| A.3(b) | Would any upper-floor window located in a wall or roof slope forming a side elevation of the dwellinghouse be— (i) obscure-glazed, and non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed? | N/A N/A |
| A.3(c) | Where the enlarged part of the dwellinghouse has more than one storey, would the roof pitch of the enlarged part, so far as practicable, be the same as the roof pitch of the original dwellinghouse? | N/A |
| <p>Class C (Schedule 2 Part 1) – Any other alteration to the roof of a dwellinghouse</p> <p><i>In relation to the application, Class C (Schedule 2 Part 1) covers the replacement of roof tiles and installation of skylights.</i></p> <p><i>For context the existing cement tile roof is to be replaced with a new artificial slate roof, on both the main roof and outrigger roof. In terms of the proposed skylights, 4 x are proposed in total; 2 on the side elevation and 2 to the front elevation.</i></p> | | |
| C.1 (a) | Permission to use the dwelling house as a dwelling house has been granted by virtue of Class M, N, P or Q of Part 3 of this Schedule (changes of use) | No |
| C.1(b) | As a result of the works, would the alteration protrude more than 150 millimetres beyond the plane of the slope of the original roof when measured from the perpendicular with the external surface of the original roof? | No |

| | | |
|--|--|--------------|
| C.1(c) | As a result of the works, would it result in the highest part of the alteration being higher than the highest part of the original roof? | No |
| C.1(d) | Would it consist of or include— (i) the installation, alteration or replacement of a chimney, flue or soil and vent pipe; or the installation, alteration or replacement of solar photovoltaics or solar thermal equipment? | No No |
| Condition. If no to the question below then the proposal is not permitted development | | |
| C.2 | Would any upper-floor window located on a roof slope forming a side elevation of the dwellinghouse be— (a) obscure-glazed, and non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed? <i>There are 2 x skylights proposed on the side elevation – the skylight that is towards the front of the house is less than 1.71m above finished floor level and will be obscure-glazed and non-openable. The skylight behind will be obscure-glazed and openable as the lowest part of the skylight is 1.71m above the new finished floor level.</i> | Yes Yes |
| <p>Class A (Schedule 2, Part 14) – Renewable Energy</p> <p>The installation, alteration or replacement of microgeneration solar PV or solar thermal equipment on— (a) a dwellinghouse or a block of flats; or (b) a building situated within the curtilage of a dwellinghouse or a block of flats.</p> <p><i>In relation to the application, Class A (schedule 2, part 14) covers the installation of solar panels. 3 x solar panels are to be located on the main rear roof slope and 6 x solar panels are proposed on the outrigger roof.</i></p> | | |
| If yes to any of the questions below the proposal is not permitted development | Yes/no | |
| A.1 (a) | Will the solar PV or solar thermal equipment protrude more than 0.2 metres beyond the plane of the wall or the roof slope when measured from the perpendicular with the external surface of the wall or roof slope? <i>Proposed solar panels are recessed and integrated to be in line with roof, so non-projecting</i> | No |

| | | |
|---------|--|----|
| A.1 (b) | Will the highest part of the solar PV or solar thermal equipment being higher than the highest part of the roof (excluding any chimney)? | No |
| A.1 (c) | On land within a conservation area or which is a World Heritage Site, will the solar PV or solar thermal equipment would be installed on a wall which fronts a highway? | No |
| A.1 (d) | Will the solar PV or solar thermal equipment would be installed on a site designated as a scheduled monument? | No |
| A.1 (e) | Will the solar PV or solar thermal equipment would be installed on a building within the curtilage of the dwellinghouse or block of flats if the dwellinghouse or block of flats is a listed building. | No |

Conditions

Development is permitted by Class A subject to the following conditions

| | | |
|---|---|-----|
| Whether proposal complies with this condition | Yes/no | |
| A.2 (a) | solar PV or solar thermal equipment is, so far as practicable, sited so as to minimise its effect on the external appearance of the building; | Yes |
| A.2 (b) | solar PV or solar thermal equipment is, so far as practicable, sited so as to minimise its effect on the amenity of the area; and | Yes |
| A.2 (c) | solar PV or solar thermal equipment is removed as soon as reasonably practicable when no longer needed. | Yes |

* The land referred to as article 2(3) land is the land described in Part 1 of Schedule 1 to Town and Country Planning (General Permitted Development) (England) Order 2015/596 (National Parks, areas of outstanding natural beauty and conservation areas etc).

Recommendation

The proposals meet all the limitations and conditions of Class A (Schedule 2 Part 1), Class C (Schedule 2 Part 1) and Class A (Schedule 2, Part 14), as set out in the table above. Therefore, the certificate of lawful development (proposed) should be granted.

The decision to refer an application to Planning Committee lies with the Director of Regeneration and Planning. Following the Members Briefing panel on Monday 13th January 2025, nominated members will advise whether they consider this application should be reported to the Planning Committee. For further information, please go to www.camden.gov.uk and search for 'Members Briefing'.

Application ref: 2024/4596/P
Contact: Connie Marinetto
Tel: 020 7974 8012
Email: connie.marinetto@camden.gov.uk
Date: 7 January 2025

Development Management
Regeneration and Planning
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Judd Street
London
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planning@camden.gov.uk
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Robert Dye Architects
4 Ella Mews
Cressy Rd
London
NW3 2NH
United Kingdom

DRAFT

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990

Certificate of Lawfulness (Proposed) Granted

The Council hereby certifies that the development described in the First Schedule below, on the land specified in the Second Schedule below, would be lawful within the meaning of Section 192 of the Town and Country Planning Act 1990 as amended.

First Schedule:

Erection of single storey rear extension, replacement of cement tile roof with artificial slate roof, replacement of windows and doors, addition of windows, and installation of skylights and solar panels to roof slopes.

Drawing Nos: EX001, EX002, EX003, EX004, EX005, EX201 EX202 EX203, EX204, PA003 Rev A, PA004 Rev A, PA005 Rev A, PA201 Rev A, PA202 Rev A, PA203 Rev A, Covering Letter (dated 22/10/2024).

Second Schedule:

16 Twisden Road
London
Camden
NW5 1DN

Reason for the Decision:

- 1 The single storey rear extension, replacement of 7 x windows and 2 x doors and addition of 2 x windows is permitted under Class A of Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015.

- 2 The replacement of roof tiles and installation of 4 x rooflights are permitted under Class C of Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015.
- 3 The installation of 9 x solar panels is permitted under Class A Part 14 of the Town and Country Planning (General Permitted Development) (England) Order 2015.

Informative(s):

- 1 The development subject to the grant of this certificate would only constitute permitted development if the upper floor windows on/in the side elevation of the dwelling house is obscure-glazed and non-opening, unless the openable parts of the window are more than 1.7m above the floor of the room in which the window is installed}, in accordance with Condition A.3/B.2/C.2 of the Town & Country Planning (General Permitted Development) Order 2015.
- 2 The development subject to the grant of this certificate would only constitute permitted development where the roof lights would project no more than 150mm beyond the plane of the roof slope, in accordance with Condition C.1(b) of the Town & Country Planning (General Permitted Development) Order 2015.
- 3 The development subject to the grant of this certificate, would only constitute permitted development where the solar panels would be removed as soon as reasonably practicable when no longer needed, in accordance with Condition A.2(c) of the Town & Country Planning (General Permitted Development) Order 2015 (as amended).
- 4 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).
- 5 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.
- 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.

- 7 The development would only constitute permitted development if the materials used in any exterior work to the single storey rear extension and dormers subject to the grant of this certificate, shall be of similar appearance to those used in the construction of the exterior of the existing dwelling house, in accordance with Condition A.3/B.2 of the Town & Country Planning (General Permitted Development) Order 2015.

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:

<http://www.planningportal.gov.uk/planning/appeals/guidance/guidancecontent>

Yours faithfully

Chief Planning Officer

Notes

1. This certificate is issued solely for the purpose of Section 192 of the Town and Country Planning Act 1990 (as amended).
2. It certifies that the use*/operations*/matter* specified in the First Schedule taking place on the land described in the Second Schedule was*/would have been* lawful on the specified date and thus, was not*/would not have been* liable to enforcement action under Section 172 of the 1990 Act on that date.
3. This Certificate applies only to the extent of the use*/operations*/matter* described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any use*/operations*/matter* which is materially different from that described or which relates to other land may render the owner or occupier liable to enforcement action.
4. The effect of the Certificate is also qualified by the provision in Section 192(4) of the 1990 Act, as amended, which states that the lawfulness of a described use or operation is only conclusively presumed where there has been no material change, before the use is instituted or the operations begun, in any of the matters relevant to determining such lawfulness.

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DECISION